
INTERIM REMEDIAL MEASURE WORK PLAN FOR BROWNFIELD CLEANUP PROGRAM

**945 KENMORE AVENUE
TONAWANDA, ERIE COUNTY, NEW YORK**

Prepared for:

945 KENMORE GROUP LLC

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1.0 INTRODUCTION

1.1 PURPOSE AND OBJECTIVE

The purpose of this Interim Remedial Measure (IRM) Work Plan is to document planned remedial activities at the subject site located at 945 Kenmore Avenue in the Town of Tonawanda, Erie County, New York (Figure 1-1), referred to herein as "Site." The entity 945 Kenmore Group LLC, acting as an innocent owner, has agreed to participate in the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) and has entered into a Brownfield Cleanup Agreement (BCA) for remedial investigation/remedial action. This BCA was fully executed on August 26, 2014, following the submittal and NYSDEC acceptance of a BCP application for the Site.

The Remedial Investigation (RI) designed as part of the BCA has been completed. This work plan includes a summary of the results of the RI that pertain to the proposed interim remedial measure design. A more detailed history of previous environmental work completed on-site is included in the Remedial Investigation Work Plan dated January 2015 (revised). The objective of the interim remedial measure (IRM) outlined in this work plan is to complete the remedial activities necessary in order to obtain a Certificate of Completion (COC) for a Track 2 Residential cleanup.

1.2 PROJECT BACKGROUND AND SITE HISTORY

The 945 Kenmore Avenue Site encompasses approximately 0.552 acres in the Town of Tonawanda, Erie County, New York (Town of Tonawanda Parcel No. 78.34-3-15.1 in its entirety). The Site is described as developed land with one structure, located in a highly developed, predominantly residential and commercial area north of the City of Buffalo, New York (Figure 1-2). The Site and surrounding area were historically utilized for commercial and residential purposes.

According to historical records, the Site was utilized as a gasoline station from at least 1950 to 1986 and as an automotive repair facility from at least 1958 to 2010; such operations included automotive body repair work from at least 1994 to 2010 (Figure 1-3). The Site included at least four pump islands and at least six underground storage tanks (USTs): two 5,000-gallon tanks, one 10,000-gallon tank, two 3,000-gallon tanks, and one 4,000-gallon tank. Based on the records reviewed, the number, location and disposition of USTs are unclear. Limited sampling associated with three tank removals (two 5,000-gallon tanks and one 10,000-gallon tank) identified volatile organic compounds (VOCs) at concentrations such that the NYSDEC indicated that remediation was warranted (Spill 9211433); however, it does not appear that remediation was completed. In addition, no information has been uncovered pertaining to the removals of the three remaining tanks. Furthermore, during a site inspection performed by the NYSDEC in 2013, associated with currently "active" Spill 1306828, the NYSDEC noted two suspected fill ports on-site. During a site inspection conducted by Lender Consulting Services, Inc. (LCS) on March 24-25, 2014, LCS confirmed that each of these two fill ports is currently connected to a UST. One of the tanks appeared to be mostly full of water, and the other tank contained what appears to be approximately two feet of used oil.

No information has been discovered by LCS relative to the soil and groundwater conditions at the Site upon removal of the four known pump islands. However, observations made in 2011 during utility work along the front of the Site (adjacent to three of the former pump islands) included "very strong gasoline odors" along nearly the entire front of the Site along Kenmore Avenue (Spill 1104845). Other spills reported in the utility area along Kenmore Avenue, adjacent to the former pump islands, identified gasoline and lubricating oil compounds at concentrations above NYSDEC regulatory guidance at the time in soil samples submitted for analysis, as well as observations of a sheen on the soil (Spills 8600802, 9515189, and 9211433). Before completion of the Remedial Investigation as part of the BCP, only limited analytical data existed pertaining to the environmental quality of on-site soil and groundwater as a result of the historic gasoline station operations.

In addition, the environmental quality of soil and groundwater at the Site as a result of the historic automotive repair/auto body repair operations had been unknown prior to completion of the Remedial Investigation. Field observations suggested that environmental media had been impacted. In 2013, "floating oil, a heavy sheen, and pooled oil" were reported as "running off of" the concrete slab associated with a former building located on the western side of the Site (Spill 1306828). Upon demolition of this building, several historic hydraulic lifts were exposed in the ground, which appeared to be intact. LCS confirmed during a site inspection in March 2014 that there are at least four in-ground hydraulic lifts remaining within the building footprint. One of the lifts was surrounded by suspected heavy oil staining. During a site inspection performed as part of a Phase I Environmental Site Assessment by Hazard Evaluations, Inc. (HEI) in 2010, floor drains, a parts washer, and evidence of release was noted in this former building, including granular absorbent and oily staining surrounding a drum. Staining was also noted in the current building on the eastern portion of the Site during this inspection, as well as unlabeled drums, a floor drain, and poor housekeeping of hazardous/regulated materials.

Evidence suggested that soils at the Site, and potentially groundwater, had been impacted by historic on-site gasoline station and automotive repair/auto body operations. Previous studies for the Site are included as Appendix A. Further investigation and potential remediation of soil and/or groundwater at the Site was required to assess current contaminant levels at the Site.

1.2.1 Remedial Investigation

A Remedial Investigation (RI) completed according to the BCA was conducted at the Site from January through April 2015. The following section provides a summary of the RI. Refer to Figure 1-3 for the site and sample locations referenced below.

Geophysical Survey

On January 28, 2015, LCS oversaw completion of a geophysical survey at the Site by TREC Environmental, Inc. The geophysical survey report is the last document within Appendix A. Accessible exterior portions of the Site were surveyed using a combination of ground-penetrating radar (GPR) and utility-tracing instruments. According to the results, an unknown anomaly was identified west of the former building, proximate to South Irving Terrace, north adjacent to a former pump island location. According to verbal communication with TREC, no anomalies consistent with additional tanks were identified on-site. Utilities were also identified and were generally consistent with utility markings applied to the property through Dig Safely New York.

Soil Investigation

Soil samples were collected from February 10-12, 2015, with a truck-mounted percussion and hydraulically driven drive system equipped with an approximate 2-inch diameter, approximate 48-inch long macro-core sampler. Twenty test borings were completed (BCP BH1 through BCP BH20) (Figure 1-3). Soil samples were collected within each borehole continuously from the ground surface to a depth of approximately 20 feet below the ground surface (ft. bgs) for boreholes BCP BH1 through BCP BH19, and to a depth of approximately 5 ft. bgs for borehole BCP BH20. The planned termination depth of 20 ft. bgs was specified in the Remedial Investigation Work Plan. Borehole BCP BH20 was terminated at a depth of 5 ft. bgs due to the proximity of the natural gas utility. Any downhole equipment was decontaminated with an Alconox and tap water wash and tap water rinse between boreholes. The cutting shoes were decontaminated in a similar manner between collection of each sample.

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Upon opening of the sample liner, a section of each 2-foot interval of soil was immediately containerized to help prevent loss of volatiles. For soil which exhibited obvious evidence of VOC impact (i.e. odors and/or staining), the section of soil chosen for immediate containerization was that which appeared to be the most impacted within the 2-foot interval. Following soil classification, the remainder of each 2-foot interval of soil was placed in a separate sealable container and heated to allow any vapors to accumulate in the headspace. After several minutes, the container was opened slightly and the total volatile organic compound (VOC) concentration in air within the sample container was measured using a photoionization detector (PID).

The physical characteristics of all soil samples were classified in general accordance with the Unified Soil Classification System (USCS) (Visual-Manual Method). A total of 189 soil samples were collected for geologic description. Fill material consisting of asphalt/concrete and gravelly sand was encountered within the borings completed proximate to the four former pump islands (BCP BH1, BCP BH3, BCP BH10, and BCP BH12) to a depth of approximately 1 ft. bgs. Fill material consisting of asphalt, asphalt-based gravel, silty sand, and/or gravelly sand was encountered within the borings completed within the historic "tank nest" (BCP BH4) and additional historic tank area southeast of the former building (BCP BH9) to a depth of approximately 10 ft. bgs. Fill material consisting of concrete and gravelly sand was encountered within the borings completed through the former building foundation (BCP BH17 through BCP BH19) to a depth of approximately 1 ft. bgs. Fill material encountered within the remainder of the borings completed consisted of asphalt and/or gravelly sand to a maximum depth of ~2 ft. bgs. The fill materials were underlain by native soils consisting of gravelly clay (gravel very minor) to the bottom of the test borings.

Elevated PID readings and/or suspect petroleum-type odors were detected in the following soil samples:

Former Pump Island Areas

- BCP BH1 (~0.5-5 ft. bgs)
- BCP BH3 (~0.5-12 ft. bgs)
- BCP BH10 (~0.4-8 ft. bgs)
- BCP BH12 (~2-4 ft. bgs)

Historic Tank Nest and Additional Historic Tank Area

- BCP BH4 (~2-10 ft. bgs)
- BCP BH9 (~2-10 ft. bgs)

Underneath Former Western Building

- BCP BH17 (~0.5-4 ft. bgs)
- BCP BH19 (~2-4 ft. bgs)

Other Areas

- BCP BH7 (~0.4-4 ft. bgs)

Refer to the subsurface logs in Appendix B for soil classification for each sample interval, field observations, and PID measurements.

Following labeling of the laboratory-supplied sample containers, selected samples were placed on ice. The samples were then submitted, under standard chain-of-custody, to a New York State Department of Health (NYSDOH) approved laboratory for analysis in accordance with the United States Environmental Protection Agency (USEPA) SW-846 Methods as summarized below.

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The following table summarizes the specific analytical testing performed and their respective sample locations.

Sample Location	Analytical Testing Performed	Justification for Sample Selection
BCP BH1 (~1-3 ft. bgs)	TCL and CP-51 list VOCs and TCL SVOCs	Field evidence of petroleum impact (former pump island locations)
BCP BH3 (~2-4 ft. bgs)		
BCP BH10 (~2-4 ft. bgs)		
BCP BH12 (~2-4 ft. bgs)		
BCP BH4 (~6-8 ft. bgs)	TCL and CP-51 list VOCs and TCL SVOCs	Field evidence of petroleum impact (historic tank nest)
BCP BH7 (~2-4 ft. bgs)	TCL and CP-51 list VOCs and TCL SVOCs	Field evidence of petroleum impact
BCP BH6 (~6-8 ft. bgs)	TCL and CP-51 list VOCs and TCL SVOCs	Areas of former auto repair/auto body work
BCP BH14 (~4-6 ft. bgs)		
BCP BH16 (~6-8 ft. bgs)		
BCP BH17 (~2-4 ft. bgs)	TCL and CP-51 list VOCs, TCL SVOCs, and PCBs	Areas of former auto repair/auto body work and in-ground hydraulic lifts
BCP BH18 (~2-4 ft. bgs)		
BCP BH19 (~2-4 ft. bgs)		
BCP BH2 (~0-2 ft. bgs)	TAL Metals, Cyanide, and PCBs	Areas of former auto repair/auto body work
BCP BH5 (~0-2 ft. bgs)		
BCP BH6 (~0-2 ft. bgs)		
BCP BH11 (~0-4 ft. bgs)		
BCP BH12 (~0-2 ft. bgs)		
BCP BH13 (~0-2 ft. bgs)		
BCP BH14 (~0-2 ft. bgs)		
BCP BH15 (~0-2 ft. bgs)		
BCP BH16 (~0-2 ft. bgs)		
BCP BH17 (~0-2 ft. bgs)		
BCP BH18 (~0-2 ft. bgs)	TAL Metals and Cyanide	
BCP BH19 (~0-2 ft. bgs)		

BH = Borehole

ft. bgs = feet below ground surface

TCL VOCs = Target Compound List volatile organic compounds via USEPA Test Method 8260

CP-51 list VOCs = Final Commissioner Policy-51 list volatile organic compounds via USEPA Test Method 8260

TCL SVOCs = Target Compound List semi-volatile organic compounds via USEPA Test Method 8270

TAL Metals = Target Analyte List metals via USEPA Test Method 6010/7471

Cyanide = Cyanide via USEPA Test Method 9012

PCBs = Polychlorinated biphenyls via USEPA Test Method 8082

In boreholes selected for VOC and SVOC analysis, which exhibited obvious evidence of petroleum impact, soil samples submitted for laboratory analysis were collected from the interval with the highest PID reading within each borehole. All boreholes exhibiting obvious evidence of petroleum impact were chosen for VOC and SVOC analysis with the exception of BCP BH9 – soil samples collected from within this borehole exhibited suspect petroleum-type odors at depths from approximately 2-10 ft. bgs; however, elevated PID readings were not detected. As this borehole was completed proximate to a UST that will be removed, any petroleum-impacted soils represented by BCP BH9 will be removed during the tank excavation.

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The analytical results for the soil samples and quality control samples collected and submitted for analysis, along with a comparison to the Part 375 Soil Cleanup Objectives (SCOs), are shown in Tables 1-6. According to the laboratory results, all soil samples submitted for laboratory analysis met the Part 375 SCOs for Track 2 Residential. In addition, all soil samples submitted for laboratory analysis met the Part 375 SCOs for unrestricted site use (Track 1) with the exception of VOCs in the following samples:

- BH3 (~2-4 ft. bgs)
- BH4 (~6-8 ft. bgs)
- BH10 (~2-4 ft. bgs)
- BH7 (~2-4 ft. bgs)

Groundwater Investigation

Five permanent groundwater monitoring wells were installed on-site during the RI; such included two wells in former pump island areas (BCP MW1 and BCP MW2), one well in the historic tank nest (BCP MW3), and two wells to the north of the former automotive repair operations, proximate to the northern Site boundary and adjacent residences (BCP MW4 and BCP MW5). The wells were installed on March 16-18, 2015.

Monitoring wells BCP MW1 through BCP MW5 were installed over previously-completed boreholes BCP BH1, BCP BH10, BCP BH4, BCP BH8, and BCP BH14, respectively. Prior to well installation, each of these five former borings was over drilled utilizing a track-mounted percussion and hydraulically driven drive system equipped with an approximate 2-inch diameter, approximate 48-inch long macro-core sampler. Soil samples were collected within each borehole continuously from approximately 20 ft. bgs to the boring termination depth of 28 ft. bgs; no field evidence of obvious chemical impact was observed in any of the soil samples collected for inspection. Refer to Appendix B for the sublogs for these additional depths investigated. Any downhole equipment was decontaminated with an Alconox and tap water wash and tap water rinse between boreholes. The cutting shoes were decontaminated in a similar manner between collection of each sample.

Following completion of each borehole, the annulus was widened to a depth of approximately 28 ft. bgs utilizing hollow augers. Any downhole equipment was decontaminated with a high pressure water wash between boreholes until no visible particulates remained. A well constructed of 2-inch inner diameter (ID) flush jointed Schedule 40 PVC screen and riser was emplaced within each boring. Fifteen feet of 0.010-inch factory slotted PVC screen was utilized in each well; this screen length was chosen such that the screen in each well would straddle the water table, in order to monitoring groundwater in the uppermost water bearing zone. At the time of the well installation, based on field observations, LCS estimated that the water table was located at a depth of approximately 19-20 ft. bgs. Following placement of the assembled screen and riser, the annular space of each borehole was backfilled. Generally, this included the placement of a sand filter pack consisting of Morie #00 sand around the well screen such that the sand extended approximately one foot above the top of the screen. Bentonite pellets were then placed above the sand filter to a depth of approximately 1 foot below the top of the casing, and tap water was poured over the pellets and they were allowed time to hydrate. A flush-mounted steel protective casing equipped with a 12 inch steel skirt was then placed over the riser. Refer to the attached well construction diagrams in Appendix B for additional details.

The five newly installed overburden monitoring wells were developed prior to sampling to remove residual sediments and ensure good hydraulic connection with the water-bearing zone. The wells were developed on March 24, 2015, 6-8 days after installation to allow the concrete used in the protective casings to set. During development, each well was purged utilizing dedicated and disposable PVC bailers and a pump until each well went dry.

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The wells were surveyed on March 20, 2015. Water level measurements were recorded on March 24, 2015, prior to purging the wells, for the purpose of developing an overburden isopotential map. Based on the survey data and the measured groundwater depths, presented in Table 7, groundwater in the shallow overburden was determined to be generally flowing outwards from the center of the Site (Figure 1-3); LCS suspects that groundwater flow on-site may not have reached static levels following the well installation at the time of groundwater depth measurement. LCS will measure groundwater depth in the wells again prior to the IRM in an attempt to better assess groundwater flow direction on-site; such will not affect the scope of the IRM.

On April 1, 2015, the five newly installed wells were redeveloped in preparation for sampling. Each well was purged utilizing dedicated and disposable PVC bailers until each well went dry. The wells were sampled on April 3, 2015, after the wells had produced sufficient recharge for filling sample aliquots. Sample aliquots were collected in order of decreasing volatility. Dedicated and disposable PVC bailers, each equipped with a bottom check-valve, and dedicated polyethylene line were utilized during sampling.

Following labeling of the laboratory-supplied sample containers, selected samples were placed on ice. The samples were then submitted, under standard chain-of-custody, to a New York State Department of Health (NYSDOH) approved laboratory for analysis for TCL and CP-51 list VOCs, TCL SVOCs, TAL Metals, Cyanide, and PCBs in accordance with USEPA SW-846 Test Methods 8260, 8270, 6010/7471, 9012, and 8082, respectively.

The analytical results for the groundwater samples and quality control samples collected and submitted for analysis, along with a comparison to the NYSDEC Class GA Groundwater Criteria, are shown in Tables 8-13. According to the laboratory results, groundwater samples submitted for laboratory analysis met the NYSDEC Class GA Groundwater Criteria with the exception of the following:

- Methyl tert butyl ether in BCP MW3 (Table 8)
- Iron in BCP MW2 through BCP MW5 (Table 10)
- Manganese in BCP MW1 through BCP MW4 (Table 10)
- Iron and Manganese (sum) in BCP MW1 through BCP MW5 (Table 10)
- Magnesium in BCP MW1 through BCP MW5 (Table 10)
- Sodium in BCP MW1 through BCP MW5 (Table 10)

1.2.2 Summary of Known Contaminants at the Site and Remedial Requirements

According to the laboratory results, all soil samples submitted for laboratory analysis met the Part 375 SCOs for Track 2 Residential. In addition, all soil samples submitted for laboratory analysis met the Part 375 SCOs for Unrestricted site use (Track 1) with the exception of VOCs in samples collected from two of the four former pump island areas (BH3 and BH10), the historic tank nest area (BH4), and along a suspected utility trench on the north-central portion of the Site (BH7).

According to the laboratory results, all groundwater samples submitted for laboratory analysis met the NYSDEC Class GA Groundwater Criteria with the exception of VOCs in BCP MW3, in which a relatively slight exceedance of MTBE was detected, and metals (collectively iron, manganese, and sodium) in BCP MW1 through BCP MW5. As the Site will be subject to a groundwater use restriction, the MTBE exceedance does not necessitate groundwater remediation. In addition, the metals exceedances (iron, manganese, and sodium) do not pose an environmental concern at the Site.

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Based on conversations with the NYSDEC, due to unacceptable nuisance characteristics (petroleum odors and elevated PID readings), the NYSDEC is requiring excavation of soils in the three former pump island areas along Kenmore Avenue, and an examination of soils in the former pump island area along South Irving Terrace (2-1). The NYSDEC indicated that soil excavation in the historic tank nest area, underneath the slab of the former western building, and along the utility trench on the north-central portion of the Site is not required; however, if impacted soils are identified during removal of the hydraulic lifts, these soils will require removal. The NYSDEC indicated that the underground communications line that travels north to south through the Site, through/proximate to a former pump island location along Kenmore Avenue, will not need to be terminated; rather, impacted soils can be excavated by hand at this utility. Removal of the two on-site USTs is also required. Lastly, the NYSDEC indicated that an examination of soils underneath the eastern building following demolition is required. Prior to initiation of subsurface work, the five permanent monitoring wells installed during the RI, along with a historic monitoring well located west adjacent to the Eastern Building, will be properly abandoned.

1.3 SITE GEOLOGY/HYDROGEOLOGY

According to the Bedrock Geologic Map of New York State (1970), bedrock underlying the Site consists of the Upper Silurian Akron Dolostone and Salina Group; specifically, the Camillus, Syracuse, and Vernon Formations, described as shale, dolostone, salt, and gypsum. Thickness generally ranges between 400 and 700 feet. Bedrock was not encountered during the Remedial Investigation, during which select boreholes were advanced to a depth of approximately 28 ft. bgs.

According to the Surficial Geologic Map of New York State (1988), surficial deposits in the area of the Site consist of lacustrine silt and clay. Lacustrine silt and clay deposits are characterized by generally laminated, generally calcareous silt and clay, and were deposited in proglacial lakes. There is potential land instability associated with these deposits. Thickness is variable, and generally ranges up to 330 feet. Sediments encountered during the Remedial Investigation consisted primarily of gravelly clay (gravel very minor).

According to a topographic map, regional groundwater flow in the area of the Site is likely to be to the west, towards the Niagara River.

1.4 PROJECT DESCRIPTION

This IRM Work Plan outlines the scope of work (SOW) for the Site, including the field activities, rationale and quality control/quality assurance basis for this scope of work. This work plan also includes an on-site worker and community health and safety plan (HASP) and community air monitoring plan (CAMP). A qualitative on-site and off-site public health exposure assessment will be submitted with the Final Engineering Report under separate cover.

1.5 PROJECT MANAGEMENT AND ORGANIZATION

LCS will manage the Brownfield IRM activities on behalf of the property owner, including selection of subcontractors, the selection of which the property owner will approve. The NYSDEC will monitor the remedial activities to verify that the work is performed in accordance with the Brownfield Cleanup Agreement (BCA).

1.5.1 Personnel

The general responsibilities of key project personnel are listed below.

Project Manager and Professional Engineer	LCS staff and Ms. Marie A. Nowak, P.E. will have responsibility for the implementation of the project.
Field Team Leaders	LCS staff will have responsibility for project management of field activities and LCS/N&C staff and coordination with the NYSDEC.
Health and Safety Officers	LCS staff will be responsible for the preparation of the project health and safety plan, and tracking its implementation.
Quality Assurance / Quality Control Officers	LCS staff will ensure the collection of reliable and defensible data and review data usability summary reports (DUSRs) prepared by an independent third party data validator.
Sample Team Leaders	LCS staff will be the field personnel responsible for overseeing the collection of environmental samples.
Surveying	Mr. Michael Borowiak, PLS, will have responsibility for surveying activities.

1.5.2 Specific Tasks and Services

LCS has obtained subcontractor specialists for services relating to excavation, laboratory/analytical services, data validation services, and field surveying. The planned subcontractors for utilization for the Site are as follows.

- Laboratory Analysis - Accutest Laboratories
- Data Validation - Environmental Data Services, Inc.
- Surveying - Nussbaumer & Clarke.
- Design-Build IRM Contractor- TREC Environmental, Inc.

1.5.3 Project Schedule

The anticipated project schedule, including completion of the IRM and associated reporting, is included as Table 14. The Remedial Investigation Report and Alternatives Analysis Report recommending no further action will be included as sections in the Final Engineering Report in order to decrease the number of individual report submittals and public comment periods required.

2.0 INTERIM REMEDIAL MEASURES

As described in Section 1.2.2, analytical results to date have not identified soil contaminants at concentrations above the Part 375 SCOs for Track 2 Residential, and the concentrations of contaminants identified in groundwater on-site do not necessitate groundwater remedial activities. The Site will also be subject to a groundwater use restriction as part of an Environmental Easement for the site. The NYSDEC and NYSDOH are requiring excavation of soils in the three former pump island areas along Kenmore Avenue due to unacceptable nuisance characteristics, and an examination of soils in the former pump island area along South Irving Terrace (Figure 2-1). The NYSDEC indicated that soil excavation in the historic tank nest area, underneath the slab of the former western building, and along the utility trench on the north-central portion of the Site is not required; however, if impacted soils are identified during removal of the hydraulic lifts, the impacted soils will require removal. The NYSDEC indicated that the underground communications line that travels north to south through the Site, through/proximate to a former pump island location along Kenmore Avenue, will not need to be terminated; rather, impacted soils can be excavated by hand at this utility. Removal of the two on-site USTs is also required. Lastly, the NYSDEC indicated that an examination of soils underneath the eastern building following demolition is required. Prior to initiation of subsurface work, the five permanent monitoring wells installed during the RI, along with a historic monitoring well located west adjacent to the Eastern Building, will be properly abandoned.

The soil samples collected from the Site during the RI and submitted for analysis met the Part 375 SCOs for Track 2 Residential. An IRM is proposed to mitigate risks to public health and the environment attributable to the in-ground hydraulic lifts and tanks present at the Site, which may function as sources of future releases on-site, and to expedite the redevelopment schedule by removing soil with an unacceptable degree of nuisance characteristics which would potentially need to be transported off-site for disposal during redevelopment. Based on the nature and extent of contamination, as indicated by the results of the Remedial Investigation, the most applicable remedial measure is source removal via excavation with off-site disposal. The proposed IRM will be performed as described in this work plan.

2.1 OBJECTIVES

The objective of the IRM is to:

- Eliminate the potential for exposure to impacted soil resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources;
- Eliminate the potential for groundwater contamination resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources;
- Eliminate the potential for VOCs to impact soil vapor on-site resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources; and
- Expedite the redevelopment of the Site by removing soil with an unacceptable degree of nuisance characteristics.

The major components of the proposed IRM include (Figure 2-1):

- Installation of temporary chain-link fencing around the perimeter of the Site;
- Installation of silt fencing/straw bales at the Site to reduce the potential for erosion;
- Demolition of the existing structure and rerouting/termination of the existing on-site subsurface utilities required for demolition (to be completed by the property owner in accordance with all applicable regulations);
- Completion of an additional borehole(s) at the former pump island location located along South Irving Terrace [to be completed during waste characterization drilling], to determine if soil excavation in this area is necessary;

**INTERIM REMEDIAL MEASURE WORK PLAN
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- Removal of the five newly installed monitoring wells and one historic monitoring well present at the Site (Figure 2-1) by pulling the casings while grouting according to NYSDEC CP-43 Groundwater Monitoring Well Decommissioning Policy (November 3, 2009).
- Removal of the two existing on-site USTs (and any associated piping) as shown on Figure 2-1;
- Removal of the four existing in-ground hydraulic lift systems as shown on Figure 2-1;
- Removal and off-site disposal of soil exhibiting an unacceptable degree of nuisance characteristics in the four pump island areas, fill port areas, and hydraulic lift areas, as shown on Figure 2-1;
- Completion of a test pit over the anomaly identified during the geophysical survey north adjacent to the former pump island location along South Irving Terrace to a depth of approximately 6 ft. bgs, followed by tank removal if a tank is identified;
- Inspection of soil underlying the garage structure following demolition by completion of two test pits to a depth of approximately 10 ft. bgs, followed by soil excavation if necessary; and
- Placement and compaction of non-impacted soil from an off-site source(s) [i.e., Part 375 Unrestricted Use compliant] as backfill.

This Work Plan addresses the following tasks in detail:

- Health and Safety Plan Development
- Pre-mobilization meetings, including a public meeting if requested by an interested party.
- Pre-excavation survey.
- Removal of in-ground hydraulic lift systems, monitoring wells, and USTs.
- Components of soil excavation and soil backfill.
- Dust, storm water, and erosion control measures required for minimizing potential releases of soils outside the work zone during construction.
- Verification sampling.
- Equipment decontamination requirements.
- Off-site transportation and disposal of soil.
- Placement of backfill soils and gravel.
- Project documentation and schedule.

A detailed discussion of the tasks associated with implementation of the IRM is included in the following sections.

2.2 PRE-MOBILIZATION TASKS

2.2.1 Project Coordination Meeting

If requested, a project coordination meeting will be held with representatives of the Project Team, including the remediation contractor and the designated NYSDEC and NYSDOH contact(s). The meeting will be held prior to the start of IRM activities to review responsibilities, personnel assignments, and construction details. LCS will prepare meeting minutes for distribution to attendees following the project coordination meeting.

2.2.2 Pre-Excavation Survey and Underground Utilities Location

Prior to initiating subsurface work, a licensed NY State professional land surveyor will be responsible for establishing a temporary benchmark on-site for use in determining excavation depth. The surveyor will also survey elevation across the work area prior to and subsequent to excavation that will be used to determine excavation and backfill quantities.

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The remediation contractor will locate, with the assistance of utility companies, all active utility lines within the work area. The remediation contractor will contact the responsible utility companies to acquire depth and configuration information, and to inform them of the intended excavation work. Underground lines will be staked and marked with fluorescent paint. Any underground utilities not previously surveyed will be surveyed. If underground utilities are encountered during excavation activities, excavation will proceed no deeper than the top of bedding above the pipe. Care will be taken not to disturb buried utility lines. Hand removal may be required in the immediate vicinity of the utility. Any damage to utilities caused by the excavation or backfill work will be immediately repaired.

2.2.3 Health and Safety Plan Development

A Site-Specific Health and Safety Plan (HASP) has been prepared by LCS in accordance with the requirements of 29 CFR 1910.120. The HASP will cover all on-site remediation activities. LCS will be responsible for the health and safety of its site workers. The remediation contractor is responsible for site control and the health and safety of its site workers. LCS's HASP is located in Appendix C. The remediation contractor will be required to develop their own HASP.

In addition, LCS or LCS' designee will be responsible for the performance of community air monitoring, as discussed in the HASP.

2.3 IRM ACTIVITIES

2.3.1 Building Demolition

Prior to initiation of excavation work, the existing building will be demolished in accordance with all applicable rules and regulations. The property owner will be performing this work directly; such is not described within this work plan. LCS and the NYSDEC will be on-site to observe the demolition.

2.3.2 Waste Characterization Testing and Additional Investigation of Pump Island

Prior to initiation of excavation work, composite soil samples will be collected from the anticipated areas of excavation at the Site utilizing a direct-push Geoprobe drill rig and submitted for waste characterization analysis in accordance with the designated permitted solid waste disposal facility's requirements in order to facilitate direct-loading of excavated soils into trucks for off-site disposal. Based on the anticipated excavation depths, test borings completed to facilitate sample collection will be completed to a depth of approximately 8 ft. bgs. Waste characterization samples will be analyzed in accordance with USEPA SW-846 methodology. Copies of the waste profile will be provided with each load of excavated soil leaving the Site, if required by the disposal facility.

During the waste characterization drilling activities, LCS will also complete at least one test boring through the former pump island location along South Irving Terrace (Figure 2-1) to a depth of approximately 16 ft. bgs, to better assess (with NYSDEC concurrence) if soil excavation will be required in the area of this former pump island. Any excess soils generated during the waste characterization sample collection and additional investigation of the pump island will be stored in drums on-site for future off-site disposal.

2.3.3 Monitoring Well Decommissioning

Prior to soil removal activities, the five permanent groundwater monitoring wells installed during the RI and a historic well located west of the Eastern Building (Figure 2-1) will be removed by pulling the casings while grouting according to NYSDEC CP-43 Groundwater Monitoring Well Decommissioning Policy (November 3, 2009). The removed casings will be disposed of in a dumpster as solid waste. Any excess soils and any removed well sands/bentonite will be stored in drums on-site for future off-site disposal.

2.3.4 Test Pits Beneath the Eastern Building/Garage

The soil removal activities will include completion of two test pits to a depth of approximately 10 ft. bgs beneath the eastern building/garage structure following its demolition (Figure 2-1). If underlying soils are exposed following demolition, the footprint of the building will be tarped such that any impacted soils will be covered until the remediation contractor's arrival on-site to complete the test pits. Soil excavated from within the test pits will be examined for evidence of chemical impact and screened with a PID. Soil excavated from the test pits will be segregated and staged on plastic on-site, and will be covered. Following excavation of any obviously-impacted soils, one discrete soil sample biased towards the most obviously impacted area will be collected from within each test pit and submitted for laboratory analysis for TCL and CP-51 list VOCs, TCL SVOCs, TAL Metals, Cyanide, and PCBs in accordance with USEPA SW-846 Test Methods 8260, 8270, 6010/7471, 9012, and 8082, respectively. Following review of the analytical results, the NYSDEC will determine if any characterization testing of the stockpiled "clean" soil will be required in order to approve use of the soil as backfill for the test pits. Depending on costs for waste characterization, the stockpiled "clean" soil may be sent off-site for disposal with the stockpiled "dirty" soil, and the test pits backfilled with imported DER-10 compliant material. If backfilling with imported material is chosen, the test pits will be surrounded with temporary fencing and backfilled at the same time as the other areas to be excavated on-site.

2.3.5 UST Removals

Prior to excavation of the four former pump island areas, the residual contents will be removed from the two USTs located to the northeast and southeast of the former Western Building (Figure 2-1), and the tanks and any associated piping will be removed. Any wastes from the tanks will be containerized into drums or a vacuum truck for off-site disposal. The tanks will be rendered free of petroleum vapors. The tanks will be staged on plastic on-site for cleaning of the interiors in preparation for off-site disposal/recycling. If petroleum-impacted soils are encountered during tank removal, they will be removed until the soils no longer exhibit nuisance petroleum odors and PID readings less than 50 ppm are reached. Excavation will not exceed 15 feet in depth.

2.3.6 Soil and Hydraulic Lift Excavation

Following the tank removals, petroleum-impacted soils will be removed from the three former pump island areas along Kenmore Avenue and from the former pump island area along South Irving Terrace, if necessary, pending the results of the additional drilling investigation in that area (Figure 2-1). A test pit will also be completed to a depth of approximately 6 ft. bgs over the geophysical anomaly identified north adjacent to this former pump island location. The concrete pad associated with the former western building, the four in-ground hydraulic lift systems, and petroleum-impacted soil associated with the lifts will be removed at the same time.

Soil excavation will continue until the soils no longer exhibit nuisance petroleum odors and PID readings less than 50 ppm are reached. Excavation will not exceed 15 feet in depth.

Based on the results of the RI, the estimated lateral extent of excavation is presented on Figure 2-1. Excavation depth is anticipated to range between approximately 1 and 12 ft. bgs. Excavation sidewalls will be maintained as close to vertical as possible, except when necessary to comply with OSHA requirements. The lateral extent of excavation will be adjusted as determined by field observations and confirmatory sampling. A photoionization detector (PID) will be employed to assist in determining the excavation limits prior to verification sampling. If verification samples indicate soil concentrations above the Part 375 SCOs for Track 2 Residential, excavation will continue until soil concentrations are below the Part 375 SCOs for Track 2 Residential. Excavation off-site (i.e., into the streets) will not be completed. If/when unanticipated structures or debris or known tanks are uncovered that are not consistent with typical fill material (e.g., buried foundations, etc.), LCS will immediately notify the NYSDEC and will discuss an appropriate course of action.

2.3.7 Soil Disposal

Excavated soils (and stockpiled soils from the test pits underneath the garage structure) will be direct-loaded into dump trucks for off-site disposal. Care will be taken to minimize dust formation during loading. The excavation equipment will have sufficient boom length to allow for placement of soils into the truck bed. Side dumping (i.e., with a front-end loader) will only be permitted if fugitive dust can be consistently controlled within the Community Air Monitoring Plan action limits. If disposal transport truck scheduling necessitates stockpiling of excavated soils, the stockpiles will be covered with plastic tarp and ballast during non-working hours.

Excavated areas will be left open pending the receipt of verification sampling indicating that the excavated areas meet the Part 375 SCOs for Track 2 Residential. Upon receipt of acceptable results, the excavated areas will be backfilled and the backfill will be compacted. Once backfill activities are substantially complete, heavy equipment demobilization and decontamination pad removal (if utilized) can occur. Operation of heavy equipment on the work site will be limited throughout the duration of the project to 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding holidays.

2.3.8 Verification Sampling

Verification sampling will be performed on the sidewalls and bottom of the excavated areas after lateral and vertical excavation limits have been achieved and the soils no longer exhibit nuisance petroleum odors and PID readings less than 50 ppm are reached, or the Site boundary has been encountered, or the NYSDEC agrees that no further excavation is required. Excavation will not exceed 15 feet in depth.

In general, verification samples will be collected on each of the four sides of each excavated area and from the bottom of each excavated area (with the exception of the test pits to be completed underneath the Eastern Building upon demolition – Refer to Section 2.3.4). A minimum of one sample per 30 linear feet of sidewall and one sample for each 900 square feet of excavation bottom will be collected from each excavated area. If needed, the backhoe bucket will be used to assist in sample collection to avoid the need for confined space entry. As the excavation progresses, verification soil samples will be collected and submitted for laboratory analysis for CP-51 VOCs only, in accordance with USEPA SW-846 methodology. The laboratory will be required to furnish an equivalent ASP Category B deliverables package to facilitate data evaluation by a third-party validation expert. Sample handling will be conducted in general accordance with the procedures outlined in Section 4.0 of the RI Work Plan (January 2015, revised).

Quality Assurance (QA) samples will be collected to support the verification sample data evaluation. The QA samples will include a minimum of one matrix spike, one matrix spike duplicate, and one blind duplicate per 20 verification samples. Equipment/rinsate blanks and trip blanks will not be necessary. Quality assurance and quality control sampling will be conducted in general accordance with the procedures outlined in Sections 3.4 and 5.0 of the RI Work Plan (January 2015, revised). Data reduction, validation, and reporting will be conducted in general accordance with the procedures outlined in Section 9.0 of the RI Work Plan (January 2015, revised).

2.3.9 Backfilling

Excavated areas will be backfilled with imported fill material. Off-site sources intended for use as backfill will be approved by the NYSDEC prior to acceptance at the Site. Only materials originating from borrow sources which have already been deemed DER-10 compliant will be utilized, to avoid the need for sampling/chemical characterization of backfill material.

Backfill materials will be maintained at a sufficient distance from the working face of the excavation to prevent contact or mixing with soils designated for removal. Wetting of the backfill soil during placement, spreading, and compaction will be performed if needed to control fugitive dust within the Community Air Monitoring Plan action limits.

Backfilled areas will be compacted by approved compaction equipment. Standard proctor tests will be employed to establish a maximum compaction. Backfill originating from off-site sources will be compacted to achieve 95% of maximum dry density as determined by the Modified Proctor Test.

The handling, spreading, and compacting of backfill will be directed toward obtaining a stable and homogeneous fill that is free of stratifications, lenses, or pockets. Backfill will not occur when soils are frozen or moisture content is too high/low to achieve compaction requirements. Admixing of wet soils with dry backfill material and addition of water will be permitted to achieve suitable moisture content if needed.

2.3.10 Progress Meetings and Citizen Participation

Due to the anticipated short duration of IRM activities and the anticipation that the NYSDEC will be on-site periodically to inspect the work being performed, on-site progress meetings will not be held unless requested. The NYSDEC and NYSDOH will inform the remedial party if any fact sheet distribution or other citizen's participation activities will need to be performed during the IRM. A copy of the executed IRM Work Plan will be placed in the document repository prior to the start of the IRM.

2.4 TEMPORARY CONTROLS

Temporary controls will be employed for protection against off-site migration of soil and safety hazards during the IRM. These will include safety fencing, dust suppression, vapor/odor suppression, erosion/sedimentation control, and equipment staging and decontamination as further described below.

2.4.1 Safety Fencing

Temporary safety construction fencing (i.e., 3-foot high orange plastic or 6-foot chain link) will be placed around the outer perimeter of the excavations and work areas to distinguish the work zone and discourage trespassing. The fencing will not be removed until the excavation and backfilling work is complete.

2.4.2 Dust Suppression

Dust suppression during site excavation work will be an integral and critical component of the soil removal and soil backfill activities. During soil/ excavation and loading activities, if needed, the remediation contractor will apply a water spray across the excavation face and surrounding areas to mitigate airborne dust formation and migration. Water will also be sprayed as needed to control dust migration from the handling, placement, and compaction of backfill soils. Potable water for spraying will be mobilized to the site by the remediation contractor. Other dust suppression techniques that may be used to supplement the water spray include:

- Applying water on haul roads
- Hauling materials in properly tarped containers or vehicles
- Restricting vehicle speeds on-site
- Covering excavated areas and materials after excavation activity ceases
- Reducing the excavation size and/or number of excavations

Dust suppression techniques shall be employed if needed even if the community air monitoring results indicate particulate levels are below action levels. All reasonable attempts will be made to keep visible and/or fugitive dust to a minimum.

2.4.3 Vapor/Odor Suppression

Due to the highly developed commercial/residential area surrounding the site, vapor and odor suppression techniques may be required during excavation of contaminated soil. As a contingency, the remedial contractor will be prepared to spray BioSolve® vapor suppression foam, or a similar product, to limit vapors and odors emanating from the open excavation.

2.4.4 Erosion and Sedimentation Control

Provisions will be made for erosion and sedimentation control at the work perimeter. Continuous double-wall silt fencing will be installed prior to the initiation of excavation activities and will remain on the site perimeter until remediation activities have been completed. Hay bales may be installed on-site if needed to further reduce the potential for erosion.

2.4.5 Groundwater Management

Groundwater is present within overburden soils in the vicinity of the proposed excavation areas at depths greater than 20 ft. bgs. Therefore, groundwater management is not expected to be necessary during IRM activities.

2.4.6 Equipment Staging and Decontamination

Prior to vehicles leaving the site they will be inspected and cleaned as necessary for the removal of visible material which could become dislodged from the exterior, including the tires/undercarriage.

A self-contained decontamination station of sufficient size to decontaminate the largest piece of equipment leaving the Site will be established on-site (if deemed necessary). The decontamination station will be lined with 60-mil HDPE and a protective geotextile fabric. The perimeter will be bermed approximately six inches above existing grade and sloped for collection and pumping of decontamination water. Decontamination will be performed with a high-pressure washer located within the decontamination basin. Decontamination water will be pumped to drums for off-site disposal.

At the end of excavation activities, all equipment leaving the Site that have been in direct contact with soil in the work area will be required to proceed through the decontamination station for removal of visible material from tires/undercarriage, etc. Vehicles not in significant contact with soil/fill spoils or excavations will be inspected prior to leaving the Site and decontaminated if necessary.

Equipment that remains at the Site during the week and weekends will be left within the temporary fenced areas within the work zone. Alternately, for security purposes, equipment may be decontaminated and removed from the Site for temporary storage at a secured area.

Area streets will also be cleaned if necessary to mitigate dust or mud from vehicles entering/leaving the Site.

2.5 COMMUNITY AIR MONITORING

Real-time community air monitoring will be performed during IRM activities at the Site. A Community Air Monitoring Plan is included within LCS's HASP in Appendix C. Community air monitoring will be performed in accordance with "New York State Department of Health Generic Community Air Monitoring Plan," dated June 20, 2000. Particulate and VOC monitoring will be performed along the upwind and downward perimeter of the work area during subgrade excavation, grading, and soil handling activities in accordance with this plan. Weekly Community Air Monitoring Plan reports will be submitted to the NYSDOH Project Manager.

2.6 DOCUMENTATION AND REPORTING

A construction observer will be on-site full-time during the remedial measures to document activities for the purposes of updating the Professional Engineer. The NYSDEC and NYSDOH will be kept informed of the progress of remedial activities.

2.6.1 Daily Monitoring

Standard daily reporting procedures will include preparation of a daily report and, when appropriate, problem identification and corrective measures reports. Appendix D contains sample project documentation forms. Information that may be included on the daily report form includes:

- Processes and locations of construction under way.
- Equipment and personnel working in the area, including subcontractors.
- Number and type of truckloads of soil/fill removed from the site.
- A description of off-site materials received, including any quality verification (certification) documentation.
- Community air monitoring log

A problem identification report and a corrective measure report will be completed whenever major field problems are encountered and corrective measures may be necessary. The NYSDEC will be promptly notified of problems requiring modifications to this Work Plan prior to proceeding or completion of the construction item. Changes or additions will be noted in the Final Engineering Report.

The completed reports will be submitted to the NYSDEC as part of the Final Report and any time requested.

Photo documentation of the IRM activities will be prepared throughout the duration of the project as necessary to convey typical work activities and whenever changed conditions or special circumstances arise. Photos will be provided in digital format if requested, and will be included in the Final Engineering Report.

2.6.2 Progress Reports

Due to the anticipated brief nature of remedial activities and anticipation that the NYSDEC will be on-site periodically to inspect the work being performed, weekly and monthly progress reports will not be generated unless requested. The NYSDEC and NYSDOH will be provided informal updates as to the status of the remedial activities.

2.6.3 Final Engineering Report

Upon completion of the activities undertaken as described in this work plan, a final Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Report will be generated for the Site. The final report will include a summary of the RI and IRM actions and investigation work completed, as well as all data generated relative to the Site and other information obtained as part of the implementation of the work plan (e.g., boring logs, well construction diagrams, detailed site plan documenting sampling locations, groundwater flow maps, analytical data, data usability reports, volumes and limits of contamination, etc.). A qualitative on- and off-site exposure assessment and receptor analysis, as well as an alternatives analysis, will be included in the final report. The final report will follow the Final Engineering Report template provided by the NYSDEC, with additions for the RI sections. As the Site will not attain a Track 1 COC, a Site Management Plan and Environmental Easement will also be prepared for the Site.

The final report will be certified by the person with primary responsibility for day to day performance of the activities undertaken as part of the investigation. The final report will be submitted to the NYSDEC for their review and comment.

2.7 PROJECT SCHEDULE

The IRM field activities detailed above shall be completed within approximately 1 month or less, following approval of the Work Plan. Table 14 presents and overall project schedule for the performance of the IRM and subsequent reporting through attainment of the Certificate of Completion.

TABLES

Table 1

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Soil Samples

VOCs by USEPA SW-846 Method 8260

Former Pump Island Areas and Tank Nest

Sample ID	BH1	BH3	BH4	BH10	BH12	BH12 Duplicate	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/10/2015	2/10/2015	2/11/2015	2/11/2015	2/11/2015		
Sample Location	1-3 ft. bgs	2-4 ft. bgs	6-8 ft. bgs	2-4 ft. bgs	2-4 ft. bgs	2-4 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Acetone	<360	<320	<320	<440	<3.7	<270	50	100,000
Benzene	<43	1,820	400	446	3.1	<32	60	2,900
Bromodichloromethane	<27	<24	<24	<33	<0.28	<20	NL	NL
Bromoform	<45	<40	<40	<56	<0.47	<34	NL	NL
Bromomethane	<77	<68	<68	<96	<0.80	<57	NL	NL
2- Butanone	<390	<350	<350	<490	<4.1	<290	120	100,000
n-Butylbenzene	195 J	1,430	1,320	3,210	4.2 J	<23	12,000	100,000
sec- Butylbenzene	<95	217 J	305 J	640 J	5.3 J	<71	11,000	100,000
tert- Butylbenzene	<27	<24	<24	<33	0.57 J	<20	5,900	100,000
Carbon Disulfide	<17	<15	<15	<21	1.1 J	<12	NL	NL
Carbon Tetrachloride	<28	<25	<25	<35	<0.29	<21	760	1,400
Chlorobenzene	<20	<18	<18	<25	<0.21	<15	1,100	100,000
Chloroethane	<96	<85	<86	<120	<1.0	<72	NL	NL
Chloroform	<22	<19	<19	<27	<0.22	<16	370	10,000
Chloromethane	<72	<63	<64	<90	<0.75	<54	NL	NL
Dibromochloromethane	<41	<36	<37	<51	<0.43	<31	NL	NL
1,2-Dichlorobenzene	<27	<24	<24	<34	<0.28	<20	1,100	100,000
1,3-Dichlorobenzene	<38	<34	<34	<48	<0.40	<29	2,400	17,000
1,4-Dichlorobenzene	<44	<39	<39	<55	<0.46	<33	1,800	9,800
1,1- Dichloroethane	<34	<30	<30	<42	<0.35	<25	270	19,000
1,2- Dichloroethane	<41	<36	<36	<51	<0.43	<31	20	2,300
1,1- Dichloroethene	<53	<47	<47	<66	<0.55	<39	330	100,000
Cis-1,2- Dichloroethene	<57	<51	<51	<72	<0.60	<43	250	59,000
trans-1,2-Dichloroethene	<53	<47	<47	<66	<0.55	<40	190	100,000
1,2- Dichloroethene (total)	<53	<47	<47	<66	<0.55	<40	NL	NL
1,2- Dichloropropane	<53	<47	<48	<67	<0.56	<40	NL	NL
cis-1,3- Dichloropropene	<29	<25	<26	<36	<0.30	<22	NL	NL
trans-1,3-Dichloropropene	<33	<30	<30	<42	<0.35	<25	NL	NL
Ethylbenzene	<88	4,020	2,390	9,140	1.5 J	<66	1,000	30,000
2- Hexanone	<96	<85	<86	<120	<1.0	<72	NL	NL
Isopropylbenzene	78.6 J	373 J	392 J	1,040	1.1 J	<16	NL	NL
p- Isopropyltoluene	<22	132 J	<20	379 J	0.48 J	<17	NL	NL
Methyl tert butyl ether	<23	<21	<21	<29	<0.24	<17	930	62,000
4- Methyl-2-pentanone	<69	<61	<61	<86	<0.71	<51	NL	NL
Methylene chloride	<68	<60	<60	<84	<0.70	<51	50	51,000
Naphthalene	319 J	2,200	2,240	4,120	<0.52	<38	12,000	100,000
n-Propylbenzene	357 J	1,980	1,890	4,950	1.2 J	<15	3,900	100,000
Styrene	<22	<19	<19	<27	<0.23	<16	NL	NL
1,1,2,2- Tetrachloroethane	<50	<44	<45	<62	<0.52	<38	NL	NL
Tetrachloroethene	<40	<35	<36	<50	<0.41	<30	1,300	5,500
Toluene	<26	751	108 J	332 J	6.0 J	<20	700	100,000
1,2,3-Trichlorobenzene	<54	<48	<48	<68	<0.56	<41	NL	NL
1,2,4-Trichlorobenzene	<65	<58	<58	<81	<0.68	<49	NL	NL
1,3,5-Trichlorobenzene	<54	<48	<48	<67	<0.56	<40	NL	NL
1,1,1- Trichloroethane	<28	<24	<25	<35	<0.29	<21	680	100,000
1,1,2- Trichloroethane	<73	<65	<65	<91	<0.76	<55	NL	NL
Trichloroethene	<31	<28	<28	<39	<0.32	<23	470	10,000
1,2,4- Trimethylbenzene	<180	15,500	545 J	32,700	2.8 J	<140	3,600	47,000
1,3,5- Trimethylbenzene	<190	4,730	468 J	5,470	<2.0	<140	8,400	47,000
Vinyl chloride	<120	<100	<100	<140	<1.2	<87	20	210
m,p- Xylene	<56	15,200	447	11,100	5.5	<42	260*	100,000*
o-Xylene	<36	1,360	<32	525	1.7 J	<27	260*	100,000*
Xylene (total)	<28	16,600	447	11,600	7.2	<21	260*	100,000*

µg/kg = micrograms per kilogram

J = Indicates an estimated value

NL = Not Listed

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

* = Based on the sum of the Total Xylene

BH12 Duplicate (2-4 ft. bgs) named BH8 (6-8 ft. bgs) on chain of custody

= Analyte detected at a concentration at or above the Part 375 Soil Cleanup Objectives for Unrestricted Site Use

Exterior to Eastern Building and Former Western Building

Sample ID	BH6	BH7	BH14	BH16	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/11/2015	2/11/2015	2/12/2015		
Sample Location	6-8 ft. bgs	2-4 ft. bgs	4-6 ft. bgs	6-8 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Acetone	<4.4	<500	<3.1	<3.5	50	100,000
Benzene	5.5	134	4	3.9	60	2,900
Bromodichloromethane	<0.33	<37	<0.23	<0.26	NL	NL
Bromoform	<0.55	<63	<0.39	<0.44	NL	NL
Bromomethane	<0.94	<110	<0.67	<0.75	NL	NL
2- Butanone	<4.8	<550	<3.4	<3.8	120	100,000
n-Butylbenzene	<0.38	567 J	<0.27	<0.30	12,000	100,000
sec- Butylbenzene	<1.2	<130	<0.82	<0.93	11,000	100,000
tert- Butylbenzene	<0.33	<38	<0.23	<0.26	5,900	100,000
Carbon Disulfide	<0.20	<23	<0.14	<0.16	NL	NL
Carbon Tetrachloride	<0.34	<39	<0.24	<0.27	760	1,400
Chlorobenzene	<0.25	<28	<0.17	<0.20	1,100	100,000
Chloroethane	<1.2	<140	<0.84	<0.94	NL	NL
Chloroform	<0.26	<30	<0.19	<0.21	370	10,000
Chloromethane	<0.88	<100	<0.62	<0.70	NL	NL
Dibromochloromethane	<0.50	<58	<0.36	<0.40	NL	NL
1,2-Dichlorobenzene	<0.33	<38	<0.23	<0.26	1,100	100,000
1,3-Dichlorobenzene	<0.47	<54	<0.33	<0.38	2,400	17,000
1,4-Dichlorobenzene	<0.54	<62	<0.38	<0.43	1,800	9,800
1,1- Dichloroethane	<0.42	<48	<0.30	<0.33	270	19,000
1,2- Dichloroethane	<0.50	<57	<0.36	<0.40	20	2,300
1,1- Dichloroethene	<0.65	<74	<0.46	<0.51	330	100,000
Cis-1,2- Dichloroethene	<0.71	<81	<0.50	<0.56	250	59,000
trans-1,2-Dichloroethene	<0.65	<75	<0.46	<0.52	190	100,000
1,2- Dichloroethene (total)	<0.65	<75	<0.46	<0.52	NL	NL
1,2- Dichloropropane	<0.66	<75	<0.46	<0.52	NL	NL
cis-1,3- Dichloropropene	<0.35	<41	<0.25	<0.28	NL	NL
trans-1,3-Dichloropropene	<0.41	<47	<0.29	<0.33	NL	NL
Ethylbenzene	1.2 J	125 J	0.88 J	0.87 J	1,000	30,000
2- Hexanone	<1.2	<140	<0.84	<0.94	NL	NL
Isopropylbenzene	<0.26	<30	<0.19	<0.21	NL	NL
p- Isopropyltoluene	<0.27	<31	<0.19	<0.22	NL	NL
Methyl tert butyl ether	1.1 J	<33	<0.20	5.8	930	62,000
4- Methyl-2-pentanone	<0.84	<96	<0.60	<0.67	NL	NL
Methylene chloride	<0.83	<95	<0.59	<0.66	50	51,000
Naphthalene	<0.62	726 J	<0.44	<0.49	12,000	100,000
n-Propylbenzene	<0.24	767 J	<0.17	<0.19	3,900	100,000
Styrene	<0.27	<30	<0.19	<0.21	NL	NL
1,1,2,2- Tetrachloroethane	<0.61	<70	<0.43	<0.49	NL	NL
Tetrachloroethene	<0.49	<56	<0.35	<0.39	1,300	5,500
Toluene	10.2	<37	7	6.8	700	100,000
1,2,3-Trichlorobenzene	<0.67	<76	<0.47	<0.53	NL	NL
1,2,4-Trichlorobenzene	<0.80	<92	<0.57	<0.64	NL	NL
1,3,5-Trichlorobenzene	<0.66	<76	<0.47	<0.52	NL	NL
1,1,1- Trichloroethane	<0.34	<39	<0.24	<0.27	680	100,000
1,1,2- Trichloroethane	<0.90	<100	<0.63	<0.71	NL	NL
Trichloroethene	<0.38	<44	<0.27	<0.30	470	10,000
1,2,4- Trimethylbenzene	3.5 J	<260	2.2 J	2.2 J	3,600	47,000
1,3,5- Trimethylbenzene	<2.4	<270	<1.7	<1.9	8,400	47,000
Vinyl chloride	<1.4	<160	<1.0	<1.1	20	210
m,p- Xylene	8	<78	5.5	5.5	260*	100,000*
o-Xylene	2.5 J	<51	1.6 J	1.8 J	260*	100,000*
Xylene (total)	10.5	<39	7	7.3	260*	100,000*

µg/kg = micrograms per kilogram
 J = Indicates an estimated value
 NL = Not Listed

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
 (375-6.8, Soil Cleanup Objective Tables)

* = Based on the sum of the Total Xylene

█ = Analyte detected at a concentration at or above the Part 375 Soil Cleanup Objectives for Unrestricted Site Use

Within Former Western Building

Sample ID	BH17	BH18	BH19	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/12/2015	2/12/2015	2/12/2015		
Sample Location	2-4 ft. bgs	2-4 ft. bgs	2-4 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Acetone	<350	<4.1	<350	50	100,000
Benzene	<42	2.4	<42	60	2,900
Bromodichloromethane	<26	<0.30	<26	NL	NL
Bromoform	<44	<0.52	<44	NL	NL
Bromomethane	<75	<0.88	<74	NL	NL
2- Butanone	<380	<4.5	<380	120	100,000
n-Butylbenzene	317 J	<0.35	186 J	12,000	100,000
sec- Butylbenzene	228 J	<1.1	189 J	11,000	100,000
tert- Butylbenzene	<26	<0.31	<26	5,900	100,000
Carbon Disulfide	<16	<0.19	<16	NL	NL
Carbon Tetrachloride	<27	<0.32	<27	760	1,400
Chlorobenzene	<20	<0.23	<19	1,100	100,000
Chloroethane	<94	<1.1	<94	NL	NL
Chloroform	<21	<0.25	<21	370	10,000
Chloromethane	<70	<0.82	<70	NL	NL
Dibromochloromethane	<40	<0.47	<40	NL	NL
1,2-Dichlorobenzene	<26	<0.31	<26	1,100	100,000
1,3-Dichlorobenzene	<38	<0.44	<37	2,400	17,000
1,4-Dichlorobenzene	<43	<0.50	<43	1,800	9,800
1,1- Dichloroethane	<33	<0.39	<33	270	19,000
1,2- Dichloroethane	<40	<0.47	<40	20	2,300
1,1- Dichloroethene	<52	<0.60	<51	330	100,000
Cis-1,2- Dichloroethene	<56	<0.66	<56	250	59,000
trans-1,2-Dichloroethene	<52	<0.61	<52	190	100,000
1,2- Dichloroethene (total)	<52	<0.61	<52	NL	NL
1,2- Dichloropropane	<52	<0.61	<52	NL	NL
cis-1,3- Dichloropropene	<28	<0.33	<28	NL	NL
trans-1,3-Dichloropropene	<33	<0.38	<33	NL	NL
Ethylbenzene	<86	<1.0	<85	1,000	30,000
2- Hexanone	<94	<1.1	<94	NL	NL
Isopropylbenzene	96.9 J	<0.24	<21	NL	NL
p- Isopropyltoluene	<22	<0.25	<22	NL	NL
Methyl tert butyl ether	<23	2.0 J	<23	930	62,000
4- Methyl-2-pentanone	<67	<0.79	<67	NL	NL
Methylene chloride	<66	<0.78	<66	50	51,000
Naphthalene	493 J	<0.58	<49	12,000	100,000
n-Propylbenzene	168 J	<0.22	<19	3,900	100,000
Styrene	<21	<0.25	<21	NL	NL
1,1,2,2- Tetrachloroethane	<49	<0.57	<49	NL	NL
Tetrachloroethene	<39	<0.46	<39	1,300	5,500
Toluene	<26	3.3 J	<25	700	100,000
1,2,3-Trichlorobenzene	<53	<0.62	<53	NL	NL
1,2,4-Trichlorobenzene	<64	<0.75	<63	NL	NL
1,3,5-Trichlorobenzene	<53	<0.62	<52	NL	NL
1,1,1- Trichloroethane	<27	<0.32	<27	680	100,000
1,1,2- Trichloroethane	<72	<0.84	<71	NL	NL
Trichloroethene	<31	<0.36	<30	470	10,000
1,2,4- Trimethylbenzene	<180	<2.1	<180	3,600	47,000
1,3,5- Trimethylbenzene	<190	<2.2	<190	8,400	47,000
Vinyl chloride	<110	<1.3	<110	20	210
m,p- Xylene	<55	2.6 J	<54	260*	100,000*
o-Xylene	<35	0.76 J	<35	260*	100,000*
Xylene (total)	<27	3.3	<27	260*	100,000*

µg/kg = micrograms per kilogram
J = Indicates an estimated value
NL = Not Listed

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
(375-6.8, Soil Cleanup Objective Tables)
* = Based on the sum of the Total Xylene

Table 2

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Soil Samples

SVOCs by USEPA SW-846 Method 8270

Former Pump Island Areas and Tank Nest

Sample ID	BH1	BH3	BH4	BH10	BH12	BH12 Duplicate	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/10/2015	2/10/2015	2/11/2015	2/11/2015	2/11/2015		
Sample Location	1-3 ft. bgs	2-4 ft. bgs	6-8 ft. bgs	2-4 ft. bgs	2-4 ft. bgs	2-4 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
2-Chlorophenol	<13	<13	<13	<13	<13	<13	NL	NL
4-Chloro-3-methyl phenol	<15	<14	<15	<14	<14	<14	NL	NL
2,4-Dichlorophenol	<17	<16	<16	<16	<16	<16	NL	NL
2,4-Dimethylphenol	<93	119 J	<93	<92	<91	<91	NL	NL
2,4-Dinitrophenol	<140	<140	<140	<140	<140	<140	NL	NL
4,6-Dinitro-o-cresol	<72	<71	<72	<71	<70	<70	NL	NL
2-Methylphenol	<23	<22	<23	<23	<22	<22	330	100,000
3&4-Methylphenol	<28	<27	<28	<28	<27	<27	(330/330) ¹	(100,000/34,000) ¹
2-Nitrophenol	<15	<15	<15	<15	<15	<15	NL	NL
4-Nitrophenol	<110	<110	<110	<110	<100	<100	NL	NL
Pentachlorophenol	<40	<40	<40	<40	<39	<39	800	2,400
Phenol	<16	<16	<16	<16	<16	<16	330	100,000
2,4,5-Trichlorophenol	<14	<14	<14	<14	<14	<14	NL	NL
2,4,6-Trichlorophenol	<14	<14	<14	<14	<14	<14	NL	NL
Acenaphthene	<15	38.2 J	24.5 J	<15	<15	<15	20,000	100,000
Acenaphthylene	<11	<11	<11	<11	<11	<11	100,000	100,000
Anthracene	<14	<14	20.7 J	<14	<13	<13	100,000	100,000
Benzo(a)anthracene	<15	<15	29.1 J	<15	<14	<14	1,000	1,000
Benzo(a)pyrene	<12	<12	36.7 J	<12	<12	<12	1,000	1,000
Benzo(b)fluoranthene	<14	<14	38.7 J	<14	<14	<14	1,000	1,000
Benzo(g,h,i)perylene	<11	<11	39.4 J	<11	<11	<11	100,000	100,000
Benzo(k)fluoranthene	<17	<17	37.7 J	<17	<17	<17	800	1,000
4-Bromophenyl phenyl ether	<14	<14	<14	<14	<14	<14	NL	NL
Butyl benzyl phthalate	<12	<12	<12	<12	<11	<11	NL	NL
2-Chloronaphthalene	<16	<15	<15	<15	<15	<15	NL	NL
4-Chloroaniline	<14	<14	<14	<14	<14	<14	NL	NL
Carbazole	<14	<13	<14	<13	<13	<13	NL	NL
Chrysene	<14	<14	54.9 J	<14	<14	<14	1,000	1,000
Bis (2-chloroethoxy) methane	<13	<13	<13	<13	<13	<13	NL	NL
Bis (2-chloroethyl) ether	<17	<17	<17	<17	<17	<17	NL	NL
Bis (2-chloroisopropyl) ether	<21	<20	<21	<20	<20	<20	NL	NL
4-Chlorophenyl phenyl ether	<18	<17	<18	<17	<17	<17	NL	NL
2,4-Dinitrotoluene	<38	<38	<38	<38	<37	<37	NL	NL
2,6-Dinitrotoluene	<14	<14	<14	<14	<14	<14	NL	NL
3,3'-Dichlorobenzidine	<29	<28	<29	<28	<28	<28	NL	NL
Dibenzo(a,h)anthracene	<14	<13	<14	<14	<13	<13	330	330
Dibenzofuran	<16	29.3 J	<16	<16	<15	<15	7,000	14,000
Di-n-butyl phthalate	<30	<30	<30	<30	<30	<30	NL	NL
Di-n-octyl phthalate	<9.0	<8.8	<8.9	<8.9	<8.7	<8.7	NL	NL
Diethyl phthalate	<14	<14	<14	<14	<14	<14	NL	NL
Dimethyl phthalate	<17	<16	<17	<16	<16	<16	NL	NL
Bis (2-ethylhexyl) phthalate	<11	<10	115 J	<10	<10	15.6 J	NL	NL
Fluoranthene	<16	41.7 J	85.8 J	<16	<15	<15	100,000	100,000
Fluorene	<15	41.7 J	28.8 J	<15	<15	<15	30,000	100,000
Hexachlorobenzene	<18	<18	<18	<18	<17	<18	330	330
Hexachlorobutadiene	<17	<16	<17	<16	<16	<16	NL	NL
Hexachlorocyclopentadiene	<140	<140	<140	<140	<140	<140	NL	NL
Hexachloroethane	<14	<14	<14	<14	<13	<13	NL	NL
Indeno (1,2,3-cd) pyrene	<13	<12	<13	<13	<12	<12	500	500
Isophorone	<13	<13	<13	<13	<13	<13	NL	NL
2-Methylnaphthalene	<15	2,430	2,630	960	<14	<14	NL	NL
2-Nitroaniline	<14	<14	<14	<14	<14	<14	NL	NL
3-Nitroaniline	<31	<31	<31	<31	<30	<31	NL	NL
4-Nitroaniline	<14	<14	<14	<14	<14	<14	NL	NL
Naphthalene	<18	2,240	1,380	722	<18	<18	12,000	100,000
Nitrobenzene	<15	<15	<15	<15	<15	<15	NL	NL
N-Nitroso-Di-n-propylamine	<16	<16	<16	<16	<16	<16	NL	NL
N-Nitrosodiphenylamine	<17	<17	<17	<17	<17	<17	NL	NL
Phenanthrene	<16	99.5 J	103 J	<15	<15	<15	100,000	100,000
Pyrene	<13	30.4 J	76.0 J	<13	<13	<13	100,000	100,000
1,2,4-Trichlorobenzene	<16	<16	<16	<16	<15	<15	NL	NL

µg/kg = micrograms per kilogram

J = Indicates an estimated value

NL = Not Listed

¹ = 3-Methylphenol / 4-MethylphenolPart 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
(375-6.8, Soil Cleanup Objective Tables)

BH12 Duplicate (2-4 ft. bgs) named BH8 (6-8 ft. bgs) on chain of custody

Exterior to Eastern Building and Former Western Building

Sample ID	BH6	BH7	BH14	BH16	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/11/2015	2/11/2015	2/12/2015		
Sample Location	6-8 ft. bgs	2-4 ft. bgs	4-6 ft. bgs	6-8 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
2-Chlorophenol	<13	<13	<13	<13	NL	NL
4-Chloro-3-methyl phenol	<15	<14	<14	<14	NL	NL
2,4-Dichlorophenol	<17	<16	<16	<16	NL	NL
2,4-Dimethylphenol	<94	<93	<91	<91	NL	NL
2,4-Dinitrophenol	<140	<140	<140	<140	NL	NL
4,6-Dinitro-o-cresol	<72	<71	<70	<70	NL	NL
2-Methylphenol	<23	<23	<22	<22	330	100,000
3&4-Methylphenol	<28	<28	<27	<27	(330/330) ¹	(100,000/34,000) ¹
2-Nitrophenol	<15	<15	<15	<15	NL	NL
4-Nitrophenol	<110	<110	<100	<100	NL	NL
Pentachlorophenol	<40	<40	<39	<39	800	2,400
Phenol	<16	<16	<16	<16	330	100,000
2,4,5-Trichlorophenol	<14	<14	<14	<14	NL	NL
2,4,6-Trichlorophenol	<14	<14	<14	<14	NL	NL
Acenaphthene	<15	30.6 J	<15	<15	20,000	100,000
Acenaphthylene	<11	<11	<11	<11	100,000	100,000
Anthracene	<14	14.2 J	<13	<13	100,000	100,000
Benzo(a)anthracene	<15	<15	<14	20.9 J	1,000	1,000
Benzo(a)pyrene	<12	<12	<12	17.2 J	1,000	1,000
Benzo(b)fluoranthene	<14	<14	<14	17.2 J	1,000	1,000
Benzo(g,h,i)perylene	<11	<11	<11	<11	100,000	100,000
Benzo(k)fluoranthene	<17	<17	<17	<17	800	1,000
4-Bromophenyl phenyl ether	<15	<14	<14	<14	NL	NL
Butyl benzyl phthalate	<12	<12	<11	<11	NL	NL
2-Chloronaphthalene	<16	<15	<15	<15	NL	NL
4-Chloroaniline	<14	<14	<14	<14	NL	NL
Carbazole	<14	<13	<13	<13	NL	NL
Chrysene	<14	<14	<14	22.3 J	1,000	1,000
Bis (2-chloroethoxy) methane	<13	<13	<13	<13	NL	NL
Bis (2-chloroethyl) ether	<17	<17	<17	<17	NL	NL
Bis (2-chloroisopropyl) ether	<21	<20	<20	<20	NL	NL
4-Chlorophenyl phenyl ether	<18	<17	<17	<17	NL	NL
2,4-Dinitrotoluene	<38	<38	<37	<37	NL	NL
2,6-Dinitrotoluene	<14	<14	<14	<14	NL	NL
3,3'-Dichlorobenzidine	<29	<28	<28	<28	NL	NL
Dibenzo(a,h)anthracene	<14	<14	<13	<13	330	330
Dibenzofuran	<16	33.0 J	<15	<15	7,000	14,000
Di-n-butyl phthalate	<30	<30	<30	<30	NL	NL
Di-n-octyl phthalate	<9.0	<8.9	<8.7	<8.8	NL	NL
Diethyl phthalate	<14	<14	<14	<14	NL	NL
Dimethyl phthalate	<17	<16	<16	<16	NL	NL
Bis (2-ethylhexyl) phthalate	<11	<11	261 J	<10	NL	NL
Fluoranthene	<16	23.4 J	<15	50.3 J	100,000	100,000
Fluorene	<15	37.1 J	<15	<15	30,000	100,000
Hexachlorobenzene	<18	<18	<17	<18	330	330
Hexachlorobutadiene	<17	<16	<16	<16	NL	NL
Hexachlorocyclopentadiene	<140	<140	<140	<140	NL	NL
Hexachloroethane	<14	<14	<13	<13	NL	NL
Indeno (1,2,3-cd) pyrene	<13	<13	<12	<12	500	500
Isophorone	<13	<13	<13	<13	NL	NL
2-Methylnaphthalene	<15	1,200	<14	<14	NL	NL
2-Nitroaniline	<14	<14	<14	<14	NL	NL
3-Nitroaniline	<31	<31	<31	<31	NL	NL
4-Nitroaniline	<14	<14	<14	<14	NL	NL
Naphthalene	<18	354	<18	<18	12,000	100,000
Nitrobenzene	<16	<15	<15	<15	NL	NL
N-Nitroso-Di-n-propylamine	<16	<16	<16	<16	NL	NL
N-Nitrosodiphenylamine	<17	<17	<17	<17	NL	NL
Phenanthrene	<16	88.7 J	<15	33.0 J	100,000	100,000
Pyrene	<13	16.2 J	<13	43.9 J	100,000	100,000
1,2,4-Trichlorobenzene	<16	<16	<15	<15	NL	NL

µg/kg = micrograms per kilogram

J = Indicates an estimated value

NL = Not Listed

¹ = 3-Methylphenol / 4-Methylphenol

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

Within Former Western Building

Sample ID	BH17	BH18	BH19	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/12/2015	2/12/2015	2/12/2015		
Sample Location	2-4 ft. bgs	2-4 ft. bgs	2-4 ft. bgs		
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
2-Chlorophenol	<13	<14	<13	NL	NL
4-Chloro-3-methyl phenol	<14	<16	<15	NL	NL
2,4-Dichlorophenol	<16	<19	<17	NL	NL
2,4-Dimethylphenol	<93	<100	<95	NL	NL
2,4-Dinitrophenol	<140	<160	<150	NL	NL
4,6-Dinitro-o-cresol	<71	<80	<73	NL	NL
2-Methylphenol	<23	<25	<23	330	100,000
3&4-Methylphenol	<28	<31	<28	(330/330) ¹	(100,000/34,000) ¹
2-Nitrophenol	<15	<17	<16	NL	NL
4-Nitrophenol	<110	<120	<110	NL	NL
Pentachlorophenol	<40	<45	<41	800	2,400
Phenol	<16	<18	<17	330	100,000
2,4,5-Trichlorophenol	<14	<16	<15	NL	NL
2,4,6-Trichlorophenol	<14	<16	<14	NL	NL
Acenaphthene	<15	<17	<16	20,000	100,000
Acenaphthylene	<11	<13	<12	100,000	100,000
Anthracene	55.4 J	<15	36.2 J	100,000	100,000
Benzo(a)anthracene	<15	<17	<15	1,000	1,000
Benzo(a)pyrene	<12	<14	<13	1,000	1,000
Benzo(b)fluoranthene	<14	<16	<15	1,000	1,000
Benzo(g,h,i)perylene	<11	<13	<12	100,000	100,000
Benzo(k)fluoranthene	<17	<19	<18	800	1,000
4-Bromophenyl phenyl ether	<14	<16	<15	NL	NL
Butyl benzyl phthalate	<12	<13	<12	NL	NL
2-Chloronaphthalene	<15	<17	<16	NL	NL
4-Chloroaniline	<14	<16	<15	NL	NL
Carbazole	38.3 J	<15	<14	NL	NL
Chrysene	<14	<16	<15	1,000	1,000
Bis (2-chloroethoxy) methane	<13	<15	<14	NL	NL
Bis (2-chloroethyl) ether	<17	<20	<18	NL	NL
Bis (2-chloroisopropyl) ether	<20	<23	<21	NL	NL
4-Chlorophenyl phenyl ether	<17	<20	<18	NL	NL
2,4-Dinitrotoluene	<38	<43	<39	NL	NL
2,6-Dinitrotoluene	<14	<16	<15	NL	NL
3,3'-Dichlorobenzidine	<29	<32	<29	NL	NL
Dibenzo(a,h)anthracene	<14	<15	<14	330	330
Dibenzofuran	<16	<18	60.0 J	7,000	14,000
Di-n-butyl phthalate	<30	<34	<31	NL	NL
Di-n-octyl phthalate	<8.9	<10	<9.2	NL	NL
Diethyl phthalate	<14	<16	<15	NL	NL
Dimethyl phthalate	<17	<19	<17	NL	NL
Bis (2-ethylhexyl) phthalate	28.3 J	<12	<11	NL	NL
Fluoranthene	<16	<18	<16	100,000	100,000
Fluorene	123	<17	<16	30,000	100,000
Hexachlorobenzene	<18	<20	<18	330	330
Hexachlorobutadiene	<17	<19	<17	NL	NL
Hexachlorocyclopentadiene	<140	<160	<150	NL	NL
Hexachloroethane	<14	<15	<14	NL	NL
Indeno (1,2,3-cd) pyrene	<13	<14	<13	500	500
Isophorone	<13	<15	<13	NL	NL
2-Methylnaphthalene	414	<16	430	NL	NL
2-Nitroaniline	<14	<16	<15	NL	NL
3-Nitroaniline	<31	<35	<32	NL	NL
4-Nitroaniline	<14	<16	<15	NL	NL
Naphthalene	87.9 J	<21	46.0 J	12,000	100,000
Nitrobenzene	<15	<17	<16	NL	NL
N-Nitroso-Di-n-propylamine	<16	<18	<17	NL	NL
N-Nitrosodiphenylamine	<17	<19	<18	NL	NL
Phenanthrene	399	<17	272	100,000	100,000
Pyrene	24.1 J	<15	<14	100,000	100,000
1,2,4-Trichlorobenzene	<16	<18	<16	NL	NL

µg/kg = micrograms per kilogram

J = Indicates an estimated value

NL = Not Listed

¹ = 3-Methylphenol / 4-Methylphenol

Table 3

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Soil Samples

Metals by USEPA SW-846 Methods 6010/7471A

Exterior to Eastern Building

Sample ID	BH2	BH5	BH5 Duplicate	BH6	Eastern USA Background Concentrations ²	New York State "Habitat" Background Concentrations ^{3,4}	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/10/2015	2/10/2015	2/10/2015				
Sample Location	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs				
Units	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Aluminum	8,420	10,100	16,900	15,300	33,000	5,950 – 12,750	NL	NL
Antimony	<0.12	<0.11	<0.12	<0.12	NA	NL	NL	NL
Arsenic	7.4	3.8	6.8	5	3-12*	1.7 – 7.4	13	16
Barium	108	81.9	141	99.7	15-600	37 - 87	350	350
Beryllium	0.99	0.86	1.7	0.74	0-1.75	0.4 – 0.7	7.2	14
Cadmium	0.24 B	0.46	0.4	0.21 B	0.1-1	0.1 – 0.8	2.5	2.5
Calcium	129,000	87,100	97,600	2,640	130-35,000*	743 – 2,820	NL	NL
Chromium	8.8	10.7	13.3	17.6	1.5-40*	5.0 – 13.5	(1 ^a /30 ^a) ¹	(22 ^a /36 ^a) ¹
Cobalt	3.5 B	5.5	7.1	11.2	2.5-60*	3.2 – 8.5	NL	NL
Copper	12.8	13	13.8	10.4	1-50	6 – 15	50	270
Iron	9,550	13,000	15,500	26,800	2,000-550,000	8,770 – 19,800	NL	NL
Lead	22.5	33.3	31.3	21.3	***	17 – 37	63	400
Magnesium	10,600	9,030	13,800	3,460	100-5,000	954 – 2,925	NL	NL
Manganese	1,120	646	1,160	700	50-5,000	147 – 650	1,600	2,000
Mercury	0.12	0.05	0.038	0.042	0.001-0.2	0.05 – 0.10	0.18	0.81
Nickel	10.4	12.7	14.2	13.9	0.5-25	4 – 17	30	140
Potassium	949	1,320	1,780	1,120	8,500-43,000*	286 – 949	NL	NL
Selenium	<0.25	<0.24	0.30 B	<0.25	0.1-3.9	1.2 – 2.6	3.9	36
Silver	<0.043	<0.042	<0.044	0.099 B	NA	ND - ND	2.0	36
Sodium	337 B	225 B	387 B	113 B	6,000-8,000	57 – 111	NL	NL
Thallium	0.54 B	0.49 B	<0.14	0.15 B	NA	NL	NL	NL
Vanadium	11.8	15.3	20	31.7	1-300	12 – 23	NL	NL
Zinc	26.9	57.9	61.7	74.5	9-50	30 – 70	109	2,200

mg/kg = milligrams per kilogram
 B = Indicates analyte found in associated method blank
 NL = Not Listed
 NA = Not Available
 ND = Not Detected
 * = New York State Background
¹ = Hexavalent Chromium/Trivalent Chromium

² = New York State Department of Environmental Conservation Memorandum – Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels, Appendix A, Table 4 (January 24, 1994 [Revised])
³ = New York State Department of Environmental Conservation and New York State Department of Health Concentrations of Selected Analytes in Rural New York State Surface Soils: A Summary Report on the Statewide Rural Surface Soil Survey (August 2005)
⁴ = Values are 25th-75th percentiles; Table D-1 "Final data set for analytes detected in habitat areas"
^a = The Soil Cleanup Objective for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific Soil Cleanup Objective.
 Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)
 *** = Background levels for lead vary widely. Average levels in undeveloped, rural areas may range from 4- 61 mg/kg. Average background levels in metropolitan or suburban areas, or near highways, typically range between 200- 500 mg/kg.
 BH5 Duplicate (0-2 ft. bgs) named BH4 (0-2 ft. bgs) on chain of custody

Exterior to Former Western Building

Sample ID	BH11	BH12	BH13	BH14	BH15	BH16	Eastern USA Background Concentrations ²	New York State "Habitat" Background Concentrations ^{3,4}	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/11/2015	2/11/2015	2/11/2015	2/11/2015	2/12/2015	2/12/2015				
Sample Location	0-4 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs				
Units	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Aluminum	13,100	16,500	10,600	14,900	15,300	14,300	33,000	5,950 – 12,750	NL	NL
Antimony	<0.12	<0.11	<0.11	<0.12	0.14 B	<0.11	NA	NL	NL	NL
Arsenic	3.7	4	4	3.5	5.2	3.3	3-12*	1.7 – 7.4	13	16
Barium	106	124	90.8	104	104	101	15-600	37 - 87	350	350
Beryllium	0.61	0.74	0.53	0.65	0.48	0.43	0-1.75	0.4 – 0.7	7.2	14
Cadmium	0.15 B	0.13 B	0.18 B	0.21 B	0.26 B	0.25 B	0.1-1	0.1 – 0.8	2.5	2.5
Calcium	72,500	37,600	85,600	26,400	41,000	34,300	130-35,000*	743 – 2,820	NL	NL
Chromium	17.9	20.7	13.6	17.2	16.6	15.4	1.5-40*	5.0 – 13.5	(1 ^a /30 ^a) ¹	(22 ^a /36 ^a) ¹
Cobalt	8.9	10.3	6.7	9.1	10.2	7.9	2.5-60*	3.2 – 8.5	NL	NL
Copper	18.2	19.9	18.9	13.9	12.7	15.3	1-50	6 – 15	50	270
Iron	20,200	26,800	16,300	22,600	24,700	19,800	2,000-550,000	8,770 – 19,800	NL	NL
Lead	11.6	17.9	14.3	24.5	18.6	23.5	***	17 – 37	63	400
Magnesium	20,200	20,200	15,200	9,630	12,500	13,900	100-5,000	954 – 2,925	NL	NL
Manganese	472	497	494	550	938	385	50-5,000	147 – 650	1,600	2,000
Mercury	0.018 B	0.029 B	0.029 B	0.036	0.025 B	0.031 B	0.001-0.2	0.05 – 0.10	0.18	0.81
Nickel	20.8	23.7	16.2	16	16.8	16.6	0.5-25	4 – 17	30	140
Potassium	2,460	2,710	1,670	1,380	1,920	1,590	8,500-43,000*	286 – 949	NL	NL
Selenium	<0.25	<0.23	<0.24	<0.25	<0.25	<0.24	0.1-3.9	1.2 – 2.6	3.9	36
Silver	0.061 B	0.055 B	<0.042	0.060 B	0.099 B	0.088 B	NA	ND - ND	2.0	36
Sodium	314 B	257 B	246 B	127 B	170 B	185 B	6,000-8,000	57 – 111	NL	NL
Thallium	0.18 B	<0.13	0.17 B	<0.14	0.42 B	0.40 B	NA	NL	NL	NL
Vanadium	25.9	29.2	21.7	30	24.5	23.9	1-300	12 – 23	NL	NL
Zinc	67.2	95	57.7	78.4	76.6	82	9-50	30 – 70	109	2,200

mg/kg = milligrams per kilogram
 B = Indicates analyte found in associated method blank
 NL = Not Listed
 NA = Not Available
 * = New York State Background
¹ = Hexavalent Chromium/Trivalent Chromium

² = New York State Department of Environmental Conservation Memorandum – Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels, Appendix A, Table 4 (January 24, 1994 [Revised])
³ = New York State Department of Environmental Conservation and New York State Department of Health Concentrations of Selected Analytes in Rural New York State Surface Soils: A Summary Report on the Statewide Rural Surface Soil Survey (August 2005)
⁴ = Values are 25th-75th percentiles; Table D-1 "Final data set for analytes detected in habitat areas"
^a = The Soil Cleanup Objective for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific Soil Cleanup Objective.
 Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)
 *** = Background levels for lead vary widely. Average levels in undeveloped, rural areas may range from 4- 61 mg/kg. Average background levels in metropolitan or suburban areas, or near highways, typically range between 200- 500 mg/kg.

Within Former Western Building

Sample ID	BH17	BH18	BH19	Eastern USA Background Concentrations ²	New York State "Habitat" Background Concentrations ^{3,4}	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives
Date Sampled	2/12/2015	2/12/2015	2/12/2015				
Sample Location	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs				
Units	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Aluminum	17,900	14,800	13,700	33,000	5,950 – 12,750	NL	NL
Antimony	<0.12	0.18 B	0.18 B	NA	NL	NL	NL
Arsenic	4.4	4.6	4.7	3-12*	1.7 – 7.4	13	16
Barium	158	114	105	15-600	37 - 87	350	350
Beryllium	0.78	0.47	0.29 B	0-1.75	0.4 – 0.7	7.2	14
Cadmium	0.23 B	0.34 B	0.26 B	0.1-1	0.1 – 0.8	2.5	2.5
Calcium	16,800	41,100	83,800	130-35,000*	743 – 2,820	NL	NL
Chromium	19.2	15.4	15.9	1.5-40*	5.0 – 13.5	(1 ^a /30 ^a) ¹	(22 ^a /36 ^a) ¹
Cobalt	10.7	9.1	10.7	2.5-60*	3.2 – 8.5	NL	NL
Copper	14.9	18.1	17	1-50	6 – 15	50	270
Iron	28,900	20,500	20,900	2,000-550,000	8,770 – 19,800	NL	NL
Lead	16.9	38.3	12.7	***	17 – 37	63	400
Magnesium	10,800	16,800	20,700	100-5,000	954 – 2,925	NL	NL
Manganese	682	488	524	50-5,000	147 – 650	1,600	2,000
Mercury	0.032 B	0.048	0.021 B	0.001-0.2	0.05 – 0.10	0.18	0.81
Nickel	24.4	19.8	22.2	0.5-25	4 – 17	30	140
Potassium	2,120	2,210	2,470	8,500-43,000*	286 – 949	NL	NL
Selenium	<0.25	<0.23	<0.25	0.1-3.9	1.2 – 2.6	3.9	36
Silver	0.15 B	0.066 B	<0.044	NA	ND - ND	2.0	36
Sodium	196 B	265 B	189 B	6,000-8,000	57 – 111	NL	NL
Thallium	0.26 B	0.30 B	0.50 B	NA	NL	NL	NL
Vanadium	24.3	22	22	1-300	12 – 23	NL	NL
Zinc	90.5	85.4	64	9-50	30 – 70	109	2,200

mg/kg = milligrams per kilogram
 B = Indicates analyte found in associated method blank
 NL = Not Listed
 NA = Not Available
 * = New York State Background
¹ = Hexavalent Chromium/Trivalent Chromium

² = New York State Department of Environmental Conservation Memorandum – Technical and Administrative Guidance Memorandum: Determination of Soil Cleanup Objectives and Cleanup Levels, Appendix A, Table 4 (January 24, 1994 [Revised])
³ = New York State Department of Environmental Conservation and New York State Department of Health Concentrations of Selected Analytes in Rural New York State Surface Soils: A Summary Report on the Statewide Rural Surface Soil Survey (August 2005)
⁴ = Values are 25th-75th percentiles; Table D-1 "Final data set for analytes detected in habitat areas"
^a = The Soil Cleanup Objective for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific Soil Cleanup Objective.
 Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)
 *** = Background levels for lead vary widely. Average levels in undeveloped, rural areas may range from 4- 61 mg/kg. Average background levels in metropolitan or suburban areas, or near highways, typically range between 200- 500 mg/kg.

Table 4

**945 Kenmore Avenue
Tonawanda, New York**

Remedial Investigation Analytical Results for Soil Samples

Cyanide by USEPA SW-846 Method 9012

Exterior to Eastern Building

Sample ID	BH2	BH5	BH5 Duplicate	BH6	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/10/2015	2/10/2015	2/10/2015	
Sample Location	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	
Units	mg/kg	mg/kg	mg/kg	mg/kg	
Cyanide	0.33	4	2.2	0.027 B	27

mg/kg = milligrams per kilogram

B = Indicates analyte found in associated method blank

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

BH5 Duplicate (0-2 ft. bgs) named BH4 (0-2 ft. bgs) on chain of custody

Exterior to Former Western Building

Sample ID	BH11	BH12	BH13	BH14	BH15	BH16	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/11/2015	2/11/2015	2/11/2015	2/11/2015	2/12/2015	2/12/2015	
Sample Location	0-4 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	
Units	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	
Cyanide	<0.025	0.029 B	<0.027	0.037 B	0.33	0.058 B	27

mg/kg = milligrams per kilogram

B = Indicates analyte found in associated method blank

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

Within Former Western Building

Sample ID	BH17	BH18	BH19	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/12/2015	2/12/2015	2/12/2015	
Sample Location	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	
Units	mg/kg	mg/kg	mg/kg	
Cyanide	0.072 B	0.2	0.065 B	27

mg/kg = milligrams per kilogram

B = Indicates analyte found in associated method blank

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

Table 5

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Soil Samples

PCBs by USEPA SW-846 Method 8082

Exterior to Eastern Building

Sample ID	BH2	BH5	BH5 Duplicate	BH6	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/10/2015	2/10/2015	2/10/2015	2/10/2015	
Sample Location	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	µg/kg
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Aroclor 1016	<8.0	<8.6	<8.9	<8.4	-
Aroclor 1221	<16	<17	<17	<16	-
Aroclor 1232	<15	<16	<17	<16	-
Aroclor 1242	<16	<18	<18	<17	-
Aroclor 1248	<14	<15	<15	<15	-
Aroclor 1254	<17	<18	52.5	26.0 J	-
Aroclor 1260	<14	<15	<16	<15	-
Total Aroclor	ND	ND	52.5	26.0 J	100

µg/kg = micrograms per kilogram
J = Indicates an estimated value
ND = Not detected

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
(375-6.8, Soil Cleanup Objective Tables)

BH5 Duplicate (0-2 ft. bgs) named BH4 (0-2 ft. bgs) on chain of custody

Exterior to Western Building

Sample ID	BH11	BH12	BH13	BH14	BH15	BH16	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/11/2015	2/11/2015	2/11/2015	2/11/2015	2/12/2015	2/12/2015	
Sample Location	0-4 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	0-2 ft. bgs	µg/kg
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Aroclor 1016	<7.6	<7.9	<8.1	<8.1	<8.9	<8.2	-
Aroclor 1221	<15	<15	<16	<16	<17	<16	-
Aroclor 1232	<14	<15	<15	<15	<17	<15	-
Aroclor 1242	<16	<16	<16	<16	<18	<17	-
Aroclor 1248	<13	<14	<14	<14	<16	<14	-
Aroclor 1254	<16	<17	<17	<17	<19	<17	-
Aroclor 1260	<13	<14	<14	<14	<16	<14	-
Total Aroclor	ND	ND	ND	ND	ND	ND	100

µg/kg = micrograms per kilogram
ND = Not detected

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
(375-6.8, Soil Cleanup Objective Tables)

Within Former Western Building

Sample ID	BH17	BH18	BH19	Part 375 (Unrestricted) Soil Cleanup Objectives
Date Sampled	2/12/2015	2/12/2015	2/12/2015	
Sample Location	2-4 ft. bgs	2-4 ft. bgs	2-4 ft. bgs	µg/kg
Units	µg/kg	µg/kg	µg/kg	µg/kg
Aroclor 1016	<8.1	<8.9	<7.9	-
Aroclor 1221	<16	<17	<15	-
Aroclor 1232	<15	<17	<15	-
Aroclor 1242	<17	<18	<16	-
Aroclor 1248	<14	<16	<14	-
Aroclor 1254	<17	<19	<17	-
Aroclor 1260	<14	<16	<14	-
Total Aroclor	ND	ND	ND	100

µg/kg = micrograms per kilogram
ND = Not detected

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006
(375-6.8, Soil Cleanup Objective Tables)

Table 6

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Equipment Blanks and Trip Blanks

A. VOCs by USEPA SW-846 Method 8260

Sample ID	BCP EB1	Trip Blank 1
Date Sampled	2/12/2015	-
Type	Equipment Blank	Trip Blank
Units	µg/l	µg/l
Acetone	<2.5	<2.5
Benzene	<0.25	<0.25
Bromodichloromethane	<0.47	<0.47
Bromoform	<0.30	<0.30
Bromomethane	<0.77	<0.77
2- Butanone	<2.5	<2.5
n-Butylbenzene	<1.1	<1.1
sec- Butylbenzene	<0.42	<0.42
tert- Butylbenzene	<0.39	<0.39
Carbon Disulfide	<0.46	<0.46
Carbon Tetrachloride	<0.23	<0.23
Chlorobenzene	<0.25	<0.25
Chloroethane	<0.37	<0.37
Chloroform	<0.31	<0.31
Chloromethane	<0.59	<0.59
Dibromochloromethane	<0.26	<0.26
1,2-Dichlorobenzene	<0.24	<0.24
1,3-Dichlorobenzene	<0.16	<0.16
1,4-Dichlorobenzene	<0.31	<0.31
1,1- Dichloroethane	<0.20	<0.20
1,2- Dichloroethane	<0.33	<0.33
1,1- Dichloroethene	<0.29	<0.29
Cis-1,2- Dichloroethene	<0.44	<0.44
trans-1,2-Dichloroethene	<0.47	<0.47
1,2- Dichloroethene (total)	<0.44	<0.44
1,2- Dichloropropane	<0.45	<0.45
cis-1,3- Dichloropropene	<0.42	<0.42
trans-1,3-Dichloropropene	<0.38	<0.38
Ethylbenzene	<0.25	<0.25
2- Hexanone	<1.6	<1.6
Isopropylbenzene	<0.35	<0.35
p- Isopropyltoluene	<0.37	<0.37
Methyl tert butyl ether	<0.22	<0.22
4- Methyl-2-pentanone	<0.99	<0.99
Methylene chloride	<0.39	0.41 J
Naphthalene	<0.69	<0.69
n-Propylbenzene	<0.49	<0.49
Styrene	<0.29	<0.29
1,1,2,2- Tetrachloroethane	<0.30	<0.30
Tetrachloroethene	<0.29	<0.29
Toluene	<0.22	<0.22
1,2,3-Trichlorobenzene	<0.68	<0.68
1,2,4-Trichlorobenzene	<0.19	<0.19
1,3,5-Trichlorobenzene	<0.35	<0.35
1,1,1- Trichloroethane	<0.42	<0.42
1,1,2- Trichloroethane	<0.30	<0.30
Trichloroethene	<0.40	<0.40
1,2,4- Trimethylbenzene	<0.30	<0.30
1,3,5- Trimethylbenzene	<0.18	<0.18
Vinyl chloride	<0.45	<0.45
m,p- Xylene	<0.38	<0.38
o-Xylene	<0.30	<0.30
Xylene (total)	<0.30	<0.30

µg/l = micrograms per liter
J = Indicates an estimated value

B. SVOCs by USEPA SW-846 Method 8270

Sample ID	BCP EB1
Date Sampled	2/12/2015
Type	Equipment Blank
Units	µg/l
2-Chlorophenol	<0.24
4-Chloro-3-methyl phenol	<0.42
2,4-Dichlorophenol	<0.39
2,4-Dimethylphenol	<0.28
2,4-Dinitrophenol	<2.1
4,6-Dinitro-o-cresol	<0.49
2-Methylphenol	<0.25
3&4-Methylphenol	<0.37
2-Nitrophenol	<0.39
4-Nitrophenol	<1.0
Pentachlorophenol	<0.29
Phenol	<0.27
2,4,5-Trichlorophenol	<0.38
2,4,6-Trichlorophenol	<0.37
Acenaphthene	<0.20
Acenaphthylene	<0.18
Anthracene	<0.15
Benzo(a)anthracene	<0.18
Benzo(a)pyrene	<0.18
Benzo(b)fluoranthene	<0.42
Benzo(g,h,i)perylene	<0.27
Benzo(k)fluoranthene	<0.39
4-Bromophenyl phenyl ether	<0.21
Butyl benzyl phthalate	1.5 J
2-Chloronaphthalene	<0.29
4-Chloroaniline	<0.30
Carbazole	<0.14
Chrysene	<0.10
Bis (2-chloroethoxy) methane	<0.41
Bis (2-chloroethyl) ether	<0.35
Bis (2-chloroisopropyl) ether	<0.35
4-Chlorophenyl phenyl ether	<0.22
2,4-Dinitrotoluene	<0.31
2,6-Dinitrotoluene	<0.31
3,3'-Dichlorobenzidine	<0.44
Dibenzo(a,h)anthracene	<0.22
Dibenzofuran	<0.21
Di-n-butyl phthalate	1.2 J
Di-n-octyl phthalate	<0.24
Diethyl phthalate	<0.22
Dimethyl phthalate	<0.20
Bis (2-ethylhexyl) phthalate	2.8
Fluoranthene	<0.27
Fluorene	<0.17
Hexachlorobenzene	<0.20
Hexachlorobutadiene	<0.24
Hexachlorocyclopentadiene	<1.0
Hexachloroethane	<0.24
Indeno (1,2,3-cd) pyrene	<0.23
Isophorone	<0.39
2-Methylnaphthalene	<0.35
2-Nitroaniline	<0.30
3-Nitroaniline	<0.34
4-Nitroaniline	<0.43
Naphthalene	<0.26
Nitrobenzene	<0.40
N-Nitroso-Di-n-propylamine	<0.21
N-Nitrosodiphenylamine	<0.21
Phenanthrene	<0.11
Pyrene	<0.14
1,2,4-Trichlorobenzene	<0.23

µg/l = micrograms per liter
J = Indicates an estimated value

C. Metals by USEPA SW-846 Methods 6010/7471A

Sample ID	BCP EB1
Date Sampled	2/12/2015
Type	Equipment Blank
Units	µg/l
Aluminum	37.4 B
Antimony	<2.0
Arsenic	<1.7
Barium	<1.0
Beryllium	<0.25
Cadmium	<0.43
Calcium	352 B
Chromium	4.6 B
Cobalt	<0.28
Copper	<2.4
Iron	451
Lead	<1.7
Magnesium	62.1 B
Manganese	7.7 B
Mercury	<0.096
Nickel	<0.50
Potassium	<49
Selenium	2.6 B
Silver	<1.0
Sodium	570 B
Thallium	<1.7
Vanadium	<0.51
Zinc	<1.0

µg/l = micrograms per liter

B = Indicates analyte found in associated method blank

D. Cyanide by USEPA SW-846 Method 9012

Sample ID	BCP EB1
Date Sampled	2/12/2015
Type	Equipment Blank
Units	µg/l
Cyanide	<0.0025

µg/l = micrograms per liter

E. PCBs by USEPA SW-846 Method 8082

Sample ID	BCP EB1
Date Sampled	2/12/2015
Type	Equipment Blank
Units	µg/l
Aroclor 1016	<0.11
Aroclor 1221	<0.11
Aroclor 1232	<0.12
Aroclor 1242	<0.12
Aroclor 1248	<0.083
Aroclor 1254	<0.11
Aroclor 1260	<0.13
Total Aroclor	ND

µg/l = micrograms per liter

ND = Not Detected

Table 7

**945 Kenmore Avenue
Tonawanda, New York**

**Groundwater Depths in Site Overburden
Monitoring Wells Measured on March 24, 2015**

Well	Depth to Groundwater (feet below top of casing)	Elevation of Top of Casing (feet)
BCP MW1	25.31	615.24
BCP MW2	25.83	615.02
BCP MW3	23.59	615.89
BCP MW4	24.82	615.71
BCP MW5	24.85	615.62

Table 8

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Groundwater Samples

VOCs by USEPA SW-846 Method 8260

Sample ID	BCP MW1	BCP MW2	BCP MW3	BCP MW3 Duplicate*	BCP MW4	BCP MW5	NYSDEC Class GA Groundwater Criteria
Date Sampled	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	
Units	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l
Acetone	<2.0	<2.0	<2.0	4.7 J	<2.0	2.3 J	50
Benzene	<0.27	0.35 J	<0.27	<0.27	<0.27	<0.27	1
Bromodichloromethane	<0.18	<0.18	<0.18	<0.18	<0.18	<0.18	50
Bromoform	<0.39	<0.39	<0.39	<0.39	<0.39	<0.39	50
Bromomethane	<0.79	<0.79	<0.79	<0.79	<0.79	<0.79	5
2- Butanone	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	50
n-Butylbenzene	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	5
sec- Butylbenzene	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	5
tert- Butylbenzene	<0.57	<0.57	<0.57	<0.57	<0.57	<0.57	5
Carbon Disulfide	<0.19	2.4 J	<0.19	<0.19	2.0 J	1.9 J	60
Carbon Tetrachloride	<0.34	<0.34	<0.34	<0.34	<0.34	<0.34	5
Chlorobenzene	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	5
Chloroethane	<0.49	<0.49	<0.49	<0.49	<0.49	<0.49	5
Chloroform	<0.40	<0.40	<0.40	<0.40	<0.40	<0.40	7
Chloromethane	<0.49	<0.49	<0.49	<0.49	<0.49	<0.49	5
Dibromochloromethane	<0.22	<0.22	<0.22	<0.22	<0.22	<0.22	NL
1,2-Dichlorobenzene	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	3
1,3-Dichlorobenzene	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	3
1,4-Dichlorobenzene	<0.37	<0.37	<0.37	<0.37	<0.37	<0.37	3
1,1- Dichloroethane	<0.28	<0.28	<0.28	<0.28	<0.28	<0.28	5
1,2- Dichloroethane	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	0.6
1,1- Dichloroethene	<0.28	<0.28	<0.28	<0.28	<0.28	<0.28	5
Cis-1,2- Dichloroethene	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	5
trans-1,2-Dichloroethene	<0.48	<0.48	<0.48	<0.48	<0.48	<0.48	5
1,2- Dichloroethene (total)	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	NL
1,2- Dichloropropane	<0.21	<0.21	<0.21	<0.21	<0.21	<0.21	1
cis-1,3- Dichloropropene	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	0.4 ¹
trans-1,3-Dichloropropene	<0.43	<0.43	<0.43	<0.43	<0.43	<0.43	0.4 ¹
Ethylbenzene	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	5
2- Hexanone	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	50
Isopropylbenzene	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	5
p- Isopropyltoluene	<0.32	<0.32	<0.32	<0.32	<0.32	<0.32	5
Methyl tert butyl ether	<0.35	<0.35	16.4	16.9	1.8	<0.35	10
4- Methyl-2-pentanone	<0.77	1.1 J	0.87 J	<0.77	<0.77	<0.77	NL
Methylene chloride	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	5
Naphthalene	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	10
n-Propylbenzene	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	5
Styrene	<0.28	<0.28	<0.28	<0.28	<0.28	<0.28	5
1,1,2,2- Tetrachloroethane	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	5
Tetrachloroethene	<0.21	<0.21	<0.21	<0.21	<0.21	<0.21	5
Toluene	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	5
1,2,3-Trichlorobenzene	<0.78	<0.78	<0.78	<0.78	<0.78	<0.78	5
1,2,4-Trichlorobenzene	<0.74	<0.74	<0.74	<0.74	<0.74	<0.74	5
1,3,5-Trichlorobenzene	<0.49	<0.49	<0.49	<0.49	<0.49	<0.49	5
1,1,1- Trichloroethane	<0.42	<0.42	<0.42	<0.42	<0.42	<0.42	5
1,1,2- Trichloroethane	<0.32	<0.32	<0.32	<0.32	<0.32	<0.32	1
Trichloroethene	<0.25	<0.25	<0.25	<0.25	<0.25	<0.25	5
1,2,4- Trimethylbenzene	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	5
1,3,5- Trimethylbenzene	<0.20	0.22 J	0.49 J	0.51 J	<0.20	<0.20	5
Vinyl chloride	<0.45	<0.45	<0.45	<0.45	<0.45	<0.45	2
m,p- Xylene	<0.47	<0.47	<0.47	<0.47	<0.47	<0.47	5
o-Xylene	<0.22	<0.22	<0.22	<0.22	<0.22	<0.22	5
Xylene (total)	<0.22	0.27 J	<0.22	<0.22	<0.22	<0.22	5

µg/l = micrograms per liter

NL = Not Listed

J = Indicates an estimated value.

¹ = Applies to the sum of cis- and trans- 1,3-dichloropropene.

* Named BCP Duplicate 1 on chain of custody

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

= Analyte detected at a concentration at or above the NYSDEC Class GA Groundwater Criteria

Table 9

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Groundwater Samples

SVOCs by USEPA SW-846 Method 8270

Sample ID	BCP MW1	BCP MW2	BCP MW3	BCP MW3 Duplicate**	BCP MW4	BCP MW5	NYSDEC Class GA Groundwater Criteria
Date Sampled	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	
Units	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l
2-Chlorophenol	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	1*
4-Chloro-3-methyl phenol	<0.42	<0.42	<0.42	<0.42	<0.42	<0.42	1*
2,4-Dichlorophenol	<0.39	<0.39	<0.39	<0.39	<0.39	<0.39	1*
2,4-Dimethylphenol	<0.28	<0.28	<0.28	<0.28	<0.28	<0.28	1*
2,4-Dinitrophenol	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	1*
4,6-Dinitro-o-cresol	<0.49	<0.49	<0.49	<0.49	<0.49	<0.49	1*
2-Methylphenol	<0.25	<0.25	<0.25	<0.25	<0.25	<0.25	1*
3&4-Methylphenol	<0.37	<0.37	<0.37	<0.37	<0.37	<0.37	1*
2-Nitrophenol	<0.39	<0.39	<0.39	<0.39	<0.39	<0.39	1*
4-Nitrophenol	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	1*
Pentachlorophenol	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	1*
Phenol	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	1*
2,4,5-Trichlorophenol	<0.38	<0.38	<0.38	<0.38	<0.38	<0.38	1*
2,4,6-Trichlorophenol	<0.37	<0.37	<0.37	<0.37	<0.37	<0.37	1*
Acenaphthene	<0.20	<0.20	<0.20	<0.20	<0.20	<0.20	20
Acenaphthylene	<0.18	<0.18	<0.18	<0.18	<0.18	<0.18	NL
Anthracene	<0.15	<0.15	<0.15	0.17 J	<0.15	<0.15	50
Benzo(a)anthracene	<0.18	<0.18	<0.18	<0.18	<0.18	<0.18	0.002
Benzo(a)pyrene	<0.18	<0.18	<0.18	<0.18	<0.18	<0.18	ND
Benzo(b)fluoranthene	<0.42	<0.42	<0.42	<0.42	<0.42	<0.42	0.002
Benzo(g,h,i)perylene	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	NL
Benzo(k)fluoranthene	<0.39	<0.39	<0.39	<0.39	<0.39	<0.39	0.002
4-Bromophenyl phenyl ether	<0.21	<0.21	<0.21	0.36 J	<0.21	<0.21	NL
Butyl benzyl phthalate	0.46 JB	1.0 JB	0.61 JB	0.65 JB	0.64 JB	0.57 JB	50
2-Chloronaphthalene	<0.29	<0.29	<0.29	<0.29	<0.29	<0.29	10
4-Chloroaniline	<0.30	<0.30	<0.30	<0.30	<0.30	<0.30	5
Carbazole	<0.14	<0.14	<0.14	0.21 J	<0.14	<0.14	NL
Chrysene	<0.10	<0.10	<0.10	<0.10	<0.10	<0.10	0.002
Bis (2-chloroethoxy) methane	<0.41	<0.41	<0.41	<0.41	<0.41	<0.41	5
Bis (2-chloroethyl) ether	<0.35	<0.35	<0.35	<0.35	<0.35	<0.35	1
Bis (2-chloroisopropyl) ether	<0.35	<0.35	<0.35	<0.35	<0.35	<0.35	5
4-Chlorophenyl phenyl ether	<0.22	<0.22	<0.22	<0.22	<0.22	<0.22	NL
2,4-Dinitrotoluene	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	5
2,6-Dinitrotoluene	<0.31	<0.31	<0.31	<0.31	<0.31	<0.31	5
3,3'-Dichlorobenzidine	<0.44	<0.44	<0.44	<0.44	<0.44	<0.44	5
Dibenzo(a,h)anthracene	<0.22	<0.22	<0.22	<0.22	<0.22	<0.22	NL
Dibenzofuran	<0.21	<0.21	<0.21	<0.21	<0.21	<0.21	NL
Di-n-butyl phthalate	0.76 JB	1.3 JB	0.85 JB	0.73 JB	0.80 JB	0.66 JB	50
Di-n-octyl phthalate	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	50
Diethyl phthalate	<0.22	0.41 J	<0.22	0.47 J	<0.22	<0.22	50
Dimethyl phthalate	<0.20	0.39 J	<0.20	0.29 J	<0.20	<0.20	50
Bis (2-ethylhexyl) phthalate	1.4 JB	1.7 B	1.8 B	1.1 JB	1.4 JB	2.5 B	5
Fluoranthene	<0.27	<0.27	<0.27	<0.27	<0.27	<0.27	50
Fluorene	<0.17	<0.17	<0.17	0.30 J	<0.17	<0.17	50
Hexachlorobenzene	<0.20	<0.20	<0.20	<0.20	<0.20	<0.20	0.04
Hexachlorobutadiene	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	0.5
Hexachlorocyclopentadiene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	5
Hexachloroethane	<0.24	<0.24	<0.24	<0.24	<0.24	<0.24	5
Indeno (1,2,3-cd) pyrene	<0.23	<0.23	<0.23	<0.23	<0.23	<0.23	0.002
Isophorone	0.44 J	<0.39	<0.39	<0.39	<0.39	<0.39	50
2-Methylnaphthalene	<0.35	<0.35	<0.35	<0.35	<0.35	<0.35	NL
2-Nitroaniline	<0.30	<0.30	<0.30	<0.30	<0.30	<0.30	5
3-Nitroaniline	<0.34	<0.34	<0.34	<0.34	<0.34	<0.34	5
4-Nitroaniline	<0.43	<0.43	<0.43	<0.43	<0.43	<0.43	5
Naphthalene	<0.26	<0.26	<0.26	<0.26	<0.26	<0.26	10
Nitrobenzene	<0.40	<0.40	<0.40	<0.40	<0.40	<0.40	0.4
N-Nitroso-Di-n-propylamine	<0.21	<0.21	<0.21	<0.21	<0.21	<0.21	NL
N-nitrosodiphenylamine	<0.21	<0.21	<0.21	<0.21	<0.21	<0.21	50
Phenanthrene	<0.11	<0.11	0.22 J	0.30 J	0.35 J	0.31 J	50
Pyrene ^d	<0.14	<0.14	<0.14	0.19 J	<0.14	<0.14	50
1,2,4-Trichlorobenzene	<0.23	<0.23	<0.23	<0.23	<0.23	<0.23	5

µg/l = micrograms per liter

J = Indicates an estimated value

B = Indicates analyte found in associated method blank

NL = Not Listed

ND = Not Detected

** Named BCP Duplicate 1 on chain of custody

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

* Refers to the sum of all Phenols.

Table 10

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Groundwater Samples

Metals by USEPA SW-846 Methods 6010/7471A

Sample ID	BCP MW1	BCP MW2	BCP MW3	BCP MW3 Duplicate**	BCP MW4	BCP MW5	NYSDEC Class GA Groundwater Criteria
Date Sampled	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	
Units	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l
Aluminum	98.1 B	79.6 B	78.2 B	1170	382	66.0 B	NL
Antimony	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	3
Arsenic	2.2 B	<1.7	2.9 B	<1.7	<1.7	2.0 B	25
Barium	13.9 B	11.1 B	27.1 B	33.1 B	33.2 B	34.1 B	1,000
Beryllium	<0.25	<0.25	<0.25	<0.25	<0.25	<0.25	3
Cadmium	<0.43	<0.43	<0.43	<0.43	<0.43	<0.43	5
Calcium	90200	121000	88100	89700	60300	50400	NL
Chromium	0.60 B	0.70 B	<0.48	1.8 B	1.0 B	<0.48	50
Cobalt	7.1 B	24.9 B	2.3 B	2.9 B	5.3 B	3.6 B	NL
Copper	<2.4	<2.4	<2.4	<2.4	<2.4	<2.4	200
Iron	218	1030	109	1270	313	939	300, 500*
Lead	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	25
Magnesium	155000	201000	134000	134000	149000	114000	35,000
Manganese	411	807	343	359	333	279	300, 500*
Mercury	<0.096	<0.096	<0.096	<0.096	<0.096	<0.096	0.7
Nickel	9.2 B	25.8 B	4.1 B	5.2 B	6.7 B	5.7 B	100
Potassium	4570 B	6050	5010	5440	4590 B	4930 B	NL
Selenium	<2.0	<2.0	<2.0	<2.0	2.0 B	<2.0	10
Silver	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	50
Sodium	130000	96900	93400	93400	59000	52600	20,000
Thallium	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	0.5
Vanadium	<0.51	0.80 B	0.60 B	2.5 B	1.3 B	<0.51	NL
Zinc	6.0 B	17.6 B	2.9 B	9.4 B	5.4 B	2.7 B	2,000

µg/l = micrograms per liter

NL = Not Listed

B = Indicates analyte found in associated method blank.

** Named BCP Duplicate 1 on chain of custody

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

* = Applies to the sum of Iron and Manganese.


 = Analyte detected at a concentration at or above the NYSDEC Class GA Groundwater Criteria

Table 11

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Groundwater Samples

Cyanide by USEPA SW-846 Method 9012

Sample ID	BCP MW1	BCP MW2	BCP MW3	BCP MW3 Duplicate*	BCP MW4	BCP MW5	NYSDEC Class GA Groundwater Criteria
Date Sampled	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	
Units	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l
Cyanide	<0.0014	<0.0014	<0.0014	<0.0014	<0.0014	<0.0014	0.2

mg/l = milligrams per liter

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

* = Named BCP Duplicate 1 on chain of custody

Table 12

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Groundwater Samples

PCBs by USEPA SW-846 Method 8082

Sample ID	BCP MW1	BCP MW2	BCP MW3	BCP MW3 Duplicate*	BCP MW4	BCP MW5	NYSDEC Class GA Groundwater Criteria
Date Sampled	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	4/3/2015	
Units	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l	µg/l
Aroclor 1016	<0.11	<0.11	<0.11	<0.11	<0.11	<0.11	-
Aroclor 1221	<0.11	<0.11	<0.11	<0.11	<0.11	<0.11	-
Aroclor 1232	<0.12	<0.12	<0.12	<0.12	<0.12	<0.12	-
Aroclor 1242	<0.12	<0.12	<0.12	<0.12	<0.12	<0.12	-
Aroclor 1248	<0.083	<0.083	<0.083	<0.083	<0.083	<0.083	-
Aroclor 1254	<0.11	<0.11	<0.11	<0.11	<0.11	<0.11	-
Aroclor 1260	<0.13	<0.13	<0.13	<0.13	<0.13	<0.13	-
Total Aroclor	ND	ND	ND	ND	ND	ND	0.09

µg/l = micrograms per liter

ND = Not detected

* = Named BCP Duplicate 1 on chain of custody

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

Table 13

945 Kenmore Avenue
Tonawanda, New York

Remedial Investigation Analytical Results for Equipment Blanks and Trip Blanks (Groundwater)

A. VOCs by USEPA SW-846 Method 8260

Sample ID	Trip Blank	BCP EB 2
Date Sampled	4/3/2015	4/3/2015
Units	µg/l	µg/l
Acetone	<2.0	<2.0
Benzene	<0.27	<0.27
Bromodichloromethane	<0.18	<0.18
Bromoform	<0.39	<0.39
Bromomethane	<0.79	<0.79
2- Butanone	<3.0	<3.0
n-Butylbenzene	<0.50	<0.50
sec- Butylbenzene	<0.50	<0.50
tert- Butylbenzene	<0.57	<0.57
Carbon Disulfide	<0.19	<0.19
Carbon Tetrachloride	<0.34	<0.34
Chlorobenzene	<0.24	<0.24
Chloroethane	<0.49	<0.49
Chloroform	<0.40	<0.40
Chloromethane	<0.49	<0.49
Dibromochloromethane	<0.22	<0.22
1,2-Dichlorobenzene	<0.24	<0.24
1,3-Dichlorobenzene	<0.24	<0.24
1,4-Dichlorobenzene	<0.37	<0.37
1,1- Dichloroethane	<0.28	<0.28
1,2- Dichloroethane	<0.31	<0.31
1,1- Dichloroethene	<0.28	<0.28
Cis-1,2- Dichloroethene	<0.31	<0.31
trans-1,2-Dichloroethene	<0.48	<0.48
1,2- Dichloroethene (total)	<0.31	<0.31
1,2- Dichloropropane	<0.21	<0.21
cis-1,3- Dichloropropene	<0.27	<0.27
trans-1,3-Dichloropropene	<0.43	<0.43
Ethylbenzene	<0.24	<0.24
2- Hexanone	<2.7	<2.7
Isopropylbenzene	<0.27	<0.27
p- Isopropyltoluene	<0.32	<0.32
Methyl tert butyl ether	<0.35	<0.35
4- Methyl-2-pentanone	<0.77	<0.77
Methylene chloride	<0.27	<0.27
Naphthalene	<2.0	<2.0
n-Propylbenzene	<0.29	<0.29
Styrene	<0.28	<0.28
1,1,2,2- Tetrachloroethane	<0.29	<0.29
Tetrachloroethene	<0.21	<0.21
Toluene	<0.29	<0.29
1,2,3-Trichlorobenzene	<0.78	<0.78
1,2,4-Trichlorobenzene	<0.74	<0.74
1,3,5-Trichlorobenzene	<0.49	<0.49
1,1,1- Trichloroethane	<0.42	<0.42
1,1,2- Trichloroethane	<0.32	<0.32
Trichloroethene	<0.25	<0.25
1,2,4- Trimethylbenzene	<0.29	<0.29
1,3,5- Trimethylbenzene	<0.20	<0.20
Vinyl chloride	<0.45	<0.45
m,p- Xylene	<0.47	<0.47
o-Xylene	<0.22	<0.22
Xylene (total)	<0.22	<0.22

µg/l = micrograms per liter
J = Indicates an estimated value

B. SVOCs by USEPA SW-846 Method 8270

Sample ID	BCP EB 2
Date Sampled	4/3/2015
Units	µg/l
2-Chlorophenol	<0.24
4-Chloro-3-methyl phenol	<0.42
2,4-Dichlorophenol	<0.39
2,4-Dimethylphenol	<0.28
2,4-Dinitrophenol	<2.1
4,6-Dinitro-o-cresol	<0.49
2-Methylphenol	<0.25
3&4-Methylphenol	<0.37
2-Nitrophenol	<0.39
4-Nitrophenol	<1.0
Pentachlorophenol	<0.29
Phenol	<0.27
2,4,5-Trichlorophenol	<0.38
2,4,6-Trichlorophenol	<0.37
Acenaphthene	<0.20
Acenaphthylene	<0.18
Anthracene	<0.15
Benzo(a)anthracene	<0.18
Benzo(a)pyrene	<0.18
Benzo(b)fluoranthene	<0.42
Benzo(g,h,i)perylene	<0.27
Benzo(k)fluoranthene	<0.39
4-Bromophenyl phenyl ether	<0.21
Butyl benzyl phthalate	0.52 JB
2-Chloronaphthalene	<0.29
4-Chloroaniline	<0.30
Carbazole	<0.14
Chrysene	<0.10
Bis (2-chloroethoxy) methane	<0.41
Bis (2-chloroethyl) ether	<0.35
Bis (2-chloroisopropyl) ether	<0.35
4-Chlorophenyl phenyl ether	<0.22
2,4-Dinitrotoluene	<0.31
2,6-Dinitrotoluene	<0.31
3,3'-Dichlorobenzidine	<0.44
Dibenzo(a,h)anthracene	<0.22
Dibenzofuran	<0.21
Di-n-butyl phthalate	0.59 JB
Di-n-octyl phthalate	<0.24
Diethyl phthalate	<0.22
Dimethyl phthalate	<0.20
Bis (2-ethylhexyl) phthalate	0.53 JB
Fluoranthene	<0.27
Fluorene	<0.17
Hexachlorobenzene	<0.20
Hexachlorobutadiene	<0.24
Hexachlorocyclopentadiene	<1.0
Hexachloroethane	<0.24
Indeno (1,2,3-cd) pyrene	<0.23
Isophorone	<0.39
2-Methylnaphthalene	<0.35
2-Nitroaniline	<0.30
3-Nitroaniline	<0.34
4-Nitroaniline	<0.43
Naphthalene	<0.26
Nitrobenzene	<0.40
N-Nitroso-Di-n-propylamine	<0.21
N-nitrosodiphenylamine	<0.21
Phenanthrene	<0.11
Pyrene ^d	<0.14
1,2,4-Trichlorobenzene	<0.23

J = Indicates an estimated value

B = Indicates analyte found in associated method blank

µg/l = micrograms per liter

C. Metals by USEPA SW-846 Methods 6010/7471A

Sample ID	BCP EB 2
Date Sampled	4/3/2015
Units	µg/l
Aluminum	<28
Antimony	<2.0
Arsenic	<1.7
Barium	<1.0
Beryllium	<0.25
Cadmium	<0.43
Calcium	98.8 B
Chromium	<0.48
Cobalt	<0.28
Copper	<2.4
Iron	<17
Lead	<1.7
Magnesium	<54
Manganese	<1.4
Mercury	<0.096
Nickel	<0.50
Potassium	<49
Selenium	<2.0
Silver	<1.0
Sodium	621 B
Thallium	<1.7
Vanadium	<0.51
Zinc	<1.0

µg/l = micrograms per liter

B = Indicates analyte found in associated method blank.

D. Cyanide by USEPA SW-846 Method 9012

Sample ID	BCP EB 2
Date Sampled	4/3/2015
Units	mg/l
Cyanide	<0.0014

mg/l = milligrams per liter

E. PCBs by USEPA SW-846 Method 8082

Sample ID	BCP EB 2
Date Sampled	4/3/2015
Units	µg/l
Aroclor 1016	<0.11
Aroclor 1221	<0.11
Aroclor 1232	<0.12
Aroclor 1242	<0.12
Aroclor 1248	<0.083
Aroclor 1254	<0.11
Aroclor 1260	<0.13
Total Aroclor	ND

µg/l = micrograms per liter

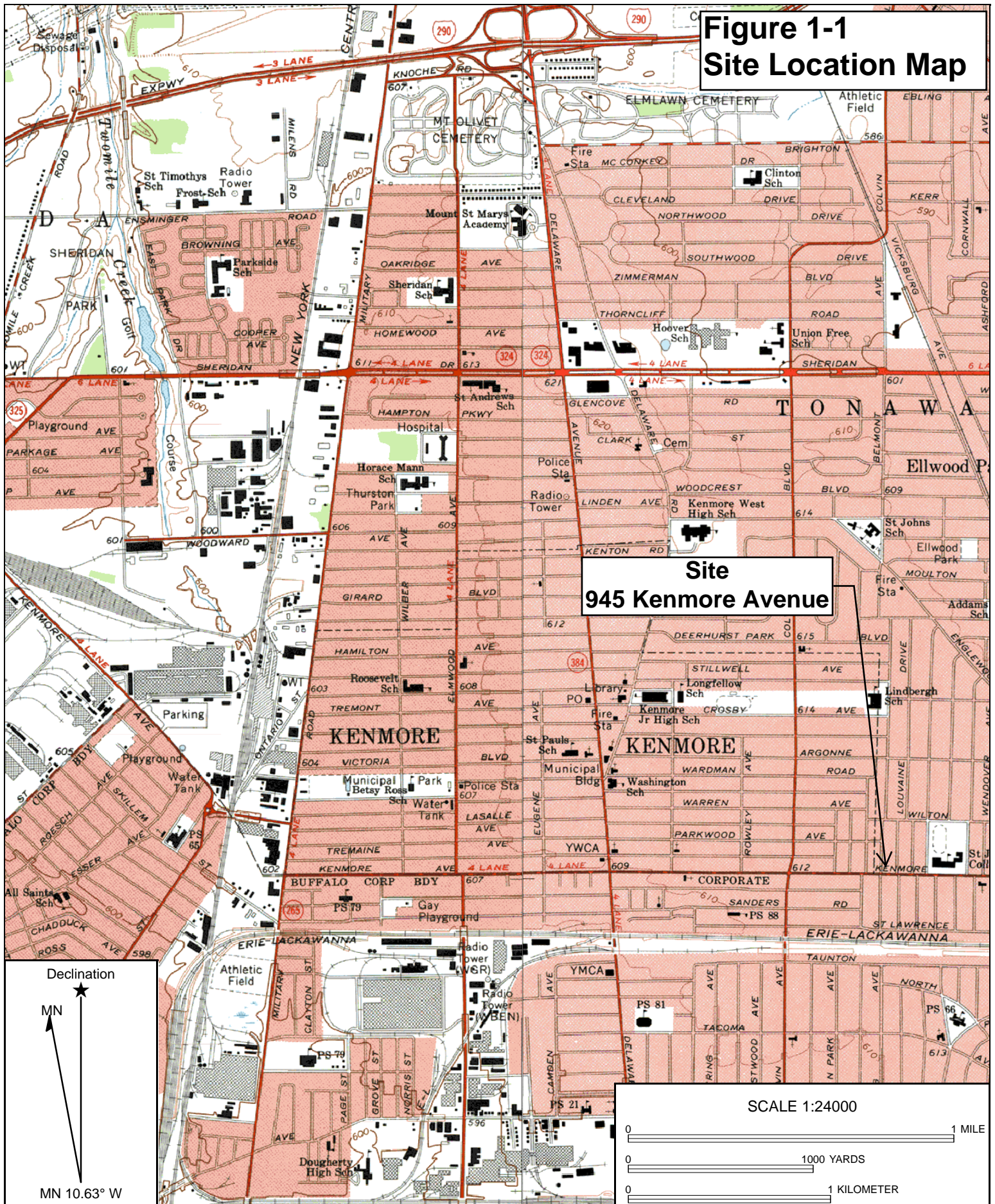
ND = Not Detected

TABLE 14 - ANTICIPATED INTERIM REMEDIAL MEASURE PROJECT SCHEDULE
945 KENMORE AVENUE
TONAWANDA, NEW YORK

ID	Task Name	April	May	June	July	August	September	October	November	December	January	February	March	April
1	Proposed Interim Remedial Measure Work Plan Submitted to the NYSDEC and NYSDOH for review	★												
2	NYSDEC and NYSDOH accept IRM WP. Waste characterization is completed. Building is demolished.				→									
3	Client's attorney submits draft Environmental Easement (June 1 deadline).		★											
4	IRM activities (excavation, sampling, backfilling, and surveying) are completed.				→									
5	LCS prepares draft Remedial Investigation/Final Engineering Report and draft Site Management Plan.				→									
6	LCS submits draft Site Management Plan.								★					
7	LCS submits proposed final Remedial Investigation/Final Engineering Report									★				
8	Client's attorney records final Environmental Easement							★						
9	LCS submits final Site Management Plan									★				
10	LCS submits executed copy of Remedial Investigation/Final Engineering Report										★			
11	Certificate of Completion is issued.											★		
		2014				2015				2016				

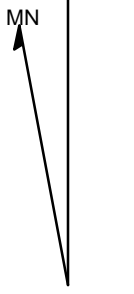
FIGURES

**Figure 1-1
Site Location Map**



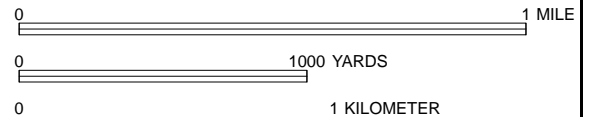
**Site
945 Kenmore Avenue**

Declination



MN 10.63° W

SCALE 1:24000



Name: BUFFALO NW (NY)

Location: 042° 58' 13.88" N 078° 52' 35.58" W

Scale: 1 inch = 2,000 ft.

Map Date: 1965



**Figure 1-2
Site Overview**



Legend

- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road
- Parcels
- Municipal Boundaries
- 2011_bdy

Area of 5,000-gallon gasoline UST reportedly removed in December 1994. No record of soil remediation.

Former area of stockpiled contaminated soil excavated in 1993 from tank nest.

Area of one 5,000-gallon gasoline UST and one 10,000-gallon gasoline UST reportedly removed in January 1993; and two 3,000-gallon gasoline USTs reportedly removed in 1980. No record of complete soil remediation.

Spill 1306828 - Reported September 1, 2013. Floating oil, heavy sheen, and pooled oil reported running off of concrete slab of former building. Spill is "active." Numerous suspected hydraulic lifts and fill ports noted during spill inspection.



Spill 1104845 - Reported July 28, 2011. Petroleum-impacted soils discovered during sewer work. "Very strong gasoline odors" reported from twenty feet east of intersection almost to eastern boundary of Site. One soil sample collected from stockpile - no petroleum hydrocarbons detected. Spill inactivated on December 26, 2012. Reported zone of impact shown in green.

Area of 4,000-gallon gasoline UST reportedly "to be filled with water" in 1980

Spill 8600802 - Reported May 1, 1986. Gasoline-impacted soil and sheen discovered in six-foot excavation around fire hydrant. Attributed to leak in discharge line of 10,000-gallon UST in tank nest. Discharge line was reportedly replaced and tank tested tight. Spill inactivated on March 19, 1987. No record of soil remediation in tank nest.

Spill 9211433 - Reported January 4, 1993. Petroleum-impacted soil discovered during removal of one 5,000-gallon UST and one 10,000-gallon UST in tank nest. Limited sampling indicated "high" levels of volatile organic compounds (VOCs) which "warranted remediation." NYSDEC contractor reportedly could not advance test borings with a geoprobe to assess contaminant levels due to type of backfill utilized. Therefore, one monitoring well on the southeastern portion of the tank nest was sampled for VOCs. VOCs were non-detected in groundwater sample collected in December 1996. Spill was closed on December 16, 1996. No record of complete soil remediation.

Spill 9515189 - Reported February 26, 1996. Discovery of petroleum-impacted soils during work on fire hydrant water main. One soil sample collected - gasoline and lube oil compounds identified above STARS guidance. Spill closed on February 26, 1996 and continued under Spill Number 921143.

- UNDERGROUND STORAGE TANKS**
- Permit: Install four tanks and four pumps (date unknown; likely before 1963 based on permit sequence)
 - Permit: Install one 5,000-gallon tank, two 3,000-gallon tanks, and 8 gasoline dispensers (date unknown; likely before 1963 based on permit sequence)
 - Permit: Replace one 4,000-gallon gasoline tank (dated July 21, 1975)
 - Permit: Remove two 3,000-gallon gasoline tanks, fill one 4,000-gallon gasoline tank with water, and install one 10,000-gallon gasoline tank (dated September 29, 1980)
 - Permit: Remove one 5,000-gallon gasoline tank and one 10,000-gallon gasoline tank (dated January 4, 1983)
 - PBS 9-600023: Indicates that one 5,000-gallon gasoline UST and one 10,000-gallon gasoline UST were closed/removed on January 1, 1993.

KEY

- 589.93 GROUNDWATER ELEVATION (FT.) ON MARCH 24, 2015
- PERMANENT MONITORING WELL (REMEDIAL INVESTIGATION)
- HISTORIC MONITORING WELL
- BOREHOLE (REMEDIAL INVESTIGATION)
- ▨ FORMER PUMP ISLAND LOCATION
- SUSPECTED LOCATION OF FORMER FIRE HYDRANT
- FILL PORT WITH UST
- IN-GROUND HYDRAULIC LIFT
- ▨ REPORTED ZONE OF IMPACT - SPILL 1104845

SITE UTILIZED AS A GASOLINE STATION FROM AT LEAST 1950 - 1986 AND AS AN AUTOMOTIVE REPAIR FACILITY FROM AT LEAST 1958 - 2010 (INCLUDED AUTO BODY REPAIR FROM AT LEAST 1994 - 2010)

**ALL LOCATIONS ARE APPROXIMATE
DRAWN-IN FEATURES ARE NOT TO SCALE**

Drawn by: MP
Checked by: JMR
Approximate Scale in Feet
LCS Project # 14B286.26

**FIGURE 1-3 - SITE PLAN
945 KENMORE AVENUE
TONAWANDA, NEW YORK**



Area of 5,000-gallon gasoline UST reportedly removed in December 1994. No record of soil remediation.

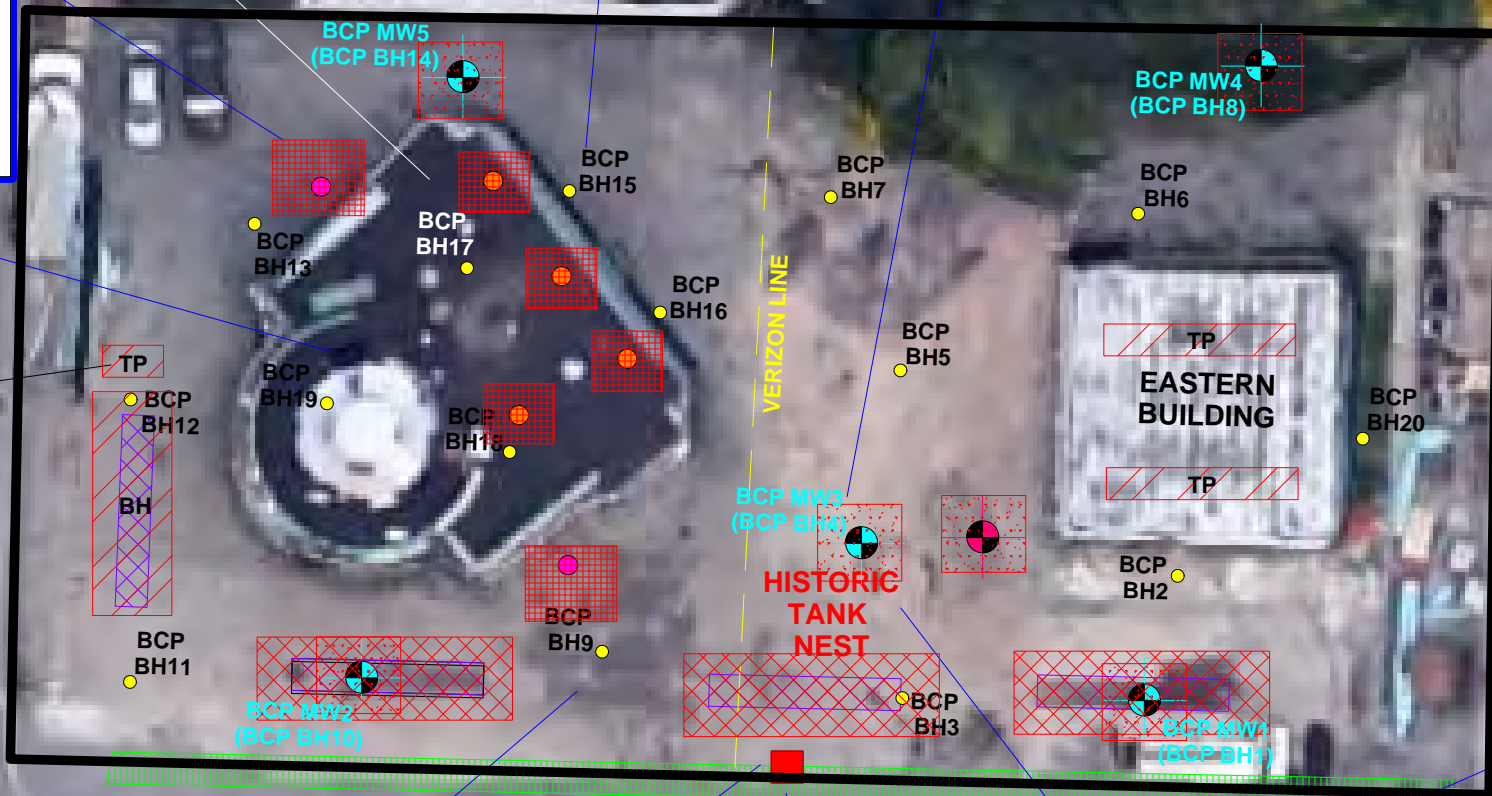
Former area of stockpiled contaminated soil excavated in 1993 from tank nest.

Area of one 5,000-gallon gasoline UST and one 10,000-gallon gasoline UST reportedly removed in January 1993; and two 3,000-gallon gasoline USTs reportedly removed in 1980. No record of complete soil remediation.

Spill 1306828 - Reported September 1, 2013. Floating oil, heavy sheen, and pooled oil reported running off of concrete slab of former building. Spill is "active." Numerous suspected hydraulic lifts and fill ports noted during spill inspection.

WESTERN BUILDING (DEMOLISHED IN 2012)

GEOPHYSICAL ANOMALY



APPROXIMATE SITE BOUNDARY

Spill 1104845 - Reported July 28, 2011. Petroleum-impacted soils discovered during sewer work. "Very strong gasoline odors" reported from twenty feet east of intersection almost to eastern boundary of Site. One soil sample collected from stockpile - no petroleum hydrocarbons detected. Spill inactivated on December 26, 2012. Reported zone of impact shown in green.

Area of 4,000-gallon gasoline UST reportedly "to be filled with water" in 1980

Spill 8600802 - Reported May 1, 1986. Gasoline-impacted soil and sheen discovered in six-foot excavation around fire hydrant. Attributed to leak in discharge line of 10,000-gallon UST in tank nest. Discharge line was reportedly replaced and tank tested tight. Spill inactivated on March 19, 1987. No record of soil remediation in tank nest.

Spill 9211433 - Reported January 4, 1993. Petroleum-impacted soil discovered during removal of one 5,000-gallon UST and one 10,000-gallon UST in tank nest. Limited sampling indicated "high" levels of volatile organic compounds (VOCs) which "warranted remediation." NYSDEC contractor reportedly could not advance test borings with a geoprobe to assess contaminant levels due to type of backfill utilized. Therefore, one monitoring well on the southeastern portion of the tank nest was sampled for VOCs. VOCs were non-detected in groundwater sample collected in December 1996. Spill was closed on December 16, 1996. No record of complete soil remediation.

Spill 9515189 - Reported February 26, 1996. Discovery of petroleum-impacted soils during work on fire hydrant water main. One soil sample collected - gasoline and lube oil compounds identified above STARS guidance. Spill closed on February 26, 1996 and continued under Spill Number 921143.

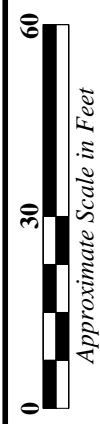
- UNDERGROUND STORAGE TANKS**
- Permit: Install four tanks and four pumps (date unknown; likely before 1963 based on permit sequence)
 - Permit: Install one 5,000-gallon tank, two 3,000-gallon tanks, and 8 gasoline dispensers (date unknown; likely before 1963 based on permit sequence)
 - Permit: Replace one 4,000-gallon gasoline tank (dated July 21, 1975)
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 - Permit: Remove one 5,000-gallon gasoline tank and one 10,000-gallon gasoline tank (dated January 4, 1983)
 - PBS 9-600023: Indicates that one 5,000-gallon gasoline UST and one 10,000-gallon gasoline UST were closed/removed on January 1, 1993.

- KEY TO PROPOSED IRM ACTIVITIES**
- SOIL EXCAVATION
 - TP TEST PITS / POSSIBLE SOIL EXCAVATION
 - BH BOREHOLES / POSSIBLE SOIL EXCAVATION
 - LIFT/TANK REMOVAL / POSSIBLE SOIL EXCAVATION
 - WELL ABANDONMENT

- KEY**
- PERMANENT MONITORING WELL (REMEDIAL INVESTIGATION)
 - HISTORIC MONITORING WELL
 - BOREHOLE (REMEDIAL INVESTIGATION)
 - FORMER PUMP ISLAND LOCATION
 - SUSPECTED LOCATION OF FORMER FIRE HYDRANT
 - FILL PORT WITH UST
 - IN-GROUND HYDRAULIC LIFT
 - REPORTED ZONE OF IMPACT - SPILL 1104845
- SITE UTILIZED AS A GASOLINE STATION FROM AT LEAST 1950 - 1986 AND AS AN AUTOMOTIVE REPAIR FACILITY FROM AT LEAST 1958 - 2010 (INCLUDED AUTO BODY REPAIR FROM AT LEAST 1994 - 2010)
- ALL LOCATIONS ARE APPROXIMATE
DRAWN-IN FEATURES ARE NOT TO SCALE

Drawn by: MP

Checked by: JMR



LCS Project # 14B286.26

FIGURE 2-1 - PROPOSED IRM
945 KENMORE AVENUE
TONAWANDA, NEW YORK



APPENDICES

APPENDIX A

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Commercial Property
945 Kenmore Avenue
Tonawanda, New York

Prepared For:
Northwest Savings Bank
3150 Sheridan Drive
Amherst, New York 14226

Prepared By:
Hazard Evaluations, Inc.
3752 North Buffalo Road
Orchard Park, New York 14127
(716) 667-3130

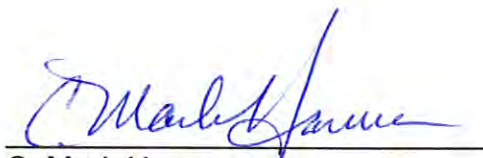
August 2010

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Commercial Property
945 Kenmore Avenue
Tonawanda, New York

Prepared For:
Northwest Savings Bank
3150 Sheridan Drive
Amherst, New York 14226

Prepared By:
Hazard Evaluations, Inc.
3752 North Buffalo Road
Orchard Park, New York 14127
(716) 667-3130



C. Mark Hanna
President

August 2010

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6.0 REGULATORY INFORMATION	10
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8.0 FINDINGS AND CONCLUSIONS	14

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- A. Figures
- B. Owner/Occupant Questionnaires
- C. Site Photographs
- D. Regulatory Databases
- E. Freedom of Information Letters
- F. Objectives & Limitations
- G. Professional Qualifications
- H. List of References

PHASE I ENVIRONMENTAL SITE ASSESSMENT

**Commercial Property
945 Kenmore Avenue
Tonawanda, New York**

EXECUTIVE SUMMARY

In accordance with a signed agreement, dated July 1, 2010, Hazard Evaluations, Inc. (HEI) completed a Phase I Environmental Site Assessment (ESA) of the subject site for Northwest Savings Bank. The scope of services, objectives, extent and limitations of the services and this report are described in more detail in the text and appendices of this report.

The subject site consists of approximately 0.552 acres of land located at 945 Kenmore Avenue in the Town of Tonawanda, Erie County, New York. This site is located on the northwest corner of the intersection of Kenmore Avenue and Fairmont Avenue. The subject site is currently developed two structures, including a service garage and a storage building. Both of these buildings are currently vacant.

A summary of most probable site history indicates that the subject site is located in a commercial/residential area of the Town of Tonawanda and appears to have consisted of vacant land until it was developed with the current on-site buildings in approximately 1947. After 1947, the subject site was utilized as a filling station, an automotive repair facility and a body shop until at least 1998, after which the subject site became vacant.

HEI has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM practice E 1527-00 of the subject site located at 945 Kenmore Avenue, Town of Tonawanda, Erie County, New York. Any exceptions to or deletions from this practice are described in Appendix F (Objectives and Limitations) of this report. This assessment has revealed evidence of recognized environmental conditions in connection with the subject site, described as follows:

- o According to historic records, the subject site has been utilized as a filling station/auto repair facility since at least 1950. Operations associated with this facility apparently included the routine use, storage and handling of various regulated substances including paints, thinners, solvents and petroleum products (i.e., gasoline, motor oil, anti-freeze, lubricants, hydraulic fluid, etc.). Underground Storage Tank (UST) installation documents dating back to 1975 were obtained from the Town of Tonawanda Building Department records; however, no tank history prior to 1975 was able to be obtained. According to a review of NYSDEC records, three spills related to the presence of these USTs reportedly occurred on the subject site. Clean-up operations occurred on the subject site beginning in approximately 1993 and each of the related spills has been classified as closed since 1996. In this context, concern exists with

respect to the potential for past releases of these substances to the environment related to their use, storage, and/or disposal, irrespective of the UST releases having been classified as closed by the NYSDEC. The primary areas of concern include in the historical vicinities of the USTs, beneath the floors of the service areas of the buildings and within the locations of in-floor lifts, existing drains and other floor openings, and along the rear exterior walls of the structures where the past storage of regulated substances and/or waste materials may have previously occurred.

- o One above ground storage tank was noted within the auto repair area of the subject building. This tank appeared to be in good condition and no releases were observed; however, the contents of this AST, if any, were not able to be determined at the time of site inspection. No releases related to this AST were observed; however, the tank was not provided with secondary containment, which is required to ensure spilled petroleum cannot reach the municipal sewer system via the floor drains that are in use. This condition does likely represent a violation of the NYSDEC's petroleum Spill Prevention, Control and Countermeasure regulations.

In this context, HEI does recommend that a Phase II Environmental Site Assessment be completed on the subject site to determine if any impact exists from these current and/or historical sources of petroleum contamination.

HEI also notes the following de minimis conditions which, although not rising to the level of recognized environmental conditions, present limited liability and should be considered by the Client:

- o Several unlabeled 55-gallon drums likely containing waste oils and auto repair fluids were noted on-site. The majority of these drums appeared to be in good condition; however, the presence of granular absorbent and relatively heavy staining in the vicinity of a drum located within the southeastern portion of Building #1 indicates the potential that past releases related to these drums have occurred. The contents of these drums should be determined and they should be disposed of appropriately in accordance with applicable NYSDEC regulations.
- o Floor drains were noted throughout the auto repair areas of both buildings #1 and #2. While no actual releases were noted at the time of site inspection, their proximity to on-site auto repair areas indicates the potential that accidental releases of hazardous materials have occurred on-site. Additionally, minor areas of staining were noted throughout the auto repair areas of each of the subject buildings. A related limited concern relates to the potential presence of an oil/water separator on-site facility through which floor drains generally discharge to the municipal sewer system; however, such a device was not identified during the site inspection. Such devices can represent a potential source of petroleum releases to the environment if not properly maintained.

Finally, HEI notes the following non-scope considerations which, although addressed as additional issues under the ASTM Standard, present limited liability and should be considered by the Client:

- o Based on field observations, HEI identified copper piping throughout the on-site water supply system, which would present a potential for Lead in the potable water due to solder at the pipe joints. This may be managed through allowing the tap to flow prior to consumption to flush out any Lead that may have accumulated in the standing water.
- o Based the age of the on-site buildings, the possibility exists that limited amounts of asbestos containing materials may exist within these structures including, but not limited to, window glazing and roofing materials. HEI recommends that a detailed asbestos survey be completed if renovations to the facility are planned.
- o Based the age of the on-site building, the possibility exists that Lead paint was used in its original construction. Although no suspect lead paint was observed during the site reconnaissance, HEI recommends that a detailed Lead survey be completed if renovations to the facility are planned.

HAZARD EVALUATIONS, INC.
PHASE I ENVIRONMENTAL SITE ASSESSMENT SUMMARY

SUBJECT SITE	CLIENT
Commercial Property 945 Kenmore Ave, Kenmore, New York HEI Reference #: 0963	Northwest Savings Bank 3150 Sheridan Drive Amherst, New York

	LEVEL OF LIABILITY AND/OR CONCERN			CONCLUSIONS	Reference Report Section(s):	ADDITIONAL COMMENTS
	High	Mod.	Low			
ASTM E-1527-00 Issues						
Hazardous Substance Usage/Storage			X			
Petroleum Products Usage/Storage		X				
Storage Tanks		X				
Drums & Containers			X			
PCB Usage				X		
Stains, Corrosion, Strained Vegetation		X				
Fill/Solid Waste Disposal				X		
Wastewater				X		
Wells				X		
Sewage Disposal Systems				X		
Drains & Sumps			X			
Pits, Ponds & Lagoons				X		
Pools of Liquids				X		
Odors				X		

	LEVEL OF LIABILITY AND/OR CONCERN			CONCLUSIONS	Reference Report Section(s):	ADDITIONAL COMMENTS
	High	Mod.	Low			
Additional (non-scope) Issues						
Asbestos-Containing Materials			X			
Radon			X			
Lead-based Paint			X			
Lead in Drinking Water				X		
Wetlands				X		
Potential Impact from Off-Site Facility(ies)				X		
Other:						
Other:						
Other:						

**Commercial Property
945 Kenmore Avenue
Tonawanda, New York**

1.0 INTRODUCTION

In accordance with the executed agreement, dated July 1, 2010, Hazard Evaluations, Inc. (HEI) completed a Phase I Environmental Site Assessment (ESA) of the above-referenced property (hereinafter "subject site") for Northwest Savings Bank (hereinafter "Client"). This ESA includes figures in Appendix A, site inspection photographs in Appendix B, regulatory databases in Appendix C, freedom of information letters and local government inquiries in Appendix D, report objectives and limitations in Appendix E, professional qualifications in Appendix F and references in Appendix G.

This report is an instrument of service of HEI and reflects the use of limited research, a review of specified and reasonably ascertainable listings, and a site reconnaissance upon which to base the identification of "recognized environmental conditions" in conformance with the American Society for Testing and Materials (ASTM) Standard E1527-00. However, this ESA may also reflect additional or reduced service enhancements requested or authorized by the Client. "Recognized environmental conditions" are defined under the ASTM standard as "the presence or likely presence of any hazardous substances or petroleum products on a site under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property." This ESA was completed by HEI in accordance with generally accepted practices of the profession undertaken in similar studies within the same time frame and geographic area, and HEI observed that degree of care and skill generally exercised by the profession under similar circumstances and conditions.

This ESA and report have been prepared on behalf of, and for the exclusive use of, HEI's Client solely for its reliance in the environmental assessment of this site. The Client is the only party to which HEI has explained the risks involved and which has been involved in shaping of the scope of services needed to satisfactorily manage those risks, if any, from HEI's Client's point of view. Accordingly, reliance on this report by any other party may involve assumptions whose extent and nature lead to a distorted meaning and impact of the findings and opinions related herein. HEI's findings and opinions related in this report may not be relied upon by any party except HEI's Client.

2.0 SUBJECT SITE DESCRIPTION

2.1 Location and Current Use

The subject site consists of approximately 0.552 acres of land located at 945 Kenmore Avenue in the Town of Tonawanda, Erie County, New York (Refer to Figure 1 presented in Appendix A). This site is located on the northwest corner of the intersection of Kenmore Avenue and Fairmont Avenue. According to records at the Town of Tonawanda Assessors Office¹, the subject site is identified with SBL # 78.34-3-15.1, and is currently owned by Ken Hy Auto Inc. Site boundaries and significant site features are illustrated in Figure 2. The subject site is currently developed two structures, including a service garage and a storage building. Both of these buildings are currently vacant.

2.2 Site and Area Features

The subject site is improved with the following structures:

Building No./Type/Use(s):	No. 1; Commercial Building; auto service garage with a small office area.
Year Built:	1947
Location:	Western portion of the subject site.
Size:	1,995 [±] square feet
Construction:	Single story service building with small office and retail area; slab-on-grade concrete floors and concrete block construction.
Heat Source(s):	Natural gas-fired HVAC system.
Notable Interior Features:	<ul style="list-style-type: none">-The western interior portion of the subject building consists of a small, semi-circular vacant space that was previously utilized as a retail and office area.-Building contains one large above floor and two small in-floor lifts within the service areas of this structure.-Floor drains and a parts washer were noted within the auto shop area of this structure.-Four garage doors were noted on this structure, including three on the southern exterior wall and one on the northern wall.
Building No./Type/Use(s):	No. 2; Commercial Building; auto service and storage.
Year Built:	1949
Location:	Eastern portion of the subject site.
Size:	1,702 [±] square feet
Construction:	Single story service and storage structure; slab-on-grade concrete floors and concrete block construction.
Heat Source(s):	Natural gas-fired HVAC system.
Notable Interior Features:	<ul style="list-style-type: none">-The majority of the subject building consists of three service bays.

- One above floor lift/alignment rack (appears to be mechanical) was noted within the northern service bay.
- Floor drains were noted within the on-site repair bays, as well as within the area of the above ground lift.

- Additional Site Features:**
- An AST of unknown size was noted on the eastern exterior wall of Building #1. No secondary containment was noted within the area of this AST.
 - The majority of the subject site not currently developed consists almost exclusively of paved parking areas.
 - Obvious areas of past disturbance were noted throughout the paved parking areas on-site.

2.3 Adjoining and Near-by Properties

The properties surrounding the subject site are currently developed as follows:

- North - Private residences.
- South - Mixed commercial, including storefronts and restaurants.
- East - Law offices.
- West - Orthodontist offices.

2.4 Topography and Surface Water Drainage

The USGS 7.5 minute Topographic Quadrangle Map of Buffalo, NE, New York² indicates that the subject site's ground surface is generally level. The general direction of on-site surface water drainage appears to be toward storm drains located within Kenmore Avenue. These drains are reportedly connected to the Town of Tonawanda sewer system. The nearest natural body of water is the Niagara River which is located approximately 0.72 miles west of the subject site. During the site walkover, no surface water bodies were observed. The surface elevation for the subject site is approximately 610 feet above mean sea level.

2.5 Utilities

Based on conversations with the site contact and representatives from the Town of Tonawanda Assessor's Office¹ as well as field observations, it appears that the subject site is serviced with utilities as follows: 1) Municipal drinking water and sewer by the Town of Tonawanda; 2) Natural gas by National Fuel; and 3) Electricity by National Grid. All utilities appear to be underground with the exception of electric. No electrical transformers were noted on the subject site.

3.0 HYDROGEOLOGIC CONDITIONS

3.1 Soil Conditions

According to the Custom Soil Resource Report³, the soil beneath the subject site is classified as Urban land – Cayuga complex (Ug). Urban land – Cayuga complex is considered to be moderately well drained and consists of clayey glaciolacustrine deposits over loamy till derived from limestone, dolomite, sandstone, or shale.

Based on a review of the New York Hydric Soils List⁴ and the Erie County Soils with Potential Hydric Inclusions List⁵, the soils on site are not considered hydric (wetland), and do not have potential hydric inclusions. Based on these conditions, it is likely that the US Army Corps of Engineers will not require a wetlands delineation study if further development is considered. A review of the available wetlands maps for this area⁶ indicates that the subject site is not located on or directly adjacent to a state or federal wetland and is not located within a 100-year flood zone.

3.2 Site Geology

According to the information obtained and reviewed by HEI⁷, the bedrock in the area of the subject site consists of the Camillus, Syracuse and Vernon Formations which are parts of the Akron Dolostone and Salina groups. Rocks in these formations consist primarily of shale and dolostone. Bedrock outcrops were not observed on the subject site.

3.3 Regional Groundwater Conditions

Based on a review of the site topographic conditions as depicted on the USGS 7.5 minute Topographic Quadrangle Map of Buffalo, NE, New York², it appears that groundwater within the vicinity of the subject site flows in a westerly direction toward the Niagara River. HEI has assumed that the groundwater table typically conforms to surface and bedrock topography.

4.0 HISTORICAL INFORMATION

4.1 Review of Aerial Photographs

Aerial photographs were reviewed by HEI on-line at www.historicaerials.com. It should be noted that HEI reviewed aerial photographs from 1958, 1959, 1966, 2002, and 2006⁸. The results of the aerial photograph review are summarized below. HEI's evaluation of aerial photographs was limited by photographic scale and quality.

1958	The subject site appears to be developed with the same two structures that it is currently developed with today. Surrounding properties appear to consist primarily of commercial structures to the east, south and west of the subject site and residences to the north.
1959	Same
1966	Same
2002	The subject site and surrounding areas appear to be developed similarly as they are today.
2006	Same

4.2 Municipal Directories

Polk Directories for the City of Buffalo were reviewed by HEI at the Buffalo and Erie County Public Library⁹. The directory listings for the subject site are summarized below.

Address	Year	Use/Occupant
945 Kenmore Ave.	1935-1945	No listings.
	1950-1965	Filling Station.
	1970-1980	Eastern Tire Co. Inc.
	1985-1990	Ken-Hy Tire Co. gas and auto repair.
	1998	Gieb's collision, paint and body repair and Ken-Hy auto repair.
	2001	No listings.

4.3 Historical Maps

HEI reviewed the Erie County Public Library On-line Resources - Digital Fire Insurance Maps, and found that fire insurance maps (Sanborn Maps) for the subject area were not available.

4.4 Site History Interviews

Interviews with persons familiar with the site are generally completed as needed to obtain information pertinent to the environmental evaluation of the site. With regard to the subject site, HEI was not able to obtain either an interview from anyone representing the owner of the property. Also, although an owner's questionnaire was submitted to the realty firm representing site, HEI has been unable to obtain a completed questionnaire after several attempts.

4.5 Site And Area Descriptive Chain-Of-Use

A copy of the Abstract of Title was not supplied to HEI for review. The subject site is located in the Town of Tonawanda at 945 Kenmore Avenue. According to records at the Town of Tonawanda Assessors Office¹, ownership of the subject site is currently registered to Ken Hy Auto Inc.

A summary of most probable site history indicates that the subject site is located in a commercial/residential area of the Town of Tonawanda and appears to have consisted of vacant land until it was developed with the current on-site buildings in approximately 1947. After 1947, the subject site was utilized as a filling station, an automotive repair facility and a body shop until at least 1998, after which the subject site became vacant.

5.0 SITE RECONNAISSANCE

5.1 Description Of Site Processes

A site reconnaissance was completed on July 27, 2010 by Joshua Kraft of HEI. The reconnaissance consisted of a walking observation of the on-site building and grounds of the property. Mark Campagnella, potential purchaser of the subject site, was present during the site inspection. Photographs taken of the subject site during the site reconnaissance are presented in Appendix C.

The subject site is currently developed with two commercial structures which were historically utilized for auto repair and filling station operations from at least 1948 until approximately 1998. Both of these structures remain on-site; however they are currently unoccupied.

5.2 Hazardous Substances Usage/Storage

Hazardous substances observed during the site reconnaissance included mainly auto repair fluids, lubricants, paints, solvents used for parts washing and household cleaning supplies. These substances were generally stored within containers of 5-gallons or less; however, unlabeled 55-gallon drums, some of which were not empty, were also noted on-site. Areas of staining and minor releases were noted within the area of a stored drum located within Building #1, as well as within the vicinity of lifts within this building. Additional staining was noted in the area of a compressor located within the alignment rack room in Building #2.

5.3 Petroleum Products Usage/Storage

Several small containers of oils and lubricants used for automotive maintenance and repair were noted stored throughout each of the subject structures. An above ground storage tank, possibly used for the storage of petroleum products, was also noted on the eastern exterior wall of Building #1. Additionally, two small in-floor lifts were identified within the eastern auto repair area of Building #1. These lifts appeared to be hydraulic lifts.

5.4 Underground And Above Ground Storage Tanks

No evidence of underground storage tanks was observed during the site reconnaissance; however, historical information has indicated that several USTs have been located on the subject site, many of which have reportedly been removed from the subject site. One AST was also noted on the eastern exterior wall of Building #1. No secondary containment was noted in the area of this AST; however, it appeared to be in relatively good condition, with no current releases identified.

5.5 Drums And Containers

Several unlabeled drums were noted throughout the subject site, most of which were noted within the on-site structures; however, two were also noted on the southern exterior of Building #1. One drum, located within the eastern repair area of Building #1, was noted to be surrounded with a granular absorbent as well as what appeared to be oily staining. All other drums appeared to be in fairly good condition.

5.6 PCBs Usage

During the site reconnaissance, no PCBs containing materials were observed on-site.

5.7 Stains, Corrosion, Strained Vegetation

During the site reconnaissance, areas containing significant petroleum-type staining were noted throughout the subject site. Such areas included the vicinity of lifts located within Building #1, near unlabeled 55-gallon drums of a petroleum-type product (granular absorbent also noted in this area indicating a release), as well as near a compressor located within Building #2 in the mechanical lift/alignment rack room. In addition to these areas, staining and slight petroleum odor were noted in the immediate vicinity of an approximately 5" metal lid, possibly to a fill port, that was located within the parking lot of the subject site, just north of Building #1.

5.8 Fill/Solid Waste Disposal

While no operations responsible for the production of waste are currently located on-site, several cans used for the storage of such wastes were identified within each of the subject buildings. Several waste tires were also noted within the eastern auto repair area of Building #1, as well as adjacent to the southern exterior wall of Building #1. No evidence of waste dumping or prior fill activity was observed.

5.9 Wastewater

No process wastewater discharges were observed at the subject site during the site reconnaissance; however, it should be noted that floor drains were noted within the auto repair areas on-site.

5.10 Wells

No water supply wells or groundwater monitoring wells were noted on the subject site.

5.11 Sewage Disposal Systems

According to the current site occupant, the subject site is presently serviced by the Town of Tonawanda sanitary sewer system.

5.12 Drains and Sumps

Floor drains were noted throughout each of the subject buildings within the auto repair/maintenance areas, including areas by above ground and in-floor lifts in Building #1, as well as the general vicinity of the alignment rack and compressor located within Building #2.

5.13 Pits, Ponds And Lagoons

No pits, ponds or lagoons were noted on the subject site.

5.14 Asbestos

A cursory asbestos survey was completed at the time of the site reconnaissance. No asbestos containing materials were observed at the time of site inspection; however, due to the age of the subject buildings (built 1947 and 1949), the potential for the subject building to contain asbestos containing materials does exist.

5.15 Lead Paint

Due to the age of the building (built before 1978), it is possible that Lead paint was used in its original construction; however, no suspect lead paint was observed during the site reconnaissance.

5.16 Lead In Drinking Water

During the site reconnaissance, copper piping was observed throughout the on-site water supply system. Due to the presence of the copper piping, which would include solder at the pipe joints, a limited potential for Lead in the drinking water exists.

5.17 Radon

During the site reconnaissance, it was observed that the on-site building has a slab-on-grade floor. With this type of construction, the potential for Radon gas to be present in the breathing space within the building is of concern. According to basement readings obtained from FirstSearch Technology Corporation⁹, the Town of Tonawanda study area has an average Radon concentration of 1.0 picocuries/liter. This level is well below the USEPA action level of 4.0 picocuries/liter; however, this level is based on a limited number of measurements of basement dwellings in the Town of Tonawanda and may or may not reflect the actual condition at the site.

6.0 REGULATORY INFORMATION

6.1 Background

The purpose of the regulatory review is to obtain and review reasonably ascertainable records that will help identify recognized environmental conditions regarding the subject site. For this review, records were obtained from FirstSearch Technology Corporation¹⁰ (see Regulatory Databases, Appendix D). As noted under ASTM, information requested and not received within 20 days after the report date will not be incorporated into this report. The approximate minimum search distance (MSD) for the site vicinity review is noted under each database listed below. A summary of the database information for the subject site vicinity is presented below.

6.2 NPL Sites

The National Priority List (i.e., Superfund List) is the United States Environmental Protection Agency's (USEPA) listing of uncontrolled or abandoned hazardous waste sites. **No NPL sites were identified within a one mile radius of the subject site.**

6.3 CERCLIS Sites

The Comprehensive Environment Response, Compensation and Liability Information System (CERCLIS) Database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation by the USEPA for the release, or threatened release, of hazardous substances. **No CERCLIS sites were identified within the one-half mile search radius of the subject site.**

6.4 RCRA CORRACTS Treatment, Storage and Disposal (TSD) Facilities

The CORRACTS Database is the USEPA's listing of facilities which treat, store or dispose of hazardous wastes and have conducted, or are currently conducting a corrective action. Corrective actions may be required either when there is a release of a hazardous waste or as a prerequisite for facilities interested in receiving or maintaining a TSD permit. **No RCRA CORRACTS facilities were identified within the one-half mile search radius of the subject site.**

6.5 RCRA non-CORRACTS TSD Facilities

The USEPA's Resource Conservation and Recovery Act (RCRA) program identifies facilities which treat, store or dispose of hazardous wastes and have not conducted any corrective actions. **No RCRA non-CORRACTS TSD facilities were identified within a half-mile search radius of the subject site.**

6.6 RCRA Generators

Facilities listed in the RCRA database are designated as small and large quantity hazardous waste generators, depending on their monthly waste generation rate. **One RCRA Hazardous Waste Generator was identified within a one-quarter mile radius of the subject site.** This RCRA generator is identified as Buffalo Testing Labs, 902 Kenmore Avenue, 0.9 miles to the southeast. This facility does not present a readily-apparent environmental threat to the subject site.

6.7 ERNS List

The Emergency Response Notification System (ERNS) is a national computer database system which is used to store information concerning accidental releases of hazardous substances (including petroleum products) into the environment. The database contains information from spill reports made to federal agencies, including the USEPA, the US Coast Guard, the National Response Center and the Department of Transportation. **No ERNS sites were identified within the one-quarter mile search radius of the subject site.**

6.8 State Hazardous Waste Sites

The New York Inactive Hazardous Waste Disposal Site List (HWS) contains information concerning sites which are listed by the NYSDEC. **No inactive hazardous waste disposal sites were identified within the one mile search radius of the subject site.**

6.9 State Solid Waste Facilities/Landfills

The New York Solid Waste Facility Registry (SWF) is a listing of all active and inactive permitted solid waste landfills and processing facilities within the state. **No inactive solid waste landfills were identified within the one-half mile search radius of the subject site.**

6.10 State Registered Bulk Storage Tank Sites

The New York Underground/Above-ground Storage Tank Database is part of the NYSDEC Petroleum Bulk Storage Program and includes both underground and above-ground tanks. The statewide database contains information concerning Petroleum Bulk storage tanks; Hazardous Substance Bulk storage tanks; and Major Petroleum storage facilities. **The subject site is identified as a registered UST facility (PBS9-600023) with two tanks identified.** Tank #1 (ID# 169973) is identified as a 10,000-gallon gasoline tank and Tank #2 (ID# 169974) is identified as a 5,000-gallon gasoline tank, both of which have been classified as closed/removed since January 1, 1993.

6.11 Petroleum/Hazardous Materials Spill Sites

The NYSDEC maintains a database which lists all reported petroleum and/or hazardous materials spill sites. **Eight spills were identified within a one-quarter mile search radius of the subject site. Three of these eight spills occurred directly on the subject site.** The first spill (ID# 8600802) was reported on 5/1/1986 as a tank failure and subsequent gasoline spill. Tanks were removed, at which point a leak was discovered. The excavation was backfilled and the case was closed on 3/19/1987. The second spill (ID 9211433) was reported on 1/1/1993 when contaminated soil was discovered during a UST removal. It was reported that contamination appeared to visually affect most of the property. There was a lengthy cleanup process which resulted in the closing of the spill on 12/16/1996. The final spill (ID 9515189) was reported on 2/26/1996, when town employees found a gasoline odor while digging a sewer line. The decision was made to handle this spill through the on-going open spill (ID 9211433), and the case was closed on 2/26/1996. **Five**

other spills were identified within a one-quarter mile search radius of the subject site. Based on a review of the corresponding site details presented in Appendix D, none of the other nearby spills identified currently appear to present a readily-apparent environmental threat to the subject site.

6.12 Leaking Underground Storage Tank Sites

The NYSDEC database for Leaking Underground Storage Tanks (LUST) was reviewed. The subject site is the location identified for two of the LUSTs. In both cases, the LUSTs were handled in conjunction with Spill IDs that were identified above in Section 6.11. The two Spill IDs associated with the LUSTs are ID 8600802 and ID 9515189. **Three other LUST sites were identified within a one-half mile search radius of the subject site.** Based on a review of the corresponding site details presented in Appendix D, none of these additional LUST sites currently appear to present a readily-apparent environmental threat to the subject site.

6.13 No Further Remedial Action Planned Sites

The No Further Remedial Action Planned Report (NFRAP) contains information pertaining to sites which have been removed from the USEPA's CERCLIS database. **No NFRAP sites were identified within the one-half mile search radius of the subject site.**

6.14 Non-Geocoded Sites

Non-Geocoded sites are sites/facilities with recognized environmental conditions that are located within general vicinity of the subject property but cannot be mapped due to inaccurate or unavailable site location information. **A total of nineteen Non-Geocoded sites were identified within the general area.** None of these sites currently appear to present a readily-apparent environmental threat to the subject site.

7.0 INTERVIEWS AND INFORMATION REQUESTS

7.1 Owners/Operators

With regard to the subject site, HEI was not able to obtain either an interview from anyone representing the owner of the property. Also, although an owner's questionnaire was submitted to the realty firm representing site, HEI has been unable to obtain a completed questionnaire after several attempts.

7.2 Federal And State Agencies

HEI forwarded written inquiries to the USEPA and the NYSDEC regarding the subject site. The purpose of these inquiries was to obtain information with regard to the presence of hazardous materials, underground bulk storage tanks, known environmental releases, prior environmental studies and the past asbestos remediation work, if any, at or near the subject site. HEI received a response from the NYSDEC indicating that no records were found for the subject site. If any additional information is subsequently received, it will be forwarded with modifications to our conclusions, if warranted. Copies of the written inquiries and the data received to date are presented in Appendix E.

7.3 Local Agencies

HEI forwarded written inquiries to the Erie County Departments of Health and Emergency Services regarding the subject site. The purpose of these inquiries was to obtain information with regard to the presence of hazardous materials, underground bulk storage tanks, known environmental releases, prior environmental studies and the past asbestos remediation work, if any, at or near the subject site. As of this writing, HEI has not received a response from either of these local agencies. If any additional information is subsequently received, it will be forwarded with modifications to our conclusions, if warranted. Copies of the written inquiries and the data received to date are presented in Appendix E.

HEI contacted the Town of Tonawanda Assessor's Office and Building Departments¹ regarding historical activities at the subject site (see Local Government Inquiries, Appendix E). Information collected from the Assessor's Office indicates the subject site is located in the Town of Tonawanda, is identified with SBL # 78.34-3-15.1, and is currently owned by Ken Hy Auto Inc. Based on a review of Building Department records, the subject buildings were constructed between 1947 and 1949. In addition, permits were identified which indicated the installation and removal of several Underground Storage Tanks (USTs) on the subject site. One permit dated July 21, 1975 notes the replacement of a 4,000-gallon gasoline tank. A permit dated September 29, 1980 identifies the removal of two 3,000-gallon gasoline USTs, the filling of one 4,000-gallon gasoline UST with water and the installation of one 10,000-gallon UST. A final permit dated January 4, 1993 indicates the removal of two USTs, one 5,000-gallon and one 10,000-gallon. No additional permits of concern have been issued to the subject site. The site is developed with two structures including one 1,995 square foot auto service/office structure and one 1,702 square foot auto service/storage structure. These structures are currently supplied with all utilities, including municipal sewer and water, natural gas and electric.

8.0 FINDINGS AND CONCLUSIONS

HEI has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM practice E 1527-00 of the subject site located at 945 Kenmore Avenue, Town of Tonawanda, Erie County, New York. Any exceptions to or deletions from this practice are described in Appendix F (Objectives and Limitations) of this report. This assessment has revealed evidence of recognized environmental conditions in connection with the subject site, described as follows:

- o According to historic records, the subject site has been utilized as a filling station/auto repair facility since at least 1950. Operations associated with this facility apparently included the routine use, storage and handling of various regulated substances including paints, thinners, solvents and petroleum products (i.e., gasoline, motor oil, anti-freeze, lubricants, hydraulic fluid, etc.). Underground Storage Tank (UST) installation documents dating back to 1975 were obtained from the Town of Tonawanda Building Department records; however, no tank history prior to 1975 was able to be obtained. According to a review of NYSDEC records, three spills related to the presence of these USTs reportedly occurred on the subject site. Clean-up operations occurred on the subject site beginning in approximately 1993 and each of the related spills has been classified as closed since 1996. In this context, concern exists with respect to the potential for past releases of these substances to the environment related to their use, storage, and/or disposal, irrespective of the UST releases having been classified as closed by the NYSDEC. The primary areas of concern include in the historical vicinities of the USTs, beneath the floors of the service areas of the buildings and within the locations of in-floor lifts, existing drains and other floor openings, and along the rear exterior walls of the structures where the past storage of regulated substances and/or waste materials may have previously occurred.
- o One above ground storage tank was noted within the auto repair area of the subject building. This tank appeared to be in good condition and no releases were observed; however, the contents of this AST, if any, were not able to be determined at the time of site inspection. No releases related to this AST were observed; however, the tank was not provided with secondary containment, which is required to ensure spilled petroleum cannot reach the municipal sewer system via the floor drains that are in use. This condition does likely represent a violation of the NYSDEC's petroleum Spill Prevention, Control and Countermeasure regulations.

In this context, HEI does recommend that a Phase II Environmental Site Assessment be completed on the subject site to determine if any impact exists from these current and/or historical sources of petroleum contamination.

HEI also notes the following de minimis conditions which, although not rising to the level of recognized environmental conditions, present limited liability and should be considered by the Client:

- o Several unlabeled 55-gallon drums likely containing waste oils and auto repair fluids were noted on-site. The majority of these drums appeared to be in good condition; however, the presence of granular absorbent and relatively heavy staining in the vicinity of a drum located within the southeastern portion of Building #1 indicates the potential that past releases related to these drums have occurred. The contents of these drums should be determined and they should be disposed of appropriately in accordance with applicable NYSDEC regulations.
- o Floor drains were noted throughout the auto repair areas of both buildings #1 and #2. While no actual releases were noted at the time of site inspection, their proximity to on-site auto repair areas indicates the potential that accidental releases of hazardous materials have occurred on-site. Additionally, minor areas of staining were noted throughout the auto repair areas of each of the subject buildings. A related limited concern relates to the potential presence of an oil/water separator on-site facility through which floor drains generally discharge to the municipal sewer system; however, such a device was not identified during the site inspection. Such devices can represent a potential source of petroleum releases to the environment if not properly maintained.

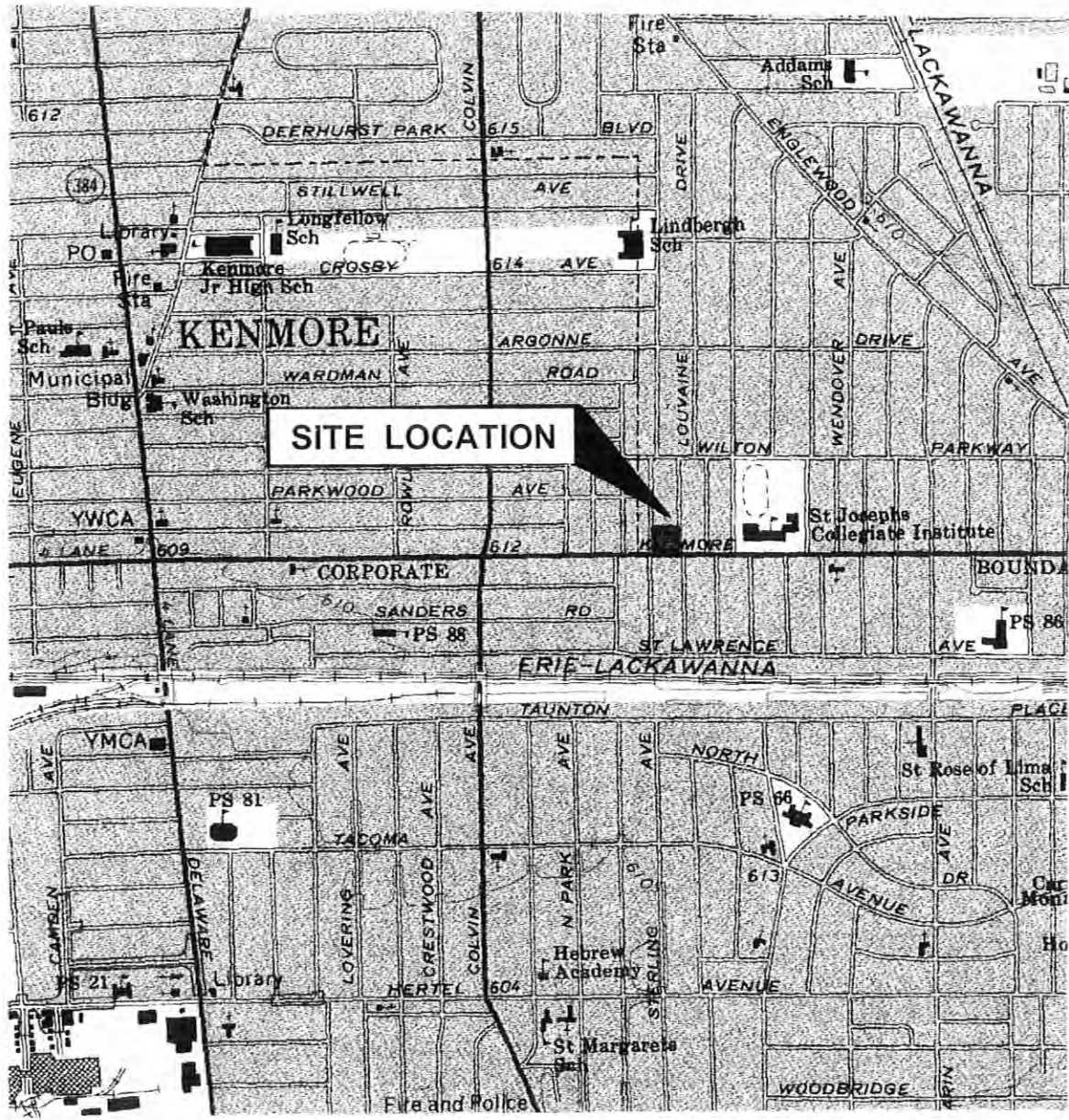
Finally, HEI notes the following non-scope considerations which, although addressed as additional issues under the ASTM Standard, present limited liability and should be considered by the Client:

- o Based on field observations, HEI identified copper piping throughout the on-site water supply system, which would present a potential for Lead in the potable water due to solder at the pipe joints. This may be managed through allowing the tap to flow prior to consumption to flush out any Lead that may have accumulated in the standing water.
- o Based on the age of the on-site buildings, the possibility exists that limited amounts of asbestos-containing materials may exist within these structures including, but not limited to, window glazing and roofing materials. HEI recommends that a detailed asbestos survey be completed if renovations to the facility are planned.
- o Based on the age of the on-site building, the possibility exists that Lead paint was used in its original construction. Although no suspect lead paint was observed during the site reconnaissance, HEI recommends that a detailed Lead survey be completed if renovations to the facility are planned.

If information is received through the Freedom of Information requests which identifies further environmental concern, HEI will contact our Client immediately with the revised conclusions. Field notes and other information relating to this project are available for review at HEI in Orchard Park, New York.

APPENDIX A

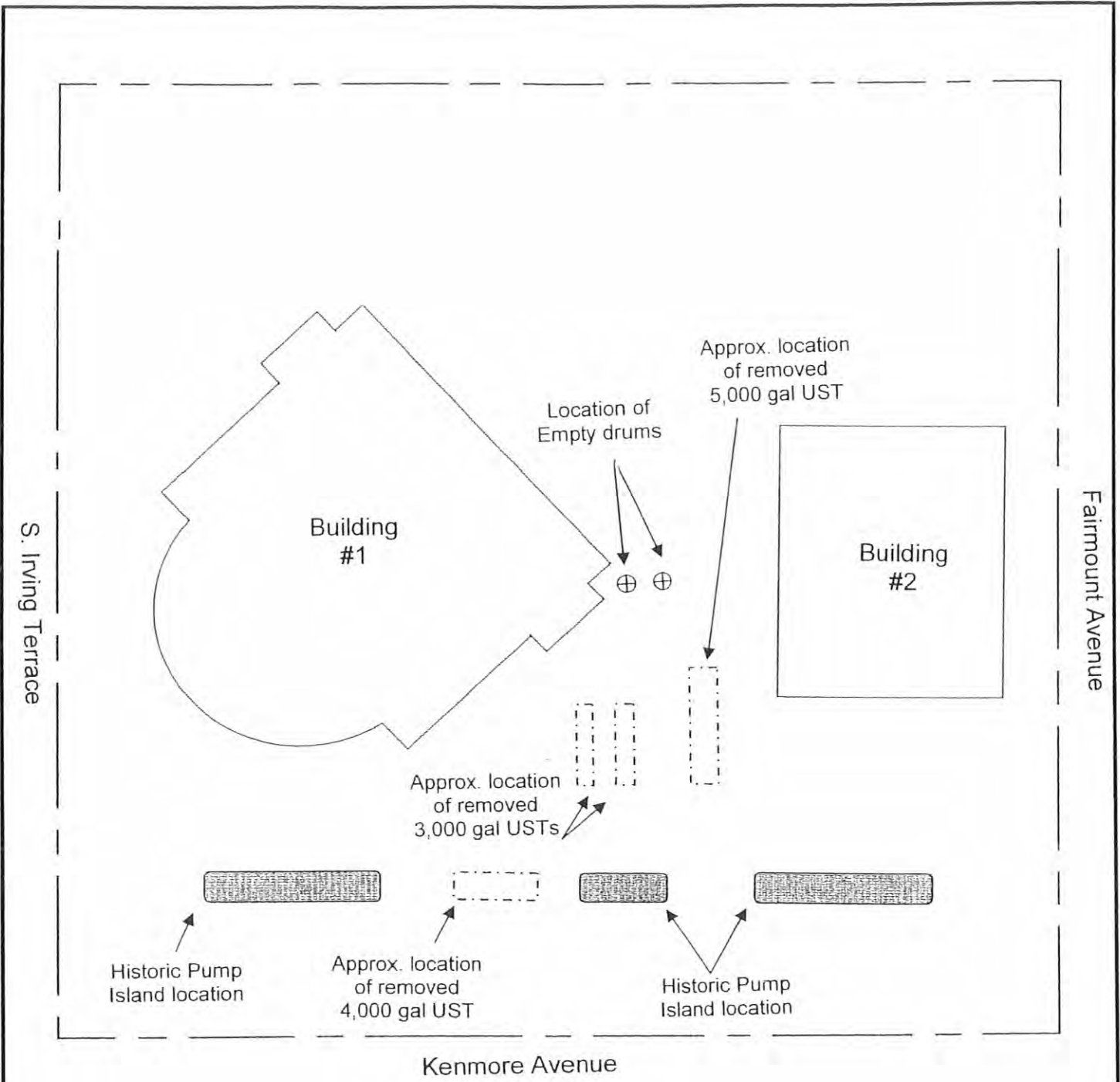
FIGURES



THIS DRAWING IS FOR ILLUSTRATIVE AND INFORMATIONAL PURPOSES ONLY AND WAS ADAPTED FROM USGS, BUFFALO, NEW YORK, 1965 QUADRANGLE.



HAZARD EVALUATIONS, INC.		
<i>Phase I/II Audits - Site Investigations - Facility Inspections</i>		
LOCATION PLAN		
COMMERCIAL PROPERTY		
945 KENMORE AVENUE, KENMORE, NEW YORK		
NORTHWEST SAVINGS BANK		
AMHERST, NEW YORK		
DRAWN BY: LSH	SCALE: NOT TO SCALE	PROJECT: 0963
CHECKED BY: JK	DATE: 7/10	FIGURE NO. 1



HAZARD EVALUATIONS, INC.		
<i>Phase I/II Audits - Site Investigations - Facility Inspections</i>		
SITE PLAN		
COMMERCIAL PROPERTY		
945 KENMORE AVENUE, KENMORE, NEW YORK		
NORTHWEST SAVINGS BANK		
AMHERST, NEW YORK		
DRAWN BY: LSH	SCALE: NOT TO SCALE	PROJECT: 0963
CHECKED BY: JK	DATE: 7/10	FIGURE NO: 2

APPENDIX B
SITE PHOTOGRAPHS

PROJECT: Phase 1 Environmental Site Assessment

CLIENT: Northwest Savings Bank

PROJECT LOCATION: 945 Kenmore Avenue, Kenmore, New York

PROJECT NUMBER: 0963

DATE TAKEN: 7/27/2010

TAKEN BY: J. Kraft

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the western portion of building #1.

Photo 2: View of the southern portion of building #1.

Photo 3: View of the northern portion of building #1.

Photo 4: View of the above ground storage tank located east of building #1.

PROJECT: Phase 1 Environmental Site Assessment

CLIENT: Northwest Savings Bank

PROJECT LOCATION: 945 Kenmore Avenue, Kenmore, New York

PROJECT NUMBER: 0963

DATE TAKEN: 7/27/2010

TAKEN BY: J. Kraft

Photo 5:



Photo 6:



Photo 7:



Photo 8:

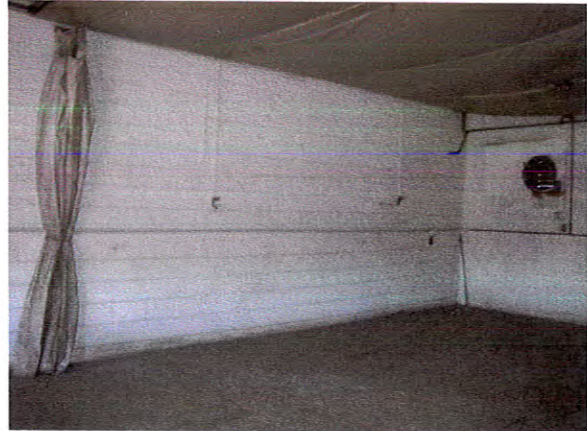


Photo 5: View of unlabeled 55-gallon drums located on the eastern exterior wall of building #1.

Photo 6: View of the southern portion of building #2.

Photo 7: View of the western portion of building #2.

Photo 8: View of a typical auto repair area located within building #2.

PROJECT: Phase 1 Environmental Site Assessment

CLIENT: Northwest Savings Bank

PROJECT LOCATION: 945 Kenmore Avenue, Kenmore, New York

PROJECT NUMBER: 0963

DATE TAKEN: 7/27/2010

TAKEN BY: J. Kraft

Photo 9:



Photo 10:



Photo 11:



Photo 12:



Photo 9: View of a floor drain located within an auto repair area of building #2.

Photo 10: View of the alignment rack and nearby floor drain located within building #2.

Photo 11: View of a compressor located in the alignment rack room within building #2.

Photo 12: View of unlabeled drums and a possible associated release located within building #1.

PROJECT: Phase 1 Environmental Site Assessment

CLIENT: Northwest Savings Bank

PROJECT LOCATION: 945 Kenmore Avenue, Kenmore, New York

PROJECT NUMBER: 0963

DATE TAKEN: 7/27/2010

TAKEN BY: J. Kraft

Photo 13:



Photo 14:

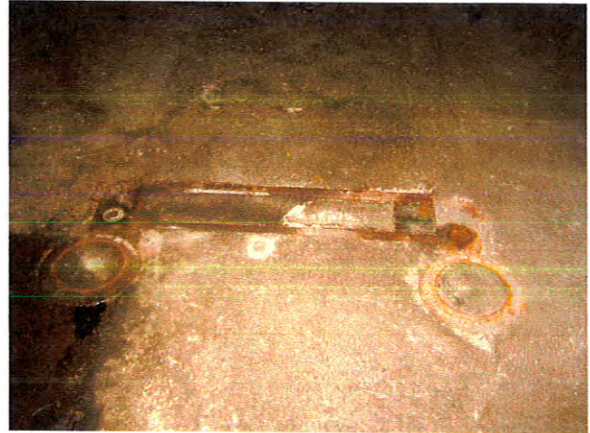


Photo 15:

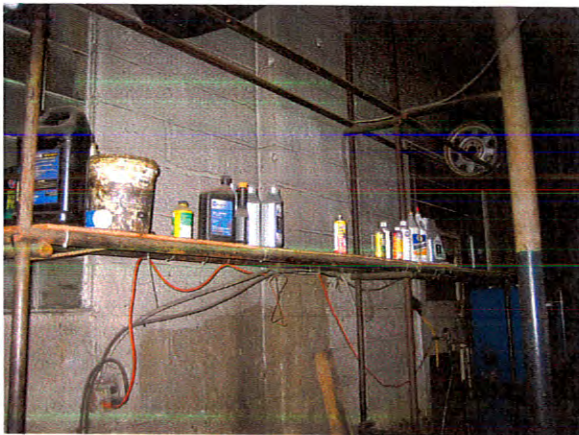


Photo 16:



Photo 13: View of an aboveground life located within building #1.

Photo 14: View of in-floor lifts located within the eastern portion of building #1.

Photo 15: View of auto maintenance and repair fluids located on-site.

Photo 16: View of waste tires as well as a small drum, apparently containing waste oil.

APPENDIX C
REGULATORY DATABASE

REGULATORY DATABASE

Environmental FirstSearch Report; First Search Technology Corporation;
July 2, 2010; Target Property: 945 Kenmore Avenue, Kenmore, New York

Document available electronically from Hazard Evaluations, Inc.

APPENDIX D
FREEDOM OF INFORMATION LETTERS AND
LOCAL GOVERNMENT INQUIRIES

July 1, 2010

Wanda Calderon, Freedom of Information Officer
United State Environmental Protection Agency, Region II
Public Affairs Division
290 Broadway, #1539
New York, New York 10007-1823

Re: FOIL Request
Commercial Property
945 Kenmore Avenue, Kenmore, New York
Current Owner: Ken Hy Auto Inc.
Project No. e0963

Dear Ms. Calderon:

Under the Freedom of Information Law (FOIL), Hazard Evaluations, Inc. is inquiring as to the existence of any files or records concerning any environmental violations, legal actions, permits, spills, hazardous or solid waste disposal/storage, etc. relating to the above referenced property. A location plan identifying the site is enclosed. If such files or records exist, please forward any information you may have or notify our office so that we may make arrangements to review these files.

The requested information will be used in the preparation of an environmental site assessment of the property. If any cost will be incurred concerning this request, please notify us.

Should you have any questions regarding this matter, please contact the undersigned at (716) 667-3130 or admin@hazardevaluations.com. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,
HAZARD EVALUATIONS, INC.



Joshua Kraft
Environmental Scientist

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 26th Floor
New York, NY 10007
212-637-3668
212-637-5046 (fax)
Calderon.Wanda@epa.gov

July 13, 2010

Mr. Joshua J. Kraft
Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY, 14127
United States

RE: Request No: 02-FOI-01335-10

Dear Mr. Kraft,

This is to acknowledge receipt of your Freedom of Information Act (FOIA), 5 U.S.C. 552, request dated July 01, 2010 and received in this office on July 07, 2010, for records related to:

945 Kenmore Avenue in Kenmore, NY

The program(s) office(s) that have been assigned this request will be responding to you directly. The Agency has twenty (20) working days to respond to your request, except when you have agreed to an alternate due date or unusual circumstances exist that would require an extension of time under 5 U.S.C. 552 (a) (6) (B).

There is now a new link which allows Environmental Auditors, Real Estate Agents, Mortgage Banks, Engineering and Environmental Consulting Firms and the public, to determine if EPA databases have records on a specific property without filing a Freedom of Information Act (FOIA) request. Please note the results of this search will be identical to the information you would receive by filing a FOIA request with EPA for these records. MyPropertyInfo is a single reporting tool for printing from multiple EPA databases which can be accessed by visiting www.epa.gov/foia; You can also find out the status of your request.

Please include your FOIA number in all subsequent communications with respect to this assignment. It is also recommended that you include your email address in all related communications for faster processing. If you have any additional questions, contact me.

Sincerely,


Wanda Calderon
FOIA Specialist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 26th Floor
New York, NY 10007
212-637-3668
212-637-5046 (fax)
Calderon.Wanda@epa.gov

July 14, 2010

Mr. Joshua J. Kraft
Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY, 14127

RE: Request No: 02-FOI-01335-10

Dear Mr. Kraft,

This is to acknowledge receipt of your Freedom of Information Act (FOIA), 5 U.S.C. 552, request dated July 01, 2010 and received in this office on July 07, 2010, for records related to:


945 Kenmore Avenue in Kenmore & 447 Main Street in Buffalo, NY

The program(s) office(s) that have been assigned this request will be responding to you directly. The Agency has twenty (20) working days to respond to your request, except when you have agreed to an alternate due date or unusual circumstances exist that would require an extension of time under 5 U.S.C. 552 (a) (6) (B).

There is now a new link which allows Environmental Auditors, Real Estate Agents, Mortgage Banks, Engineering and Environmental Consulting Firms and the public, to determine if EPA databases have records on a specific property without filing a Freedom of Information Act (FOIA) request. Please note the results of this search will be identical to the information you would receive by filing a FOIA request with EPA for these records. MyPropertyInfo is a single reporting tool for printing from multiple EPA databases which can be accessed by visiting www.epa.gov/foia; You can also find out the status of your request.

Please include your FOIA number in all subsequent communications with respect to this assignment. It is also recommended that you include your email address in all related communications for faster processing. If you have any additional questions, contact me.

Sincerely,


Wanda Calderon
FOIA Specialist

00963



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 26th Floor
New York, NY 10007
212-637-3668
212-637-5046 (fax)
Calderon.Wanda@epa.gov

July 14, 2010

Mr. Joshua J. Kraft
Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY, 14127

RE: Request No: 02-FOI-01335-10

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945 Kenmore Avenue in Kenmore & 447 Main Street in Buffalo, NY

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Please include your FOIA number in all subsequent communications with respect to this assignment. It is also recommended that you include your email address in all related communications for faster processing. If you have any additional questions, contact me.

Sincerely,

Wanda Calderon
FOIA Specialist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2
290 Broadway
New York, NY 10007

July 21, 2010

Mr. Joshua J. Kraft
Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY, 14127

RE: Freedom of Information Act Request Number 02-FOI-01335-10
945 Kenmore Avenue in Kenmore & 447 Main Street in Buffalo, NY

Dear Mr. Kraft:

The subject location is not listed on the CERCLIS or NFRAP lists at the present time.

CERCLIS is the national database EPA uses as the official inventory of hazardous waste sites considered for cleanup under the CERCLA (Comprehensive Environmental Response, Compensation and Liability Act), also known as Superfund.

As of February 15, 1995, CERCLIS no longer includes sites which EPA has assessed and designated "No Further Remedial Action Planned" (NFRAP). A NFRAP designation means, to the best of EPA's knowledge, Superfund has completed its assessment at a site and determined no further steps would be taken to list these sites on the National Priorities List (NPL) unless information is received at a later time indicating this decision was not appropriate. A NFRAP decision does not necessarily mean that there is no hazard associated with a given site; it means only that based upon available information, the location is not judged to be a potential NPL site.

Also, the absence of a facility from the CERCLIS list should not be construed as a determination by the EPA that the facility has not been affected by the presence of any hazardous waste. The absence of a facility from this list means that EPA has not received information indicating that there has been a release or threat of hazardous substances at or from the facility. Therefore, EPA has not performed an assessment at this location to date. As with any parcel of real property, EPA may be called upon to assess the property for a release of hazardous substances should conditions warrant.

In the interest of saving time and paper, I suggest that in the future you identify the specific properties you have an interest in by accessing the following web sites. The information available through these web sites should address any future inquiries you may have. This is the address for the Superfund Information Systems homepage <http://www.epa.gov/superfund/sites>. From this site you may obtain a list of all sites which are currently on the CERCLIS database and sites archived from CERCLIS. Additionally you can access the RODS database from here as well as download reports or order a variety of site information products on line. This is the site for the National Response Center maintained by the U.S. Coast Guard - www.nrc.uscg.mil/foia.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2 290 Broadway
New York, NY 10007

August 03, 2010

Mr. Joshua J. Kraft
Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY, 14127
United States

Re: Freedom of Information Request No. **02-FOI-01335-10**
Dated: July 01, 2010
Subject: 945 Kenmore Avenue in Kenmore & 447 Main Street in Buffalo, NY

Dear Mr. Kraft:

Your request for information has been referred to this branch for response. We have searched our databases as appropriate to your request. However, our research did not reveal any air or water information that was responsive to your request. In addition, you may also receive more information from other program areas within this Regional Office.

Please be advised that now you can retrieve the environmental profile of a facility including information regarding toxic chemical releases, water permits, hazardous waste handling processes, "Superfund" status and air emissions from the EPA's web page. The address is www.epa.gov/enviro.

If you consider this response to be a denial, you may submit a written appeal to HQ FOIA OPERATIONS STAFF, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460. The appeal must be made in writing, and must be received within 30 calendar days of the date of this response to receive consideration. The Agency will not consider appeals received after the 30-day limit. The appeal should be marked "Freedom of Information Act Appeal," and should reference the Freedom of Information Request Number of this response.

Please include the above referenced request number(s) in any subsequent communication relating to this response.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Patrick J. Harvey".

Patrick J. Harvey, Chief
Compliance Assistance and Program Support Branch

July 1, 2010

Meaghan Boice-Green, Citizen Participation Specialist 2
New York State Department of Environmental Conservation
Division of Public Affairs and Education
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: FOIL Request
Commercial Property
945 Kenmore Avenue, Kenmore, New York
Current Owner: Ken Hy Auto Inc.
Project No. e0963

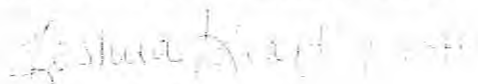
Dear Ms. Boice-Green:

Under the Freedom of Information Law (FOIL), Hazard Evaluations, Inc. is inquiring as to the existence of any files or records concerning any environmental violations or legal actions, permits, spills, hazardous or solid waste disposal/storage, etc. relating to the above referenced property. A location plan identifying the site is enclosed. If such files or records exist, please forward any information you may have or notify our office so that we may make arrangements to review these files.

The requested information will be used in the preparation of an environmental site assessment of the property. If any cost will be incurred concerning this request, please notify us.

Should you have any questions regarding this matter, please contact the undersigned at (716) 667-3130 or admin@hazardevaluations.com. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,
HAZARD EVALUATIONS, INC.



Joshua Kraft
Environmental Scientist

Attachment

July 1, 2010

Richard Wojcik, Records Access Officer
Erie County Health Department
Central District Office
462 Grider
Buffalo, New York 14215

Re: FOIL Request
Commercial Property
945 Kenmore Avenue, Kenmore, New York
Current Owner: Ken Hy Auto Inc.
Project No. e0963

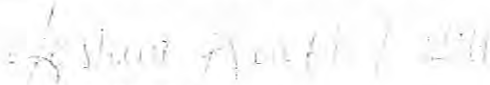
Dear Mr. Wojcik:

Under the Freedom of Information Law (FOIL), Hazard Evaluations, Inc. is inquiring as to the existence of any files or records concerning any environmental violations, legal actions, permits, spills, hazardous or solid waste disposal/storage, etc. relating to the above referenced property. A location plan identifying the site is enclosed. If such files or records exist, please forward any information you may have or notify our office so that we may make arrangements to review these files.

The requested information will be used in the preparation of an environmental site assessment of the property. If any cost will be incurred concerning this request, please notify us.

Should you have any questions regarding this matter, please contact the undersigned at (716) 667-3130 or admin@hazardevaluations.com. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,
HAZARD EVALUATIONS, INC.



Joshua Kraft
Environmental Scientist

Attachment

July 1, 2010

Emergency Services Coordinator
Erie County Department of Emergency Services
Public Safety Campus
45 Elm Street
Buffalo, New York 14203

Re: FOIL Request
Commercial Property
945 Kenmore Avenue, Kenmore, New York
Current Owner: Ken Hy Auto Inc.
Project No. e0963

To Whom It May Concern:

Under the Freedom of Information Law (FOIL), Hazard Evaluations, Inc. is inquiring as to the existence of any files or records concerning any environmental violations, legal actions, permits, spills, hazardous or solid waste disposal/storage, etc. relating to the above referenced property. A location plan identifying the site is enclosed. If such files or records exist, please forward any information you may have or notify our office so that we may make arrangements to review these files.

The requested information will be used in the preparation of an environmental site assessment of the property. If any cost will be incurred concerning this request, please notify us.

Should you have any questions regarding this matter, please contact the undersigned at (716) 667-3130 or admin@hazardevaluations.com. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,
HAZARD EVALUATIONS, INC.



Joshua Kraft
Environmental Scientist

Attachment

Date: _____ Project No.: _____
Client: _____
Project: _____
Site: _____

Hazard Evaluations, Inc.
3752 N. Buffalo Road
Orchard Park, NY 14127
P: (716) 667-3130

877-8801

Data Inquiry

Person or Agency Contacted: Town of Tonawanda Assessor

Method of Contact: ✓ In Person _____ Telephone _____ Fax _____
_____ E-mail _____ Other: _____
(Specify)

Number or Address: _____

Date/Time Contacted: _____

Response: 7831-3-15.1

Overall effective year built 1950

Building #1: One-story concrete block maintenance service garage - average quality (1995 sqft)

Building #2: One-story concrete block building with service + wh space (1,707 sqft)

Signature: _____



Title: Env. Scientist

APPENDIX E
OBJECTIVES AND LIMITATIONS

OBJECTIVES AND LIMITATIONS

Hazard Evaluations, Inc. (HEI) has endeavored to meet what it believes is the applicable standard of care for the services completed and, in doing so, is obliged to advise our Client of the Phase I Environmental Site Assessment (ESA) limitations. HEI believes that providing information about limitations is essential to help our Client identify and thereby manage risks. These risks can be mitigated, and possibly eliminated, through additional research. HEI will, upon request, advise our Client of the additional research opportunities available and their associated costs.

This ESA did not require any inquiry with respect to Radon, Methane, Asbestos, Lead-based paint, Lead in drinking water, Formaldehyde, endangered species, wetlands, test borings/monitoring wells, analytical testing or other services or potential conditions or features not specifically identified and discussed herein. In those instances where additional services or service enhancements are included in the report as requested or authorized by the Client, specific limitations attendant to those services are presented in the text of the report.

The findings and opinions conveyed via this ESA report are based upon information obtained at a particular date from a variety of sources enumerated herein, and which HEI believes are reliable. HEI cannot, and does not warrant, the authenticity or reliability of the information sources it has relied upon.

The final report represents HEI's service to our Client as of the report date. In that regard, the report constitutes HEI's final document, and the text of the report may not be altered in any manner after final issuance of same. Opinions relative to environmental conditions presented in this report are based upon information derived from the most recent site reconnaissance date and from other activities described herein. The Client is herewith advised that the conditions observed by HEI are subject to change. Certain indicators of the presence of hazardous materials may have been latent or not present at the time of the most recent site reconnaissance and may have subsequently become observable. In similar manner, the research effort conducted for a Phase I ESA is limited. Accordingly, it is possible that HEI's research, while fully appropriate for a Phase I ESA and in compliance with the scope of service, may not include other important information sources. Assuming such sources exist, their information could not have been considered in the formulation of our findings and conclusions.

The final report is not a comprehensive site characterization or regulatory compliance audit and should not be construed as such. The opinions presented in this report are based upon findings derived from a site reconnaissance, a review of specified records and sources and comments made by interviewees. Specifically, HEI does not, and cannot, represent that the site contains no hazardous or toxic materials, products, or other latent conditions beyond that observed by HEI during its site assessment. Further, the services herein shall in no way be construed, designed or intended to be relied upon as legal interpretation or advice.

APPENDIX F
PROFESSIONAL QUALIFICATIONS

C. MARK HANNA

President; Environmental Scientist; CHMM

EDUCATION/PROFESSIONAL DEVELOPMENT

BA (Biology) 1975; SUC at Oswego, NY
MS (Natural Sciences/Toxicology) 1977; SUNY at Buffalo, NY
MEPC (Industrial Waste Management) 1982; Penn State University
MS (Forest Hydrology) 1983; Penn State University
Hazardous Materials Management-Advanced; HAZPRO '85, Short Course
Underground Storage Tank Mgt.; LTI Workshop
Radon Detection and Mitigation; NYSEO Workshop
Process Safety for Ammonia Refrigeration, IIAR Workshop
40 Hour HAZWOPER Training

REGISTRATION

Certified Hazardous Materials Manager, Senior Level (1985)
Registered Environmental Professional (1989)
Certified Hazardous Materials Manager, Master Level (1997)

MEMBERSHIPS

Academy of Hazardous Materials Management
Erie County Local Emergency Planning Committee
New York Water Environment Association

SUMMARY OF EXPERIENCE

Mr. Hanna has 29 years of experience in environmental pollution control and health/safety management. He serves as principal responsible for technical services for Hazard Evaluations, Inc. He specializes in hazardous materials/wastes management, site investigation and remediation, environmental site assessments, industrial compliance auditing, toxic chemical exposures and safety program development & implementation. Mr. Hanna also provides guidance to industries regarding Process Safety Management/Risk Management Program compliance issues.

PETER E. BOJCZUK

Project Manager

EDUCATION

BS (Environmental Studies) 1998; SUNY College of Environmental Science and Forestry at Syracuse, NY: (Concentrations in Environmental Policy and Management and Water Resources)

MEMBERSHIPS

SUNY College of Environmental Science and Forestry at Syracuse, NY Alumni Association

SUMMARY OF EXPERIENCE

Mr. Bojczuk has twelve years experience in the environmental consulting industry. As Project Scientist, Mr. Bojczuk has conducted more than 350 Environmental Site Assessments including Transaction Screens, Phase I and Phase II ESA's for various commercial and industrial properties. In addition to his duties in the site assessment field, he also provides specialized services and support in the realm of industrial compliance. His experience in this field includes preparation of Title V and State Facility Air Permits including compliance reporting activities, wastewater permitting, monitoring and reporting, and the preparation of storm water pollution prevention plans for construction sites and industrial facilities. Mr. Bojczuk has also been involved with numerous site remediation projects that have included petroleum UST removal & remediation, contaminated petroleum in toxic metal and solvent soil contamination and groundwater monitoring.

ERIK M. HANNA

Environmental & Health/Safety Scientist

EDUCATION

BS (Sociology) 2001; Fredonia State University, Fredonia, NY

BS (Criminal Justice) 2001; Fredonia State University, Fredonia, NY

MEMBERSHIPS

American Society of Safety Engineers

SUMMARY OF EXPERIENCE

Mr. Hanna has three years of experience in the personal protective equipment and monitoring industry, including numerous walkthroughs in both manufacturing facilities and construction settings. He also has three years' experience as a Health Safety Technician/Scientist with responsibilities including, air and noise and light level monitoring, written OSHA program development, facility compliance inspection, Lead & Hexavalent Chromium Program implementations, emergency planning and employee training. Mr. Hanna has also completed Transaction Screens and Phase I investigations for due diligence purposes.

JOSHUA J. KRAFT

Environmental Scientist

EDUCATION/PROFESSIONAL DEVELOPMENT

BS (Environmental Science and Geology) 2007; Buffalo State College Buffalo, NY.

40 Hour HAZWOPER Training

MEMBERSHIPS

Geological Society of America

SUMMARY OF EXPERIENCE

Mr. Kraft has three years of experience in the environmental consulting industry. As an Environmental Scientist, Mr. Kraft has conducted numerous Environmental Site Inspections throughout New York State and has prepared various Environmental Site Assessment documents; including Transaction Screens and Phase I ESAs for various commercial and industrial properties. Mr. Kraft has also conducted numerous Phase II ESAs which included soil boring, test trench & monitoring well installations. He has also participated in several site remediation to address soil contamination from USTs and in-floor hydraulic lifts.

APPENDIX G
REFERENCES

LIST OF REFERENCES

1. Local Government Records:
 - o Town of Tonawanda Assessor's Office records.
 - o Town of Tonawanda Building and Fire Department records.
2. Quadrangle Map; US Geological Survey; Buffalo, NE, New York (1965).
3. Custom Soil Resource Report; United States Department of Agriculture, National Resources Conservation Service; <http://websoilsurvey.nrcs.usda.gov/>
4. USDA National Hydric Soils List By State (February 2010) - New York; <http://soils.usda.gov/use/hydric/lists/state.html>
5. USDA Erie County Soils With Potential for Hydric Inclusions List (based on March 1989 listing) - New York State. March 1996.
6. Erie County Internet Mapping Project;
<http://gis1.erie.gov:81/Geocortex/Essentials/Web/viewer.aspx?Site=ErieCountyNY&reloadkey=true>
 - o DEC Wetlands Maps, National Wetlands Inventory Maps
 - o FEMA Floodplains
7. USGS; Mineral Resources On-line Spatial Data; New York Geologic Map Data; <http://mrdata.usgs.gov/sgmc/ny.html>
8. Historic Aerials by NETR Online; <http://www.historicaerials.com>
 - o Viewed Historical Photographs dated: 1958, 1959, 1966, 2002, and 2006.
9. NYS Department of Health - Measured basement Screening Radon Levels – October 2009;
http://www.health.state.ny.us/environmental/radiological/radon/maps_statistics.htm
10. Environmental FirstSearch Report; FirstSearch Technology Corporation; July 2, 2010.



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 8600802
 SPILL NAME: KEN-HY AUTO & TIRE, INC DEC LEAD: LEARY
 SPILL DATE: 05/01/1986 SPILL TIME: 10:40 am
 CALL RECEIVED DATE: 05/01/1986 RECEIVED TIME: 11:00 am

SPILL LOCATION

PLACE: KEN-HY AUTO & TIRE, INC COUNTY: Erie
 STREET: 945 KENMORE AVENUE TOWN/CITY: Tonawanda
 COMMUNITY: TONAWANDA
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Tank Failure SPILL REPORTED BY: Local Agency
 FACILITY TYPE: Gasoline Station WATERBODY: _____

CALLER REMARKS:

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Gasoline	Petroleum	10 G	0 G	GW,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
KEN-HY AUTO & TIRE, INC.	945 KENMORE AVENUE BUFFALO NY 14223	(716) 875-9770

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
9515189	2/26/1996 12:00:00A	Spill Number
1104845	12/26/2012 12:00:00	Spill Number

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead_DEC Field was "RNL"
 / / : STIE INSPECTION 05/08/86, EXCAVATION BACKFILLED, SLOPPY HOUSEKEEPING NOTED.

/ / : TELECON AND LETTER 05/12/86, REPLY 05/28/86 - OK.

/ / : LETTER FROM OWNER 05/21/86, OWNER TO REMOVE TANKS.



NYSDEC SPILL REPORT FORM



DEC REGION: 9 **SPILL NUMBER:** 8600802
SPILL NAME: KEN-HY AUTO & TIRE, INC **DEC LEAD:** LEARY

// : TELECON 06/02/86, GASOLINE DID NOT COME FROM ACCIDENT.

// : TELECON 06/02/86, GASOLINE DID NOT COME FROM ACCIDENT; LETTER 08/09/86, REPLY 08/25/86.

// : TELECON 06/02/86, GASOLINE DID NOT COME FROM ACCIDENT; LETTER 08/09/86, REPLY 08/25/86 - OK; TELECON 08/25/86, MARSHALL TANK HIRED.

// : LETTER 08/09/86, REPLY 08/25/86 - OK; TELECON 08/25/86, MARSHALL TANK HIRED; TELECON 10/05/86, MARSHALL TANK FOUND LEAK.

// : SITE INSPECTION 11/14/86, CLEANUP SATISFACTORY, HOLD FOR DOCUMENTATION.

// : TELECON 08/25/86, MARSHALL TANK HIRED; TELECON 10/05/86, MARSHALL TANK FOUND LEAK; LETTER 10/08/86, NO REPLY DATE.

// : SITE INSPECTION 05/01/86, CLEANUP REQUIRED, OIL FOUND IN EXCAVATION.

// : TELECON 05/05/86, OWNER STATES HE CANNOT AFFORD TO TEST TANKS.

// : DEC HAS INVESTIGATED & KEN/HY WILL TEST TANKS.

// : SITE INSPECTION 11/14/86, CLEANUP SATISFACTORY, HOLD FOR DOCUMENTATION; LETTER 01/21/87, NO REPLY DATE.

// : SITE INSPECTION 11/14/86, CLEANUP SATISFACTORY, HOLD FOR DOCUMENTATION; LETTER 01/21/87, NO REPLY DATE; 03/19/87, DOCUMENTATION REC. COMPLT.

NN

PIN

T & A

COST CENTER



NYSDEC SPILL REPORT FORM



DEC REGION: 9 **SPILL NUMBER:** 8600802
SPILL NAME: KEN-HY AUTO & TIRE, INC **DEC LEAD:** LEARY
CLASS: **CLOSE DATE:** 03/19/1987 **MEETS STANDARDS:** True

SPILL RESPONSE FORM

SPILL DATE: 5/1/86 TIME: 1040 hrs.
CENT OFF DATE: 5/1/86 TIME: _____ hrs.
REG OFF DATE: 5/1/86 TIME: 1100

REGION 9 SPILL NO. 860802
ANS SVC DATE: 1/1 TIME: _____ hrs.
FIRST CALL: A, R, C

- 0 - Other
- | Petroleum Spilled | | |
|---------------------|--------------|-----------------|
| <u>1</u> - Gasoline | 4 - #6 Fuel | 7 - Waste Oil |
| 2 - #2 Fuel | 5 - Diesel | 8 - Non-PCB Oil |
| 3 - #4 Fuel | 6 - Jet Fuel | 9 - PCB Oil |
| | | 10 - Unknown |

- | Material Class | |
|------------------------|----------------|
| <u>1</u> - Petroleum | 4 - Raw Sewage |
| 2 - NonPetro/NonHaz | 5 - Unknown |
| 3 - Hazardous Material | |

Other Material Spilled _____

QUANTITY SPILLED Unknown (gals, lbs)

SPILL LOCATION

ADDRESS: _____
MUNICIPALITY: Tonawanda (T)
COUNTY: Erie

SPILLER NAME: Ken-Hv Auto
STREET: 945 Kenmore Ave.
CITY/ST/ZIP: Buffalo, NY, 14223
PHONE: 716-875-9770
CONTACT PERSON: Pat Bugajko

- | Spill Cause | |
|--|-------------------------|
| 1 - Human Error | 7 - Deliberate |
| 2 - Traffic Accident | 8 - Aband. Drums |
| 3 - Equip. Failure | <u>9</u> - Tank Failure |
| 4 - Vandalism | 10 - Tank Overfill |
| 5 - TK Test Fail.
(Bulk Stor. Pro.) | 11 - Other |
| 6 - Housekeeping | 12 - Unknown |

- | Spill Source | |
|------------------------|-------------------|
| 1 - Comm./Indust. | 7 - Comm. Vehicle |
| 2 - Non Comm/Inst. | 8 - Tank Truck |
| 3 - Major Facility | 9 - Pvt. Dwelling |
| 4 - Bulk Facility | 10 - Vessel |
| <u>5</u> - Gas Station | 11 - Railroad Car |
| 6 - Pass. Vehicle | 12 - Unknown |

- | Resource Affected | |
|-------------------|------------------------|
| 1 - On Land | <u>3</u> - Groundwater |
| 2 - In Sewer | 4 - Surface Water |
| | 5 - Air |
- Waterbody _____
Drain Basin/Sub Basin _____

- | Notifier: | |
|-------------------|-------------------------|
| 1 - Resp. Party | 7 - Citizen |
| 2 - Affect. Pers. | 8 - Health Dept. |
| 3 - Police Dept. | <u>9</u> - Local Agency |
| 4 - Fire Dept. | 10 - Fed. Gov't. |
| 5 - Tank Tester | 11 - Other |
| 6 - DEC | (see remarks) |

REMARKS: Gasoline odor + sheen found in excavation while replacing fire hydrant.

ACTION/HISTORY: Site inspection 5-1-86, see attached

CALLER'S NAME: _____
CALLER'S AGENCY: _____
CALLER'S PHONE: _____

NOTIFIER'S NAME: Florence Damstetter
NOTIFIER'S AGENCY: Erie County Env. Comp/Plan
NOTIFIER'S PHONE: 716-846-6370

COMPUTER SPILL BOARD
PIN# SP. _____ T.A. _____
COST CENTER _____
COMPLETION DATE 3/19/87 BY LR

REGIONAL/CENT OFF NOTIFICATION
PERSON CONTACTED: _____
CALLER _____
ANS SVC OPER _____
DUTY OFFICER _____
IFAD DEC _____ 135
RNL

S. IRVING

1' 60802
L. Q. ROSS
5-8-86

Hydrant

No Pumps

KEN - HY
AUTO

F A I R Pumps

5,000
W/LENDER

10,000
REG TANK

DIRT

SIDE WALK (concrete)

Island Pumps

4 - ~~not~~ Pumps

2 - Not working

KEN - HY
AUTO

200 ~~2~~ 35gal
Drums waste oil

ssu/b

SIDE WALK

FAIRMONT

SPILL CONTINUATION SHEET

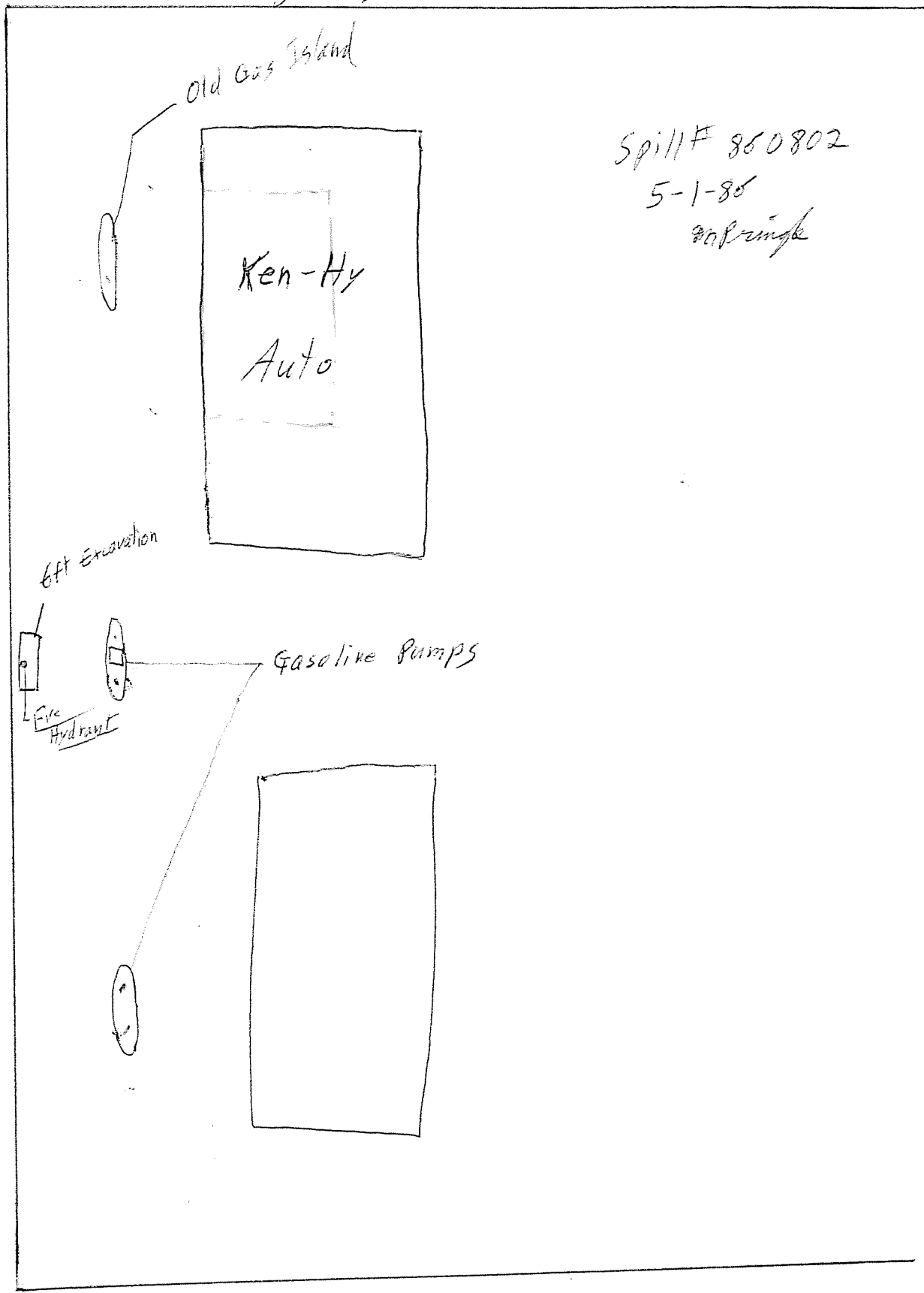
Date	Comments
5-1-86	<p>11:40 AM / Site inspection. Town of Tanawanda has a 6ft Excavation to replace a fire hydrant. Soil is contaminated. Sheen visible in excavation and in soil on ^{dump} truck. Several pads ^{already} in excavation. Water dripping from truck was ^{visible} sheen, I placed 2-pads to contain. Talked to Ken-Hy Auto owner Pat Ruggiero. He said that there are 2 tanks ^{underground} in use. (1-10,000gal. + 1-5,000gal. tank) He showed me ^{some} delivery receipts and record of pump sales. He does ^{takes} stick readings daily but they are not recorded. P. Ruggiero tried to contact Elmwood Tank for ^{to do} tank tightness tests.</p> <p style="text-align: right;"><i>M. Prunty</i></p>
5/5/86	<p>PAT RUGGIERO CALLED CANNOT AFFORD TO TEST TANKS, TANKS ARE USUALLY ALMOST NEAR EMPTY, WOULD HAVE TO BUY FUEL AND TEST TANKS OVER \$13000-10000 TANK IS 7 YEARS OLD, 5000 TANK IS 9 YEARS OLD, SAID ONE BLOCK IS BROWN MOTORS</p>

N →

S. Irving Ter.

Spill # 880802
5-1-85
R. Brink

Kenmore Ave.



Fairmount

Spill Number 850802

Date _____

SPILL CONTINUATION SHEET

Date	Comments
5-8-86	8:50 AM/ Telecon w/ Town of Tonawanda Sewer Maint representative. He said that they will excavate at each corner of block if paid for the work, will accept a voucher. He said the gasoline could only have come from Ken-Hy because the whole area has a clay base.
5-8-86	LOR on site see sketched the area found location of tank by asking owner who was pumping gas. 2-35 gal drums and sloppy house keep were found behind the building adjacent to Fairmount Ave.
6-2-86	1:50 PM/ Telecon w/ Mr. Haas from Town of Tonawanda Water & Sewer Maintenance. He said that no gasoline was spilled due to auto accident, and that the gasoline came from the excavation.
8/25/86	TELECON P. PUGGIERO, RECEIVED LETTER, HAS HIRED MARSHALL TANK TO PERFORM INVESTIGATION. I ASKED HIM TO KEEP US INFORMED OF PROGRESS RMU

Spill Number 960802

Date 9/17/86

SPILL CONTINUATION SHEET

Date	Comments
9/16/86	TELECON WITH MARSHALL KIMMONS CONCERNING OTHER SITE. DURING CONVERSATION HE STATED A PUMP HAD BROKE AT THIS SITE SPILLING APPROXIMATELY 200-300 GALLONS OF GASOLINE. HE DID NOT THINK ANY RECOVERY WAS DONE AND
10/6/86	MARSHALL KIMMONS CALLED, TESTED TANKS FOUND LEAK IN DISCHARGE LINE FROM 10000 TANK
11/3/86	MARSHALL KIMMONS CALLED, ON SITE Digging today
11/7/86	Len Telecon Marshall Kimmons, Reg. Tank lines leaking and repaired, unleaded Tank & Reg. Tank to be retested 11/9/86

Ken-Hy Auto & Tire, Inc.

945 KENMORE AVENUE
BUFFALO, NEW YORK 14223

PAT RUGGIERO
OWNER/OPERATOR

875-9770

REPORT of AINLAY TTT TANK TEST

Date 10/15/86

Company Ken-Hy Auto Address 945 Kenmore Ave., Kenmore, NY
 Brand Unbranded Grade of Product Unleaded
 Name _____

60 Minute Temperature Check

Starting Time for Temperature Check				Completion Time		
A	B	C	D	E	F	
T e m p e r a t u r e s						
Probes	Start of Test	End of Test	Temp. Shift (E from C): + or -	Multiply Column D by E	Add up for Weighted Shift	
Top	66.68	66.66	-.02	x .25	=	.005
Middle	65.72	65.70	-.02	x .50	=	.01
Bottom	65.00	65.00	-	x .25	=	-

- Line
1. Add the Three Results in Column F (Weighted Ave. Temp. Shift)..... = -.015
 2. Tank Dia. & Lgt. 96" : Gallon Capacity..... = 5,000
 3. Exact Water Level in Tank
 Bottom at Start of Test..... = 1-3/8 at End = 1-5/8

60 Minute Volume Check

- Start time 11:00 AM Completion Time 12:00 PM
4. Exact Amount of Liquid Lost & Replaced (-) or Gained & Removed (+) in fill pipe to restore original level..... = -.06
 5. API Gravity of Tested Liquid in Graduate..... = 58.0
 6. Temperature of Tested Liquid in Graduate..... = 76.30
 7. Subtract Line 6 from 60° (result is + or -)..... = _____
 8. Multiply Line 7 x .1.
 (+ x - = -; + x + = +)..... = _____
 9. Line 5 + or - Line 8 (API Gravity Adjusted for Temperature)..... = 56.0
 10. With Line 9 enter Table C, Read Coefficient of Expansion..... = .00066
 11. Multiply Line 10 by Line 2 (Gallons), (Volume Change for Each Degree of Temperature Change)..... = 3.3
 12. Multiply Line 11 by Line 1 (Volume Change Due to Temperature)..... = -.0495
 13. Change sign of Line 12 (see Sec. 9.4.) and add to Line 4 mathematically (Net change in gallons) (+ or -)..... = .0295
 (Double check sign: Minus if product lost, Plus if gained)

NOTE: NFFA in Publication #329, 4-3.10.1 does not call for a precision test to show a loss of more than .05 gallons (189ml) per hour.

Therefore, since ~~tested tank~~ ^{XXXX} tank had a loss/gain of (line 13) -.0295 gallons per hour it ~~DOES~~ ^{DOES NOT} meet the NFFA criterion for tank tightness.

Additional Remarks _____

Tester _____

Accuracy of test is dependent on operator following instructions and results are the sole responsibility of the operator.
 *AINLAY Tank 'Tegrity Tester' is a registered Trade Mark of STI Services, Inc. Northbrook, IL 60062

REPORT of AINLAY TTT TANK TEST

Date 10/15/86

Company Ken-Hy Auto
 Brand Unbranded
 Name _____

Address 945 Kenmore Ave., Kenmore, NY
 Grade of Unleaded
 Product _____

60 Minute Temperature Check

Starting Time for Temperature Check _____ Completion Time _____

A	B	C	D	E	F
Temperatures					
Probes	Start of Test	End of Test	Temp. Shift (E from C) : + or -	Multiply Column D by E	Add up for Weighted Shift
Top	66.68	66.66	-.02	x .25	= .005
Middle	65.72	65.70	-.02	x .50	= .01
Bottom	65.00	65.00	-	x .25	= -

- Line
1. Add the Three Results in Column F (Weighted Ave. Temp. Shift)..... = -.015
 2. Tank Dia. & Lgt: 96" : Gallon Capacity..... = 5,000
 3. Exact Water Level in Tank
 Bottom at Start of Test..... = 1-3/8 at End = 1-5/8

60 Minute Volume Check

Start time 11:00 AM Completion Time 12:00 PM

4. Exact Amount of Liquid Lost & Replaced (-) or Gained & Removed (+) in fill pipe to restore original level..... = -.06
5. API Gravity of Tested Liquid in Graduate..... = 58.0
6. Temperature of Tested Liquid in Graduate..... = 76.30
7. Subtract Line 6 from 60° (result is + or -)..... = _____
8. Multiply Line 7 x .1.
 (+ x - = -; + x + = +)..... = _____
9. Line 5 + or - Line 8 (API Gravity Adjusted for Temperature)..... = 56.0
10. With Line 9 enter Table C, Read Coefficient of Expansion..... = .00066
11. Multiply Line 10 by Line 2 (Gallons), (Volume Change for Each Degree of Temperature Change)..... = 3.3
12. Multiply Line 11 by Line 1 (Volume Change Due to Temperature)..... = -.0495
13. Change sign of Line 12 (see Sec. 9.4.) and add to Line 4 mathematically (Net change in gallons) (+ or -)..... = .0295
 (Double check sign: Minus if product lost, Plus if gained)

NOTE: NFPA in Publication #329, 4-3.10.1 does not call for a precision test to show a loss of more than .05 gallons (189ml) per hour.

Therefore, since tested tank had a loss/gain of (line 13) -.0295 gallons per hour it ~~DOES~~ DOES NOT meet the NFPA criterion for tank tightness.

Additional Remarks _____

Tester 

Accuracy of test is dependent on operator following instructions and results are the sole responsibility of the operator.

*AINLAY Tank 'Tegrity Tester' is a registered Trade Mark of STI Services, Inc. Northbrook, IL 60062

RECEIVED

OCT 30 1986

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
REGION 9

REPORT of AINLAY TTT TANK TEST

JFS
RLL

960902
TON. EIE

Date 12/20/86

Company Ken-Hy Auto Address 945 Kenmore Ave., Kenmore, NY
 Brand Unbranded Grade of Product Unleaded
 Name _____

60 Minute Temperature Check

Starting Time for Temperature Check 12:00 PM Completion Time 1:00 PM

A	B	C	D	E	F
Temperatures					
Probes	Start of Test	End of Test	Temp. Shift (E from C) + or -	Multiply Column D by E	Add up for Weighted Shift
Top	67.44	67.48	+0.04	x .25	= .01
Middle	64.01	64.03	+0.02	x .50	= .01
Bottom	63.92	63.93	+0.01	x .25	= .0025

- Line 1. Add the Three Results in Column F (Weighted Ave. Temp. Shift)..... = +0.0225
2. Tank Dia. & Lgt. 96" : Gallon Capacity..... = 10,000
3. Exact Water Level in Tank Bottom at Start of Test..... = 1" at End = 1"

60 Minute Volume Check

Start time 1:00 PM Completion Time 2:00 PM

4. Exact Amount of Liquid Lost & Replaced (-) or Gained & Removed (+) in fill pipe to restore original level..... = +0.11
5. API Gravity of Tested Liquid in Graduate..... = 58.0
6. Temperature of Tested Liquid in Graduate..... = 76.30
7. Subtract Line 6 from 60° (result is + or -)..... = _____
8. Multiply Line 7 x .1. (+ x - = -; + x + = +)..... = _____
9. Line 5 + or - Line 8 (API Gravity Adjusted for Temperature)..... = 56.0
10. With Line 9 enter Table C, Read Coefficient of Expansion..... = .00066
11. Multiply Line 10 by Line 2 (Gallons), (Volume Change for Each Degree of Temperature Change)..... = 6.6
12. Multiply Line 11 by Line 1 (Volume Change Due to Temperature)..... = .1485
13. Change sign of Line 12 (see Sec. 9.4.) and add to Line 4 mathematically (Net change in gallons) (+ or -)..... = +0.0385
 (Double check sign: Minus if product lost, Plus if gained)

NOTE: NFPA in Publication #329, 4-3.10.1 does not call for a precision test to show a loss of more than .05 gallons (189ml) per hour.

Therefore, since tested tank had a ~~loss~~ gain of (line 13) .0385 gallons per hour it DOES ~~NOT~~ meet the NFPA criterion for tank tightness.

Additional Remarks _____

Tester [Signature]

Accuracy of test is dependent on operator following instructions and results are the sole responsibility of the operator.
 "AINLAY Tank Tegrity Tester" is a registered Trade Mark of STI Services, Inc. Northbrook, IL 60062

file

600 Delaware Avenue, Buffalo, New York 14202-1073

May 19, 1986

Mr. Ruggiero
Ken-Hy Auto and Tire, Inc.
945 Kenmore Avenue
Buffalo, New York 14223

Spill Number 860802
Ken-Hy Auto
Tonawanda
Erie County

Dear Mr. Ruggiero:

I discussed the above-mentioned spill site with you and your attorney, Mr. Jack Dee, on Monday, May 12, 1986. We reviewed the investigation and remediation requirements for this spill. This letter summarizes these discussions.

In order to determine the source of the spill and due to the proximity of your storage tanks to the discovered spill, this Department is requesting that you test your tanks or else produce satisfactory evidence that the tanks are not leaking. Since the tanks have not been recently tested and since you have not maintained daily inventory records, we cannot determine the status of the tanks with regard to the reported spill. Please note your tanks must be tested next year under the Petroleum Bulk Storage Law.

Another investigation option available to you is to remove the tanks according to the Petroleum Bulk Storage Law. Removal of the tanks would require a state inspection of the excavation as well as an inspection of the interior of the tanks before they are removed from your facility.

If you do not comply with these requests, the state will be required to employ a contractor to determine the source of the oil contamination. At present, we are planning to excavate along your property line within the highway right-of-way. If we determine from this work or from future work that your facility is the source of the oil product, all the costs associated with this investigation will be assessed against you.

Mr. Ruggiero
May 19, 1986
Page 2

We are requesting that you reply to this letter by Wednesday, May 28, 1986. Your reply should indicate whether or not you will proceed with your own investigation. Failure to respond by that date will indicate to the state that you will not comply with our requests. The state will then employ a contractor to perform the investigation of the spill site.

Should you have any questions, please feel free to contact me or Mr. Michael Hinton at 847-4590.

Very truly yours,

Robert N. Leary, P.E.
Senior Sanitary Engineer

RNL:vu

cc: M. Hinton

RJS



New York State Department of Environmental Conservation

MEMORANDUM

TO: Spill Number 860802 - Ken-Hy Auto - Tonawanda - Erie County
FROM: Robert Leary *R-L*
SUBJECT: Telephone Conversations
DATE: May 20, 1986

On Monday, May 12, 1986, I discussed the above-mentioned spill site with Mr. Pat Ruggiero, the owner of Ken-Hy Auto. He was not cooperative whatsoever concerning the remediation of this site. He stated he would not test his tanks and that he did not believe we should require him to do so. He also questioned why a sample was not taken of the oil product in the ditch. I stated that we normally do not sample when we know an oil product is present.

I told Mr. Ruggiero that the state would employ a contractor to do work along the highway right-of-way. The cost of this work would be assessed against him if we determined he is the source of the oil product.

I was later contacted by his attorney, a Mr. Jack Dee, at 856-4600. I essentially gave him the overall status of the site and did indicate to him that Mr. Ruggiero was not cooperative. I stated a letter would be sent to Mr. Ruggiero allowing his options and giving him a time limit for response. I told Mr. Dee that if we determined Mr. Ruggiero's facility to be the responsible party for the oil contamination, the cost for the state contractor, as well as state costs, would be assessed against his client.

RNL:vu

RJS

LAW OFFICES OF
COHEN SWADOS WRIGHT HANIFIN BRADFORD & BRETT

THOMAS J. HANIFIN
HILARY P. BRADFORD
JAY E. BRETT
F. HARRIS NICHOLS
DOUGLAS G. KIRKPATRICK
GERALD L. KOHN
JOHN P. DEE
JAMES E. ROLLS
JANE F. CLEMENS
NANCY M. KIRKPATRICK
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KAREN L. MATHEWS
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ROBERT W. PATTERSON
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SEVENTY NIAGARA STREET
BUFFALO, NEW YORK 14202-3467
(716) 856-4600
OMNIFAX TELECOPIER (716) 856-5228
XEROX TELECOPIER (716) 856-8551

COUNSEL
ROBERT O. SWADOS
—
PAUL P. COHEN (1896-1971)
PRESTON L. WRIGHT, JR. (1923-1982)

—
NIAGARA FALLS OFFICE
256 THIRD STREET—P. O. BOX 846
NIAGARA FALLS, N. Y. 14303-0846
(716) 285-6981

—
* ALSO ADMITTED IN FLORIDA

May 21, 1986

R/S
RNL -

New York State Department
of Environmental Conservation
600 Delaware Avenue
Buffalo, NY 14202-1073

Attn: Robert N. Leary, P.E.
Senior Sanitary Engineer

Re: Spill Number 860802
Tonawanda, New York

Dear Mr. Leary:

As you know, we represent Ken-Hy Auto, Inc. which owns the premises adjacent to what is believed to be a spill of some oil product. By way of background, I understand that this "spill" was discovered as a result of an automobile accident in which someone ran into a fire hydrant and during the repair of the fire hydrant by representatives of the Town, the soil was found to contain some sort of petroleum product. We are not at this point certain whether any definitive determination was in fact made at that time or whether it was merely a suspicion which has or has not since been confirmed.

May 21, 1986

In any event, you should be advised that a review of this matter has been undertaken by Ken-Hy Auto and it has determined that it is in its best interest to avoid having the DEC make the examination on Town property. It has also been determined that it is not in the best interest of Ken-Hy to test its gasoline tanks to determine whether there is any leakage from those tanks. A review of its situation regarding the sale of gasoline and the cost thereof has led Ken-Hy to determine that its best interests lie in the removal of the gas tanks altogether. In fact, it has already contacted one representative to come in and examine the area and to give an estimate of the cost of removal. Additional estimates are being sought at the present time.

What is basically needed by Ken-Hy at this instance is time to complete an investigation of qualified tank removal companies and determine a fair and reasonable price for completing the work. In the meantime, however, Ken-Hy has notified its regular monthly customers that it will be terminating gasoline sales effective May 31, 1986. What it intends to do until that time is sell whatever gasoline is presently in the tanks, following which no further sales of gasoline

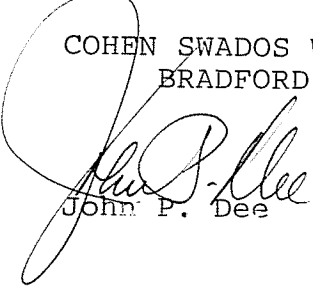
May 21, 1986

will take place. Thereafter the necessary work to remove the tanks and to have the soil tested at that time will be completed.

We trust that this approach will be satisfactory and every reasonable effort will in fact be made to accomplish this at an early date. However, you must realize that there is a very large expense which is involved and arrangements for financing may also have to be accomplished before the action can be completed. However, we give you our assurances that the matter will be done expeditiously and satisfactorily. Thank you for your expected cooperation.

Very truly yours,

COHEN SWADOS WRIGHT HANIFIN
BRADFORD & BRETT



John P. Dee

JPD/tw

RECEIVED

MAY 29 1986

N.Y.S. DEPT. OF
ENVIRONMENTAL CONSERVATION
REGION 9

ENVIRONMENTAL CONSERVATION
REGION 9

MAY 29 1986

file

600 Delaware Avenue, Buffalo, New York 14202-1073

August 7, 1986

Mr. Ruggiero
Ken-Hy Auto and Tire, Inc.
945 Kenmore Avenue
Buffalo, New York 14223

Spill Number 860802
Ken-Hy Auto
Tonawanda
Erie County

Dear Mr. Ruggiero:

This Department received a letter from your legal representation dated May 21, 1986, concerning the above-mentioned spill site. This letter stated that you were planning, at that time, to remove your underground tanks. To date, we have not had any further response from you or your legal representatives concerning this site. Would you please inform us by Monday, August 25, 1986, of the status of the remediation for the underground tanks.

If the tanks are to be removed, this Department must inspect the excavation before it is backfilled. The tanks must be cleaned out with the proper disposal of all contaminated materials in the tanks. As stated in my May 19, 1986, letter to you, the tanks must be removed according to the regulations in the Petroleum Bulk Storage law.

Should you have any questions, please feel free to contact me at 847-4590.

Very truly yours,

Robert N. Leary, P.E.
Senior Sanitary Engineer

RNL:vu



New York State Department of Environmental Conservation

MEMORANDUM

TO: Spill Number 860802 - Ken-Hy Auto and Tire, Inc. - Tonawanda - Erie County
FROM: Mr. Robert Leary *RNL*
SUBJECT: TELEPHONE CONVERSATION
DATE: September 5, 1986

On Tuesday, September 2, 1986, Mr. Pat Ruggiero contacted me concerning the above-mentioned spill site. He stated he was not ignoring DEC but, at this time, was planning to test the tanks and re-open them if possible. He had the tanks air tested and the tests were satisfactory. He realized an air test was not acceptable to DEC to prove the integrity of the tanks. He was now planning to have the tanks precision tested in the very near future. He would keep me informed of the status of this tank testing. I told him that if the tanks are tested this year, he would meet the requirements for tank testing in 1987.

RNL:ts

RNL

600 Delaware Avenue, Buffalo, New York 14202-1073

October 8, 1986

Mr. Ruggiero
Ken-Hy Auto and Tire, Inc.
945 Kenmore Avenue
Buffalo, New York 14223

Spill Number 860802
Ken-Hy Auto
Tonawanda
Erie County

Dear Mr. Ruggiero:

As required by law, your tank testing company, Marshall Tank, notified this Department that a line failure was found in your piping system. Please inform us of when you are planning to repair this piping system. We must be present to observe the excavation for the line repair to determine if contamination of the soil or groundwater has occurred.

We understand the tanks are not presently in service and the petroleum product is isolated from the piping system. The system must not be operated until the line failure is repaired.

Your cooperation in the testing of these tanks is appreciated. Should you have any questions, please contact me at 847-4590.

Very truly yours,

Robert N. Leary, P.E.
Senior Sanitary Engineer

RNL:vu

R/S



New York State Department of Environmental Conservation

MEMORANDUM


TO: Spill Number 860802 - Ken-Hy Auto and Tire, Inc. - Tonawanda - Erie County
FROM: Robert Leary *RL*
SUBJECT: Site Inspection
DATE: November 21, 1986

On Friday, November 14, 1986, I inspected the above-mentioned spill site. I met Mr. Pat Ruggiero, the owner of the facility. He stated Marshall Tank had been on the site on Saturday and Sunday, November 8 and 9, 1986, and had retested the 10,000 gallon tank. He thought the tank had tested tight as he had not heard anything contrary from Marshall Tank. He agreed to contact Marshall Tank to get a copy of the tank test results. His 5,000 gallon tank had previously tested tight.

We inspected the outside of the building where the leak had occurred. Mr. Ruggiero stated the one line from the unleaded tank had been kinked by a broken slab of concrete. This line and the one entire pump island had been eliminated. He stated Marshall Kimmins had contacted this Department so that an inspection could be made of the excavation of the line failure; however, no one from DEC inspected the site. He assured me, however, that Marshall Kimmins said the excavation was clean.

Once we obtain confirmation from Marshall Kimmins that the excavation was clean and we receive the tank test results for the 10,000 gallon tank, this site can be considered to be complete.

RNL:vu

RL  CALLED 12/3/86

file

600 Delaware Avenue, Buffalo, New York 14202-1073

February 2, 1987

Marshall Tank Company
51 Botsford Place
Buffalo, New York 14216

Attention: Mr. Kimmins

Spill Number 850802
Ken-Hy Auto
945 Kenmore Avenue
Kenmore
Erie County

Dear Mr. Kimmins:

We have requested the tank test results for the above-mentioned site from the owner as well as your company. To date, we have not received these results. Would you please check with the owner, Mr. Ruggiero, and forward these results to us. This spill site cannot be closed out until the tank test results are received.

Your cooperation will be appreciated. If you have any questions, please contact me at 847-4590.

Very truly yours,

Robert N. Leary, P.E.
Senior Sanitary Engineer

RNL:vu

RNL

600 Delaware Avenue, Buffalo, New York 14202-1073

March 3, 1987

Marshall Tank Company
51 Dotsford Place
Buffalo, New York 14216

Attention: Marshall Kimmins

Spill Number 854056
Cheektowaga, Erie County
Spill Number 860802
Tonawanda, Erie County

Dear Mr. Kimmins:

Will you please send copies of the following tank test results for the following spills to this office by Wednesday, March 11, 1987:

Spill Number 854056 - Dvortsis - 350 Nagel Drive - Cheektowaga - Erie County

Spill Number 860802 - Ken-Ny Auto & Tire, Inc. - Kenmore Avenue - Tonawanda
Erie County

Your cooperation will be appreciated. If you have any questions, please call me at 847-4590.

Very truly yours,

Lawrence Q. Ross
Principal Engineering Technician

LQR:vu

RESULTS
RECEIVED
BY RLL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
APPLICATION FOR ACCESS TO RECORDS
 (See Instructions on Reverse Side)

A P P L I C A N T

• TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION:
 I hereby apply to inspect the following records under the provisions of the Freedom of Information Law:

Spill File # 8600802

After inspection, should I desire copies of all or part of the records inspected, I will identify the records to be copied and hereby offer to promptly pay the established fees. (Cost of reproduction or 25c per page as applicable). Contact me if cost will exceed \$ _____.

Name (Print or type) Don Allen Telephone No. 800-352-0050

Attention of: _____
 Mailing Address 3530 Post Rd Southport, CT Date 10-26-89

Signature [Signature]

R E C O R D S C U S T O D I A N

• TO THE APPLICANT:

—Records Provided

- The reproduction costs for the records provided are \$ _____
- Records have been (partially, fully) provided. (If not fully provided, date when records are expected to be fully provided: _____)

—Records Not Available

- Records cannot be found after diligent search
- The Department is not the custodian for records indicated

—Records Denied

I hereby certify that access to the records—or part of the records—circled above has been denied to the applicant for the reason(s) checked below:

- Specifically exempt by other statute
- Unwarranted invasion of personal privacy
- Would impair present or imminent contract awards or collective bargaining negotiations
- Are examination questions or answers
- Are inter-agency or intra-agency materials that are not:
 - statistical or factual tabulations or data
 - instructions to staff that affect the public
 - final agency policy or determinations; or
 - external audits, including but not limited to audits performed by the comptroller and the federal government
- Are trade secrets
- Would endanger the life or safety of any person
- Are compiled for law enforcement purposes and which, if disclosed would:
 - interfere with law enforcement investigations or judicial proceedings
 - deprive a person of the right to a fair trial or impartial adjudication
 - identify a confidential source or disclose confidential information relating to a criminal investigation, or
 - reveal criminal investigative techniques or procedures, except routine techniques and procedures
- Are computer access codes

Identification of records withheld (attach listing if additional space is required) and/or explanation if appropriate:

Records Custodian Signature Kathy Brennan Title Program Aide Date 10/26/99



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 9211433
 SPILL NAME: KEN-HY TIRE DEC LEAD: COOKE
 SPILL DATE: 01/01/1993 SPILL TIME: 12:00 pm
 CALL RECEIVED DATE: 01/04/1993 RECEIVED TIME: 11:30 am

SPILL LOCATION

PLACE: KEN-HY TIRE COUNTY: Erie
 STREET: 945 KENMORE AVENUE TOWN/CITY: Tonawanda
 COMMUNITY: KENMORE
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Equipment Failure SPILL REPORTED BY: Other
 FACILITY TYPE: Gasoline Station WATERBODY: _____

CALLER REMARKS:

FOUND CONTAMINATED SOIL WHEN REMOVING TANK. PBS LEGAL REFERRAL 53-SPRR

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Gasoline	Petroleum	0 G	0 G	GW,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
PATRICK RUGGIERO	945 KENMORE AVENUE BUFFALO NY 14223-	PAT RIGGERIO (716) 875-9770

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
1306828		Spill Number

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
	0	Gasoline			00	0.00	

DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead_DEC Field was "JDC"
01/05/93: JDC AND MARSHALL BOLLES SITE INSPECTION, MET PROPERTY OWNER, PATRICK RUGGIERO, DISCUSSED CELANUP OPTIONS, CONTAMINATION APPEARS (VISUALLY) TO HAVE AFFECTED MAJORITY OF PROPERTY VIA TANK LINE FAILURES.

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NYSDEC SPILL REPORT FORM



DEC REGION: 9 **SPILL NUMBER:** 9211433
SPILL NAME: KEN-HY TIRE **DEC LEAD:** COOKE

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03/22/95: JDC SITE INSPECTION, MET WITH RP, REQUESTED SAMPLE RESULTS FOR EXCAVATION ON REMOVED 5000 GALLON TANK AND RESAMPLE ON OLD TANK FIELD. HE WILL BE CONTACTING AL DIPAOLLO FOR



NYSDEC SPILL REPORT FORM



DEC REGION: 9

SPILL NUMBER: 9211433

SPILL NAME: KEN-HY TIRE

DEC LEAD: COOKE

INFORMATION AND STATUS.

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07/28/95: JDC CONTACTED MR RUGGERIO AND REQUESTED LAB RESULTS. LAB WORK COMPLETE, RESULTS WILL BE FORWARDED.

07/28/95: JDC RECEIVED TEST RESULTS FROM ACTS DATED 5/95, THEY SHOW HIGH LEVELS, CONTACTED RP AND ADVISED REMEDIATION AND/OR SOIL REMOVAL WOULD BE REQUIRED. JDC SENT LETTER.

01/04/96: JDC SENT LETTER TO RP REQUESTING SITE CLEANUP STATUS. LEGAL ACTION WAS SUGGESTED FOR FAILURE TO RESPOND.

02/05/96: JDC TELECON WITH PAT RUGERRIO, HAS FINACIAL TROUBLE, WILL SEND LETTER OUTLINING HIS INTENT. ADVISED HE HAVE SOIL AND WATER TESTED.

02/20/96: JDC RECIVED LETTER FROM RP STATING THAT NIAGARA ENVIRONMENTAL WAS HIRED TO RESAMPLE EXCAVATION AREA. RP OULINED THE LACK OF FUNDS AT PRESENT TO COMPLETE THE CLEANUP, DEPENDING LAB RESULTS.

02/26/96: RMC TELECON FROM JOHN CAMILLER, TOWN OF TONAWANDA SEWER MAINTENANCE DEPT. HAD DISCOVERD CONTAMINATED SOILS AROUND HYDRANT WATER MAIN. RMC RESPONDED AND COLLECTED SOIL SAMPLE FROM THE EXCAVATION. JDC ON SITE AND MET WITH PROPERTY OWNER PAT RUGERRIO AND TOWN OF TONAWANDA KEITH STENDAHL. EXCAVATION WAS AT CURB TO A DEPTH OF 10 FOOT BELOW GRADE. CONTAMINATED SOILS WERE OBSERVED AT 2 FOOT BELOW GRADE AND APPROXIMATELY 7 FOOT BELOW GRADE. THIS LOCATION WAS DIRECTLY OPPOSITE THE TANK FIELD AT HY-GRADE AUTO. SUSPECT CONTAMINATION IS THE RESULT OF CONTAMINATION FOUND IN TANK AREA LOCATED 15 FEET TO THE NORTH OF THE HYDRANT.

03/04/96: JDC RECEIVED SAMPLE RESULTS DATED 2/28/96 FOR THE HYDRANT EXCAVATION, THEY SHOW THE PRESENCE OF GASOLINE AND 8021 COMPOUNDS. FURTHER EXCAVATION AND REMOVAL WORK WILL NOT BE REQUIRED IN THE IMMEDIATE AREA DUE TO WATER LINE AND UTILITIES, ALSO SIDEWALK AND ROAD CURBING. CURRENT LEVELS OF CONTAMINATION ARE NOT SIGNIFICANT ENOUGH TO WARRANT FURTHER SOIL REMOVAL.

03/06/96: JDC RECEIVED PAYMENT PACKAGE AND FOUND ORIGINAL PAYMENT REQUEST MISSING. CONTACTED KANTI LABS AND REQUESTED SAME.



NYSDEC SPILL REPORT FORM



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 SPILL NAME: KEN-HY TIRE DEC LEAD: COOKE

04/30/96: JDC SITE INSPECTION, FOUND SOIL STILL STAGED BEHIND BUILDING.

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06/03/96: JDC TELECON TO RP, NOT IN, LEFT MESSAGE TO RETURN CALL REGARDING DEC INTERVENTION TO COMPLETE CLEANUP.

06/06/96: JDC TELECON TO RP, NOT IN, LEFT DETAILED MESSAGE REQUESTING DEC DO SITE WORK.

08/01/96: JDC TELECON WITH PAT RIGGERIO, HE IS FINANCIALLY UNABLE TO COMPLETE CLEANUP WORK. HE HAS AGREED TO ALLOW DEC TO DO CLEANUP. SOILS WILL BE EXCAVATED FROM TANK PIT AND DISPOSED OF BASED ON SOIL TEST RESULTS DATED 5/4/95. WILL SEND ROE LETTER.

08/15/96: JDC RECEIVED SIGNED ROE LETTER FROM RP. JDC TELECON TO EP&S TO DO SITE WORK. SITE VISIT PLANNED FOR 8/19/96.

08/19/96: JDC SITE MEETING WITH DAVE ELSWORTH OF EP&S (STATE CONTRACTOR) AND RP PAT RIGGEIRO, INSPECTED OLD TANK FIELD AND STAGED SOILS. IDENTIFIED ONE MW AT SE CORNER OF THE TANK FIELD, COULD NOT LOCATE OTHER THREE AS PROPOSED IN DIPAOLO LETTER DATED 9/93. WELLS HAD NOT BEEN PLACED AS PER CONVERSATION WITH RP, REQUESTED EP&S GEOPROBE TANK PIT AREA TO IDENTIFY CONTAMINATION LEVELS. STAGED CONTAMINATED SOILS WILL ALSO BE CHARACTERIZED FOR DISPOSAL. WORK SHOULD BEGIN NEXT WEEK. UNABLE TO GEOPROBE DUE TO CRUSHED STONE USED AS BACKFILL IN THE TANK PIT AREA. WILL SAMPLE SE WELL POINT UNDER 8021.

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10/18/96: JDC SITE INSPECTION, EP&S ON SITE WITH BACKHOE AND REMOVED CONTAMINATED SOIL PILE THROUGH MODERN DISPOSAL. NEED FINAL DISPOSAL RECEIPTS AND RESAMPLING RESULTS TO BE COMPLETED NEXT MONTH.

12/09/96: JDC TELECON WITH DAVE ELLSWORTH, EP&S, AND REQUESTED WELL SAMPLING RESULTS. SAMPLING NOT COMPLETED WILL BE DONE TODAY.



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 9211433
 SPILL NAME: KEN-HY TIRE DEC LEAD: COOKE

12/16/97: JDC RECEIVED WELL SAMPLE RESULTS AND FOUND SATISFACTORY. REVIEWED FILE AND FOUND COMPLETE, NO FURTHER ACTION REQUIRED.

PIN
94502

T & A
Y999

COST CENTER
90945022--95

CLASS: B2 CLOSE DATE: 12/16/1996 MEETS STANDARDS: True

NYSDEC SPILL REPORT FORM

DEC REGION# 9 (Buffalo) SPILL NUMBER 9211433
 SPILL NAME: KEN-HY TIRE DEC LEAD: JDC
 CALLER'S NAME: AL DIPALO NOTIFIER'S NAME: _____
 CALLER'S AGENCY: DIPALO EXCAVATING NOTIFIER'S AGENCY: _____
 CALLER'S PHONE: (716) 759-6373 EXT. _____ NOTIFIER'S PHONE: _____ EXT. _____

SPILL DATE: 01/01/1993 TIME: 12:00
 CALL RECEIVED DATE: 01/04/1993 TIME: 11:30 RECEIVED BY CID #: _____

Material Spilled	Mat. Class	Am't Spilled	Units	Am't Recovered
1) <u>GASOLINE</u>	<u>Pet-Haz-Other-Unk.</u>	<u>Unknown</u>	<u>Gal - Lbs</u>	<u>Unknown</u>
2) _____	<u>Pet-Haz-Other-Unk.</u>	_____	<u>Gal - Lbs</u>	_____
3) _____	<u>Pet-Haz-Other-Unk.</u>	_____	<u>Gal - Lbs</u>	_____
4) _____	<u>Pet-Haz-Other-Unk.</u>	_____	<u>Gal - Lbs</u>	_____

SPILL LOCATION

PLACE: KEN-HY TIRE
 STREET: 945 KENMORE AVENUE
 T/C/V: KENMORE CO: ERIE
 CONTACT: _____
 PHONE: _____ EXT. _____

POTENTIAL SPILLER

NAME: PATRICK RUGGIERO
 STREET: 945 KENMORE AVENUE
 CITY: BUFFALO
 STATE: NY ZIP: 14223
 CONTACT: PAT RIGGERIO
 PHONE: (716) 875-9770 EXT. _____

SPILL CAUSE

Human Error Tank Test Failure Tank Failure
 Traffic Accident Housekeeping Tank Overfill
 Equipment Failure Deliberate Other
 Vandalism Abandoned Drums Unknown

SPILL SOURCE

Gas Station Private Dwelling Non-Maj Facility
 Passenger Vehicle Vessel Comm/Indust
 Comm. Vehicle Railroad Car Non-Comm/Instit
 Tank Truck Major Facility Unknown

RESOURCE AFFECTED

On Land Groundwater Air
 In Sewer Surface Water **

SPILL REPORTED BY

Responsible Party Tank Tester Local Agency
 Affected Persons DEC Federal Gov't
 Police Department Citizen Other
 Fire Department Health Dept.

CALLER REMARKS: FOUND CONTAMINATED SOIL WHEN REMOVING TANK. PBS LEGAL REFERRAL 53-SPRR

PBS Number	Tank Number	Tank Size	Test Method	Leak Rate
<u>9-600023</u>	_____	<u>0</u>	_____	<u>0.00</u>
_____	_____	_____	_____	_____

PRIMARY CONTACT CALLED DATE: _____ TIME: _____ REACHED DATE: _____ TIME: _____ hrs.
 SECONDARY CONT. CALLED DATE: _____ TIME: _____ FAXED BY CID#: _____

PIN #	94502	T & A	Y999	Cost Center	90945022--95R to Central Office	05/01/1996
Cleanup Ceased	12/16/1996	Meets St'ds	YES	Last Inspection	02/26/1996	Penalty
RP-CUI	ENF-INIT	INVS-COM	CAP			
UST Trust Eligible	YES	Site: A B <input checked="" type="checkbox"/> D E	Resp. Party	1 2 3 <input checked="" type="checkbox"/> 4 5 6	Reg Close Date	12/16/1996

DEC REMARKS

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12/16/97: JDC RECEIVED WELL SAMPLE RESULTS AND FOUND SATISFACTORY. REVIEWED FILE AND FOUND COMPLETE, NO FURTHER ACTION REQUIRED.

NYSDEC INITIAL SPILL RESPONSE FORM

REGION 9 INCOMING LINE: 518 / 800

SPILL NAME: KEN-HY TIRE
CALLER'S NAME: AL DI PAOLO
CALLER'S AGENCY: Di Paolo Excavating
CALLER'S PHONE: (716) 759-6373

SPILL NUMBER: 9211433
NOTIFIER'S NAME:
NOTIFIER'S AGENCY:
NOTIFIER'S PHONE: ()

SPILL DATE: 01/01/93 TIME: 1200 hrs.
CENT OFF DATE: 1/5/93 TIME: 1540 hrs.
REG OFF DATE: 01/04/93 TIME: 1130 hrs.

ANS SVC DATE: / / TIME: hrs.
FIRST CALL: A, (R), C ANS SVC OPER
SARA Title III/CERCLA Notification Y / N

PETROLEUM SPILLED

- 1 - Gasoline 4 - #6 Fuel 7 - Waste Oil 10 - Kerosene
2 - #2 Fuel 5 - Diesel 8 - Non-PCB Oil 11 - Unknown
3 - #4 Fuel 6 - Jet Fuel 9 - PCB Oil

MATERIAL CLASS

- 1 - Petroleum 3 - Hazardous Material 5 - Unknown
2 - Non-Petro/Non-Haz 4 - Raw Sewage

QUANTITY: gals/lbs

Amount Recovered

Other Material Spilled

SPILL LOCATION

PLACE: KEN HY AUTO
STREET: 445 KENMORE (AT IRVING)
T/C/V: KENMDEE CO: ERIE
CONTACT:
PHONE: () 875-9770

SPILLER (If Different)

NAME: PATRICK RUGGIERO
STREET:
CITY/ST/ZIP:
CONTACT:
PHONE: () 445-0543

OTHER INFO: TANK EXCAVATOR - AL DI PAOLO 875-4143 AG-888-4901

SPILL CAUSE

- 1 - Human Error 5 - Tank Test Failure 9 - Tank Failure
2 - Traffic Accident 6 - Housekeeping 10 - Tank Overfill
3 - Equipment Failure 7 - Deliberate 11 - Other
4 - Vandalism 8 - Abandoned Drums 12 - Unknown

SPILL SOURCE

- 1 - Comm/Indust 5 - Gas Station 9 - Private Dwelling
2 - Non-Comm/Inst 6 - Passenger Vehicle 10 - Vessel
3 - Major Facility 400,000 gal 7 - Comm Vehicle 11 - Railroad Car
4 - Non-Maj Facility 1,100 gal 8 - Tank Truck 12 - Unknown

RESOURCE AFFECTED

- 1 - On Land 3 - Groundwater 5 - Air
2 - in Sewer 4 - Surface Water

DEC NOTIFIED BY:

- 1 - Responsible Party 5 - Tank Tester 9 - Local Agency
2 - Affected Persons 6 - DEC 10 - Federal Gov't
3 - Police Department 7 - Citizen 11 - Other
4 - Fire Department 8 - Health Dept. a. Fuel Supplier
b. Tank Contractor
c. Clean-up Contractor
d. Envir. Consultant
e.

Waterbody

Drainage Basin/Sub-Basin 01-01

REMARKS:

FOUND CONTAMINATED SOIL WHEN REMOVING TANK
PBS LEGAL REFERRAL 53-SPRR

Table with 3 columns: PIN #, T&A, Cost Center. Values include 94502, V999, 90945022--95.

Tank Test Failure Y / N Tank Size Gal. Test Method System/Tank/Line
Leak Rate GPH PBS # 600023 Tank I.D.#'s Manifold Y / N

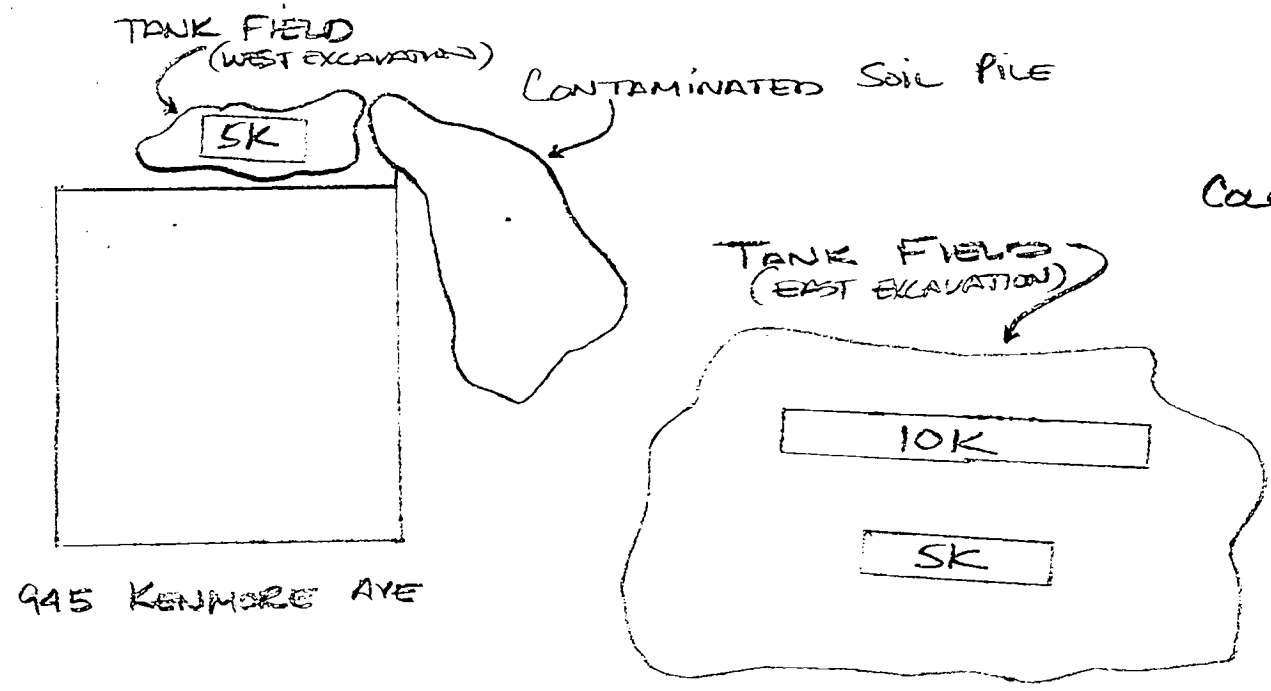
Table with 2 columns: Cleaner options (1-4) and UST Trust Eligible (Y/N). Includes Site: ABCD and Resp. Party 123.

Regional Contact Entered in Log Book 1-5-93 (Sheet #114)

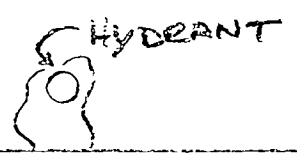
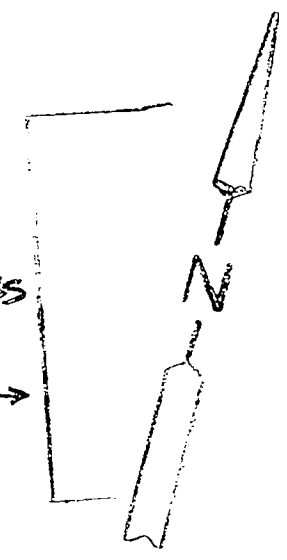
Central Duty Ofcr updated 9-2-93 K.H. updated 4-9-93 K.H. updated 9/20/93 K.H. DATA INPUT 12/6/91

Vertical handwritten notes on the left margin: updated 1/28/93 K.H., 888-4901, 695-4113

KEN-HY AUTO-9211433



GEISS
Collision



KENMORE AVENUE

Spill Number _____

Date _____

SPILL CONTINUATION SHEET

Date

Comments

1-5-93 JOL VISITED SITE W/ MARSHAL BOWLES, PBS AND DISCUSSED CLEANUP OPTIONS W/ PROPERTY OWNER PATRICK RUGGERIO. RECOMMENDED HE UTILIZE SOIL VENTING / AIR STRIP OR ANAEROBIC BIO-TREATMENT.

CONTAMINATION FROM GASOLINE WAS, BY GENERAL OBSERVATION, AFFECTED THE MAJORITY OF THE PROPERTY VIA TANK LINE FAILURES. CONTAMINATION WAS SPILLING INTO ONE OF THE TANK EXCAVATIONS FROM ALL DIRECTIONS.

TO ADDRESS THE CURRENT SITUATION, MONITORING WELLS WILL BE PLACED IN SEVERAL LOCATIONS W/ ALL EXCAVATED SOILS BEING PLACED BACK INTO THE TANK EXCAVATION. WELLS WILL BE MONITORED UNTIL A REMEDIATION PLAN IS FULLY ADOPTED BY THE R.P.

SPILL CONTINUATION SHEET

Date

Comments

4-8-93 JOC ON SITE AND MET W/ MR PAT RUGGERIO, OWNER. NO REMEDIAL WORK HAS BEGUN. NATURE'S WAY HAS COLLECTED SOIL SAMPLES, NO RESULTS REPORTED. MR RUGGERIO WILL CONTACT ME NEXT WEEK AFTER HE HAS CONTACTED MR DI POALO.

updated
4-19-93
K.H.

6-4-93 RECEIVED TREATMENT PROPOSAL FROM NATURE'S WAY. CARBON FILTRATION ON GROUNDWATER IS BEING PROPOSED, HOWEVER NO SPECIFICS ARE OFFERED W/ RESPECT TO DISCHARGE WATERS AND SAMPLING PROCEDURES. WILL CONTACT MR SAVAGE AND DISCUSS

9-1-93 DRAFTED LETTER TO MR RUGGERIO Require clean up begin by 10/1/93 and plan submitted by 9/17/93 ~~REPORT CLEANUP STATUS.~~

updated
9-2-93
K.H.

Spill Number _____

Date _____

SPILL CONTINUATION SHEET

Date

Comments

9-17-93 1

RECEIVED REMEDIATION PLAN OUTLINE
NO DATES FOR WORK START HAVE BEEN
STATED. updated 9/20/93 K.H.

10-25-93 JDC RECD LETTER FROM R.P. OUTLINING
A NOV. 15, 93 AS START DATE FOR BLOWER
SYSTEM INSTALL FOR SOIL AND CARBON
FILTRATION FOR WATER. updated 12/28/93 K.H.

12-28-93 JDC TELCON w/ MR RUGGERIO AND REQUESTED
REMEDIATION STATUS INFO. updated 12/28/93 K.H.

(SEE COMPUTER NOTES)

INVESTIGATIVE SUMMARY REPORT

To: Salvatore Pagano, Spills Management, Albany Date: 5/1/96
From: Robert N. Leary, P.E., Regional Spill Engineer Region: 9

R.N. Leary

Spill Number: 9211433 PIN Number: 94502
Cost Center (S): 90945022--95 T/A Code: Y999
Cost Center (F):

Spill Date: 1/1/93
Date Cleanup Completed: Date Spill Reported: 1/4/93

INTERIM REPORT

Amount Spilled: unknown Petroleum Spilled: gasoline
Amount Recovered: unknown Material Spilled:

Spill Name: Ken-Hy Auto
Owner's Name: Patrick Ruggiero

Spill Location: 945 Kenmore (at Irving)
City/Town: Kenmore
County: Erie

Resources Impacted: Groundwater - Gasoline from leaking underground tanks contaminated sub-surface soil and groundwater.

Caller: Al DiPaolo
Affiliation: DiPaolo Excavating
Telephone: 716-759-6373

Name of Spiller: Patrick Ruggiero
Street: 945 Kenmore Avenue
City, State, Zip: Buffalo, New York 14223

Name of Spiller:
Street:
City, State, Zip:

ISR Continued

- 2 -

Date: 5/1/96

Region: 9

Spill Number: 9211433

PIN Number: 94502

Source and cause of spill: Gas station - Leaking tanks at a gasoline station were the source and cause of the spill.

Investigation Performed

- Pictures taken
- Sample results (water, soil, air) - please circle
- Gas chromatograph tapes available
- Witness statement/name and address - if yes, identify below
- Police report
- Hydrogeological report available
- Boring logs
- Letter of responsibility sent
- Motor vehicle accident report:
 - License Number: _____ Vehicle Type: _____
 - ECO ticket issued/violation _____
- Other (please describe) Computer Spill History, Site Sketch

Conclusion: The tank removal contractor, DiPaolo Excavating, notified DEC that he found contaminated soil while removing tanks at Ken-Hy Auto. He staged contaminated soil on site. DEC discussed spill cleanup requirements with the owner, Patrick Ruggiero, and sent him a letter dated January 7, 1993 confirming the requirements. A second reminder letter dated March 30, 1993 was sent to Mr. Ruggiero. A second contractor, Nature's Way, Inc., responded in a letter dated May 29, 1993 for a proposal to treat the contaminated water in the tanks. However, no work occurred. (Continued on next sheet.)

- Recommendation for penalty attached.
- Penalty is not recommended as ECL violations are pursued.
- Penalty is not recommended.

A lien is possible for this spill.
Interim ISR Date: None

pp3 Robert N. Leary
Spill Engineer

Regional Attorney

05/01/96
Date

Date

Spill Number 9211433

PIN Number 94502

Conclusion (continued):

DEC sent another letter to Mr. Ruggiero dated September 2, 1993 requesting cleanup. This time DiPaolo Excavating responded in a letter dated September 17, 1993 with a remediation plan. During May 1994, DiPaolo installed monitoring wells and an SVES. However, the SVES has not been completed and has not operated.

During late 1994, DiPaolo found and removed an unknown gasoline tank. Their sample results from this tank excavation and the former tank field identified gasoline. However, Mr. Ruggiero did no further work.

During February 1996, a utility company, National Fuel Gas, found suspected gasoline-contaminated soil in a utility trench in front of Ken-Hy Auto. DEC employed a State contract laboratory, Kanti Technologies, Inc., to analyze a sample of the soil. They found gasoline and lubricating oil. DEC has again requested cleanup work by Mr. Ruggiero.

The cost of the work by the laboratory is \$250.00.

Further costs will be incurred.

Region: 9

Spill Number: 9211433

PIN Number: 94502

Penalty Recommended

Provisions of law violated:

- NL #173 (Prohibition of discharge of petroleum)
- NL #175 and 17 NYCRR #32.3 (Failure to notify of spill)
- NL #176.1 and NYCRR #32.5 (Containment of discharge required)
- ECL #17-0501 (General prohibition against pollution)
- ECL #17-1743 (Reporting of spills)
- ECL #71-1941 (Penalties for spills)
- ECL Article 17, Title 10 (Violation of Bulk Storage Law or regulations) - Specify: _____

State facts supporting conclusion that penalty is appropriate:

Responsible party has failed to clean up a spill site.

Amount of penalty: \$2,000 (seven points)

Robert M. Leary

 Spill Engineer
 05/01/96

 Date

Abby M. Snyder

 Regional Attorney
 5/13/96

 Date

Penalty Matrix Score Summary

Spill # 9211433 Date 5/1/96

Factors Relating to Spill

1 _____
 2 1 _____
 3 _____
 4 _____
 5 _____
 6 _____
 7 1 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____

Compliance History

22 _____
 23 _____
 24 1 _____
 Total 6

Spills at MOSF's, Vessels
 or PBS Facilities

13 2 _____
 14 _____
 15 _____
 16 _____

Multipliers

1 N 0% _____
 Y +50% _____
 2 N 0% _____
 Y +25% _____
 3 N +25% 1 _____
 Y -25% _____
 Y 0% _____
 4 N 0% _____
 Y +50% _____

Reporting

17 _____
 18 _____

Cleanup and Removal

19 _____
 20 _____
 21 1 _____

Multiplied Total 1

Grand Total 7



New York State Department of Environmental Conservation
MEMORANDUM

RN

RECEIVED

AUG 3 2000

TO: Scott Herron
 FROM: Tom Plesnarski TP
 SUBJECT: Penalty Recommendations for Violations of Article 12 of the Navigation Law
 DATE: August 1, 2000

NYSDEC - REG. 9
 FOIL
 REL UNREL

This office has reviewed the attached Investigative Summary Report(s) (ISR) for the spill project(s) shown below. Please review the attached regional office's penalty recommendations and forward the completed package to the Comptroller's Office with attention to Ken Oliver.

Please provide me and the regional office with a copy of your transmittal letter

REG	PIN #	SPILL #	SPILLER(s)	LOCATION/ COUNTY	PENALTY	ADMIN. COST
9	94832	95-08578	Delia Car Corporation	East Aurora/ Erie County	\$2,500.00	\$1,041.50
9	94502	92-11433	Patrick Ruggiero	Kenmore/ Erie County	\$2,000.00	N.C.
9	01184	99-75533	James Delgaudio	Cheektowaga/ Erie County	\$1,500.00	N.C.
9	01340	99-14712	LeBrakie Inc. Transport	Machias/ Cattaraugus County	\$1,500.00	N.C.
9	01282	99-12707	Scheider Trucking	Randolph/ Cattaraugus County	\$5,000.00	N.C.

(*)spill responder does not recommend a penalty

Attachment

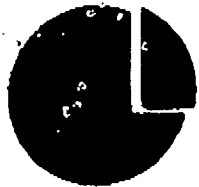
cc: RSE Region 9
 Dayfile

New York State Department of Environmental Conservation
Federal & Municipal Accounts Unit
Time & Activity Detail Report

Subject: Oil Spill Time and Activity Cost

OIL SPILL SP: 92-11433

Total Personal Service Cost	\$	0
Total Fringe Benefits (non-federal)	\$	0
Total Personal Service & Fringe Benefits	\$	0



LOZIER LABORATORIES, INC.

908 CULVER ROAD
 ROCHESTER, NEW YORK 14809
 716-854-8350

NEW YORK STATE
 APPROVED
 ENVIRONMENTAL LABORATORY

CLIENT : NATURE'S WAY, INC. DATE REC'D. : 01/13/93
 11796 GENESEE STREET LABORATORY NO. : 93010188
 ALDEN, NEW YORK 14004 REPORT DATE : 01/20/93

ATTN : RUSS SAVAGE

SAMPLE INFORMATION

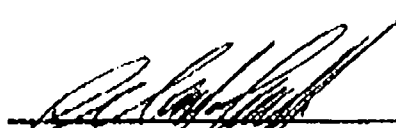
SAMPLE DATE : 01/07/93 LOCATION : KEHY SERVICE
 SAMPLE TIME : 3:30 PM TYPE OF SAMPLE : WATER
 NUMBER OF SAMPLES : 1 SAMPLER : CLIENT

PURGEABLE AROMATICS

PARAMETER	WATER IN UST	DUPLICATE	UNITS
BENZENE	4,500	5,200	ug/l
TOLUENE	6,000	6,900	ug/l
CHLOROBENZENE	<10	<10	ug/l
ETHYLBENZENE	1,500	1,800	ug/l
TOTAL XYLENES	9,200	11,000	ug/l
o-DICHLOROBENZENE	<10	<10	ug/l
m-DICHLOROBENZENE	<10	<10	ug/l
p-DICHLOROBENZENE	<10	<10	ug/l
MTBE	<50	<50	ug/l
INTERNAL STANDARD & RECOVERY	81	88	%

Performed by EPA Method 602

NYSDOH LAB ID # 10390


 LABORATORY DIRECTOR

93

**LOZIER
LABORATORIES**

**CHAIN OF CUSTODY
RECORD**

Nature's Way, Inc.
11796 Genesee St.
Alden, New York 14004

11:56 P.07

Jun 03, 93

TEL NO. 716-937-6527

NUI-FAX

LABORATORY NO: _____

Project Name: Ken-Hy Suc

SAMPLE IDENTIFICATION	DATE	TIME	LOCATION	SAMPLE TYPE	ANALYSIS					NUMBER OF CONTAINERS	REMARK
<u>16 in U.S.T</u>	<u>5/11/93</u>	<u>3:30pm</u>	<u>Hill in back yard</u> <u>Trimer gas tank</u> <u>U.S.T.</u>	<u>40</u>						<u>(1.02)</u>	<u>REST</u> <u>24 Hr</u> <u>T/A</u>

RECEIVED BY: [Signature]
SIGN _____

ACQUISISHED BY: [Signature]
SIGN _____
DATE 5/13/93 TIME 11:00 AM

2 [Signature]
SIGN _____
DATE 5/13/93 TIME 10:45 am

3 _____
SIGN _____
DATE _____ TIME _____

4 _____
SIGN _____
DATE _____ TIME _____

RECEIVED BY: 1 [Signature]
SIGN _____
DATE 5/13/93 TIME 8:53

2 _____
SIGN _____
DATE _____ TIME _____

3 _____
SIGN _____
DATE _____ TIME _____

4 _____
SIGN _____
DATE _____ TIME _____

METHOD OF SHIPMENT: Air Mail Registered
[Signature]
SIGN _____

RECEIVED FOR LABORATORY BY: [Signature]
SIGN _____
DATE 5-13-93 TIME 1043

Vatures Way, Inc
11796 Genesee St
Alden, NY - 14004

Russ Savage

93052443

Laboratory No. : 9305-2443
Date received : 5-13-93
Time received : 10:45
Date(s) sampled : 5-11
Time sampled : 3:30
Sampler's name : Chand
P.O. Number :
Report Date : 5/21/93
Location : Ken-Hy Service

Sample Identification Mat
A. Water in U.S.T water
B. _____
C. _____
D. _____
E. _____
F. _____
G. _____
H. _____
Re: _____

PARAMETER(S)	UNITS	A	B	C	D	E	F	G	H	LIMITS	METHOD #	INITS
TPH	mg/l	21.8									5M5520 CIP (EPA 418.2)	DMA 5/19

COMMENTS: **(*) 24 HOUR RUSH !!**



LOZIER LABORATORIES

CHAIN OF CUSTODY RECORD

Client Name: Nature Way, Inc.
 11796 Genesee St.
 Alden, New York 14004
 Mailing Address: _____

LABORATORY NO: _____

Project Name: Healthy Service

SAMPLE IDENTIFICATION	DATE	TIME	LOCATION	SAMPLE TYPE	ANALYSIS								NUMBER OF CONTAINERS	REMAI		
<u>Water in U.S.T</u>	<u>1/7/93</u>	<u>3:30pm</u>	<u>H₂O in U.S.T</u>	<u>grab</u>	<u>2</u>										<u>2 (Vort)</u>	<u>10 per TAC</u>

SAMPLED BY: M. Zupancic
 SIGN _____

RELINQUISHED BY:	1 <u>M. Zupancic</u> SIGN _____ DATE <u>1/13/93</u> TIME <u>11:30 AM</u>	2 <u>Don Gendron</u> SIGN _____ DATE <u>1-13-93</u> TIME <u>1:30 PM</u>	3 SIGN _____ DATE _____ TIME _____	4 SIGN _____ DATE _____ TIME _____
RECEIVED BY:	1 <u>Don Gendron</u> SIGN _____ DATE <u>1-13-93</u> TIME <u>11:45 AM</u>	2 SIGN _____ DATE _____ TIME _____	3 SIGN _____ DATE _____ TIME _____	4 SIGN _____ DATE _____ TIME _____

METHOD OF SHIPMENT: _____
 SIGN _____

RECEIVED FOR LABORATORY BY: R. Jubian
 SIGN _____ DATE 1/13/93 TIME 1:30 PM

JUN 3 '93 10:54

720 937 6527

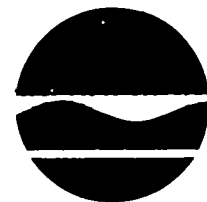
PAGE.005

UNI-FAX

TEL NO. 716-937-6527

JUN 03, 93 11:55 P.05

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York, 14203-2999



Thomas C. Jorling
Commissioner

January 7, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Patrick Ruggiero
Ken Hy Auto
945 Kenmore Avenue
Kenmore, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Soil Treatment Options
Ken Hy Auto - 945 Kenmore Avenue
Kenmore
Erie County

On January 4, 1993, Mr. James Cooke of this Department met with you to discuss remediation requirements and options for the above-mentioned spill site. This site involves gasoline-contaminated soils associated with tank removals. We require the following for all remediation options:

1. All contaminated material may be left in the excavation and treated.
2. The contaminated material must be sampled for TCLP 8021, TCLP for lead, ignitability and DQH 310-13. The sample results will determine if the material is a non-hazardous waste or a hazardous waste. If the material is non-hazardous, you may proceed with your selected option. If the material is hazardous, please contact us for further information.
3. One monitoring well to groundwater must be installed. Groundwater must be sampled by EPA Method 601.
4. You must notify us to arrange an inspection of the spill area before your selected remediation plan is initiated.

The following remediation options require additional work as noted:

OPTION 1 - Bioremediation of Contaminated Material.

1. After treatment is ended, the material must be sampled for TCLP 8021 direct. The results of this sampling will determine if further treatment is necessary.

Mr. Patrick Ruggiero
January 7, 1992
Page 2

2. The treated material must remain on site.
3. A copy of your signed contract with your bioremediation contractor must be submitted to this office by February 1, 1993.
4. Bioremediation must start when weather permits. This Department must be notified when you plan to start work.

OPTION 2 - Air Stripping of Contaminated Soil.

1. The air effluent must have carbon treatment. The air must be sampled for benzene before and after the carbon treatment monthly for twelve months. The carbon treatment may be discontinued dependent on the sampling results.
2. After treatment is ended, the material will again be sampled for the same parameters as in option #2, step #1. The results of this sampling will determine if further treatment is necessary.

Your treatment option selection and a work schedule are requested by February 1, 1993. If you have any questions, please contact Mr. Cooke at 851-7220.

Sincerely,

Robert N. Leary, P.E.
Environmental Engineer II

//vm

file

March 30, 1993

Mr. Patrick Ruggiero
Ken Hy Auto
945 Kenmore Avenue
Kenmore, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Treatment Status
945 Kenmore Avenue
Kenmore
Erie County

To date, we have not received a written response to our letter to you dated January 7, 1993 requesting your selection of a remediation option. Enclosed find a copy of the original letter mailed to you.

You are required to notify Mr. James Cooke of this office with your remediation plan for the above-referenced site. This information must be received by April 12, 1993 as outlined in our January 7, 1993 letter.

If the remediation information is not received by April 12, 1993, legal action or penalties may be assessed against you. Your cooperation in this matter will be appreciated.

If you have any questions, please contact Mr. Cooke at 851-7220.

Sincerely,

Salvatore A. Calandra
Environmental Engineer I

JDC:vm

Enclosure

NATURE'S WAY INC.
ENVIRONMENTAL REMEDIATION

11796 Genesee St.
Alden, N.Y. 14004

(716) 937-6527
(716) 937-6140

May 29, 1993

Mr. Marvin Pringle
NYSDEC, Region 9
270 Michigan Ave.
Buffalo, New York 14203-2999

Re: Ken-Hy Auto Svc.- Contaminated H2O in UST - Carbon Filtration
Kenmore, N.Y..

Dear Marvin,

I am forwarding analyses of contaminated water contained in the 6000 gal. U.S.T. (former gasoline tank) at the above site, along with calculations for activated carbon requirements for effective filtration and discharge to surface of the subject water. We would like to begin filtration/discharge immediately, so I am faxing this information, and will call to confirm your agreement with the proposed filtration/discharge.

Calculation of Carbon Requirements: Tank Cap. = 6000 gallons
(as per attached analyses)

BTEX concentration in H2O =	24.9 ppm
Total Petroleum Hydrocarbons =	21.8 ppm

TOTAL ORGANIC LOADING =	46.7 PPM

While Total petroleum hydrocarbons should theoretically represent total organics content in the subject H2O, it is known that volatiles may be lost and not detected by this analysis, and therefore BTEX (volatiles) content must be analyzed and considered separately. While it is likely that some of the volatiles are not lost and are reflected in the TPH analytical results, the most conservative approach is to combine the TPH results with the BTEX results to arrive at the worst case maximum organics content in the water to be filtered.

$0.0000467 (46.7 \text{ PPM}) \times 0.5 \text{ lb/gal} \times 6,000 \text{ gal.} = \text{total lbs organics} = 2.38 \text{ lbs}$

Carbon absorption capability is approx. 5.0% by weight, so total maximum carbon usage will be $20 \times 2.38 = 47.63 \text{ lbs.}$ carbon necessary.

NATURE'S WAY INC.
ENVIRONMENTAL REMEDIATION

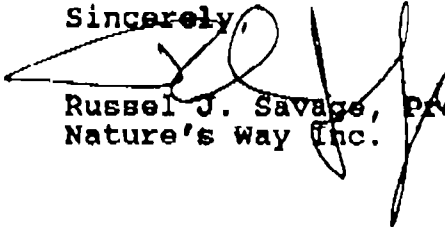
11796 Genesee St.
Alden, N.Y. 14004

(716) 937-6527
(716) 937-6140

We will set up two carbon filters in series, each loaded with 40 lbs. of activated carbon to filter the water in the tank, utilizing a total of 80 lbs carbon, providing a 1.67X safety margin.

As always, fresh activated carbon will be utilized to charge the filters just prior to commencement of filtration, and all carbon utilized will be either added to contaminated soil stockpiled on-site for proper disposal, or drummed and disposed of properly if contaminated soil, etc. is not present at a Site.

Sincerely,



Russel J. Savage, President
Nature's way Inc.

file

September 2, 1993

Mr. Patrick Ruggiero
Ken Hy Auto
945 Kenmore Avenue
Kenmore, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Ken Hy Auto
Kenmore
Erie County

We have not received any information for your remediation plan since Nature's Way's letter of May 29, 1993. We have twice requested investigation and/or remediation for your spill site.

If a plan is not submitted by September 17, 1993 and remediation underway by October 1, 1993, we will refer this spill site to our legal section for further action. Legal action will include a penalty against you for lack of work.

If you have any questions, please contact Mr. James Cooke of this office or me at 851-7220.

Sincerely,

Salvatore A. Calandra
Environmental Engineer I

SAC:vm

cc: Mr. Russel J. Savage - Nature's Way, Inc.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Patrick Ruggiero
 Ken Hy Auto
 945 Kenmore Avenue
 Kenmore, NY 14223

4a. Article Number

P 257 828 787

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

Ken Ruggiero

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

190

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



Print your name, address and ZIP Code here

NYSDEC

270 Michigan Avenue
Buffalo, NY 14203-2999

Attn: Vera



191

P 257 628 787



Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail

UNITED STATES
POSTAL SERVICE
 MR. Patrick Ruggiero
 (See Reverse)

Special Delivery	
Sent to Ken Hy Auto	
Special Address 945 Kenmore Avenue	
P.O. State and ZIP Code Kenmore, NY 14223	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 9211433 Kenmore, Erie County JDC	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811. 193
6. Save this receipt and present it if you make inquiry.

DIPAULO EXCAVATING INC.

10475 TILLMAN ROAD
CLARENCE, NY 14031

September 17, 1993

Ken-Hy Auto & Tire Inc.
945 Kenmore Avenue
Town of Tonawanda, NY 14223

RE: Remediation Plan
Petroleum Contaminated Soil and Groundwater

Gasoline contaminated soil was evident during removal of underground fuel storage tanks at the former gasoline retail outlet.

One 5,000 gallon tank remains on site, all water and product was removed and disposed of utilizing carbon filtration.

The area of known contamination in the tank nest area was backfilled pending remediation.

REMEDIATION STRATEGY:

- Installation of four (4) monitoring/recovery wells in the tank nest area.
- Wells will be 4" PVC installed to groundwater.
- 2" PVC piping will be installed on each well and run to a central area for vapor collection utilizing a blower or air stripper.
- Wells will be utilized for product/contaminated groundwater recovery. Contaminated waters recovered from the wells will be run through a carbon filter and discharged.
- The remaining 5,000 gallon tank will be cleaned and filled in place due to the proximity of utilities. Confirmatory samples will be obtained in the tank nest area.
- Monitoring/recovery wells will be installed as required.
- Pump and treat method outlined earlier will be utilized for contaminated groundwater remediation.
- 2" PVC piping will be run to a central area for vapor collection.
- Periodic sampling of groundwater and soil will be conducted until state requirements are achieved.

RECEIVED

SEP 17 1993

N.Y.S. DEPT. OF
ENVIRONMENTAL CONSERVATION
REGION 9

#9211433 ✓

Ken-Hy Auto & Tire, Inc.

945 KENMORE AVENUE BUFFALO, N.Y. 14223
Phone: 875-9770

What is
the remediation
plan.

10-22-93

NEW YORK STATE OF ENVIRONMENTAL CONSR.
270 MICHIGAN AVE
ALBANY NY 14203-2989

ATT. MR COOKE:

RE: REMEDIATION PLAN -

SIR:

ON THURSDAY OCT 21ST 1993, MR AL DIPADDO & I
DISCUSSED AND AGREED TO A PLAN FOR REMEDIATION OF
THE PROPERTY AT 945 KENMORE AVE. ON OR ABOUT
NOV 15TH 1993 (WITHIN APPROXIMATELY 30 DAYS) MR DIPADDO
WILL PROCEED WITH PLAN OUTLINED IN HIS LETTER
OF SEPT 17, 1993.

A MONITORING SYSTEM WILL BE INSTALLED AND
A BLOWER SYSTEM WILL BE PUT INTO PLACE.

MR DIPADDO HAS STATED THAT THIS WILL
BE STARTED IN THE VERY NEAR FUTURE

Thank You
Bar Buggers

CC. AL DIPADDO

RECEIVED

OCT 25 1993

NYS DEPT. OF
ENVIRONMENTAL CONSERVATION
REGULATORY DIVISION

RM ✓

JOC ✓

DEC 27th 1993

SPILL # _____

Mr James COOKE
NYSDEC

RE: Per your phone call on 12/27/93

Sir:

PLEASE FIND ENCLOSED A COPY OF THE SERVICES PROVIDED BY NATURE'S WAY FOR THE TANK LEFT IN THE GROUND.

ALSO I SPOKE WITH MR D. PAOLO ABOUT THE REMEDIATION OF THE SOIL AND HE HAS INFORMED ME THAT ALL PAPER ARE ORDERED AND HE WILL BE DOING THE WORK IN JANUARY.

IF ANY FURTHER INFO IS NEEDED PLEASE CALL ME.

RECEIVED

DEC 29 1993

N.Y.S. DEPT. OF ENVIRONMENTAL CONSERVATION REGION 9

CVC A D. PAOLO

Thank You
Carl Cargnello

NATURE'S WAY INC.
ENVIRONMENTAL REMEDIATION

11796 Genesee St.
Alden, N.Y. 14004

(716) 937-6527
(716) 937-6140

ITEMIZED STATEMENT OF CHARGES

INVOICE # ES-93-76

SERVICES PROVIDED

WORK PERFORMED	DATE	TOTAL HOURS	RATE	CHARGES
LABOR -				
CARBON FILTRATION	06/04	7.5	30.00	\$ 225.00
	06/10	3.5	30.00	\$ 105.00
MATERIALS -				
CARBON FILTERS	06/04	2 EA	300.00 EA	\$ 600.00
ANALYTICAL TESTING				
TPH	05/20	1 EA	110.00	\$ 110.00
BTEX	04/23	1 EA	150.00	\$ 150.00
TOTAL CHARGES				\$ 1,190.00

TOTAL CHARGES THIS INVOICE _____ \$ 1,190.00

TAXABLE AMOUNT _____ \$ 930.00
(NO TAX ON ANALYTICAL - PROF. SVCS.)

SALES TAX _____ \$ 74.40

TOTAL CHARGES INCLUDING SALES TAX _____ \$ 1,264.40

PREVIOUS PAYMENTS CREDITED TO INVOICE _____ \$ 150.00

TOTAL AMOUNT DUE _____ \$ 1,114.40

RECEIVED
DEC 29 1993
N.Y.S. DEPT. OF
ENVIRONMENTAL CONSERVATION
REGION 9

MEMO

TO: Mr. Robert Leary
FROM: Mr. John Otto
SUBJECT: Ken-Hy Auto - 53 SPRR

DATE: June 17, 1994

All tanks were removed from this site on January 1, 1993. The Consent Order was signed and submitted to this office with the negotiated fine of two hundred dollars (\$200.00).

When these tanks were removed, contaminated soil was discovered. This site remains an active spill (9311433).

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Petroleum Bulk Storage Program
 Facility Information Report

Printed : 03/23/95

PBS # : 9-600023

Site : KEN HY AUTO
 945 KENMORE AVE
 BUFFALO, NY 14223

County : ERIE Town : BUFFALO (C)
 Latitude : N Longitude : W
 SPDES# : CBS# :
 Site Type : Retail Gas Sales

Operator : PATRICK F RUGGIERO (716) 875-9770
 Emergency : PATRICK F RUGGIERO (716) 833-7684

Site status : Under 1100 gal.
Total Active Tanks : 0
 Active Capacity : 0 gals.

Reg Expires : 05/23/96
 Last Inspection : / /
 Cert Printed : 05/23/91

Site Errors : Complete
 Owner Error : Minor Data Missing
 Tank Errors : No Data

Owner : PATRICK F RUGGIERO
 65 STERLING AVE
 BUFFALO, NY 14216

Phone : (716) 833-7684
 Owner Type : Corporate/Commercial

Mail : KEN HY AUTO & TIRE INC
 945 KENMORE AVE
 BUFFALO, NY 14223

Att : PATRICK F RUGGIERO (716) 875-9770

TankNo	TankLoc	Stat	DateIn	Capac (g)	Product	TankType	TankInt	TankExt	PipeLoc	PipeType	PipeInt	PipeExt	SecCont	Leak	OverFil	Disp	LastTest	NextTest	TStat
1	4	3	00/00	10,000	2	1	0		2	1				0		1		REMOVED : 01/93	
2	4	3	00/00	5,000	2	1	0		2	1				0		1		REMOVED : 01/93	
				5,000	f	1												" : 1/95	



ACTS FAX

Date: 7-28-95

Transmission No.:

Page 1 of 4

To: JIM COOK
Company: DEC
Fax #:
From: LISA CLERICO

cc:

Comments:

[Lined area for comments]

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PRIVILEGED AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you have received this transmission in error, please notify us immediately by telephone to arrange for its return. Thank you.

This document () will X will not be sent via U.S. Mail or 24 hour delivery.

If this transmission is incomplete, please call LISA at (716) 684-3300.

2021 5



ACTS TESTING LABS, INC.
3916 Broadway
Buffalo, NY 14227-1104
Tel (716) 684-3300
Fax (716) 684-3303

Technical Report #5B-2952E
Project Name: 945 Kenmore
Project #4/26/95

May 4, 1995
Page 1 of 2

Mr. Michael J. Mugas
NIAGARA ENVIRONMENTAL DYNAMICS

SUBJECT:

Analyses of two (2) soil samples for various parameters. The samples were received on April 26, 1995.

RESULTS:

See Page Two.

EXPERIMENTAL:

Volatile Aromatics in soil were determined according to United States Environmental Protection Agency Method 8021 (Stars List): Volatile Organics.

ACTS TESTING LABS, INC.

Charles E. Hartke
Manager, Chemistry Laboratory

ACTS TESTING LABS, INC.

Lisa M. Clerici, Supervisor
Wet Chemistry Laboratory

ACTS TESTING LABS, INC.

Elizabeth R. Hausler, Supervisor
Gas Chromatography Laboratory

cme

Our reports and letters are for the exclusive use of the client to whom/which they are addressed. Communication of ACTS Testing Labs, Inc. reports and letters to any others and/or of the name of ACTS Testing Labs, Inc. requires our written approval. Our letters and reports are limited solely (1) to standards and procedures identified in them and (2) to the sample(s) tested. Test results are not necessarily indicative nor representative (1) of the quality of the lot from which the sample was taken or (2) of appearance similar or identical products. Unless otherwise stated, it is the responsibility of the client to insure the representativeness of the samples submitted to ACTS Testing Labs, Inc. for testing.



May 4, 1995
 Technical Report #5B-2952E
 Page 2 of 2

RESULTS:

<u>EPA 8021</u>	<u>ACTS #5B-2952E COMPOSITE #1,2,3,4</u>	<u>ACTS #5B-2953E 4-26-95 WEST EXCAVATION</u>
MTBE	< 21.0	< 1.1
Benzene	31.0	< 1.1
Toluene	27.0	27.0
Ethylbenzene	270	11.0
M,P-Xylenes	730	52.0
O-Xylene	85.0	30.0
Isopropylbenzene	35.0	< 1.1
n-Propylbenzene	270	3.4
1,3,5-Trimethylbenzene	780	85.0
1,2,4-Trimethylbenzene	2900	110
t-Butylbenzene	< 21.0	< 1.1
sec-Butylbenzene	33.0	2.9
p-Isopropyltoluene	30.0	8.0
n-Butylbenzene	130	4.1
Naphthalene	460	8.5

Results are reported as micrograms per kilogram (ug/Kg).



3916 Broadway
Buffalo, NY 14227

Phone: 684-3300
Fax: 684-3303

CHAIN-OF-CUSTODY RECORD

Project No: 4/24/95		Project Name: 945 KENNEDY			Company Name: NIA TAU OYUN			Analysis					RECEIVED DATE TIME BY						
Sampler's Signature: <i>[Signature]</i>		Report Recipient: SAME			<div style="border: 1px solid black; padding: 5px; transform: rotate(-45deg); display: inline-block;"> 802/STARS 802/STARS </div>					Preservative									
Date	Time	Sample Type C G G o m b p b a									ACTS #	Sample Identification	Volume	# and Type of Containers					
4/24	8:00	X				4-26-95-106A #1 EAST	CO2	90ml	X										
4/24	8:30	X			15-280	4-26-95-106A #2 EAST	CO2	"	Y										
4/24	8:45	X				4-26-95-106A #3 EAST	CO2	"	X										
4/24	9:10	X				4-26-95-106A #4 EAST	CO2	"	Y										
4/24	9:15	X			58-29834	4-26-95-5 WEST Exploration	1 Liter	GLASS		X									
Relinquished By: (Signature) <i>K.R.</i>		Date/Time: 4/24 9:30		Received By: (Signature) <i>[Signature]</i>		Relinquished By: (Signature)		By: Date/Time <i>[Signature]</i> 4-26-95		Received for Laboratory (Signature) <i>[Signature]</i>			BL/AR/ID Number:						

Compos

- Distribution:
- White - Client
 - Yellow - Data Manager
 - Pink - Field Technician

Remarks: 802 STARS
" "

SENT BY: ACTS TESTING LABS, INC. 7-28-95 10:53AM :
 ACTS BLF-
 8517252: # 4 / 4

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

July 31, 1995

Mr. Patrick Ruggiero
Ken-Hy Auto
945 Kenmore Avenue
Buffalo, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Site Cleanup
945 Kenmore Avenue
Buffalo
Erie County

On July 28, 1995, Mr. James Cooke of this Department discussed with you the cleanup requirements and options for the above-mentioned spill. This spill involves contaminated soils associated with leaking underground gasoline tanks. We require the following for all cleanup options:

1. All contaminated material must be removed and stored on site in a rolloff or on plastic.
2. The contaminated material must be sampled and analyzed for benzene (TCLP or direct) and ignitability. These results will determine if the material is a hazardous waste or a non-hazardous waste. If the material is non-hazardous, you may proceed with your selected option. If the material is hazardous, please contact us for further information.
3. After you have removed all contaminated material, you must sample the excavation and analyze the samples using EPA Method 8021 + MTBE.
4. A New York State Department of Health ELAP certified laboratory must do the analysis. We require from the laboratory a chain of custody form, the analysis results, analysis date and detection limits.
5. We must be notified at least two days prior to backfilling any excavation to arrange an inspection of the spill site.

We have enclosed for your consideration a list of environmental cleanup contractors familiar with this work. Please submit your cleanup work schedule by August 18, 1995. If you have any questions, please contact Mr. Cooke at 851-7220.

Sincerely,

Salvatore A. Calandra
Environmental Engineer I

//vm

Enclosures

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220

Jalc/ma



Michael D. Zagata
Commissioner

January 5, 1996

Mr. Patrick Ruggiero
Ken-Hy Auto
945 Kenmore Avenue
Buffalo, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Cleanup Status
945 Kenmore Avenue
Kenmore, Erie County

We sent you a letter dated July 13, 1995 (copy enclosed) concerning soil removal and testing. However, we have not received a response from you,

We are now requesting a response from you by February 2, 1996. If you fail to comply, **this** Department may take legal action against you.

Please direct your response to Mr. James Cooke at (716)851-7220. Your cooperation will be appreciated.

Sincerely,

Salvatore A. Calandra
Environmental Engineer I

//ma

Enclosure

RECEIVED

FEB 16 1996

Ken-Hy Auto & Tire, Inc.

945 KENMORE AVENUE BUFFALO, N.Y. 14223

Phone: 875-9770

NYSDEC-REG. 9
FOIL
REL. UNREL

2/9/86

JAMES COOKE

SPILL # 9211433

MR COOKE,

IN REGARD TO THE ABOVE SPILL # 9211433,
AS PER OUR PHONE CONVERSATION, I HAVE CONTACTED
MR MICHAEL MUGAS OF NIAGARA ENVIRONMENTAL SR
TO ARRANGE ANOTHER SOIL TESTING.

AS SOON AS WEATHER PERMITS, I WILL
CONTACT MR MUGAS TO TAKE THE TEST.

THE MAJOR PROBLEM I AM HAVING AT
OF MONEY TO PAY FOR THE DISPOSAL. I WOULD LIKE
TO SETTLE THIS HOPEFULLY CLOSE OUT THIS SITUATION
AS SOON AS POSSIBLE.

EVERY ENDEAVOR WILL BE MADE TO WORK
OUT A PLAN TO RAISE MONEY TO ACCOMPLISH THIS

Thank

Barry J. Jurek

Kanti Technologies Inc

Engineering and Laboratory Services

March 4th, 1996
Mr. James Cook
NYSDEC, Region 9
270 Michigan Ave
Buffalo, NY 14203

Re: Spill # 9211433 - Ken-Hy Auto
PIN # SP94502

Summary:

One soil sample was received in good condition at our laboratory on February 27th, 1996. This sample was refrigerated upon receipt and was analyzed for NYSDOH 310-13 parameters and 8021 STARS. The test results are enclosed for your review. Please call me if there are any questions.



Dr. Chiran J Kantipuly
Lab. Director

File: 96dec-02

Volatile Organic Compounds - Analysis Data Sheet- Method/8021 STARS

[SAMPLE NO. Method Blank]

Lab Name: KANTI TECHNOLOGIES, INC.	Client : DEC #9/Jim Cook
Lab Code: 11358	Moisture: NA
Lab Sample ID: Method Blank	Lab File ID: 1151D
Date Sampled: NA	Date Received: NA
	Matrix: Soil
	Date Analyzed: 02/28/96

CAS NO.	COMPOUND	MDL (ug/kg)	RESULTS (ug/kg)
71-43-2	Benzene	5	U
108-88-3	Toluene	5	U
100-41-4	Ethylbenzene	5	U
95-47-6	o-Xylene	5	U
108-38-3	m-Xylene + p-Xylene	10	U
98-82-8	Isopropylbenzene	5	U
103-65-1	n-Propylbenzene	5	U
108-67-8	1,3,5-Trimethylbenzene	5	U
95-63-6	1,2,4-Trimethylbenzene	5	U
99-87-6	p-Isopropyltoluene	5	U
104-51-8	n-Butylbenzene	5	U
135-98-8	sec-Butylbenzene	5	U
91-20-3	Napthalene	5	U

U - Indicates that compound was analyzed for but not detected.
 MDL - Method Detection Limit

Surrogate Spike Recoveries

Surrogate	%Recovery
1,2-Dichloroethane-d ₄	88
Toluene-d ₈	101
4-Bromofluorobenzene	144

Volatile Organic Compounds - Analysis Data Sheet- Method/8021 STARS

SAMPLE NO. HYD01

Lab Name: KANTI TECHNOLOGIES, INC.

Client : DEC #9/Jim Cook

Lab Code: 11358

Moisture: 16.5%

Spill #: 9211433

Pin #: SP94502

Lab Sample ID: 9602-44

Lab File ID: 1153D

Matrix: Soil

Date Sampled: 02/26/96

Date Received: 02/27/96

Date Analyzed: 02/28/96

CAS NO.	COMPOUND	MDL (ug/kg)	RESULTS (ug/kg)
71-43-2	Benzene	5.3	7.1
108-88-3	Toluene	5.3	9.8
100-41-4	Ethylbenzene	5.3	123
95-47-6	o-Xylene	5.3	89.7
108-38-3	m-Xylene + p-Xylene	10.6	45.0
98-82-8	Isopropylbenzene	5.3	31.3
103-65-1	n-Propylbenzene	5.3	121
108-67-8	1,3,5-Trimethylbenzene	5.3	175
95-63-6	1,2,4-Trimethylbenzene	5.3	481
99-87-6	p-Isopropyltoluene	5.3	33.9
104-51-8	n-Butylbenzene	5.3	101
135-98-8	sec-Butylbenzene	5.3	39.4
91-20-3	Napthalene	5.3	U

U - Indicates that compound was analyzed for but not detected.

MDL - Method Detection Limit

Surrogate Spike Recoveries

Surrogate	%Recovery
1,2-Dichloroethane-d ₄	51
Toluene-d ₈	46
4-Bromofluorobenzene	201

NYSDOH310-13- Analysis Data Sheet.

[SAMPLE # : Method Blank]

Lab Name: KANTI TECHNOLOGIES, INC.	Dilution Factor: NA	Project: Ken-Hy Auto
Lab Code: 11358	Matrix: Soil	Client : DEC #9 / Jim Cook
Lab I.D # Method Blank	Date Received: NA	Date Analyzed: 2/28/96
Date Sampled: NA		

Compound	Results
Gasoline	None
Lube Oil	None
Kerosene	< 5
Fuel Oil	< 1

[SAMPLE # HYD01]

Lab I.D # 9602-44	Matrix: Soil	Date Analyzed: 2/28/96
Date Sampled: 2/26/96	Date Received: 2/27/96	

Compound	Results (mg/kg)
Gasoline	Present
Lube Oil	Present
Kerosene	< 5
Fuel Oil	< 1

Kerosene MDL = 5 mg/kg
 Fuel Oil MDL = 1 mg/kg
 ND = Not Detected

KANTI TECHNOLOGIES INC.

1576 Sweet Home Road, Amherst, New York 14228

Phone: (716)636-8356, Contact Person: Dr. Chiran Kantipuly

CHAIN OF CUSTODY:

Spill #
SITE NUMBER: 9211433 PIN # SP94502

Project Number:	Project Name: KEN-HY AUTO (NYSDEC)
-----------------	---

Simplers: (Signature) <i>[Signature]</i>	Method of Shipment: Ice Chest, samples stored on ice @ 4° C
---	---

Customer Sample ID	KT #	Sample Date	Sample Time	Sample Type	Station Location	Type of Container	# of Cont.	Analysis Required	Preservatives Added	Remarks
HYD#1	9602-44	2-26-96	1030	SOIL	HYDRANT EXCAVATION	G	1	8021 310-13	N/A	DIRECT PER STALS NORMAL TURNAROUND

Relinquished by: (Signature) <i>[Signature]</i>	Date/Time 2-27-96 1700	Received by: Signature	Relinquished by: (Signature)	Date/Time	Received by:
Relinquished by: (Signature)	Date/Time	Received for laboratory by: (Signature) Eve Brasine	Date 2/27/96	Time 1700	Remarks:

KANTI TECHNOLOGIES INC.
 1576 Sweet Home Road, Amherst, New York 14228
 Phone: (716)636-8356, Contact Person: Dr. Chiran Kantipuly

CHAIN OF CUSTODY:

SITE NUMBER: 92 11433

Project Number:	Project Name: KEN HY AUTO (NYSDEC)
-----------------	---

Samplers: (Signature) <i>[Signature]</i>	Method of Shipment: Ice Chest, samples stored on ice @ 4° C
---	---

Customer Sample ID	KT #	Sample Date	Sample Time	Sample Type	Station Location	Type of Container	# of Cont.	Analysis Required	Preservatives Added	Remarks
HYD01		2-26-96	1030	SOIL	HYDRANT EXCAVATION	G	1	FOBI 310-12	N/A	DIRECT TOX. ST. & NORMAL TOX. ST. & TOX. ST. & TOX. ST. & TOX. ST. &

Relinquished by: (Signature) <i>[Signature]</i>	Date/Time 2-27-96 1700	Received by: (Signature) <i>[Signature]</i>	Relinquished by: (Signature)	Date/Time	Received by:
Relinquished by: (Signature)	Date/Time	Received for laboratory by: (Signature)	Date	Time	Remarks:

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

February 28, 1996

Dr. Chiran Kantipuly
Kanti Technologies
1576 Sweet Home Road
Amherst, New York 14228

Dear Dr. Kantipuly:

Spill Number 9211433
PIN Number SP 94502
945 Kenmore Avenue
Kenmore, Erie County

This letter is to serve as authorization to perform work in connection with the above-referenced site. The spill consists of petroleum-contaminated soils associated with leaking underground storage tanks.

The required work is to analyze a 500 ml soil sample under EPA Method 8021 direct and DOH Method 310-13 per STARS Memo #1. Standard turnaround time is requested.

If you have any questions, please contact me at 851-7220.

Sincerely,

James D. Cooke
Environmental Engineering Technician I

JDC:vm

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: DAC
CONTRACT PAYMENT PACKAGE NO. 1 CONTRACT NO. D100723
CONTRACTOR'S NAME Kanti Technologies, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: March 13, 1996

Narrative of **Events**

Date of Spill: January 1, 1993

Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County

Spiller: Patrick Ruggiero

Material Spilled: gasoline

Amount Spilled: unknown

Amount Recovered: unknown

Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup.

Purpose of Expenditures: DEC hired a State contract laboratory, Kanti Technologies, Inc., to analyze samples. The cost of this work is \$250.00.

Attached are an original and two copies of the following documents for work performed from 2/27/96 to 3/4/96 .

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 96018 , 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

MAR 08 1996

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION
Oil Spill Program

NYSDEC-REG. 9
FOIL

PAYEE (Name and Address) KANTI TECHNOLOGIES INC 1576 SWEETHOME RD AMHERST, NEW YORK 14228 PHONE: (716) 636-8356	FOR INTERNAL USE ONLY <input type="checkbox"/> REL <input type="checkbox"/> UNREL	
	STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER D100723 CERTIFICATE NUMBER ORIGINATING AGENCY 09000 DATE PREPARED
WORK PERIOD 2/27/96 TO 3/4/96		

EMPLOYER IDENTIFICATION NUMBER 16-1418860	LOCATION OF SPILL Ken-Hy Auto
--	----------------------------------

With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.

SCHEDULE I FINANCIAL STATEMENT

SPILL NUMBER: 9211433 P.I.N.: SP 94502 CONTRACT VALUE	WORK PERFORMED
Line	Line
1. Original Contract \$ 250.00	1. Contract Work Performed to Date \$ 250.00
2. Supplemental Agreement \$ _____	2. Work Performed This Estimate \$ _____
3. Net Contract Amount \$ 250.00	3. Work Done to Date (Line 1 + 2) \$ _____
	4. Less Previous Payments \$ _____
	5. Pay This Estimate \$ 250.00

SCHEDULE II CERTIFICATION BY CONTRACTOR

I, Chiran J. Kantipuly (name) do hereby certify that I am
President (Title) of the Company/Corporation
herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application.
3/4/96 Date [Signature] Signature

SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION

I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 178 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief.
3/13/96 Date BY [Signature] Commissioner of Environmental Conservation
Signature

SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR

I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law.

Date Signature

Kanti Technologies Inc

Engineering and Laboratory Services

RM - 1 JOL - SAC -

INVOICE # 96018
Spill # 9211433
PIN # SP94502
Contract # D100723

Date : March 4th, 1996

Net : 30 days

RECEIVED

MAR 06 1996

NYS DEPT. OF
ENVIRONMENTAL CONSERVATION

Accounts Payable
Attn: Mr. James Cook
NYS Department of Environmental Conservation
270 Michigan Ave
Buffalo, NY 14203-2999

Professional Analytical Services provided by Kanti Technologies Inc for oil spill # 9211433 - Ken-Hy Auto.

Item #	# of Samples	\$Cost/sample	Total Cost\$
SS-25-D	1	100.00	100.00
SS-16-D	1	150.00	150.00

Total amount due this invoice ----- = \$ 250.00

Jdc/ma

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

August 2, 1996

Mr. Patrick Riggerio
Ken-Hy Auto
945 Kenmore Avenue
Buffalo, New York 14223

Dear Mr. Riggerio:

Spill Number 9211433
Site Cleanup
945 Kenmore Avenue
Erie County

On January 1, 1993, a spill occurred at the above-referenced location. We identified you as the responsible party. You have been unable to complete the required cleanup responsibilities for the spill.

As was discussed with you, we consider you to be responsible for this spill. Since we must notify your insurance company of our work, please inform us of the name and address of your insurance company. You, and possibly your insurance company, will be responsible for all costs incurred by the State of New York, as well as any interest charges.

Enclosed please find a Right-of-Entry form that must be signed and returned to this office before any site work can begin.

If you have any questions, please contact me at (716)851-7220.

Sincerely,

James D. Cooke
Environmental Engineering
Technician I

JDC:ma
Enclosure

Spill Number 9211433

Address to Access
945 Kenmore Avenue
Erie County

RIGHT-OF-ENTRY FORM

The New York State Department of Environmental Conservation will be investigating and/or remediating a petroleum spill on the project referred to above. In order to perform investigative and/or cleanup work, members of this Department and its contractors will have to enter property within or adjacent to the spill area. We may have to perform sampling of water or soil, remove contaminated soil, install monitoring wells, or do other activities. We find that property belonging to you is within this area.

Although this Department has the legal right to enter your property for this purpose, as authorized by Article 12 of the Navigation Law, Section 178, we would prefer to have your cooperation, as well as the cooperation of all the other property owners within the spill area. Thus, we are requesting your permission to do this work on your property.

Every effort will be made to prevent damage and inconvenience. Should you feel that your property has been damaged as the result of this project, you have a right to file a claim. Please feel free to direct any questions you have on this matter to us at the New York State Department of Environmental Conservation, 270 Michigan Avenue, Buffalo, New York 14203-2999. You may also contact us at (716) 851-7220.

Please sign below to indicate that you consent to the Department's and/or its contractor's entrance onto and use of your property solely for the purposes indicated above. Please return this form to this Department as soon as possible.


Signature of Property Owner

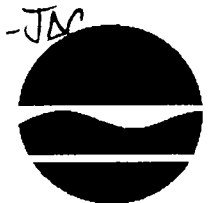
8/12/96
Date

RECEIVED

AUG 13 1996

NYSDEC-REG. 9
FOIL
REL UNREL

A-Erie-JAC



Michael Zagata
Commissioner

MEMORANDUM

TO: Ben Conlon
FROM: Tom Plesnarski, Operations Coordination Section *TP 175*
SUBJECT: Penalty Recommendations for Violations of Article 12
of the Navigation Law
DATE: June 17, 1996

RECEIVED
JUN 20 1996
NYSDEC-REG. 9
FOIL
REL UNREL

This office has reviewed the attached Investigative Summary Report(s) (ISR) for the spill project(s) shown below. Please review the attached Regional Office's Penalty Recommendations and forward the completed package to the Comptroller's Office with attention to Ken Oliver.

Please provide me and the regional office with a copy of your transmittal letter.

REG	PIN#	SPILL#	NAME(S) OF SPILLER(S)	LOCATION/ COUNTY	PENALTY	ADMIN. COST
9	SP94502	9211433	Patrick Ruggiero	Kenmore/ Erie Co.	\$2,000	N.C.

KENMORE ERIE PIN

cc: Regional Spill Engineer, Region 9
C.O. Project File
Daybook

JDC/ file

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

August 16, 1996

Mr. David Ellsworth
Environmental Products and Services
170 Cooper Avenue
Tonawanda, New York 14150

Dear Mr. Ellsworth:

Spill Number 9211433
PIN Number SP 94502
Ken Hy Auto
945 Kenmore Avenue
Erie County

This Department authorizes you to perform work in connection with the above-referenced site. The spill consists of soil contamination as a results of an underground tank leak.

The required work is to excavate contaminated soils from a tank field for disposal. Post sampling of the excavation will be required using EPA Method 8021 (TCLP) per STARS Memo #1.

If you have any questions, please contact me at (716)851-7220.

Sincerely,

James D. Cooke
Environmental Engineering
Technician I

JDC:ma



Environmental
LABORATORY SERVICES

7280 Caswell Street, Hancock Air Park, North Syracuse, NY 13212
(315) 458-8033, FAX (315) 458-0249, (800) 842-4667

- Certified in:
- Connecticut
 - Delaware
 - Maryland
 - Massachusetts
 - New Hampshire
 - New Jersey
 - New York
 - Pennsylvania
 - Rhode Island

RECEIVED

SEP 05 1996

NYSDEC-REG. 9
FOIL
REL UNREL

NYS DEC REGION 9 - BUFFALO
270 MICHIGAN AVE.

BUFFALO NY 14203-2999
ATTN: MR. JIM COOKE

P.O. # D100712
CLIENT JOB NUMBER: B1222

PROJECT #: 964466
RECEIVED: 08/29/96

PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

TEST PERFORMED	RESULTS	UNITS	DATE PERFORMED	METHOD NUMBER	PERFORMED BY
SAMPLE #: 107883	CLIENT SAMPLE ID: B1357 MW SE		DATE SAMPLED: 08/28/96		
VOL. ORGANICS - EPA 8021 STARS LIST		UG/L	08/31/96	EPA 8021	SKW
BENZENE	34.4				
N-BUTYLBENZENE	2.3				
SEC-BUTYLBENZENE	0.7				
TERT-BUTYLBENZENE	<1.0				
CUMENE (ISOPROPYLBENZENE)	2.0				
CYMENE (4-ISOPROPYLTOLUENE)	1.0				
ETHYLBENZENE	22.2				
NAPHTHALENE	7.5				
N-PROPYLBENZENE	7.3				
TOLUENE	1.7				
1,2,4-TRIMETHYLBENZENE	7.2				
1,3,5-TRIMETHYLBENZENE	<1.0				
TOTAL XYLENES	4.6				
MTBE	4.2				


Douglas W. Mehrala
Laboratory Director

09/03/96
Date

All tests performed under NYS ELAP Laboratory Certification # 11375 unless otherwise stated.



JOB NUMBER: 11220 PIN NUMBER: SP 98500 LABORATORY: 513 REPORTING REQUIREMENTS (other than mail)
 ADDRESS: 700 ... PHONE NO.: _____
 P.O. NUMBER: _____ SPILL NUMBER: P-11220 PHONE NO.: _____ FAX NO.: _____

- Sample(s)
State of
Origin:
- CT
 - DE
 - MA
 - MD
 - NH
 - NJ
 - NY
 - PA
 - RI
 - VT
 -

TURN AROUND TIME
(CALL AHEAD FOR
APPROVAL FOR RUSH)

24-HOUR
48-HOUR
NORMAL
OTHER

LAB
APPROVAL BY: _____

CONTAINER TYPE:
V - VOA VIALS
G - GLASS
P - PLASTIC
O - OTHER _____

SPECIAL DETECTION
LIMITS
Yes No
(Specify)

SPECIAL QA/QC LEVEL
Yes No
(Specify)
WASTE SAMPLE
Yes No

SAMPLE TYPE:
G - GRAB
C - COMPOSITE
W - WIPE
SS - SURFACE SCRAPE
O - OTHER (SPECIFY)

DATE	TIME	CONTAINER	MATRIX	TYPE (ENTER CODE)	PRESERVATIVE
		Number Size	Type (Enter Code) Groundwater Soil Sludge Other	HCl HNO ₃ H ₂ SO ₄ Ice (4°C) Teflon Liner Filtered Other	

ANALYSIS RE-
QUESTED

CORROS FLASH REACT pH
 TCLP: METALS VOA SEMI-VOA
 TCLP: PEST HERB
 TOTAL METALS SPECIFY:
 OIL AND GREASE: EPA 413.1
 PH: GRO DRO TPH GC
 TPH: EPA 418.1 (IR) NYS DOH 310-13 (GC)
 EPA 503.1 EPA 524 W/MTBE
 EPA 601 EPA 8010 EPA 802 W/MTBE
 EPA 602 EPA 8020 BTEX W/MTBE
 EPA 608 EPA 8080 PCB ONLY
 EPA 624 EPA 8240 EPA 8260
 EPA 625 EPA 8270 EPA 8270 BN

SITE ADDRESS
700 ...

SPECIAL INSTRUCTIONS

COMMENTS/
SAMPLING
POINT(S)

Lab Use
Only

SAMPLE I.D./
DESCRIPTION

Lab Use Only	SAMPLE I.D./ DESCRIPTION	DATE	TIME	CONTAINER	MATRIX	TYPE (ENTER CODE)	PRESERVATIVE	ANALYSIS RE-REQUESTED	SITE ADDRESS	SPECIAL INSTRUCTIONS	COMMENTS/SAMPLING POINT(S)

EPS CONTACT: _____ PHONE NO.: _____

CUSTODY TRANSFERS

RELINQUISHED BY: (SAMPLER)	DATE	TIME	RECEIVED BY:	DATE	TIME
RELINQUISHED BY:			RECEIVED BY:		
RELINQUISHED BY:			RECEIVED AT LAB BY:		

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: ^{SAC} CONTRACT PAYMENT PACKAGE NO. 1 CONTRACT NO. D100712
CONTRACTOR'S NAME Environmental Laboratory Services
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: September 10, 1996

Narrative of Events

Date of Spill: January 1, 1993

Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County

Spiller: Patrick Ruggiero

Material Spilled: gasoline

Amount Spilled: unknown

Amount Recovered: unknown

Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup.

Purpose of Expenditures: DEC hired a State contract laboratory to analyze samples. The cost of this work is \$95.00.

Attached are an original and two copies of the following documents for work performed from 8/29/96 to -----.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 103843, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) Environmental Laboratory Services 7280 Caswell Street Hancock Air Park North Syracuse, NY 13212		FOR INTERNAL USE ONLY		
		STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER <u>D100712</u> CERTIFICATE NUMBER _____ ORIGINATING AGENCY <u>09001</u> DATE PREPARED _____	
		WORK PERIOD <u>8/29/96</u> TO _____		
		EMPLOYER IDENTIFICATION NUMBER 16-1182565	LOCATION OF SPILL <u>945 KENMORE AVE, KENMORE, NY</u>	
		With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.		
SCHEDULE I FINANCIAL STATEMENT				
SPILL NUMBER: <u>9211433</u> P.I.N.: <u>SP94502</u> CONTRACT VALUE <u>RECEIVED</u> <u>SEP 05 1996</u> NYSDEC-REG. 0 FOIL REL UNREI	WORK PERFORMED Line 2. Work Performed This Estimate \$ <u>95.00</u> 5. Pay This Estimate \$ <u>95.00</u>			
SCHEDULE II CERTIFICATION BY CONTRACTOR				
I <u>Michael T. Melia</u> (name) do hereby certify that I am <u>Vice President</u> (Title) of the Company/Corporation herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. <u>9/3/96</u> Date <u>Michael T. Melia</u> Signature				
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION				
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief. <u>9/6/96</u> Date BY <u>R. M. [Signature]</u> Commissioner of Environmental Conservation Signature				
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR				
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law. _____ Date _____ Signature				



Environmental LABORATORY SERVICES

(315) 458-8033

FAX (315) 458-0249

REMIT TO:
7280 Caswell Street
North Syracuse, NY 13212

INVOICE NO.

108845

DATE

09/03/96

NYS DEC
ATTN: ACCOUNTS PAYABLE
REGION 9
270 MICHIGAN AVE.
BUFFALO

NY 14203-2999

PROJECT # 964466
PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O.# D100712

CLIENT JOB NUMBER B1222

QUANTITY	DESCRIPTION	ITEM NO.	UNIT PRICE	TOTAL
1	VOL. ORGANICS - EPA 8021 STARS LIST	SS-08-D	95.00	\$95.00
			TOTAL DUE	\$95.00

Please reference the Invoice Number when submitting payment.

1% per month Service Charge will be added to all past-due invoices.

NET 10 DAYS227

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: *SAC* CONTRACT PAYMENT PACKAGE NO. 1 CONTRACT NO. D100820
CONTRACTOR'S NAME Environmental Products and Services
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: September 11, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown
Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services to geoprobe sample the tank pit area.

Purpose of Expenditures: DEC hired a State contractor, Environmental Products and Services to geoprobe sample. The cost of this work is \$554.09.

Attached are an original and two copies of the following documents for work performed from 8/28/96 to 8/28/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 015700, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) ENVIRONMENTAL PRODUCTS & SERVICES 532 STATE FAIR BLVD SYRACUSE NY 13204		FOR INTERNAL USE ONLY	
		STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER D100820 CERTIFICATE NUMBER _____ ORIGINATING AGENCY 0900 DATE PREPARED _____
WORK PERIOD 8/28/96 TO 8/28/96			
EMPLOYER IDENTIFICATION NUMBER 16-1299642	LOCATION OF SPILL 945 KENMORE AVE KENMORE NEW YORK		
With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.			
SCHEDULE I FINANCIAL STATEMENT			
SPILL NUMBER: 9211433 P.I.N.: 94502 CONTRACT VALUE Line	WORK PERFORMED Line 2. Work Performed This Estimate \$ 554.09 5. Pay This Estimate \$ 554.09		
SCHEDULE II CERTIFICATION BY CONTRACTOR			
I, <u>Michael T. Melia</u> do hereby certify that I am <small>(name)</small> <u>Vice President</u> of the Company/Corporation <small>(Title)</small> herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. <u>8/30/96</u> <small>Date</small>			
<u>Michael T. Melia</u> <small>Signature</small>			
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION			
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief.			
<u>9/11/96</u> <small>Date</small>		Commissioner of Environmental Conservation BY <u>Francine Gallego</u> <small>Signature</small>	
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR			
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law.			
_____ <small>Date</small>		_____ <small>Signature</small>	

Environmental Products & Services, Inc.
New York State DEC Billing Summary
Invoice No. 015700

Spill #: 9211433
 Pin #: 94502

LABOR

<u>Generic Item No.</u>	<u>Description</u>	<u>Total Reg. Hrs.</u>	<u>Hourly Rate</u>	<u>Total OT Hours</u>	<u>OT Rate</u>	<u>Total DT Hours</u>	<u>DT Rate</u>	<u>Total Billed</u>
L09	DRILLER	4.00	30.63	0.00	0.00	0.00	0.00	122.52
L10	DRILLER'S HELPER	4.00	24.03	0.00	0.00	0.00	0.00	96.12
								218.64

EQUIPMENT

<u>Generic Item No.</u>	<u>Description</u>	<u>Hrly</u>	<u>Dly</u>	<u>Wkly</u>	<u>Mthly</u>	<u>Qtrly</u>	<u>Annual</u>	<u>No. of Units</u>	<u>Rate</u>	<u>Total Billed</u>
E103	1/2 TON OR LESS PICK-UP PG 44 #529	X						4.00	15.00	60.00
										60.00

OTHER CONTRACT ITEMS

<u>Generic Item No.</u>	<u>Description</u>	<u>No. of Items</u>	<u>No. of Units</u>	<u>Unit Price</u>	<u>Total Billed</u>
C20	C20 CONCORD TRUCK MOUNTED DIRECT PU MATERIALS	1	4.00 1.00	68.00	272.00 3.45
					275.45

TOTAL INVOICE AMOUNT \$ 554.09

CONTRACTOR NAME:

ENVIRONMENTAL PRODUCTS & SERVICES, INC.

CONTRACT NO.: **D100820**
 SPILL NO.: **9211433**

INVOICE DATE: **08/30/96**
 PROJECT ID NO.: **94502**

INVOICE NO.: **015700**
 WORK PERIOD: **08/28/96 - 08/28/96**

INVOICE AMOUNT: **\$554.09**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**

WORK DATE: **08/28/96** START TIME: **0700** END TIME: **1100** OFF TIME: **0000**

JOB DESCRIPTION:
 CONTACT: **JIM COOKE**

8/28/96

PERFORMED SOIL BORINGS IN AREAS DESIGNATED BY THE NYS DEC. COLLECTED SAMPLES AND SHIPPED TO ENVIRONMENTAL LABORATORY SERVICES, SYRACUSE, NY FOR ANALYSIS.

HOURS: 0700 - 1100. NO LUNCH TAKEN.

LABOR

Item Number	Employee Name Job Title	Regular		Premium		Profit Hrly Rate	Start Time	End Time	Off Time	Total Cost
		Hours	Rate	Hours	Rate					
L09FJ	JEFFREY P. LUDLOW DRILLER	4.00	11.75	0.00	0.00	3.25				60.00
L10ADM	DALE CLIFFORD DRILLER'S HELPER	4.00	9.67	0.00	0.00	1.50				44.68
OH	OVERHEAD RATE 133%									113.96

EQUIPMENT

Item Number	Description	Hrly	Dly	Disc	Wkly	Mon	Qtr	Yly	No. of Units	Rate	Start Time	End Time	Total Cost

MATERIALS / MISCELLANEOUS

Item Number	Description	Invoice Reference	Quantity	Cost/Rate	Surcharge	Total Cost
510	** JOB PARTIALLY BILLED **		0.00	0.00		
C20	C20 CONCORD TRUCK MOUNTED DIRECT PU		4.00	68.00		272.00
M99	M99 DIRECT PUSH 4' SAMPLE SLEEVE PG		1.00	3.45		3.45

CONTRACTOR NAME:

ENVIRONMENTAL PRODUCTS & SERVICES, INC.

CONTRACT NO.: **D100820**

INVOICE DATE: **08/30/96**

INVOICE NO.: **015700**

INVOICE AMOUNT: **\$554.09**

SPILL NO.: **9211433**

PROJECT ID NO.: **94502**

WORK PERIOD: **08/28/96 - 08/28/96**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**



Environmental

PRODUCTS & SERVICES, INC.
Corporate Office: (800) THE-TANK
P.O. Box 315 Syracuse, NY 13209-0315

Albany, NY
(518) 465-4000

Boston/Worcester, MA
(508) 754-6100

Bridgeport, CT
(203) 380-3838

Buffalo, NY
(716) 447-4700

Harrisburg, PA
(717) 564-4200

Linden, NJ
(908) 488-8600

Newburgh, NY
(914) 561-0707

Rochester, NY
(716) 436-5660

Springfield, MA
(413) 731-1000

Syracuse, NY
(315) 451-6666

Handwritten initials

DAILY JOB REPORT

Day/Date 8-28-96

Job Number 81222

Company NYS DEC Region # 9

Tail Gate Safety Meeting - Time Not Applicable Supervisor/Foreman

Street 270 Michigan Ave

Health & Safety Site Characterization - Change from Set-up Yes No

City, State, Zip Buffalo NY 14120

If yes, describe:

Location of Work R/S Kenmore

Call your supervisor. Time Signature N/A

Contact Jim Cooke Telephone 851-7220

Job Description

Change of Scope (Call your supervisor)

USE GEOPROBE TO SAMPLE

Refused at 2.5 Jim Cooke took water

sample from monitoring well at south

East corner

Job Complete Yes No Lunch Taken Yes No

Code	Name	Title	Start	Finish	Total
L09	Jeff Ludlow	DR	7:00	11:00	4
L10	MS Dale Clifford	BH	7:00	11:00	4

Code	Equipment - Type	Qty.	Code	Material - Type	Qty.
C20	Geoprobe 608	4		Acetate sleeves 4'	1
E1030	Pick up 603	4			

Per Diem/Number of Workers:		Quantity	
Disposal	Brief Description	Liquids	Solids
Drums <input type="checkbox"/>			
Tanker <input type="checkbox"/>			
Roll Off <input type="checkbox"/>	N/A		
Bags <input type="checkbox"/>			
On Plastic <input type="checkbox"/>	excess blowing material		

Code	Long-Term Rental	Qty.	In	Out	Sub-Contractors
	N/A				N/A

Comments on existing soil pile

Handwritten signature: Dale Clifford

Left on Site Yes No

White - CORPORATE OFFICE Canary - BRANCH OFFICE Pink - CUSTOMER
Environmental Products & Services, Inc.

Environmental Products & Services, Inc.

Customer



Environmental
LABORATORY SERVICES

7280 Caswell Street, Hancock Air Park, North Syracuse, NY 13212
(315) 458-8033, FAX (315) 458-0249, (800) 842-4667

RECEIVED

SEP 3 01996

NYSDEC-REG.9

FOIL
REL UNREL

- Certified in:
- Connecticut
 - Delaware
 - Maryland
 - Massachusetts
 - New Hampshire
 - New Jersey
 - New York
 - Pennsylvania
 - Rhode Island

NYS DEC REGION 9 - BUFFALO
270 MICHIGAN AVE.

PROJECT #: 964615
RECEIVED: 09/18/96

BUFFALO NY 14203-2999
ATTN: MR. JIM COOKE

PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O. # D100712
CLIENT JOB NUMBER: B1222(353)

TEST PERFORMED	RESULTS	UNITS	DATE PERFORMED	METHOD NUMBER	PERFORMED BY
SAMPLE #: 108257 CLIENT SAMPLE ID: B1364 SP GRAB-1 SOIL PILE DATE SAMPLED: 09/17/96					
SOLIDS, TOTAL	87	PERCENT	09/20/96	EPA 160.3	SKW
PETROLEUM HYDROCARBONS - TOTAL		MG/KG DRY WT.	09/23/96	NYS 310.13	SKW
GASOLINE	PRESENT				
KEROSENE	<5.7				
FUEL OIL	<5.7				
LUBE OIL	PRESENT				

ND - NONE DETECTED
P - PRESENT

RESULTS ARE QUANTITATED AGAINST IN-HOUSE REFERENCE MATERIAL.

A COPY OF THE CHROMATOGRAM, WITH THE OPERATOR'S NOTES IS ATTACHED.

REFERENCE MATERIALS:

UNLEADED GASOLINE	KEROSENE
FUEL OIL #2	LUBE OIL SAE 10
FUEL OIL #4	LUBE OIL SAE 20
FUEL OIL #6	LUBE OIL SAE 30
	LUBE OIL SAE 40

THIS METHOD REQUIRES SUBJECTIVE INTERPRETATIONS BY THE ANALYST.

VOL. AROMATICS - BTEX		MG/KG DRY WT.	09/24/96	EPA 8020	SKW
BENZENE	<0.287				
ETHYLBENZENE	<0.287				
TOLUENE	<0.287				
XYLENES (TOTAL)	0.573				

Elevated detection level due to sample matrix interference.

SAMPLE #: 108258 CLIENT SAMPLE ID: B1364 SP GRAB-2 SOIL PILE DATE SAMPLED: 09/17/96

SOLIDS, TOTAL	85	PERCENT	09/20/96	EPA 160.3	SKW
---------------	----	---------	----------	-----------	-----

NYS DEC REGION 9 - BUFFALO
270 MICHIGAN AVE.

PROJECT #: 964615
RECEIVED: 09/18/96

BUFFALO NY 14203-2999
ATTN: MR. JIM COOKE

PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O. # D100712
CLIENT JOB NUMBER: B1222(353)

TEST PERFORMED	RESULTS	UNITS	DATE PERFORMED	METHOD NUMBER	PERFORMED BY
SAMPLE #: 108258 CLIENT SAMPLE ID: B1364 SP GRAB-2 SOIL PILE DATE SAMPLED: 09/17/96					
PETROLEUM HYDROCARBONS - TOTAL		MG/KG DRY WT.	09/23/96	NYS 310.13	SKW
GASOLINE	PRESENT				
KEROSENE	<5.7				
FUEL OIL	<5.7				
LUBE OIL	PRESENT				

ND - NONE DETECTED
P - PRESENT

RESULTS ARE QUANTITATED AGAINST IN-HOUSE REFERENCE MATERIAL.

A COPY OF THE CHROMATOGRAM, WITH THE OPERATOR'S NOTES IS ATTACHED.

REFERENCE MATERIALS:

UNLEADED GASOLINE	KEROSENE
FUEL OIL #2	LUBE OIL SAE 10
FUEL OIL #4	LUBE OIL SAE 20
FUEL OIL #6	LUBE OIL SAE 30
	LUBE OIL SAE 40

THIS METHOD REQUIRES SUBJECTIVE INTERPRETATIONS BY THE ANALYST.

VOL. AROMATICS - BTEX		MG/KG DRY WT.	09/24/96	EPA 8020	SKW
BENZENE	<0.295				
ETHYLBENZENE	<0.295				
TOLUENE	<0.295				
XYLENES (TOTAL)	0.622				

Elevated detection level due to sample matrix interference.



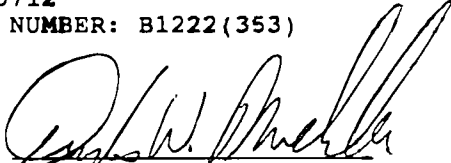
NYS DEC REGION 9 - BUFFALO
270 MICHIGAN AVE.

PROJECT #: 964615
RECEIVED: 09/18/96

BUFFALO NY 14203-2999
ATTN: MR. JIM COOKE

PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

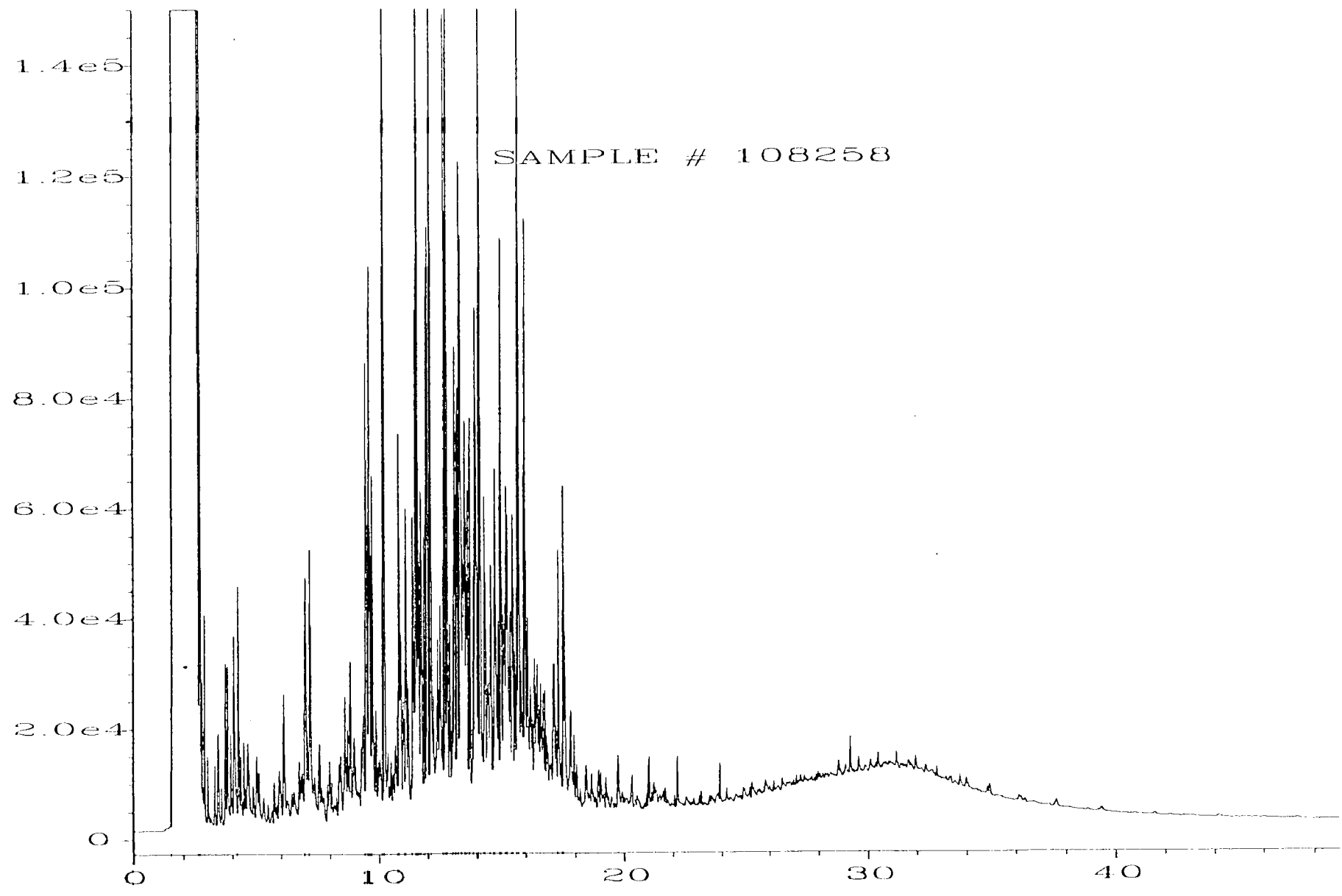
P.O. # D100712
CLIENT JOB NUMBER: B1222(353)

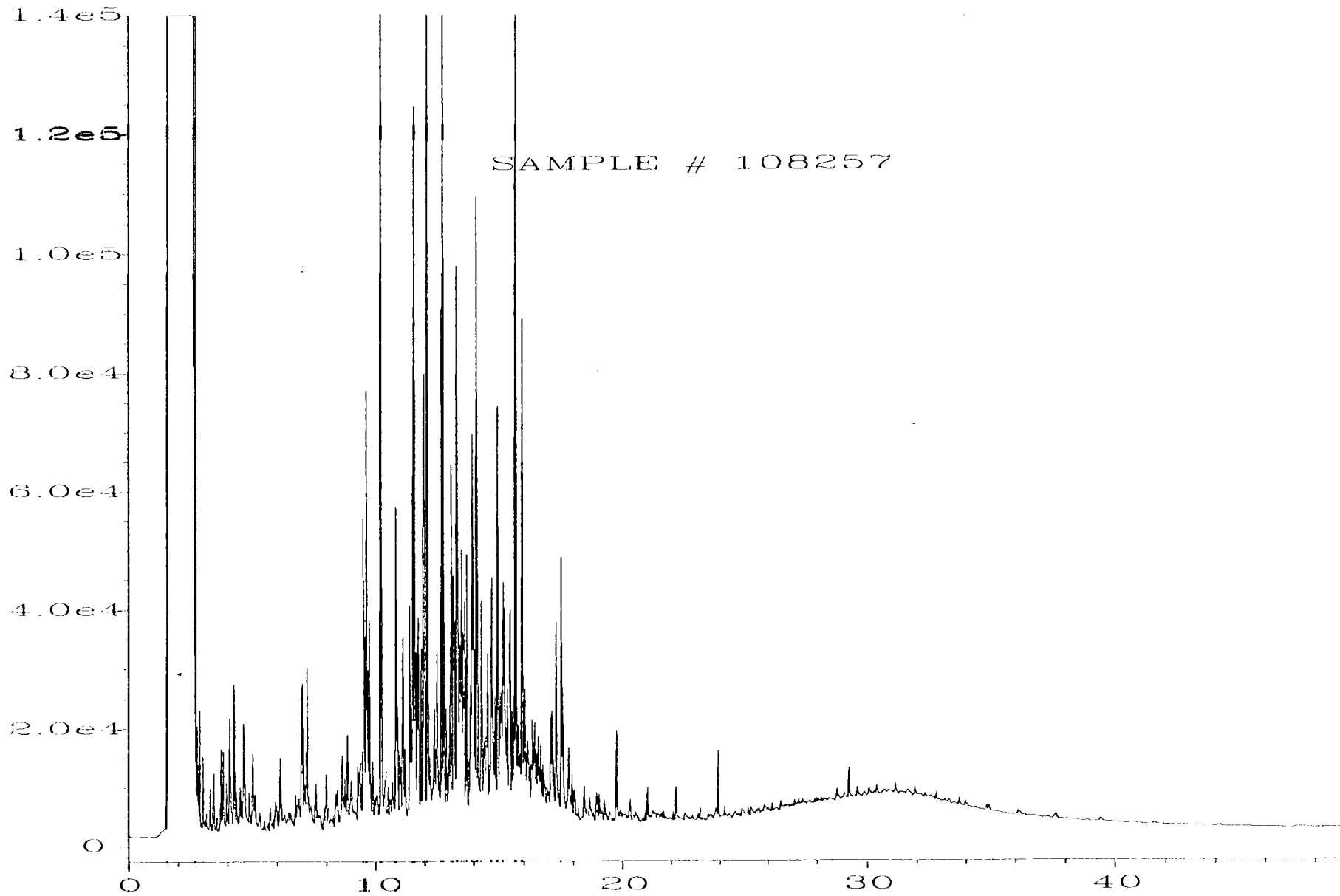

Douglas W. Mendrala
Laboratory Director

09/24/96
Date

All tests performed under NYS ELAP Laboratory Certification # 11375 unless otherwise stated.









JOB NUMBER: 35301222 PIN NUMBER: EP94502
P.O. NUMBER: _____ SPILL NUMBER: 9211433

LABORATORY: ELS
ADDRESS: 7280 Pleasant Hill
PHONE NO: _____

REPORTING REQUIREMENTS (other than mail)
 PHONE NO: _____
 FAX NO: _____

TURN AROUND TIME
(CALL AHEAD FOR APPROVAL FOR RUSH)

24-HOUR
48-HOUR
NORMAL
OTHER _____

LAB APPROVAL BY: _____

CONTAINER TYPE:
V - VOA VIALS
G - GLASS
P - PLASTIC
O - OTHER _____

SPECIAL DETECTION LIMITS
Yes No
(Specify)

SPECIAL QA/QC LEVEL
Yes No
(Specify)

WASTE SAMPLE
Yes No

SAMPLE TYPE:
G - GRAB
C - COMPOSITE
W - WIPE
SS - SURFACE SCRAPE
O - OTHER (SPECIFY)

DATE	TIME	CONTAINER	MATRIX	TYPE (ENTER CODE)	PRESERVATIVE
------	------	-----------	--------	-------------------	--------------

Number	Size	Type (Enter Code)	MATRIX				TYPE (ENTER CODE)	PRESERVATIVE												
			Groundwater	Soil	Sludge	Other		HCl	HNO ₃	H ₂ SO ₄	Ice (4°C)	Teflon Liner	Filtered	Other						
108257	L	G		X		G					X									
108258	L	G		X		G					X									

ANALYSIS REQUESTED	RESULTS
CORROS <input type="checkbox"/> FLASH <input type="checkbox"/> REACT <input type="checkbox"/> pH <input type="checkbox"/>	
TCLP: METALS <input type="checkbox"/> VOA <input type="checkbox"/> SEMI-VOA <input type="checkbox"/>	
TCLP: PEST <input type="checkbox"/> HERB <input type="checkbox"/>	
TOTAL METALS <input type="checkbox"/> SPECIFY:	
OIL AND GREASE: EPA 413.1 <input type="checkbox"/>	
PH: GRO <input type="checkbox"/> DRO <input type="checkbox"/> TPH <input checked="" type="checkbox"/>	
TPH: EPA 418.1 (IR) <input type="checkbox"/> EPA 524 <input type="checkbox"/> W/MTBE <input type="checkbox"/>	
EPA 503.1 <input type="checkbox"/> EPA 8010 <input type="checkbox"/> EPA 802 <input type="checkbox"/> W/MTBE <input type="checkbox"/>	
EPA 601 <input type="checkbox"/> EPA 8010 <input type="checkbox"/> EPA 802 <input type="checkbox"/> BTEX <input checked="" type="checkbox"/> W/MTBE <input type="checkbox"/>	
EPA 602 <input type="checkbox"/> EPA 8020 <input type="checkbox"/> PCB ONLY <input type="checkbox"/>	
EPA 608 <input type="checkbox"/> EPA 8080 <input type="checkbox"/>	
EPA 624 <input type="checkbox"/> EPA 8240 <input type="checkbox"/> EPA 8260 <input type="checkbox"/>	
EPA 625 <input type="checkbox"/> EPA 8270 <input type="checkbox"/> EPA 8270 B1 <input type="checkbox"/>	

SITE ADDRESS
945 Kinnel Ave
Kinnel NY

SPECIAL INSTRUCTIONS

COMMENTS/
SAMPLING POINT(S)
Soil Pile
Soil Pile

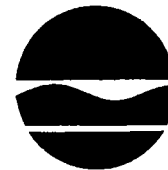
EPS CONTACT: DAVE Ellsworth

PHONE NO (716) 447-4700

CUSTODY TRANSFERS

RELINQUISHED BY: (SAMPLER)	DATE	TIME	RECEIVED BY:	DATE	TIME
<u>Dave Ellsworth</u>	<u>9/17</u>	<u>11:30 AM</u>			
RELINQUISHED BY:			RECEIVED BY:		
RELINQUISHED BY:			RECEIVED AT LAB BY: <u>Jenni Lott</u>	<u>9/18/16</u>	<u>9:15</u>

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: AAC CONTRACT PAYMENT PACKAGE NO. 2 CONTRACT NO. D100820
CONTRACTOR'S NAME Environmental Products and Services, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: October 3, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown
Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample the tank pit area. DEC also hired Environmental Laboratory Services to analyze the samples.

Purpose of Expenditures: DEC hired a State cleanup contractor, Environmental Products and Services, Inc., to sample the tank pit area. The total cost of this work is \$624.92. This payment is for \$70.83.

Attached are an original and two copies of the following documents for work performed from 9/17/96 to 9/17/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 015729, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) ENVIRONMENTAL PRODUCTS & SERVICES 532 STATE FAIR BLVD SYRACUSE NY 13204	FOR INTERNAL USE ONLY		
	STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER D100820	CERTIFICATE NUMBER ORIGINATING AGENCY 0900
	WORK PERIOD 9/17/96 TO 9/17/96		DATE PREPARED
	EMPLOYER IDENTIFICATION NUMBER 16-1299642		LOCATION OF SPILL 945 KENMORE AVE - KENMORE NY

With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.

SCHEDULE I FINANCIAL STATEMENT					
SPILL NUMBER: # 9211433 P.I.N.: # 94502 CONTRACT VALUE Line _____	WORK PERFORMED Line _____ <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">2. Work Performed This Estimate</td> <td style="text-align: right;">\$ 70.83</td> </tr> <tr> <td>5. Pay This Estimate</td> <td style="text-align: right;">\$ 70.83</td> </tr> </table>	2. Work Performed This Estimate	\$ 70.83	5. Pay This Estimate	\$ 70.83
2. Work Performed This Estimate	\$ 70.83				
5. Pay This Estimate	\$ 70.83				

RECEIVED

SEP 3 01996

NYSDEC-REG. 9
FOIL
REL UNREL

SCHEDULE II CERTIFICATION BY CONTRACTOR	
I, <u>Michael T. Melia</u> do hereby certify that I am <small>(name)</small> <u>Vice President</u> of the Company/Corporation <small>(Title)</small>	
herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application.	
<u>9/25/96</u> <small>Date</small>	 <small>Signature</small>

SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION	
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief.	
<u>10/2/96</u> <small>Date</small>	Commissioner of Environmental Conservation BY <small>Signature</small>

SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR	
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law.	
_____ <small>Date</small>	_____ <small>Signature</small>

Environmental Products & Services, Inc.
 New York State DEC Billing Summary
 Invoice No. 015729

Spill #: 9211433
 Pin #: 94502

LABOR

<u>Generic Item No.</u>	<u>Description</u>	<u>Total Reg. Hrs.</u>	<u>Hourly Rate</u>	<u>Total OT Hours</u>	<u>OT Rate</u>	<u>Total DT Hours</u>	<u>DT Rate</u>	<u>Total Billed</u>
L21	TECHNICIAN	1.50	25.72	0.00	0.00	0.00	0.00	38.58
								38.58

EQUIPMENT

<u>Generic Item No.</u>	<u>Description</u>	<u>Hrly</u>	<u>Dly</u>	<u>Wkly</u>	<u>Mthly</u>	<u>Qtrly</u>	<u>Annual</u>	<u>No. of Units</u>	<u>Rate</u>	<u>Total Billed</u>
E103	1/2 TON OR LESS PICK-UP PG 44 #529	X						1.50	15.00	22.50
E542	SOIL AUGER 2", 4" PG 52A	X						1.50	6.00	9.00
										31.50

OTHER CONTRACT ITEMS

<u>Description</u>	<u>No. of Items</u>	<u>No. of Units</u>	<u>Unit Price</u>	<u>Total Billed</u>
MATERIALS	1	1.00		0.75
				0.75

TOTAL INVOICE AMOUNT \$ 70.83

CONTRACTOR NAME:

ENVIRONMENTAL PRODUCTS & SERVICES, INC.

CONTRACT NO.: **D100820**
 SPILL NO.: **9211433**

INVOICE DATE: **09/25/96**
 PROJECT ID NO.: **94502**

INVOICE NO.: **015729**
 WORK PERIOD: **09/17/96 - 09/17/96**

INVOICE AMOUNT: **\$70.83**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**

WORK DATE: **09/17/96** START TIME: **0930** END TIME: **1100** OFF TIME: **0000**

JOB DESCRIPTION:

CONTACT: JIM COOKE

9/17/96

COLLECT TWO (2) SOIL SAMPLES FROM STOCKPILE. PACKAGE AND SEND TO ENVIRONMENTAL LABORATORY SERVICES IN SYRACUSE, NEW YORK.

LABOR

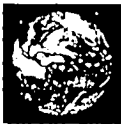
Item Number	Employee Name Job Title	Regular		Premium		Profit Hrly Rate	Start Time	End Time	Off Time	Total Cost
		Hours	Rate	Hours	Rate					
L21ADM	DALE CLIFFORD TECHNICIAN	1.50	9.67	0.00	0.00	3.19				19.29
OH	OVERHEAD RATE 133%									19.29

EQUIPMENT

Item Number	Description	Hrly	Dly	Disc	Wkly				No. of Units	Rate	Start Time	End Time	Total Cost
					Mon	Qtr	Yly						
E103B	1/2 TON OR LESS PICK-UP PG 44 #601	X							1.50	15.00			22.50
E542	SOIL AUGER 2", 4" PG 52A	X							1.50	6.00			9.00

MATERIALS / MISCELLANEOUS

Item Number	Description	Invoice Reference	Quantity	Cost/Rate	Surcharge	Total Cost
510	** JOB PARTIALLY BILLED **		0.00	0.00		
M140	M140 LATEX SAMPLING GLOVES PG 56C		1.00	0.75		0.75



Environmental

PRODUCTS & SERVICES, INC.
Corporate Office: (800) THE-TANK
P.O. Box 315 Syracuse, NY 13209-0315

Albany, NY
(518) 465-4000

Boston/Worcester, MA
(508) 754-8100

Bridgeport, CT
(203) 380-3838

Buffalo, NY
(716) 447-4700

Harrisburg, PA
(717) 564-4200

Linden, NJ
(908) 486-8600

Newburgh, NY
(914) 561-0707

Rochester, NY
(716) 436-5660

Springfield, MA
(413) 731-1000

Syracuse, NY
(315) 451-6666

DAILY JOB REPORT

Day/Date 9-17-94

Job Number B1222

Company NYS DEC Region #9

Tail Gate Safety Meeting - Time Not Applicable Supervisor/Foreman

Street 270 Michigan Ave

Health & Safety Site Characterization - Change from Set-up Yes No

City, State, Zip Buffalo, N.Y.

If yes, describe:

Location of Work Kenmore Ave

Call your supervisor. Time Signature N/A

Contact Jim Cook Telephone (716) 851-7220

Job Description

Change of Scope (Call your supervisor)

collect 2 soil samples from soil pile.
Ship to ELS Lab for analysis BTEX TPH-Tox

Job Complete Yes No Lunch Taken Yes No

Code	Name	Title	Start	Finish	Total
	DALE CLIFFORD	ET	9:30	11:00	1.5

Code	Equipment - Type	Qty.	Code	Material - Type	Qty.
	#601 Pick up Augar	1.5		Sample gloves	1 pr.

Per Diem/Number of Workers:		Quantity	
Disposal	Brief Description	Liquids	Solids
Drums <input type="checkbox"/>			
Tanker <input type="checkbox"/>			
Roll Off <input type="checkbox"/>	N/A		
Bags <input type="checkbox"/>			
On Plastic <input type="checkbox"/>			

Code	Long-Term Rental	Qty.	In	Out	Sub-Contractors
	N/A				N/A

Comments

Dale Clifford

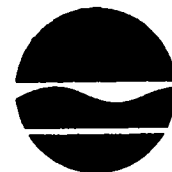
Left on Site Yes No

White - CORPORATE OFFICE Canary - BRANCH OFFICE Pink - CUSTOMER
Environmental Products & Services, Inc.

Environmental Products & Services, Inc.

Customer

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: *SAC* CONTRACT PAYMENT PACKAGE NO. 2 CONTRACT NO. D100712
CONTRACTOR'S NAME Environmental Laboratory Services
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: October 3, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown
Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample the tank pit area. DEC also hired Environmental Laboratory Services to analyze the samples.

Purpose of Expenditures: DEC hired a State contract laboratory, Environmental Laboratory Services, to analyze samples. The total cost of this work is \$417.00. The cost of this payment is \$322.00.

Attached are an original and two copies of the following documents for work performed from 9/18/96 to 9/18/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 104012, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) Environmental Laboratory Services 7280 Caswell Street Hancock Air Park North Syracuse, NY 13212		FOR INTERNAL USE ONLY STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	
		COMPTROLLER'S CONTRACT NUMBER D100712 CERTIFICATE NUMBER _____ ORIGINATING AGENCY 09001 DATE PREPARED _____	
WORK PERIOD <u>9/18/96</u> TO _____			
EMPLOYER IDENTIFICATION NUMBER 16-1182565	LOCATION OF SPILL 945 Kenmore Avenue, Kenmore, NY		
With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.			
SCHEDULE I FINANCIAL STATEMENT			
SPILL NUMBER: <u>9211433</u> P.I.N.: <u>SP94502</u> CONTRACT VALUE: _____ Line _____ SEP 3 0 1996 NYSDEC-REG. 9 FOIL REL _____ UNREL _____	WORK PERFORMED Line _____ 2. Work Performed This Estimate \$ <u>322.00</u> 5. Pay This Estimate \$ <u>322.00</u>		
SCHEDULE II CERTIFICATION BY CONTRACTOR			
I <u>Michael T. Melia</u> (name) do hereby certify that I am <u>Vice President</u> (Title) of the Company/Corporation herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. <u>9/26/96</u> Date <u>Michael T. Melia</u> Signature			
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION			
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief. <u>10/2/96</u> Date BY <u>Salvatore D. Calabrese</u> Commissioner of Environmental Conservation Signature			
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR			
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law. _____ Date _____ Signature			



Environmental LABORATORY SERVICES

(315) 458-8033

FAX (315) 458-0249

REMIT TO:
7280 Caswell Street
North Syracuse, NY 13212

INVOICE NO.

104012

DATE

09/24/96

NYS DEC
ATTN: ACCOUNTS PAYABLE
REGION 9
270 MICHIGAN AVE.
BUFFALO

NY 14203-2999

PROJECT # 964615
PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O.# D100712

CLIENT JOB NUMBER B1222(353)

QUANTITY	DESCRIPTION	ITEM NO.	UNIT PRICE	TOTAL
----------	-------------	----------	------------	-------

2	SOLIDS, TOTAL	SS-64-D	7.00	\$14.00
2	VOL. AROMATICS - BTEX	SS-07-D	79.00	\$158.00
2	PETROLEUM HYDROCARBONS - TOTAL	PW-06-D	75.00	\$150.00
			TOTAL DUE	\$322.00

Please reference the Invoice Number when submitting payment.
 A \$10.00 per month Service Charge will be added to all past-due invoices.
NET 10 DAYS

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: SAC CONTRACT PAYMENT PACKAGE NO. 3 CONTRACT NO. D100820
CONTRACTOR'S NAME Environmental Products and Services, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: November 12, 1996

Narrative of Events

Date of Spill: January 1, 1993

Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County

Spiller: Patrick Ruggiero

Material Spilled: gasoline

Amount Spilled: unknown

Amount Recovered: unknown

Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample and clean the tank pit area. DEC also hired Environmental Laboratory Services to analyze the samples.

Purpose of Expenditures: DEC hired a State contract laboratory, Environmental Products and Services, to sample the tank pit area. The total cost of this work is \$1,787.16. The cost of this payment is \$1,162.24.

Attached are an original and two copies of the following documents for work performed from 10/18/96 to 10/18/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 015803, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

SAC ✓
JDC —

PAYEE (Name and Address) ENVIRONMENTAL PRODUCTS & SERVICES 532 STATE FAIR BLVD SYRACUSE NY 13204		FOR INTERNAL USE ONLY STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	
		COMPTROLLER'S CONTRACT NUMBER D100820 CERTIFICATE NUMBER ORIGINATING AGENCY 0900 DATE PREPARED	
WORK PERIOD 10/18/96 TO 10/18/96			
EMPLOYER IDENTIFICATION NUMBER 16-1299642	LOCATION OF SPILL 945 KENMORE NEW YORK		
With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.			
SCHEDULE I FINANCIAL STATEMENT			
SPILL NUMBER: 9211433 P.I.N.: 94502 CONTRACT VALUE Line NYSDEC-REQ. 9 FOIL REL UNREL	WORK PERFORMED RECEIVED Line 2. Work Performed This Estimate \$ <u>1,162.24</u> 5. Pay This Estimate \$ <u>1,162.24</u>		
SCHEDULE II CERTIFICATION BY CONTRACTOR			
I, <u>Michael T. Melia</u> do hereby certify that I am <small>(name)</small> <u>Vice President</u> of the Company/Corporation <small>(Title)</small> herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. <u>10/31/96</u> <small>Date</small>			
<u>Michael T. Melia</u> <small>Signature</small>			
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION			
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief.			
<u>11/8/96</u> <small>Date</small>		Commissioner of Environmental Conservation BY <u>Robert A. ...</u> <small>Signature</small>	
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR			
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes setforth in Article 12 of the Navigation Law.			
_____ <small>Date</small>		_____ <small>Signature</small>	

Environmental Products & Services, Inc.
 New York State DEC Billing Summary
 Invoice No. 015803

Spill #: 9211433
 Pin #: 94502

LABOR

<u>Generic Item No.</u>	<u>Description</u>	<u>Total Reg. Hrs.</u>	<u>Hourly Rate</u>	<u>Total OT Hours</u>	<u>OT Rate</u>	<u>Total DT Hours</u>	<u>DT Rate</u>	<u>Total Billed</u>
L04	EQUIPMENT OPERATOR	8.00	29.78	0.00	0.00	0.00	0.00	238.24
								238.24

EQUIPMENT

<u>Generic Item No.</u>	<u>Description</u>	<u>Hrly</u>	<u>Dly</u>	<u>Wkly</u>	<u>Mthly</u>	<u>Qtrly</u>	<u>Annual</u>	<u>No. of Units</u>	<u>Rate</u>	<u>Total Billed</u>
E202	LOW BOY/TAGALONG PG 46 #801		X					1.00	154.00	154.00
E267	DUMP TRUCK (> 10 CU. YD.) PG 48 #30		X					1.00	385.00	385.00
E304	BACKHOE - RUBBER TIRE (JCB 1400 OR		X					1.00	385.00	385.00
										924.00

TOTAL INVOICE AMOUNT \$ 1162.24

CONTRACTOR NAME: **ENVIRONMENTAL PRODUCTS & SERVICES, INC.**

CONTRACT NO.: **D100820** INVOICE DATE: **10/31/96** INVOICE NO.: **015803** INVOICE AMOUNT: **\$1162.24**
 SPILL NO.: **9211433** PROJECT ID NO.: **94502** WORK PERIOD: **10/18/96 - 10/28/96**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**

WORK DATE: **10/18/96** START TIME: **0700** END TIME: **1500** OFF TIME: **0000**

JOB DESCRIPTION:

CONTACT: JIM COOKE

10/18/96

PERFORMED SOIL LOAD OUT.

LABOR

Item Number	Employee Name Job Title	Regular		Premium		Profit Hrly Rate	Start Time	End Time	Off Time	Total Cost
		Hours	Rate	Hours	Rate					
L04YE	GERALD NICHOLAS JR. EQUIPMENT OPERATOR	8.00	11.60	0.00	0.00	2.75				114.80
OH	OVERHEAD RATE 133%									123.44

EQUIPMENT

Item Number	Description	Hrly	Dly	Disc	Wkly	Mon	Qtr	Yly	No. of Units	Rate	Start Time	End Time	Total Cost
E202E	LOW BOY/TAGALONG PG 46 #816		X						1.00	154.00			154.00
E267A	DUMP TRUCK (> 10 CU. YD.) PG 48 #30		X						1.00	385.00			385.00
E304E	BACKHOE - RUBBER TIRE (JCB 1400 OR		X						1.00	385.00			385.00

CONTRACTOR NAME: **ENVIRONMENTAL PRODUCTS & SERVICES, INC.**

CONTRACT NO.: **D100820**
SPILL NO.: **9211433**

INVOICE DATE: **10/31/96**
PROJECT ID NO.: **94502**

INVOICE NO.: **015803**
WORK PERIOD: **10/18/96 - 10/28/96**

INVOICE AMOUNT: **\$1162.24**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**

WORK DATE: 10/28/96 START TIME: END TIME: OFF TIME:

MATERIALS / MISCELLANEOUS

Item Number	Description	Invoice Reference	Quantity	Cost/Rate	Surcharge	Total Cost
510	** JOB PARTIALLY BILLED **		0.00	0.00		
530	** DISPOSAL TO FOLLOW **		0.00	0.00		



Environmental

PRODUCTS & SERVICES, INC.
 Corporate Office: (800) THE-TANK
 P.O. Box 315 Syracuse, NY 13209-0315

Albany, NY
(518) 465-4000

Boston/Worcester, MA
(508) 754-6100

Bridgeport, CT
(203) 380-3838

Buffalo, NY
(716) 447-4700

Harrisburg, PA
(717) 564-4200

Linden, NJ
(908) 486-8600

Newburgh, NY
(914) 561-0707

Rochester, NY
(716) 436-5660

Springfield, MA
(413) 731-1000

Syracuse, NY
(315) 451-6666

DAILY JOB REPORT

Company NYS DEC #9
 Street 270 Michigan Ave
 City, State, Zip PSCo, N.Y
 Location of Work
 Contact Jim Cooke Telephone 851 7220
 Change of Scope (Call your supervisor)

Day/Date 10-18-96 Job Number B1222
 Tail Gate Safety Meeting - Time Not Applicable Supervisor/Foreman
 Health & Safety Site Characterization - Change from Set-up Yes No
 If yes, describe:
 Call your supervisor. Time Signature
 Job Description Soil Load-out and Clean up site

Job Complete Yes No Lunch Taken Yes No

Code	Name	Title	Start	Finish	Total
<u>LO4 YES</u>	<u>Gerald Nicholas</u>	<u>E</u>	<u>10/20/96</u>	<u>1500</u>	<u>8</u>

Code	Equipment - Type	Qty.	Code	Material - Type	Qty.
<u>E267A</u>	<u>300</u>	<u>1.34</u>			
<u>E304E</u>	<u>909</u>	<u>1.04</u>			
<u>E202E</u>	<u>816</u>	<u>1.04</u>			

Per Diem/Number of Workers:		Quantity	
Disposal	Brief Description	Liquids	Solids
Drums <input type="checkbox"/>			
Tanker <input type="checkbox"/>			
Roll Off <input checked="" type="checkbox"/>	<u>Load out</u>		
Bags <input type="checkbox"/>			
On Plastic <input type="checkbox"/>			

Code	Long-Term Rental	Qty.	In	Out	Sub-Contractors
					<u>CWM 3 Roll-offs</u>

Comments

Left on Site Yes No

Frank [Signature]
 Environmental Products & Services, Inc.



Environmental
LABORATORY SERVICES

7280 Caswell Street, Hancock Air Park, North Syracuse, NY 13212
(315) 458-8033, FAX (315) 458-0249, (800) 842-4667

Certified in:
 Connecticut
 Delaware
 Maryland
 Massachusetts
 New Hampshire
 New Jersey
 New York
 Pennsylvania
 Rhode Island

NYS DEC REGION 9 - BUFFALO
270 MICHIGAN AVE.

PROJECT #: 965294
RECEIVED: 12/10/96

BUFFALO NY 14203-2999
ATTN: MR. JIM COOKE

PIN #: SP94502
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O. # D100913
CLIENT JOB NUMBER: B1222(353)

TEST PERFORMED	RESULTS	UNITS	DATE PERFORMED	METHOD NUMBER	PERFORMED BY
SAMPLE #: 150104 CLIENT SAMPLE ID: B1394 MONITORING WELL DATE SAMPLED: 12/09/96					
VOL. ORGANICS - EPA 8021 STARS LIST		UG/L	12/11/96	EPA 8021	SKW
BENZENE	<0.7				
N-BUTYLBENZENE	<1.0				
SEC-BUTYLBENZENE	<1.0				
TERT-BUTYLBENZENE	<1.0				
CUMENE (ISOPROPYLBENZENE)	<1.0				
CYMENE (4-ISOPROPYLTOLUENE)	<1.0				
ETHYLBENZENE	<1.0				
NAPHTHALENE	<1.0				
N-PROPYLBENZENE	<1.0				
TOLUENE	<1.0				
1,2,4-TRIMETHYLBENZENE	<1.0				
1,3,5-TRIMETHYLBENZENE	<1.0				
TOTAL XYLENES	<1.0				
MTBE	<1.0				

RECEIVED

DEC 16 1996

NYSDEC-REG. 9
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REL UNREL

[Signature]
Douglas W. Mendrala
Laboratory Director

12/12/96
Date

All tests performed under NYS ELAP Laboratory Certification # 11375 unless otherwise stated.

96



Environmental

PRODUCTS & SERVICES, INC.

Region 9
Jim Cook
(315) 471-0503 / (800) 843-8265

CHAIN OF CUSTODY RECORD

EPS LAB LOG NO. 1379

JOB NUMBER: 30301222 PIN NUMBER: SP94502
P.O. NUMBER: D/A SPILL NUMBER: 9211433

LABORATORY: ELS
ADDRESS: 7200 Chazy St. A. Syracuse NY
PHONE NO.:

REPORTING REQUIREMENTS (other than mail)
 PHONE NO.:
 FAX NO.:

TURN AROUND TIME
(CALL AHEAD FOR APPROVAL FOR RUSH)

SPECIAL DETECTION LIMITS Yes No (Specify)

SPECIAL QA/QC LEVEL Yes No (Specify)
WASTE SAMPLE Yes No

ANALYSIS REQUESTED

SITE ADDRESS
485 Kenmore Ave Kenmore NY

- Sample(s) State of Origin:
- CT
- DE
- MA
- MD
- NH
- NJ
- NY
- PA
- RI
- VT
-

24-HOUR
48-HOUR
NORMAL
OTHER
LAB APPROVAL BY: _____

SAMPLE TYPE:
G - GRAB
C - COMPOSITE
W - WIPE
SS - SURFACE SCRAPE
O - OTHER (SPECIFY)

- CORROS
- FLASH
- REACT
- pH
- TCLP: METALS
- VOA
- SEMI-VOA
- TCLP: PEST
- HERB
- TOTAL METALS
- SPECIFY:
- OIL AND GREASE: EPA 413.1
- PH: GRO
- DRO
- TPH GC
- TPH: EPA 418.1 (IR)
- NYS DOH 310-13(GC)
- EPA 503.1
- EPA 524
- W/MTBE
- EPA 601
- EPA 8010
- EPA 802
- EPA 8020
- STEX
- W/MTBE
- EPA 608
- EPA 8080
- PCB ONLY
- EPA 624
- EPA 8240
- EPA 8260
- EPA 625
- EPA 8270
- EPA 8270 B/C

SPECIAL INSTRUCTIONS

COMMENTS/
SAMPLING POINT(S)
monitoring well

Lab Use Only SAMPLE I.D./ DESCRIPTION

150104 monitoring well

DATE	TIME	CONTAINER	MATRIX	TYPE (ENTER CODE)	PRESERVATIVE
<u>12/19/96</u>	<u>2:15 PM</u>	<u>2 40ML V</u>	<u>X</u>	<u>G</u>	<u>X</u>

Number	Size	Type (Enter Code)	Groundwater	Soil	Sludge	Other	HCl	HNO ₃	H ₂ SO ₄	Ice (4°C)	Teflon Liner	Filtered	Other
<u>2</u>	<u>40ML</u>	<u>V</u>	<u>X</u>				<u>X</u>		<u>X</u>				

EPS CONTACT: David Ellsworth / Linda Scott

PHONE NO. (716) 497-4700

CUSTODY TRANSFERS

RELINQUISHED BY: (SAMPLER)	DATE	TIME	RECEIVED BY:	DATE	TIME
<u>[Signature]</u>	<u>12-19-96</u>	<u>3:30 PM</u>			
RELINQUISHED BY:			RECEIVED BY:		
RELINQUISHED BY:			RECEIVED AT LAB BY: <u>L. Flynn via Eastern</u>	<u>252/10</u>	<u>940</u>

White - LABORATORY

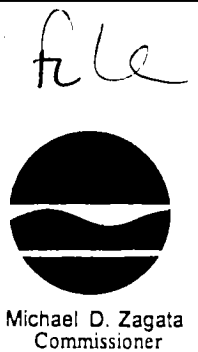
Canary - CORPORATE ENVIRONMENTAL

Pink - PROJECT COORDINATOR

Goldenrod - BRANCH FILE

2202 ENV 202 9506

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



TO: Rose Dolan, Contract Unit, Room 619, Albany
FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9
SUBJECT: ^{JAC} CONTRACT PAYMENT PACKAGE NO. 4 CONTRACT NO. D100820
CONTRACTOR'S NAME Environmental Products and Services, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---
DATE: December 11, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown
Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample and clean the tank pit area. DEC also hired Environmental Laboratory Services to analyze the samples. Disposal of contaminated has been completed.

Purpose of Expenditures: DEC hired a State contract laboratory, Environmental Products and Services, to cleanup the tank pit area. The total cost of this work is \$3,815.39. The cost of this payment is \$2,028.23.

Attached are an original and two copies of the following documents for work performed from 10/18/96 to 10/18/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 015889, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) ENVIRONMENTAL PRODUCTS & SERVICES 532 STATE FAIR BLVD SYRACUSE NY 13204	FOR INTERNAL USE ONLY	
	STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER D100820 CERTIFICATE NUMBER ORIGINATING AGENCY 0900 DATE PREPARED
	WORK PERIOD 10/18/96 TO 10/18/96	
	EMPLOYER IDENTIFICATION NUMBER 16-1299642 LOCATION OF SPILL 945 KENMORE AVE - KENMORE NY	

With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.

SCHEDULE I FINANCIAL STATEMENT	
SPILL NUMBER: # 9211433 P.I.N.: # 94502 CONTRACT VALUE <u>DEC 0 91996</u> Line _____	WORK PERFORMED Line _____ 2. Work Performed This Estimate \$ <u>2,028.23</u> 5. Pay This Estimate \$ <u>2,028.23</u>

RECEIVED

NYSDEC-REG. 9
FOIL
REL. UNREL

SCHEDULE II CERTIFICATION BY CONTRACTOR	
I, <u>Michael T. Melia</u> do hereby certify that I am <small>(name)</small> <u>Vice President</u> of the Company/Corporation <small>(Title)</small> herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. 11/29/96 _____ Date _____ Signature	

SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION	
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief. _____ Date _____ Signature	

SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR	
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law. _____ Date _____ Signature	

Environmental Products & Services, Inc.
New York State DEC Billing Summary
Invoice No. 015889

Spill #: 9211433
Pin #: 94502

OTHER CONTRACT ITEMS

<u>Description</u>	<u>No. of Items</u>	<u>No. of Units</u>	<u>Unit Price</u>	<u>Total Billed</u>
WASTE MANAGEMENT REF #1-3		44.43	45.65	2028.23
				<hr/> 2028.23
			TOTAL INVOICE AMOUNT	\$ 2028.23

CCS0091E
WM773KAW

CUSTOMER MAINTENANCE
CLOSED INVOICE - LINE ITEMS

11/29/96 9:21

ACCOUNT NUMBER: 0109505

BILLING NAME: EP&S

INVOICE NUMBER: 096068

INVOICE DATE: 10/25/96

INVOICE AMT:

613.37

DATE	REF.	DESCRIPTION	AMOUNT
		PREVIOUS BALANCE	0.00
10/18/96		PAYMENT RECEIVED CHECK # 109	-1,494.00
		BALANCE FORWARD	-1,494.00
		EP&S 945 KENMORE AVE KENMORE NY 14217	
10/18/96	077003	DELIVERY OF CONTAINER	0.00
10/18/96	077006	DELIVERY OF CONTAINER	0.00
10/18/96	077007	DELIVERY OF CONTAINER	0.00
10/18/96	077102	TRANSPORTATION & DISPOSAL (SOIL), TRANS P.O.: MF #103217	613.37
		<i>14.78 tons</i>	
		TOTAL CURRENT CHARGES	613.37
		TOTAL AMOUNT NOW DUE	-880.63

\$ 41.50/ton

1-RETURN

Ref #1

CCS0091E
WM773KAW

CUSTOMER MAINTENANCE
CLOSED INVOICE - LINE ITEMS

11/29/96 9:22

ACCOUNT NUMBER: 0109505
BILLING NAME: EP&S
INVOICE NUMBER: 096391
INVOICE DATE: 11/11/96

INVOICE AMT: 628.73

DATE	REF.	DESCRIPTION	AMOUNT
10/25/96		PREVIOUS BALANCE	-880.63
		BALANCE FORWARD	-880.63
		EP&S 945 KENMORE AVE KENMORE NY 14217	
10/18/96	077103	TRANSPORTATION & DISPOSAL (SOIL) <i>15.15 tons</i>	628.73
		<i>\$41.50/ton</i>	
		TOTAL CURRENT CHARGES	628.73
		TOTAL AMOUNT NOW DUE	-251.90

Ref # 2

CCS0041E
WM773KAW

CUSTOMER MAINTENANCE
OPEN INVOICE - LINE ITEMS

11/29/96 9:22

ACCOUNT NUMBER: 0109505

BILLING NAME: EP&S

INVOICE NUMBER: 097603

INVOICE DATE: 11/27/96

INVOICE AMT: 601.75

INVOICE BAL: 349.85

DATE	REF.	DESCRIPTION	AMOUNT
11/11/96		PREVIOUS BALANCE	-251.9
		BALANCE FORWARD	-251.9
		EP& 945 KENMORE AVE KENMORE NY 14217	
11/01/96	077104	TRANSP & DISPOSAL (SOIL) LOAD: 10/18 TRANS P.O.: MF #103216	601.75
		TOTAL CURRENT CHARGES	601.7
		TOTAL AMOUNT NOW DUE	349.8

\$44.50/ton

14.50 tons

Ref #3

CONTRACTOR NAME: ENVIRONMENTAL PRODUCTS & SERVICES, INC.

CONTRACT NO.: D100820
SPILL NO.: 9211433

INVOICE DATE: 11/29/96
PROJECT ID NO.: 94502

INVOICE NO.: 015889
WORK PERIOD: 10/18/96 - 10/18/96

INVOICE AMOUNT: \$2028.23

JOB NAME: (B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL

WORK DATE: 10/18/96 START TIME: END TIME: OFF TIME:

JOB DESCRIPTION:

CONTACT: JIM COOKE

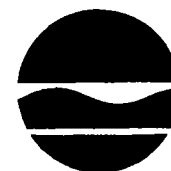
10/18/96

TRANSPORTATION AND DISPOSAL OF CONTAMINATED SOIL.

MATERIALS / MISCELLANEOUS

Item Number	Description	Invoice Reference	Quantity	Cost/Rate	Surcharge	Total Cost
	WASTE MANAGEMENT REF #1-3		44.43	45.65		2028.23

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: *LAC* CONTRACT PAYMENT PACKAGE NO. 3 CONTRACT NO. D100913
CONTRACTOR'S NAME Environmental Laboratory Services, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: December 20, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown

Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample and clean the tank pit area and dispose of the contaminated soil that was removed. The monitoring well sample results were above STARS Guidance Values for the first sample and below for the second sample. Waiting for disposal receipts. DEC also hired Environmental Laboratory Services to analyze the samples.

Purpose of Expenditures: DEC hired a State contract laboratory, Environmental Laboratory Services, Inc., to analyze samples. The total cost of this work is \$512.00. The cost of this payment is \$95.00.

Attached are an original and two copies of the following documents for work performed from 12/10/96 to 12/10/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 104639, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) Environmental Laboratory Services 7280 Caswell Street Hancock Air Park North Syracuse, NY 13212		FOR INTERNAL USE ONLY	
		STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	COMPTROLLER'S CONTRACT NUMBER D10-0913 CERTIFICATE NUMBER _____ ORIGINATING AGENCY 09001 DATE PREPARED _____
WORK PERIOD <u>12-10-96 to</u>			
EMPLOYER IDENTIFICATION NUMBER 16-1182565		LOCATION OF SPILL <u>945 Kenmore Ave, Kenmore, NY</u>	
With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.			
SCHEDULE I FINANCIAL STATEMENT			
SPILL NUMBER: <u>9211433</u> P.I.N.: <u>SP94502</u> CONTRACT VALUE _____ Line		WORK PERFORMED Line 2. Work Performed This Estimate \$ <u>95.00</u> 5. Pay This Estimate \$ <u>95.00</u>	
SCHEDULE II CERTIFICATION BY CONTRACTOR			
I <u>Michael T. Melia</u> (name) do hereby certify that I am <u>Vice President</u> (Title) of the Company/Corporation herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application. <u>12-12-96</u> Date <u>Michael T. Melia</u> Signature			
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION			
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief. <u>12/20/96</u> Date <u>DEC 18 1996</u> Commissioner of Environmental Conservation NYSDEC-REG. 9 BY <u>Salvatore A. Calandra</u> Signature <small>FOIL (L) (R) (E)</small>			
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR			
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law. _____ Date _____ Signature _____			



Environmental LABORATORY SERVICES

(315) 458-8033

FAX (315) 458-0249

REMIT TO:
7280 Caswell Street
North Syracuse, NY 13212

INVOICE NO.

104639

DATE

12/12/96

NYS DEC
ATTN: ACCOUNTS PAYABLE
REGION 9
270 MICHIGAN AVE.
BUFFALO

NY 14203-2999

PROJECT # 965294
PIN #: SP94302
SPILL #: 9211433
SPILL SITE: 945 KENMORE AVENUE
KENMORE, NY

P.O. # 0100213

CLIENT JOB NUMBER: 2224353

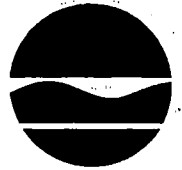
QUANTITY	DESCRIPTION	ITEM NO.	UNIT PRICE	TOTAL
1	VOL. ORGANICS - EPA 8021 STARS LIST	SS-01-E	95.00	\$95.00
			TOTAL DUE	\$95.00

Please reference the Invoice Number when submitting payments.

1% per month Service Charge will be added to all past-due invoices.

NET 10 DAYS

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220



Michael D. Zagata
Commissioner

TO: Rose Dolan, Contract Unit, Room 619, Albany

FROM: Salvatore A. Calandra, Regional Spill Engineer, Region 9

SUBJECT: *SAC* CONTRACT PAYMENT PACKAGE NO. 5 CONTRACT NO. D100820
CONTRACTOR'S NAME Environmental Products and Services, Inc.
PROJECT NUMBER SP 94502 SPILL NUMBER 9211433
STATE OIL SPILL PROJECT S945022 FEDERAL UST TRUST PROJECT ---

DATE: December 27, 1996

Narrative of Events

Date of Spill: January 1, 1993
Location of Spill: Ken Hy Auto, 945 Kenmore Avenue, Kenmore, Erie County
Spiller: Patrick Ruggiero
Material Spilled: gasoline
Amount Spilled: unknown
Amount Recovered: unknown
Current Activity: On January 4, 1993, Alan DiPaolo of DiPaolo Excavating notified DEC regarding contaminated soil he found while removing underground storage tanks. However, the contaminated soil has not been removed. National Fuel Gas was doing work in front of the location and ran into contamination. DEC took a sample to confirm the presence of gasoline and hired Kanti Technologies, Inc., to analyze the sample. The results indicated the presence of gasoline and lube oil. DEC continues to follow up with the responsible party for cleanup. NYSDEC hired Environmental Products and Services, Inc., to sample and clean the tank pit area and dispose of the contaminated soil that was removed. Environmental Products and Services, Inc., also sampled the on site monitoring well. DEC also hired Environmental Laboratory Services to analyze the samples. The monitoring well sample results were above STARS Guidance Values for the first groundwater sample and below for the second groundwater sample. Waiting for disposal receipts.

Purpose of Expenditures: DEC hired a State cleanup contractor, Environmental Products and Services, Inc., to sample on-site monitoring well. The total cost of this work is \$3,934.24. The cost of this payment is \$118.85.

Attached are an original and two copies of the following documents for work performed from 12/09/96 to 12/09/96.

- Contractor's Payment Application/Voucher Certification
- Contractor's Invoice Number 015909, 1 Page
- Contractor's Satisfactory Completed Job CAN 121a - Final Payment Only
- Receipts plus supporting documentation for non-contractual items
- Solicitation record as required

CONTRACTOR'S PAYMENT APPLICATION/VOUCHER CERTIFICATION

Oil Spill Program

PAYEE (Name and Address) ENVIRONMENTAL PRODUCTS & SERVICES 532 STATE FAIR BLVD SYRACUSE NY 13204		FOR INTERNAL USE ONLY STATE COMPTROLLER'S PRE-AUDIT CERTIFIED FOR PAYMENT IN THE SUM OF \$ _____ BY: _____	
		COMPTROLLER'S CONTRACT NUMBER D100820 CERTIFICATE NUMBER _____ ORIGINATING AGENCY 0900 DATE PREPARED _____	
WORK PERIOD 2/09/96 TO 12/09/96			
EMPLOYER IDENTIFICATION NUMBER 16-1299642	LOCATION OF SPILL 945 KENMORE AVE KENMORE NY		
With Final Payment Attach Labor Affidavits for Payroll Period to Conform to New York State Labor Law Section 220.			
SCHEDULE I FINANCIAL STATEMENT			
SPILL NUMBER: 9211433 P.I.N.: 94502 CONTRACT VALUE \$ 2,000.00 Line	WORK PERFORMED Line		
	2. Work Performed This Estimate \$ 118.85 5. Pay This Estimate \$ 118.95		
SCHEDULE II CERTIFICATION BY CONTRACTOR			
I, <u>Michael T. Melia</u> do hereby certify that I am <small>(name)</small>			
<u>Vice President</u> of the Company/Corporation <small>(Title)</small>			
herein referenced and contractor for the work described in the foregoing application for payment. According to my knowledge and belief all items and amounts shown on the face of this application for payment are correct, all work has been performed and/or materials supplied, the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by the application.			
<u>12/17/96</u> <small>Date</small>		<u>Michael T. Melia</u> <small>Signature</small>	
SCHEDULE III CERTIFICATION TO THE ADMINISTRATOR OF THE NY ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION			
I do hereby certify that the materials and labor stated therein have been furnished and the work properly performed in cleaning up and removing discharged petroleum products pursuant to Section 176 of Article 12 of the Navigation Law, and that payment can be made on this contract/voucher without detriment to the interests of the State to the best of my knowledge and belief.			
<u>12/27/96</u> <small>Date</small>		Commissioner of Environmental Conservation BY <u>Salvatore A. Clemente</u> <small>Signature</small>	
SCHEDULE IV CERTIFICATION TO THE COMPTROLLER BY THE ADMINISTRATOR			
I hereby certify that, to the best of my knowledge and belief, the expenses for which I am approving payment for have been incurred and comply with the provisions and purposes set forth in Article 12 of the Navigation Law.			
_____ <small>Date</small>		_____ <small>Signature</small>	

Environmental Products & Services, Inc.
 New York State DEC Billing Summary
 Invoice No. 015909

Spill #: 9211433
 Pin #: 94502

LABOR

<u>Generic Item No.</u>	<u>Description</u>	<u>Total Reg. Hrs.</u>	<u>Hourly Rate</u>	<u>Total OT Hours</u>	<u>OT Rate</u>	<u>Total DT Hours</u>	<u>DT Rate</u>	<u>Total Billed</u>
L21	TECHNICIAN	2.00	28.30	0.00	0.00	0.00	0.00	56.60
								56.60

EQUIPMENT

<u>Generic Item No.</u>	<u>Description</u>	<u>Hrly</u>	<u>Dly</u>	<u>Wkly</u>	<u>Mthly</u>	<u>Qtrly</u>	<u>Annual</u>	<u>No. of Units</u>	<u>Rate</u>	<u>Total Billed</u>
E110	VANS - 1 TON OR LESS CARGO PG 44 #4	X						2.00	20.00	40.00
E516	SONIC INTERFACE PG 51	X						0.50	9.00	4.50
										44.50

OTHER CONTRACT ITEMS

<u>Description</u>	<u>No. of Items</u>	<u>No. of Units</u>	<u>Unit Price</u>	<u>Total Billed</u>
MATERIALS	2	3.00		17.75
				17.75

TOTAL INVOICE AMOUNT \$ 118.85

CONTRACTOR NAME: **ENVIRONMENTAL PRODUCTS & SERVICES, INC.**

CONTRACT NO.: **D100820** INVOICE DATE: **12/17/96** INVOICE NO.: **015909** INVOICE AMOUNT: **\$118.85**
 SPILL NO.: **9211433** PROJECT ID NO.: **94502** WORK PERIOD: **12/09/96 - 12/09/96**

JOB NAME: **(B1222) LOC: KENMORE, NY - REMEDIATION/DISPOSAL**

WORK DATE: **12/09/96** START TIME: **1330** END TIME: **1530** OFF TIME: **0000**

JOB DESCRIPTION:

CONTACT: JIM COOKE

12/9/96

GAUGED MONITORING WELL FOR DEPTH TO PRODUCT, DEPTH TO WATER AND DEPTH TO BOTTOM. COLLECTED GROUNDWATER SAMPLE FOR EPA METHOD 8021 "STARS" MTBE. SHIPPED SAMPLE TO ELS FOR ANALYSIS.

LABOR

Item Number	Employee Name Job Title	Regular		Premium		Profit Hrly Rate	Start Time	End Time	Off Time	Total Cost
		Hours	Rate	Hours	Rate					
L21ADM	DALE CLIFFORD TECHNICIAN	2.00	10.75	0.00	0.00	3.25				28.00
OH	OVERHEAD RATE 133%									28.60

EQUIPMENT

Item Number	Description	Hrly	Dly	Disc	Wkly	Mon	Qtr	Yly	No. of Units	Rate	Start Time	End Time	Total Cost
E516	SONIC INTERFACE PG 51	X							0.50	9.00			4.50

MATERIALS / MISCELLANEOUS

Item Number	Description	Invoice Reference	Quantity	Cost/Rate	Surcharge	Total Cost
M140	M140 LATEX SAMPLING GLOVES PG 56C		1.00	0.75		0.75
M96	M96 DISPOSABLE BAILER 3' PG 56B		2.00	8.50		17.00



Environmental
 PRODUCTS & SERVICES, INC.
 Corporate Office: (800) THE-TANK
 P.O. Box 315 Syracuse, NY 13209-0315

Albany, NY
 (518) 465-4000

Boston/Worcester, MA
 (508) 754-6100

Bridgeport, CT
 (203) 380-3838

Buffalo, NY
 (716) 447-4700

Harrisburg, PA
 (717) 564-4200

Linden, NJ
 (908) 486-8600

Newburgh, NY
 (914) 561-0707

Rochester, NY
 (716) 436-5660

Springfield, MA
 (413) 731-1000

Syracuse, NY
 (315) 451-6666

DAILY JOB REPORT

Day/Date Monday 12/9/96 Job Number 35381222

Company NYS DEC Region 9

Tail Gate Safety Meeting - Time Not Applicable Supervisor/Foreman

Street 270 Mulholland Ave

Health & Safety Site Characterization - Change from Set-up Yes No

City, State, Zip Buffalo, New York

If yes, describe:

Location of Work 945 Kenmore Ave Kenmore Sq.

Call your supervisor. Time Signature

Contact Jim Conks Telephone 716 851-7220

Job Description (1) Pump maintenance well for DT7, DTW, DTB

Change of Scope (Call your supervisor)

(2) Develop well (3) Wholes

(3) Collect Groundwater Sample for EPA method 8221 "Stubs" MTR

(4) Ship Sample to ELS for Analysis

Job Complete Yes No Lunch Taken Yes No

Code	Name	Title	Start	Finish	Total
<u>L21ADMS</u>	<u>Dale Clifford</u>	<u>EST</u>	<u>8:30</u>	<u>15:30</u>	<u>2</u>

Code	Equipment - Type	Qty.	Code	Material - Type	Qty.
<u>E110IH</u>	<u>Vehicle 479</u>	<u>2</u>	<u>M910</u>	<u>Remed. Disposal</u>	<u>2</u>
<u>E516</u>	<u>Oils Interfer. Probe</u>	<u>5</u>	<u>M140</u>	<u>Sample Process</u>	<u>1 PR.</u>

Per Diem/Number of Workers:		Quantity	
Disposal	Brief Description	Liquids	Solids
Drums <input type="checkbox"/>	<u>T</u>		
Tanker <input type="checkbox"/>			
Roll Off <input type="checkbox"/>	<u>N/A</u>		
Bags <input type="checkbox"/>			
On Plastic <input type="checkbox"/>			

Code	Long-Term Rental	Qty.	In	Out	Sub-Contractors
	<u>T</u>				<u>T</u>
	<u>N/A</u>				<u>N/A</u>

Comments

(Signature)

Left on Site Yes No

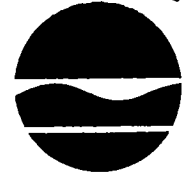
White - CORPORATE OFFICE Canary - BRANCH OFFICE Pink - CUSTOMER
 Environmental Products & Services, Inc.

Customer

New York State Department of Environmental Conservation

270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7220

JDC/FILE



John P. Cahill
Commissioner

November 4, 1997

Mr. Pat Ruggiero
Ken-Hy Auto
945 Kenmore Avenue
Buffalo, New York 14223

Dear Mr. Ruggiero:

Spill Number 9211433
Soil Pile
945 Kenmore Avenue
Kenmore
Erie County

Based on the analytical results for the excavated soils at the above referenced site, no disposal will be required. Soils may be reused as backfill. Therefore, no further cleanup will be required by this department; the site is closed.

Your cooperation with this matter has been appreciated. If you have any questions, please call me at (716) 851-7220.

Sincerely,

James D. Cooke
Environmental Engineering
Technician

JDC:ma

Lake View Landfill
P.O. Box 10904
Erie, PA 16514
(814) 825-8588
(800) 394-3455
Office Fax: (814) 825-4338
Lab Fax: (814) 825-4588

Spill
721433
357355

PADER Site Permit No. 100329

Manifest 103215

NON-HAZARDOUS RESIDUAL WASTE MANIFEST

GENERATOR INFORMATION

1. Generator of Waste (must be filled in by Generator): NY DEC Region #9
Company Address: 270 Michigan Ave Sflo NY 14203
(number) (street) (city) (state) (zip code)
Pick-up Address: 945 Kenmore Ave. Kenmore NY 14217
(number) (street) (city) (state) (zip code)
Generator Telephone Number: 716-851-7220
Name of Waste: Contaminated soil

This manifest represents a non-hazardous waste as per E.P.A. and Pennsylvania D.E.R. regulations.

Estimated Tons: 20 Special handling instructions, if any: [Signature]

This is to certify that the above named material is properly classified, described, packaged, marked, and labeled is in proper condition for transportation according to applicable state and federal law. The waste was consigned to the transporter named below. I certify that the foregoing is true and correct to the best of my knowledge.

Signature: [Signature] (Name and Title) Date: 10-18-96

TRANSPORTER INFORMATION

2. Hauler of Waste (must be filled in by Hauler): WM of NY - BF10
Hauler Address: 70 N. GATES LACKAWANNA NY
(number) (street) (city) (state) (zip code)
Pick-up Date: _____ Truck Number: 476 Vehicle License Number: _____

The above described waste was picked up and hauled by me to the disposal facility named below. I certify that the foregoing is true and correct to the best of my knowledge.

Driver Signature: [Signature] (Name and Title) Date: 10/20/96

DISPOSAL SITE INFORMATION

3. Company Name: Lake View Landfill
Disposal Site Location: 851 Robison Road, East, Erie, PA 16509

Waste subject to this manifest was delivered by the above hauler to this disposal facility and was accepted, except as noted in the discrepancy indication space below.

Disposal Date: 10-26-96 Total Tons: 15.19

Discrepancy Indication Space: _____

Signature of authorized agent: [Signature] (Name and Title)

Lake View Landfill
P.O. Box 10904
Erie, PA 16514
(814) 825-8588
(800) 394-3455
Office Fax: (814) 825-4338
Lab Fax: (814) 825-4588

PADER Site Permit No. 100329

Manifest **103217**

NON-HAZARDOUS RESIDUAL WASTE MANIFEST

GENERATOR INFORMATION

1. Generator of Waste (must be filled in by Generator): NYSD DEC Reg #9
Company Address: 270 Michigan Ave. Bflo NY 14203
(number) (street) (city) (state) (zip code)
Pick-up Address: 945 Kenmore Ave. Bflo NY 14217
(number) (street) (city) (state) (zip code)
Generator Telephone Number: 716-851-7220
Name of Waste: Contaminated Soil

This manifest represents a non-hazardous waste as per E.P.A. and Pennsylvania D.E.R. regulations.

Estimated Tons: 20 Special handling instructions, if any: 1/a

This is to certify that the above named material is properly classified, described, packaged, marked, and labeled is in proper condition for transportation according to applicable state and federal law. The waste was consigned to the transporter named below. I certify that the foregoing is true and correct to the best of my knowledge.

Signature: [Signature] (Name and Title) Date: 10-18-96

TRANSPORTER INFORMATION

2. Hauler of Waste (must be filled in by Hauler): WMX / N.Y.
Hauler Address: 70 N. State Lockawanna N.Y.
(number) (street) (city) (state) (zip code)
Pick-up Date: 10-22-96 Truck Number: 477 Vehicle License Number: PP-7638

The above described waste was picked up and hauled by me to the disposal facility named below. I certify that the foregoing is true and correct to the best of my knowledge.

Driver Signature: Mike Kronke (Name and Title) Date: 10-22-96

DISPOSAL SITE INFORMATION

3. Company Name: Lake View Landfill
Disposal Site Location: 851 Robison Road, East, Erie, PA 16509

Waste subject to this manifest was delivered by the above hauler to this disposal facility and was accepted, except as noted in the discrepancy indication space below.

Disposal Date: 10/22/96 Total Tons: 14.78

Discrepancy Indication Space: _____

Signature of authorized agent: [Signature] (Name and Title) 273

Lake View Landfill
P.O. Box 10904
Erie, PA 16514
(814) 825-8588
(800) 394-3455
Office Fax: (814) 825-4338
Lab Fax: (814) 825-4588

5009

PADER Site Permit No. 100329

Manifest 103216

NON-HAZARDOUS RESIDUAL WASTE MANIFEST

GENERATOR INFORMATION

1. Generator of Waste (must be filled in by Generator): NYS DEC Region #9
Company Address: 270 Michigan Ave. Bflo NY 14203
(number) (street) (city) (state) (zip code)
Pick-up Address: 945 Kenmore Ave Kenmore NY 14217
(number) (street) (city) (state) (zip code)
Generator Telephone Number: 716 851-7220
Name of Waste: Contaminated Soil

This manifest represents a non-hazardous waste as per E.P.A. and Pennsylvania D.E.R. regulations.

Estimated Tons: 20 Special handling instructions, if any: NA

This is to certify that the above named material is properly classified, described, packaged, marked, and labeled is in proper condition for transportation according to applicable state and federal law. The waste was consigned to the transporter named below. I certify that the foregoing is true and correct to the best of my knowledge.

Signature: [Signature] Sub Foreman Date: 10-18-96
(Name and Title)

TRANSPORTER INFORMATION

2. Hauler of Waste (must be filled in by Hauler): IWMX/N.Y.
Hauler Address: 70 N. Gate Lockswanna N.Y.
(number) (street) (city) (state) (zip code)
Pick-up Date: 11-4-96 Truck Number: 477 Vehicle License Number: PP-7638

The above described waste was picked up and hauled by me to the disposal facility named below. I certify that the foregoing is true and correct to the best of my knowledge.

Driver Signature: [Signature] Mike Kromke Date: 11-4-96
(Name and Title)

DISPOSAL SITE INFORMATION

3. Company Name: Lake View Landfill
Disposal Site Location: 851 Robison Road, East, Erie, PA 16509

Waste subject to this manifest was delivered by the above hauler to this disposal facility and was accepted, except as noted in the discrepancy indication space below.

Disposal Date: 11-4-96 Total Tons: 14.50

Discrepancy Indication Space: _____

Signature of authorized agent: [Signature] _____
(Name and Title)

Lake View Landfill
P.O. Box 10904
Erie, PA 16514
(814) 825-8588
(800) 394-3455
Office Fax: (814) 825-4338
Lab Fax: (814) 825-4588

5009

PADER Site Permit No. 100329

Manifest **103216**

NON-HAZARDOUS RESIDUAL WASTE MANIFEST

GENERATOR INFORMATION

1. Generator of Waste (must be filled in by Generator): NYS DEC Region #9
Company Address: 270 Michigan Ave. Bflo NY 14203
(number) (street) (city) (state) (zip code)
Pick-up Address: 945 Kenmore Ave Kenmore NY 14217
(number) (street) (city) (state) (zip code)
Generator Telephone Number: 716 851-7220
Name of Waste: Contaminated Soil

This manifest represents a non-hazardous waste as per E.P.A. and Pennsylvania D.E.R. regulations.

Estimated Tons: 20 Special handling instructions, if any: no

This is to certify that the above named material is properly classified, described, packaged, marked, and labeled is in proper condition for transportation according to applicable state and federal law. The waste was consigned to the transporter named below. I certify that the foregoing is true and correct to the best of my knowledge.

Signature: [Signature] Sub Foreman Date: 10-18-96
(Name and Title)

TRANSPORTER INFORMATION

2. Hauler of Waste (must be filled in by Hauler): WMX/N.Y.
Hauler Address: 70 N. Gate Lockawanna N.Y.
(number) (street) (city) (state) (zip code)
Pick-up Date: 11-4-96 Truck Number: 477 Vehicle License Number: PP-7638

The above described waste was picked up and hauled by me to the disposal facility named below. I certify that the foregoing is true and correct to the best of my knowledge.

Driver Signature: [Signature] Mike Kromke Date: 11-4-96
(Name and Title)

DISPOSAL SITE INFORMATION

3. Company Name: Lake View Landfill
Disposal Site Location: 851 Robison Road, East, Erie, PA 16509

Waste subject to this manifest was delivered by the above hauler to this disposal facility and was accepted, except as noted in the discrepancy indication space below.

Disposal Date: 11-4-96 Total Tons: 14.50

Discrepancy Indication Space: _____

Signature of authorized agent: [Signature] _____
(Name and Title)

Lake View Landfill
P.O. Box 10904
Erie, PA 16514
(814) 825-8588
(800) 394-3455
Office Fax: (814) 825-4338
Lab Fax: (814) 825-4588

PADER Site Permit No. 100329

Manifest **103216**

NON-HAZARDOUS RESIDUAL WASTE MANIFEST

GENERATOR INFORMATION

1. Generator of Waste (must be filled in by Generator): NUS DEC Region #1
Company Address: 210 Michigan Ave. BLP PA 14213
(number) (street) (city) (state) (zip code)
Pick-up Address: 745 Kenmore Ave Kenmore PA 14217
(number) (street) (city) (state) (zip code)
Generator Telephone Number: 716 851 1220
Name of Waste: unmatted soil

This manifest represents a non-hazardous waste as per E.P.A. and Pennsylvania D.E.R. regulations.

Estimated Tons: 20 Special handling instructions, if any: no

This is to certify that the above named material is properly classified, described, packaged, marked, and labeled is in proper condition for transportation according to applicable state and federal law. The waste was consigned to the transporter named below. I certify that the foregoing is true and correct to the best of my knowledge.

Signature: [Signature] Sub Manager Date: 10-18-96
(Name and Title)

TRANSPORTER INFORMATION

2. Hauler of Waste (must be filled in by Hauler): WMX
Hauler Address: 70 N. State Scranton PA 18503
(number) (street) (city) (state) (zip code)
Pick-up Date: 11-4-96 Truck Number: 477 Vehicle License Number: PA-7628

The above described waste was picked up and hauled by me to the disposal facility named below. I certify that the foregoing is true and correct to the best of my knowledge.

Driver Signature: [Signature] Mike Frank Date: 11-4-96
(Name and Title)

DISPOSAL SITE INFORMATION

3. Company Name: Lake View Landfill
Disposal Site Location: 851 Robison Road, East, Erie, PA 16509

Waste subject to this manifest was delivered by the above hauler to this disposal facility and was accepted, except as noted in the discrepancy indication space below.

Disposal Date: 11-4-96 Total Tons: 141.56

Discrepancy Indication Space: _____

Signature of authorized agent: [Signature] [Name] (Name and Title) 276



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 9515189
 SPILL NAME: OIL IN UTILITY TRENCH DEC LEAD: RMCROSSE
 SPILL DATE: 02/26/1996 SPILL TIME: 9:00 am
 CALL RECEIVED DATE: 02/26/1996 RECEIVED TIME: 11:00 am

SPILL LOCATION

PLACE: OIL IN UTILITY TRENCH COUNTY: Erie
 STREET: 945 KENMORE AVENUE TOWN/CITY: Tonawanda
 COMMUNITY: TONAWANDA
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Tank Failure SPILL REPORTED BY: Local Agency
 FACILITY TYPE: Gasoline Station WATERBODY: _____

CALLER REMARKS:
 town found gasoline odor while digging sewer line

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
UNKNOWN PETROLEUM	Petroleum	0 G	0 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
KEN HY AUTO	945 KENMORE AVENUE KENMORE NY 14217-	PATRICK RUGGIERO

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
8600802	3/19/1987 12:00:00A	Spill Number
1104845	12/26/2012 12:00:00	Spill Number

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure

DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead_DEC Field was "RMC"
 02/26/96 RMC/FILE DUPLICATE OF ONGOING SPILL 9211433 JDC WILL FOLLOW UP THRU THAT SPILL, CLOSE OUT

PIN T & A COST CENTER

CLASS: C3 CLOSE DATE: 02/26/1996 MEETS STANDARDS: True



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 1104845
 SPILL NAME: KEN HY AUTO INC DEC LEAD: RMCROSSE
 SPILL DATE: 07/28/2011 SPILL TIME: 10:00 am
 CALL RECEIVED DATE: 07/28/2011 RECEIVED TIME: 11:14 am

SPILL LOCATION

PLACE: KEN HY AUTO INC COUNTY: Erie
 STREET: 945 KENMORE AVENUE TOWN/CITY: Tonawanda
 COMMUNITY: TONAWANDA
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Unknown SPILL REPORTED BY: Local Agency
 FACILITY TYPE: Gasoline Station WATERBODY: _____

CALLER REMARKS:

Gasoline contamination found at the roadside under side walk. Doing prep work for new water line.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
UNKNOWN PETROLEUM	Petroleum			
Gasoline	Petroleum			

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
8600802	3/19/1987 12:00:00A	Spill Number
9515189	2/26/1996 12:00:00A	Spill Number

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
UNKNOW	0	Gasoline	Unknown	Unknown		0.00	

DEC REMARKS:

07/28/11 RMC/SITE. NUMEROUS PREVIOUS SPILL NUMBERS. WHAT SMELLS LIKE GASOLINE CONTAMINATION FOUND IN SHALLOW EXCAVATION. SIMILIAR TO PROBLEMS WITH THE SITE IN THE PAST. SITE IS SHUT DOWN. NO ACTIVITY FOR SOME TIME. DEC TO HIRE CONTRACTOR TO DISPOSE OF IMPACTED SOILS GENERATED IN THE WATER LINE REPLACEMENT.

07/29/11 RMC/FILE. CALLED ASSESSOR PROPERTY COMES BACK TO KEN HY AUTO INC AT SAME ADDRESS. SENT PRP LETTER. CALLED TIM MCINERNEY, NATIONAL VAC. DID PIN PAPERWORK.

08/03/11 RMC/SITE. EXCAVATING FOR WATER LINE THIS AM. EXCAVATION 3 FOOT WIDE, 5 FOOT DEEP ALONG THE FRONTAGE. THE CONTAMIAINTION STARTS 20 FEET EAST OF THE INTERSECTION AND CONTINUES TO NEARLY THE EAST EDGE OF THE PROPERTY. GASOLINE ODORS VERY STRONG IN MUCH OF THE SOIL REMOVED.

Created On: 07/28/2011

Date Printed: 3/13/2014

Last Updated: 12/26/2012



NYSDEC SPILL REPORT FORM



DEC REGION: 9 **SPILL NUMBER:** 1104845

SPILL NAME: KEN HY AUTO INC **DEC LEAD:** RMCROSSE

NATIONAL VAC ON SITE TAKING SAMPLES. ALSO NOTED AT LEAST TWO USTS STILL REMAIN ON THE PROPERTY. ONE IN THE BACK AND ONE IN THE FRONT, NOTIFIED PBS.

09/08/11 RMC/SITE. CONCRETE THAT WAS REMOVED REQUIRES BREAKING UP TO LOAD. GENERAL CONTRACTOR ON THE SITE AGREED TO BREAK UP.

09/09/11 RMC/FILE. ALL MATERIAL WAS DISPOSED. BILL DUE 10/30/11.

12/26/12 RMC/FILE REVIEW. SPILL COMPLETED ALL PAYMENTS MADE, ISR DRAFTED. CLOSE OUT.

PIN
05551

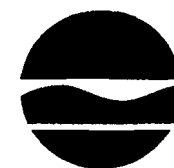
T & A

COST CENTER
90055518-11

CLASS: C2

CLOSE DATE: 12/26/2012

MEETS STANDARDS: False



Joe Martens
Commissioner

August 2, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Hy Auto, Inc.
945 Kenmore Avenue
Kenmore, New York 14217

Dear Sir or Madam:

Spill Numbers 1104845, 9515189, & 8600802
Petroleum Contamination in the Right-of-Way
945 Kenmore Avenue
Tonawanda, Erie County

Please be advised this Department considers you to be potentially responsible for Petroleum Spill Number 1104845, which was discovered on July 28, 2011 at 945 Kenmore Avenue. Under Article 12 of the Navigation Law, the spilling of petroleum is prohibited, and any person spilling petroleum is required to immediately clean up and remove any spilled oil and contaminated material.

This Department employed a private State-approved contractor to do the work. Since we must notify your insurance company, please inform us of the name and address of your insurance company. You, and possibly your insurance company, will be responsible for all costs incurred by the State of New York as well as any interest charges and penalties.

Should you have any questions, please contact me at (716) 851-7220. Your cooperation will be appreciated.

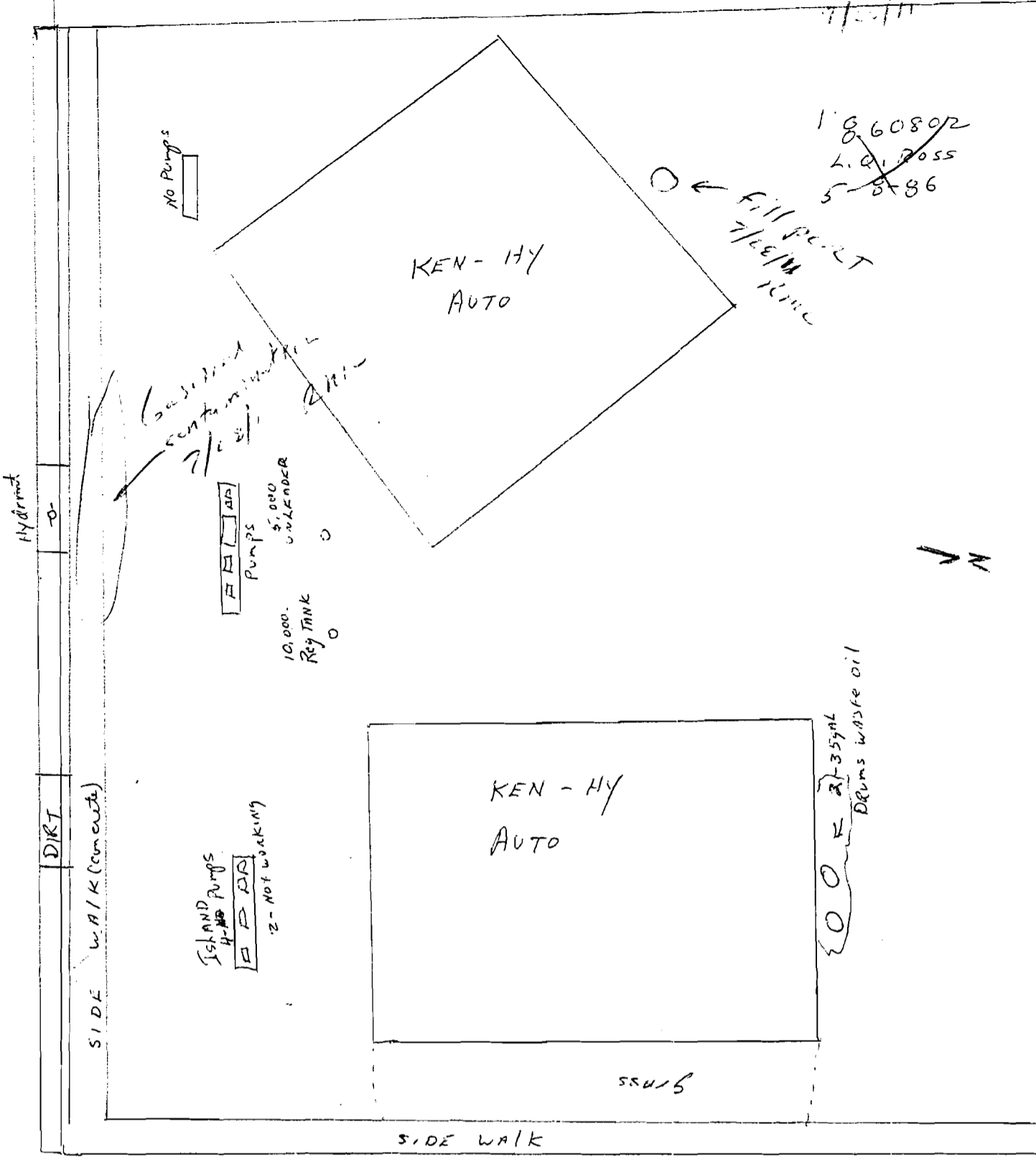
Sincerely,

Robert M. Crossen
Project Manager

RMC:sz

S. IRVING

11048-15
RMC



FAIRMONT

Upstate Laboratories, Inc.

Shipping: 6034 Corporate Dr. * E. Syracuse, NY 13057-1017 * (315) 437-0255 * Fax (315) 437-1209

Mailing: Box 169 * Syracuse, NY 13206

Albany (518) 459-3134 * Binghamton (607) 724-0478 * Buffalo (716) 972-0371

Rochester (866) 437-0255 * New Jersey (908) 581-4285

Mr. Rob Crossen
NYSDEC - Region 9
270 Michigan Ave.
Buffalo, NY 14203

Wednesday, August 17, 2011

RE: Analytical Report:
Gasoline Impacted Soil, Spill #11-04845

Order No.: U1108174

Dear Mr. Rob Crossen:

Upstate Laboratories, Inc. received 1 sample(s) on 8/8/2011 for the analyses presented in the following report.

All analytical results relate to the samples as received by the laboratory.

All analytical data conforms with standard approved methodologies and quality control. Our quality control narrative will be included should any anomalies occur.

We have included the Chain of Custody Record as part of your report. You may need to reference this form for a more detailed explanation of your samples. Samples will be disposed of approximately one month from final report date.

Should you have any questions regarding these tests, please feel free to give us a call.

Thank you for your patronage.

Sincerely,

UPSTATE LABORATORIES, INC.

AJS (PFF)
Anthony J. Scala
President/CEO

Confidentiality Statement: This report is meant for the use of the intended recipient. It may contain confidential information, which is legally privileged or otherwise protected by law. If you have received this report in error, you are strictly prohibited from reviewing, using, disseminating, distributing or copying the information.

Upstate Laboratories, Inc.

Analytical Report

Date: 17-Aug-11

CLIENT: NYSDEC - Region 9 **Client Sample ID:** Sample From Stockpile
Lab Order: U1108174 **Collection Date:** 8/3/2011 2:35:00 PM
Project: Gasoline Impacted Soil, Spill #11-04845
Lab ID: U1108174-001 **Matrix:** SOIL

Analyses	Result	Limit	Qual	Units	DF	Date Analyzed
PETROLEUM HYDROCARBONS IN SOIL BY 310-13						
				310-13_S	(SW3550A)	Analyst: ADM
Fuel #2 (#)	ND	21		mg/Kg-dry	1	8/16/2011
Gasoline (#)	ND	41		mg/Kg-dry	1	8/16/2011
Kerosene (#)	ND	4.1		mg/Kg-dry	1	8/16/2011
Lube Oil (#)	ND	410		mg/Kg-dry	1	8/16/2011
Unidentified Hydrocarbon (#)	ND	1.2		mg/Kg-dry	1	8/16/2011
ICP METALS, TCLP LEACHED						
				1311_M	(E200.7)	Analyst: ALW
Lead	ND	0.10		mg/L	1	8/15/2011 1:55:32 PM
VOLATILES, TCLP LEACHED; METHOD 8260B						
				1311_V	(SW1311)	Analyst: LEF
Benzene	ND	0.030		mg/L	1	8/10/2011 2:46:00 PM
IGNITABILITY OF SOLIDS BY EPA 1010						
				FLASH_S		Analyst: HES
Ignitability	>60	0		°C	1	8/15/2011
CORROSIVITY BY PH, SOILS BY EPA 9045C						
				PH_S		Analyst: CAC
pH	6.70	2.0		SU	1	8/9/2011
PERCENT MOISTURE BY ASTM D2216						
				PMOIST		Analyst: NKA
Percent Moisture	19.2	0.0100		wt%	1	8/9/2011

Approved By: PFF

Date: 8-17-11

Page 1 of 1

Qualifiers: # Accreditation not offered by NYS DOH for this parameter
 ** Value exceeds Maximum Contaminant Value
 E Value above quantitation range
 J Analyte detected below quantitation limits
 Q Outlying QC recoveries were associated with this parameter

* Low Level
 B Analyte detected in the associated Method Blank
 H Holding times for preparation or analysis exceeded
 ND Not Detected at the Reporting Limit
 S Spike Recovery outside accepted recovery limits

Upstate Laboratories, Inc.

Chain of Custody Record

Office use only

6034 Corporate Drive E. Syracuse New York 13057
 (315) 437 0255 Fax 437 1209

QC Format

Approved date:

Client: NYS DEC Region 9 (Buffalo)

Project # Project Name Spill #1104845
 Gasoline Impacted Soil from Excavation

Client Contact: Rob Crossen

Phone # 851-7220

Location (city/state) Address
 945 Kenmore Ave. Tonawanda, NY

Sample ID

Date

Time

Matrix

GRAB or COMP

UL Internal Use Only

No. of

Containers

1)

2)

3)

4)

5)

6)

7)

8)

9)

10)

Sample from Stockpile 8/3/11

1435

Soil

Composite

UL08-14

2

x

x

x

x

x

x

Standard Turnaround

Remarks

Parameter and Method

Sample bottle:

Type

Size

Preservative

Sampled by (Print) Tim McInerney

Name of Courier

1) TCLP - Lead

Glass

4oz

Company: National Vacuum

Coler Temp 29.9

2) TCLP - Benzene

Glass

4oz

Relinquished by (sign)

Received by (sign)

3) Ignitability

Glass

4oz

Relinquished by (sign)

Received by (sign)

4) Corrosivity as PH

Glass

4oz

Relinquished by (sign)

Received by (sign)

5) TPH by NYS DOH 310.13

Glass

4oz

Relinquished by (sign)

Received by (sign)

6) PERCENT MOISTURE

Relinquished by (sign)

Received by (sign)

Syracuse

Rochester

Buffalo

Albany

Binghamton

New Jersey

Recd for Lab by:

Stump



**STANDBY CONTRACTOR AUTHORIZATION FORM
For Response & Containment, Investigation & Remediation
and Laboratory Services Contractors**

General Information

Region: 9 **Spill No.:** 1104845 **CallOut ID:** 120043

CallOut 07/29/2011

Contract No.: C100809 **PIN (if applicable):** 05551

Contractor Selected: NATIONAL VACUUM CORP. (RES)

Location of Spill: KEN HY AUTO INC, 945 KENMORE AVENUE, TONAWANDA (Erie Co.)

SCOPE OF WORK (Provide brief detailed description):

Stockpile, sample, and dispose of gasoline impacted soils generated by Town of Tonawanda water line replacement.

Update,
Contaminated soil, in excess of original expectation, was excavated.

ESTIMATED BUDGET: \$ 11,000.00

This serves as authorization to incur costs up to the budgeted amount indicated, to perform the scope of work outlined above in connection with the above-referenced spill/site call out number. The contractor is responsible for immediately notifying the DER project manager if it becomes apparent that the scope of work can not be completed within the budget and/or the scope of work should be amended. The contractor should not incur costs that exceed the budget or perform activities outside the scope of work without the verbal or written approval of the DER project manager. The DER project manager must confirm that approval in writing in an amended Standby Contractor Authorization Form signed by the DER project manager and Rep within two business days.

DER Project Manager Name/Title:

ROBERT CROSSEN

(Print)



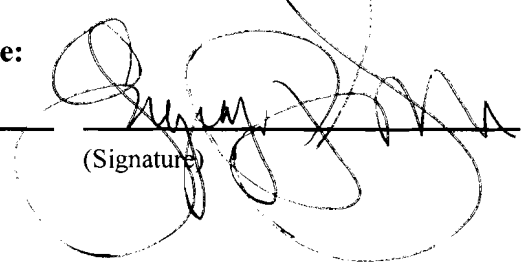
(Signature)

Date: 10/20/11

Authorized DER Representative Name/Title:

Greg Sutton/Regional Spill Engineer

(Print)



(Signature)

Date: 10/20/11



STANDBY CONTRACTOR AUTHORIZATION FORM
For Response & Containment, Investigation & Remediation
and Laboratory Services Contractors

General Information

Region: 9 **Spill No.:** 1104845 **CallOut ID:** 120043

CallOut 07/29/2011

Contract No.: C100809 **PIN (if applicable):** 05551

Contractor Selected: NATIONAL VACUUM CORP. (RES)

Location of Spill: KEN HY AUTO INC, 945 KENMORE AVENUE, TONAWANDA (Erie Co.)

SCOPE OF WORK (Provide brief detailed description):

Stockpile, sample, and dispose of gasoline impacted soils generated by Town of Tonawanda water line replacement.

ESTIMATED BUDGET: \$ 5,000.00

This serves as authorization to incur costs up to the budgeted amount indicated, to perform the scope of work outlined above in connection with the above-referenced spill/site call out number. The contractor is responsible for immediately notifying the DER project manager if it becomes apparent that the scope of work can not be completed within the budget and/or the scope of work should be amended. The contractor should not incur costs that exceed the budget or perform activities outside the scope of work without the verbal or written approval of the DER project manager. The DER project manager must confirm that approval in writing in an amended Standby Contractor Authorization Form signed by the DER project manager and Rep within two business days.

DER Project Manager Name/Title:

ROBERT CROSSEN

(Print)

(Signature)

Date: _____

Authorized DER Representative Name/Title:

Greg Sutton/Regional Spill Engineer

(Print)

(Signature)

Date: _____



775-1213



STANDBY CONTRACTOR AUTHORIZATION FORM
For Response & Containment, Investigation & Remediation
and Laboratory Services Contractors

General Information

Region: 9 **Spill No.:** 1104845 **CallOut ID:** 120175
CallOut 08/01/2011
Contract No.: C200306 **PIN (if applicable):** 05551
Contractor Selected: UPSTATE LABORATORIES (LAB)
Location of Spill: KEN HY AUTO INC, 945 KENMORE AVENUE, TONAWANDA (Erie Co.)

SCOPE OF WORK (Provide brief detailed description):

lab work per the coc

ESTIMATED BUDGET: \$ 1,500.00

This serves as authorization to incur costs up to the budgeted amount indicated, to perform the scope of work outlined above in connection with the above-referenced spill/site call out number. The contractor is responsible for immediately notifying the DER project manager if it becomes apparent that the scope of work can not be completed within the budget and/or the scope of work should be amended. The contractor should not incur costs that exceed the budget or perform activities outside the scope of work without the verbal or written approval of the DER project manager. The DER project manager must confirm that approval in writing in an amended Standby Contractor Authorization Form signed by the DER project manager and Rep within two business days.

DER Project Manager Name/Title:

ROBERT CROSSEN _____ Date: _____
(Print) (Signature)

Authorized DER Representative Name/Title:

Greg Sutton/Regional Spill Engineer _____ Date: _____
(Print) (Signature)



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 1306828
 SPILL NAME: VACANT LOT DEC LEAD: RMCROSSE
 SPILL DATE: 09/01/2013 SPILL TIME: 12:00 pm
 CALL RECEIVED DATE: 09/19/2013 RECEIVED TIME: 9:05 am

SPILL LOCATION

PLACE: VACANT LOT COUNTY: Erie
 STREET: 945 KENMORE AVENUE TOWN/CITY: Tonawanda
 COMMUNITY: KENMORE
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Unknown SPILL REPORTED BY: Citizen
 FACILITY TYPE: Commercial/Industrial WATERBODY: _____

CALLER REMARKS:

CALLER CLAIMS BUILDING WAS REMOVED NO OIL IS FLOATING ON THE SLAB.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
UNKNOWN PETROLEUM	Petroleum			

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
945 KENMORE AVENUE LLC	3350 DELAWARE AVENUE KENMORE NY 14217	

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
9211433	12/16/1996 12:00:00	Spill Number

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

DEC REMARKS:

09/19/13 RMC/SITE. DREW SKETCH, BUILDING NOW REMOVED. 4 TO 5 LIFTS NOW EXPOSED. 2, WASTE OIL?, USTS JUST OUTSIDE THE FOOT PRINTS, POTENTIAL REMOTE FILLS, VERY HEAVY SHEEN, SOME POOLED OIL, AND STAINING RUNNING OFF THE SLAB.

09/30/13 RMC/FILE. RESEARCHED OWNER. SENT PRP LETTER. UPDATE 10/10/13.

10/07/13 RMC/ANDREA SCHILLACI, ATTORNEY FOR OWNER, 849-8951, HURWITZ FINE/PHONE. SHE SAID OWNERS WERE UNSURE WHAT I WAS ASKING OF THEM AS THE WENT OUT AND COULDN'T SEE A PROBLEM. RMC SENT FILES TO ATTORNEY FOR REVIEW. UPDATE 10/14.

10/10/2013: GPS - SPOKE WITH SENATOR GRASANTI AS ATTORNEY FOR OWNER. HE WANTED TO KNOW HOW DEC WANTED OWNER TO PROCEED AND POSSIBILITY OF SITE GETTING INTO BCP. TOLD HIM BCP WAS ONLY ALWAYS AN OPTIONS BUT OWNER NEEDS TO MAKE A DECISION ON WHICH PROGRAM HE WILL PERSUE CLEAN-UP

Created On: 09/30/2013

Date Printed: 3/13/2014

Last Updated: 01/23/2014



NYSDEC SPILL REPORT FORM



DEC REGION: 9

SPILL NUMBER: 1306828

SPILL NAME: VACANT LOT

DEC LEAD: RMCROSSE

THROUGH. NAV LAW REQUIRES A TIMELY RESPONSE.

10/18/2013: GPS - SPOKE WITH OWNER, MR. SANITRA REGARDING HIS OPTIONS FOR CLEANING UP SITE. LIFTS AND USTS NEED TO BE ADDRESSED ALONG WITH ANY SOIL CONTAMINATION. CANNOT JUST COVER AS WAS SUGGESTED BY HIM. BCP IS AN OPTION BUT NEED TO MAKE DECISION AND APPLY TO PROGRAM ASAP. GAVE HIM 2 WEEKS TO DECIDE.

11/19/13 RMC/FILE. NOTHING RECEIVED. CALLED LEFT MESSAGE FOR PRPS ATTORNEY. UPDATE 11/30/13.

12/16/13 RMC/FILE. HAVE TALKED TO KEVIN ZANNER HURWITZ AND FINE, 716-849-8900, ATTORNEY FOR OWNERS. THEY WISH TO ENTER THE BROWNFIELD PROGRAM. RMC REQUESTED MITIGATION OF THE ONGOING PROBLEM CAUSED WHEN THE BUILDING WAS REMOVED BE TAKEN. SUCH AS COVERING FOOTPRINT OF BUILDING AND USTS WITH 6 MILL PLASTIC AND BLOCKING OFF AREA. WILL DISCUSS WITH HIS CLIENT. CALL TO SCHEDULE MEETING 1/2/14.

01/23/14 RMC/FILE. MEETING WITH GS, NICK SINATRA, MATTT CONNORS, KEVIN ZANNER. OWNER WISHES TO GET INTO THE BCP PROGRAM. GS OUTLINED PROGRAM. OWNERS WILL START PROCESS. RMC REQUESTED AND OWNER AGREED TO COVER AREA OF CONCERN WITH PLASTIC AND RESTRICT TRAFFIC IN THE AREA. UPDATE 2/28/14.

PIN

T & A

COST CENTER

CLASS: C3

CLOSE DATE:

MEETS STANDARDS: False

1302828

bing Maps

945 Kenmore Ave, Tonawanda, NY 14216

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



! Bird's eye view maps can't be printed, so another map view has been substituted.

u573

u-5 lifts

<http://www.bing.com/maps/print.aspx?mkt=en-us&z=19.299223160206107&s=b&cp=42...> 9/30/2013

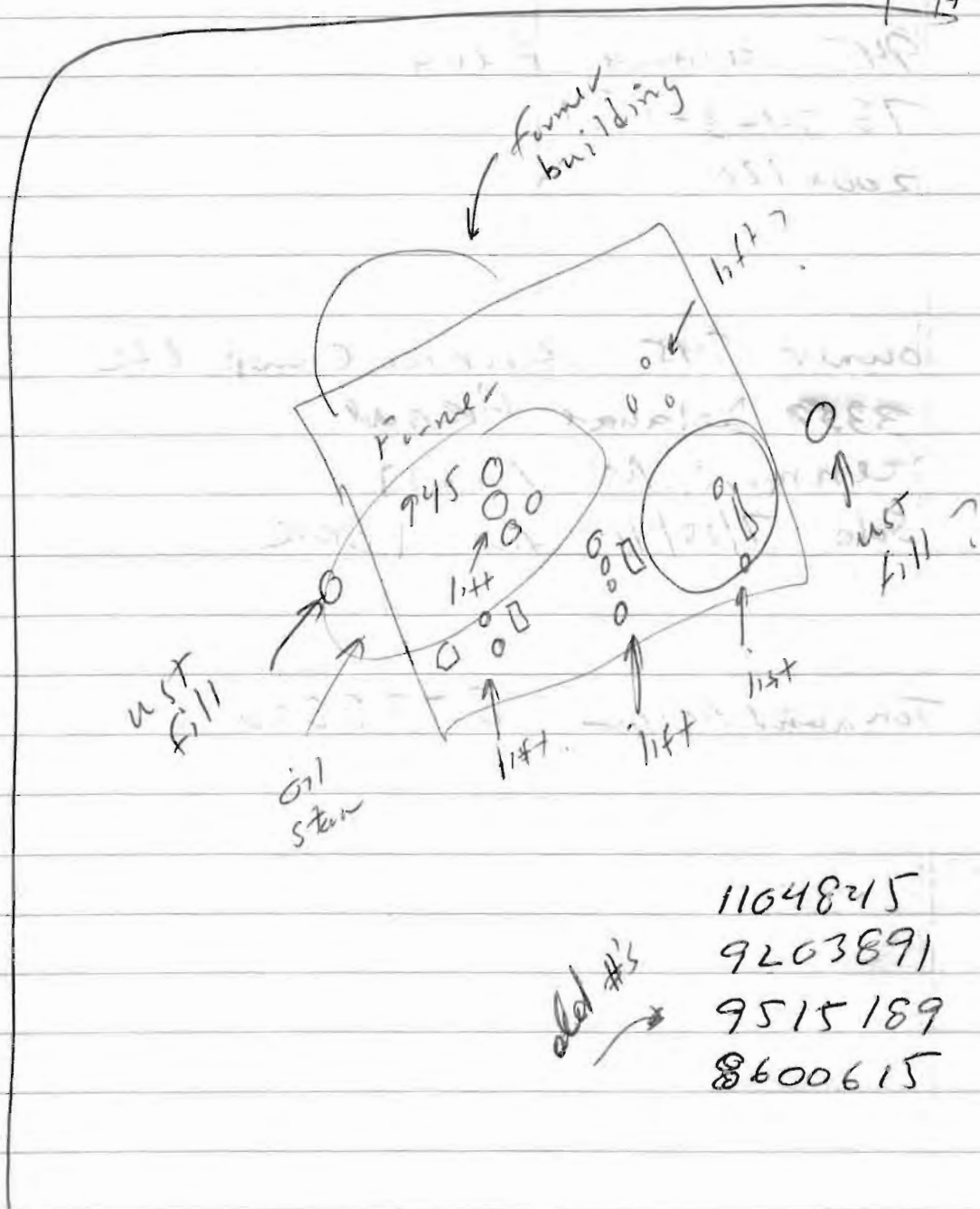
945 Kenmore Ave.

1306828

RMC

S. Irving

9/19/13



old #'s
 11648215
 9203891
 9515189
 8600615

945 Kenne Avenue.

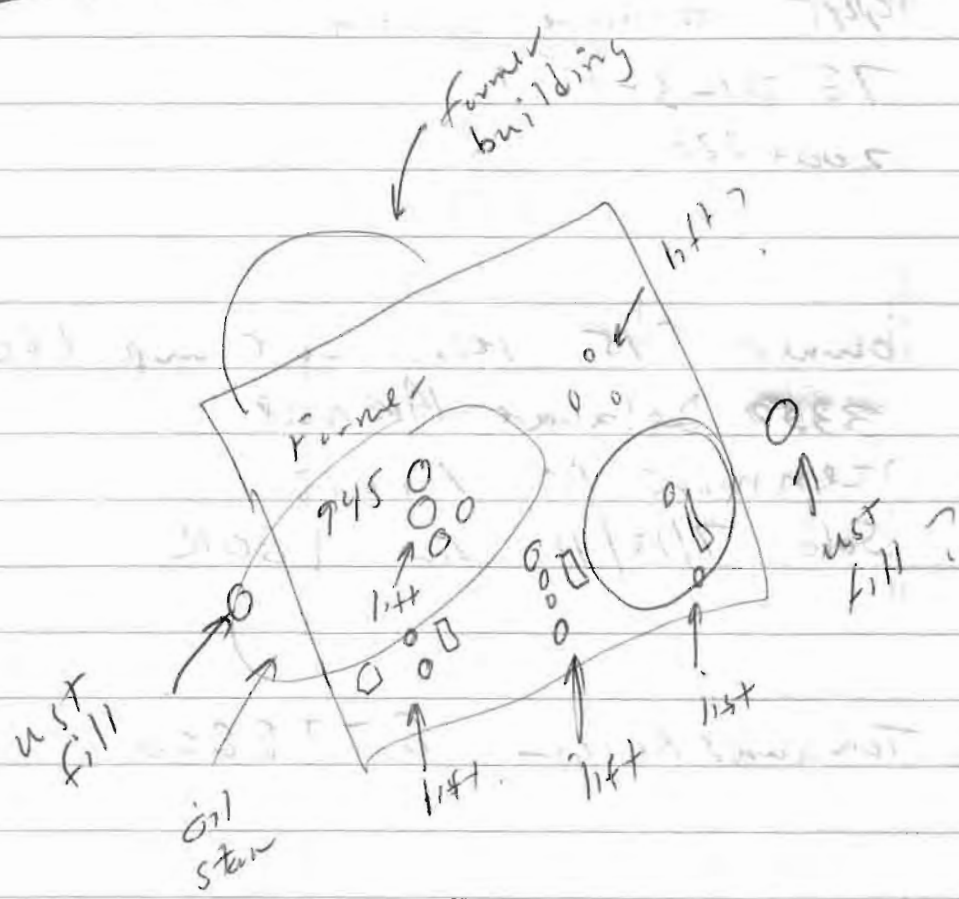
1306828

RMC

S. Irving

9/19/13

Kenne Avenue



old #'s

1164825

9203891

9515189

8600615

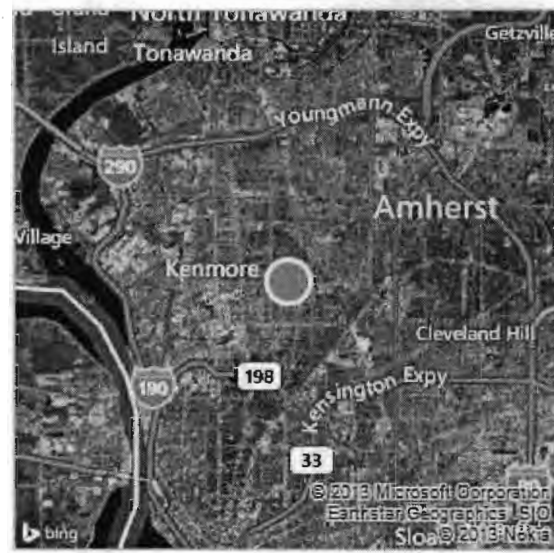
1302828

bing Maps

945 Kenmore Ave, Tonawanda, NY 14216

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



Bird's eye view maps can't be printed, so another map view has been substituted.

WSTs 4-5 lifts

945 Kenmore Avenue
78.34-3-15.1
200x120

owner 945 Kenmore Group LLC
3350 Delaware Avenue
Kenmore NY 14217
Sold 7/13/11 for BOK.

Town and Assess - 8778800

















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

September 30, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

945 Kenmore Group, LLC
3350 Delaware Avenue
Kenmore, New York 14217

Dear Sir or Madam:

Spill Number 1306828
Former Building Site 945 Kenmore Avenue
Leaking Lifts, Leaking Abandoned Underground
Storage Tanks
Tonawanda, Erie County

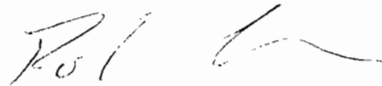
Please be advised this Department considers you to be responsible for Petroleum Spill Number 1306828, which was discovered on September 1, 2013 at 945 Kenmore Avenue. Under Article 12 of the Navigation Law, the spilling of petroleum is prohibited, and any person spilling petroleum is required to immediately clean up and remove any spilled oil and contaminated material.

Thus, we are requesting that you initiate containment within three days, and submit a remediation plan and schedule by October 30, 2013. Please notify me at (716) 851-7220 when containment will begin.

If you fail to initiate and/or complete timely and proper cleanup and removal of this spill, this Department will employ a private State-approved contractor to do the work. Since we must notify your insurance company of our work, please inform us of the name and address of your insurance company. You, and possibly your insurance company, will be responsible for all costs incurred by the State of New York, as well as any interest charges and penalties.

Should you have any questions, please contact me. Your cooperation will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Crossen", with a long horizontal flourish extending to the right.

Robert M. Crossen
Environmental Program Specialist 1

RMC:sz

NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES
PROPERTY RECORD CARD

Site Info. SWIS/SBL 146489 0783400003015100 Card No. 1 of 1

SWIS 146489 TAX MAP No. 78.34-3-15.1

OWNER 945 Kenmore Group LLC

LOCATION 945 Kenmore Ave Tonawanda 14223

PROP CLASS 484 SCHOOL DIST 146401

SALE PRICE \$80,200.00 SALE DATE 7/13/2011



Site No. 1 Property Class 484
Used As Code F03
Route No.
Nbhd. Code: 503 Val Dist: 3
Sewer Type: 1=None 2=Private 3=Comm/Public 3
Water Supply: 1=None 2=Private 3=Comm/Public 3
Utilities: 1=No Public 2=Gas 3=Electric 4=Gas and Electric 4
Overall Desire: 1=Poor 2=Fair 3=Normal 4=Good 5=Excellent 3
Overall Cond: 1=Poor 2=Fair 3=Normal 4=Good 5=Excellent 3
Overall Grade: A=Excellent B=Good C=Average D=Economy E=Minimum C
DC Entry Type: 1=Inter Inspec 2=Inter Refuse 3=Total Refusal 4=Est 5=No Entry
Zoning Code: C
Overall Eff Yr. Blt. 1970
Economic OBS 0

Audit Control Section

Collector	Date(mmddy)	Time	Activity	Source
	/ /	:		
	/ /	:		

Audit Control Codes Activity	Source	Sales Information Codes Sales Type	Valuation Useable
N=None	1=Owner	1=Land Only	0=No
M=Measured Only	2=Relative	2=Bldg. Only	1=Yes
L=Listed	3=Tenant	3=Land and Bldg	
	4=Other	4=Right-of-Way	
	5=NOAH		
	6=Assess. Data		

Reappraisal Cycle Section

Date of Last Phy Insp. Date of Reappraisal 3/9/2012

Sales Information Section

Sale Date	Sale Price	Sale Type	Valuation Useable
2011-07-13	\$80,200.00	3	0

NOTES

Land Breakdown Section

Land Type	05=Tillable	09=Muck	13=Vineyard
01=Primary	06=Pasture	10=Waterfront	14=Wetland
02=Secondary	07=Woodland	11=Orchard	15=Leased Land
03=Undeveloped	08=Wasteland	12=Rear	
04=Residual			

Soil Rating
P Poor : (05) 01-10 (09) 01-04
N Normal : (06) 01-10 (11) 01-10
G Good : (07) 01-04 (13) 01-10

Influence Code
1=Topog 5=View
2=Location 6=Wetness
3=Shape 7=Environment
4=Restricted Use 8=Other

Land Type	Front Feet	Depth	Acres	Square Feet	Soil Rating	Water Type	Depth Factor	Infl %	Infl Cd1	Infl Cd2	Infl Cd3
01	0.00	0.00	0.00	24000			0	0	0		

Waterfront Type:
1=Pond 2=River 3=Lake 4=Canal 5=Ocean 6=Bay

Signature below does not mean contents verified, only that data was collected in your presence.

SIGNATURE _____

Commercial Building Section

BLD and SECTION	2	1	BLD and SECTION		
NO. IDENT. BLDGS		1	NO. IDENT. BLDGS		
BOECKH MODEL NO.		0831	BOECKH MODEL NO.		
ACTUAL YR. BLT	1949		ACTUAL YR. BLT		
EFF. YR. BLT	0		EFF. YR. BLT		
CONST. QUAL	2.0		CONST. QUAL		
CONDITION		3	CONDITION		
BLDG. PERIM.	166		BLDG. PERIM.		
GROSS FLR AREA	1,702		GROSS FLR AREA		
NO. STORIES		1.0	NO. STORIES		
STORY HEIGHT		11	STORY HEIGHT		
WALL A PCT		100	WALL A PCT		
WALL B PCT		0	WALL B PCT		
WALL C PCT		0	WALL C PCT		
AIR COND. PCT		0	AIR COND. PCT		
SPRINKLER PCT			SPRINKLER PCT		
ALARM PCT			ALARM PCT		
NO. ELEVATORS			NO. ELEVATORS		
BSMT. TYPE			BSMT. TYPE		
BSMT PERIM			BSMT PERIM		
BSMT.SQ FT.			BSMT.SQ FT.		
FUNCT OBS.			FUNCT OBS.		
PHYSICAL DEP.			PHYSICAL DEP.		
DEPREC ADJ.		0	DEPREC ADJ.		

COMMERCIAL RENTABLE SECTION

USED AS	SQ.FT.	UNIT	#UNITS	TOTAL RENT	TYP
F03	1702	01	1	0	

APARTMENT SECTION

TOTAL	USED AS CODE	RENTABLE SQ.FT.	#APARTMENTS	TOTAL RENT	TYP
	SQUARE FEET	#APARTMENTS	ANN RENT/UNIT	TYP	
EFF 1 BED					
EFF 2 BED					
EFF 3 BED					

TYPE CODES
 1=ACTUAL
 2=ECONOMIC
 3=ACTUAL and ECONOMIC

UNIT CODES

- 02=APTS
- 03=ROOMS
- 04=SEATS
- 05=BEDS
- 06=STALLS
- 07=LANES
- 08=COURTS
- 09=SLIPS
- 10=BAYS
- 11=GALLONS
- 12=PADS
- 13=RUNS
- 14=HOLES
- 15=PLOTS
- 16=BARRELS
- 17=ACRES

MEAS. CODE:

- 1=Quantity
- 2=Dimensions
- 3=Square Feet
- 4=Dollars

CONST. GRADE

- A=Excellent
- B=Good
- C=Average
- D=Economy
- E=Minimum

CONDITION

- 1=Poor
- 2=Fair
- 3=Normal
- 4=Good
- 5=Excellent

IMPROVEMENT SECTION

Structure Code	MC	Dim1	Dim2	SQFT (MISC)	Quantity	Constr. Grade	Overall COND.	Actual Yr. Built	Effective Yr. Built	PCT. GOOD	FUNC OBS
LP1	2	13000.00	4.00	0.00	1.00	C	3	1949	0	0	0
LP4	2	4000.00	3.00	0.00	1.00	C	3	1947	0	0	0

I and E SUMMARY SECTION

USER DATA CODE	1=USE DATA	2=DO NOT USE
DOLLAR/PERCENT CODE	1=PERCENT	2=DOLLARS
POTENTIAL GROSS INCOME		
VACANCY/CREDIT LOSS		
ADDITIONAL INCOME		
EFF GROSS INCOME		
TOTAL EXPENSES		
NET OPERAT INCOME		
RENT RESTRICTED		

Town of Tonawanda
Building Department
525 Belmont Ave
Kenmore, NY 14223
Phone: 877-8801
Fax: 871-8845

Building Permit

Permit Number: BP2012-10

Permit Type: Commercial

Liability Ins Expired
Disability Ins Expired
Workers Comp Expired
Edit Contractor

Reviewed : 12/20/2011
By : Patrick Cunningham

Total Fees : \$154.00
Total Receipts : \$154.00

Applicant Name : APOLLO DISMANTILING SERVICES, LLC Address : 4511 HYDE PARK BLVD NIAGARA FALLS BLVD, NY 14305

Owner Name : 945 Kenmore Group LLC Address : 3350 Delaware Ave Kenmore, NY 14217
--

Parcel: 78.34-3-15.1 Address : 945 Kenmore Ave Township : TONAWANDA Zoning : C	Section : 078.340 Block: 0003	Desc : LOCATION: Cor E S Irving Ter MAP COVER/SUBLOT: 623 BI B 1-3 BI C 51-53 DIMENSIONS: 200 X 120
---	--	--

Side Setback:	
Side Setback:	
Front Setback:	
Rear Setback:	
Project Length:	
Project Width:	

Contractor Company : Address :	Type : Phone : Fax : Liability Ins : Disability Ins : Workers Comp :
---	---

Construction Value : 18000
Structure Use : DEMOLISH
Purpose :
DEMOLISH COMMERCIAL
DEMOLISH COMMERCIAL BUILDING

Construction Type :

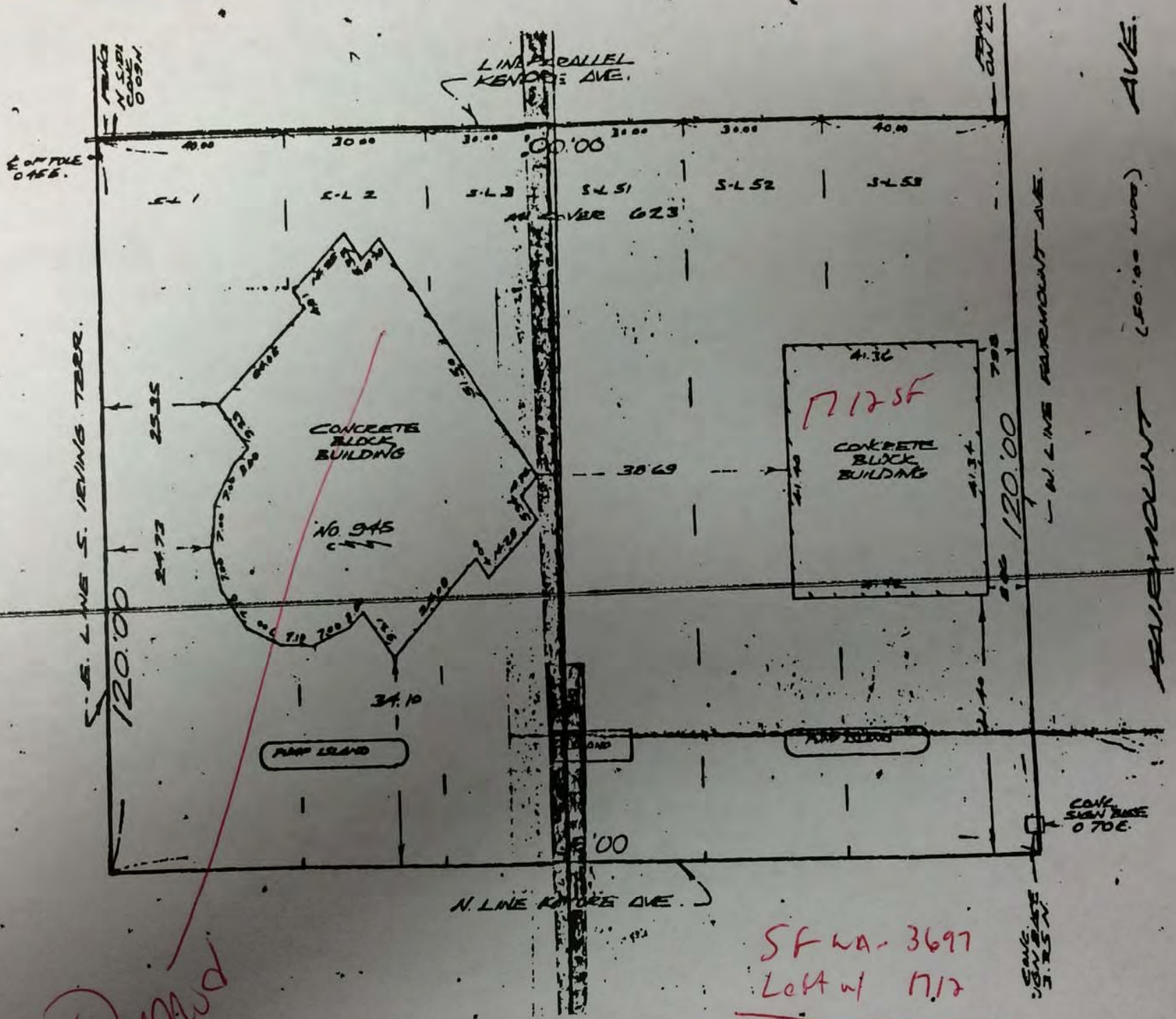
Issued : 1/4/2012
Expiration : 1/4/2013

Building Official: Paul Mainiller

Date: _____

SURVEY

SOUTH IRVING (50.00 WIDE) TERR



Demo

SF WA. 3697
Left w/ 1712

Demo 1985

13663 - Signs \$300.00

34622 - 1-5,000 gal tank
2-3,000 " tanks } \$2500
8 - gas dispensers

8/26/63

36960 - 2 single std. sign.
5x8 each \$1000

5/17/65

38543 - Wall sign
6x4 \$650.

8/7/67 - 40590 - Single std sign 8x3 \$400
on existing pole

43158 - 9-14-70 Single Std. Sign replacement
\$300. 6x7x30

43331 1/23/70 Single Std Sign 4x8 \$500.

46190 - 10-21-74 Temporary Porta Sign (Rented)
(Huntville Tree Outlets Inc)

1976 - 46190 - Temporary porta sign O. Kasie

1977 - 46636 - Replacement

46737 - Replace attendant's booth O. Kasie

60447 1/4/93 \$7,000

Removal of 2 Tanks
1-5,000 gal
1-1,000 gal inground

BP2012-10 1/4/12 \$18000

Demo Commercial Building

46636 - 7-21-75
\$2500. Replacement -- 4000 gal. gas tank

46737 - 9-8-75
\$600. Replace attendant's booth 4x6x8.

50210 - 9/29/80 - Remove 2-3000 gal. gas tanks
Fill 1-4000 gal. gas tank with water
Install 1-10,000 gal gas tank

53111 9/24/84 Repaint 2 roof signs & 1 wall sign
"Ken-Hy Auto" - \$165.

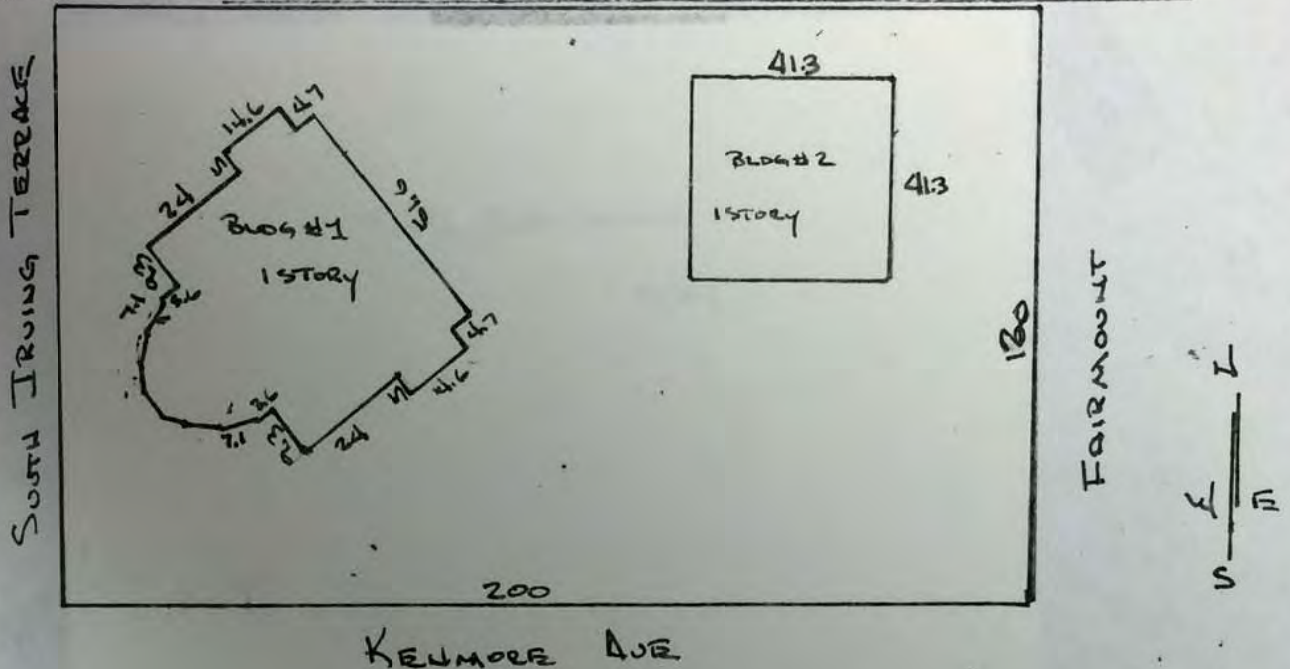
1987 Reval L.V. 61,200 185,000

2007 (REVIEW) 162,000

2013 - BP 2012-10 / DEMO \$18,000
CMAA & NVAU to \$70,000

ADDRESS: 945 Kenmore Avenue

PROPERTY TYPE: Service Station



SALE PRICE: \$167,000. DATE: 11/2/83

GRANTOR: Eastern Tire Company, Inc.

GRANTEE: Hertel Transmissions, Inc.

LIBER: 9277 PAGE: 470

LOT SIZE: 200 x ~~100~~ 120 ZONING: C - General Business

GROSS BUILDING AREA: 3697 NET BUILDING AREA: _____

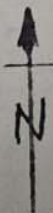
BUILDING AGE: 32[±] CONDITION: Average

DESCRIPTION: Building #1 - One-story concrete block automotive service garage - average quality (1995 SF) Building #2 - One-story concrete block building with service and warehouse space - average quality (1702 SF).

SALE PRICE PER SQ. FT. OF BUILDING: \$45.17

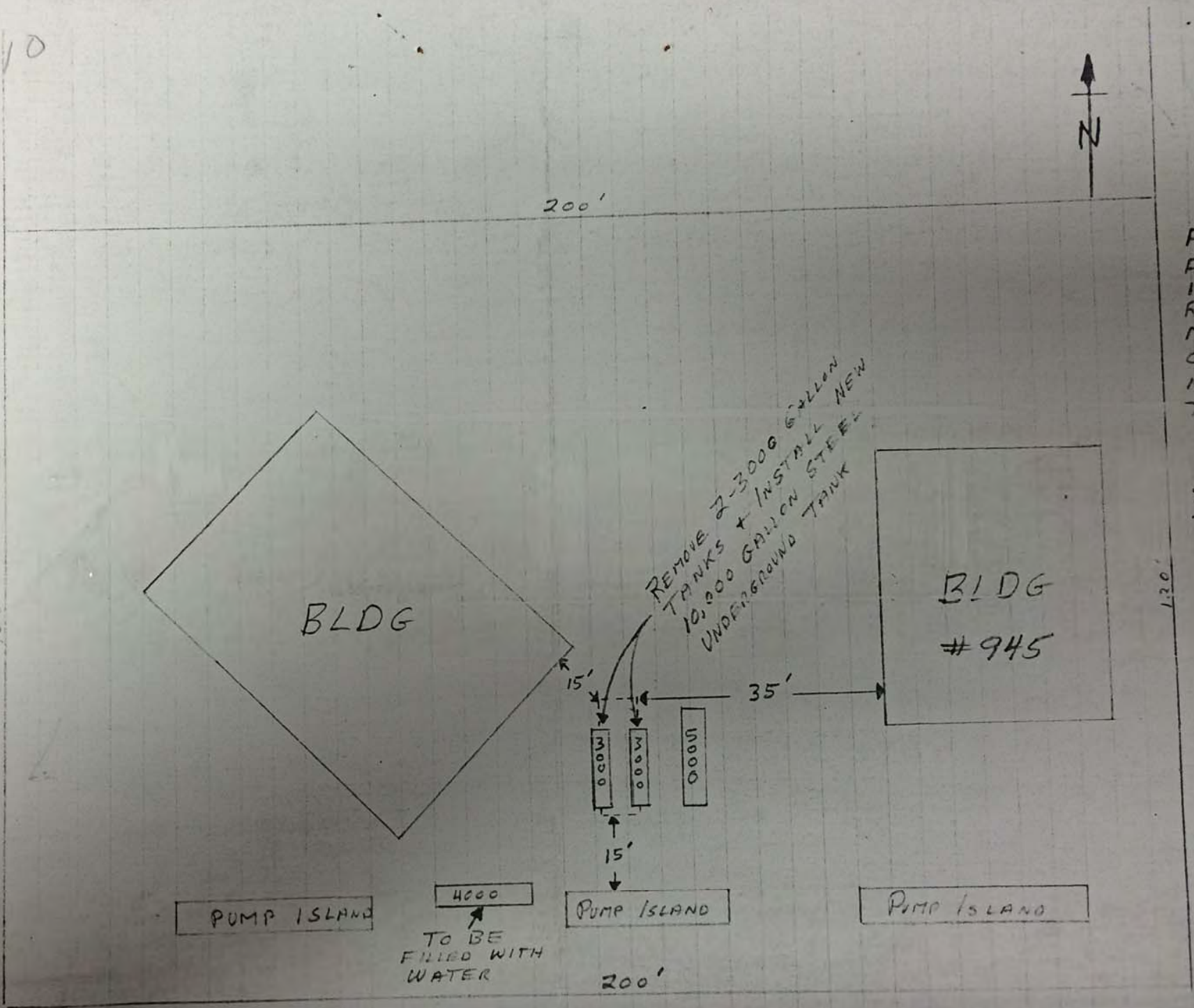
SALE PRICE PER SF LAND: \$6.96

#50210



MOOREHEAD GARDEN STREET

F AIRTON STREET



KENMARE AVE

14-22
FL 27

BVFS

No 46737

BUILDING PERMIT

Estimated Cost **\$ 600**

Town of Tonawanda, N. Y. **September 8, 1975**

Permission is hereby granted to **EASTERN TIRE COMPANY** to erect a **Replace Attendants Booth**

to be constructed of **Steel .. alum** to be located..... feet from one side Lot line

and not less than..... feet from the other side Lot line, and to be occupied by **no** famil **y** to be located on the..... of **front**

Lot No. **1-3 M C 623 (14 22) F1 27** on the **n/e** side of **Kenmore Ave**

House No. **945** **10** feet from **front** **on pump island** Lot line, completed building to be..... feet wide, feet long, feet high, in accordance with plans and specifications submitted and all driveways must be on the same side of house in the same block; see Zoning Ordinance for regulations.

All trenches for sewer connections shall remain open until approved by Town Plumbing Inspector.

All water connections to main lines shall be made by the Water Department. Any water fee paid is for construction purpose only.

Water shut-off boxes shall be placed at curb or where directed by the Superintendent of Water Department.

This permit is granted on the express condition that the owner or his agent shall in all respects conform to the Zoning Ordinance and Building Code, Plumbing Code and Water Ordinance of the Town of Tonawanda, relating to the construction of buildings and may be revoked at any time upon the violation of any of the provisions of said Zoning Ordinance and Building Code, Plumbing Code and Water Ordinance, or the above named plans and specifications.

No building materials can be placed on street without permission of Supervising Building Official.

Supervising Building Official to be notified when foundation is completed, fire stops are in, chimneys completed and all pipes installed. Certificate must be issued by Supervising Building Official before concealing same.

Permit Fee **\$ 5** By Order of Town Board,

Water Fee

Signed
Supervising Building Official

Remarks

14-22

FL27

RV FIS

No 46636

BUILDING PERMIT

Estimated Cost **\$ 2500** Town of Tonawanda, N. Y. **July 21, 1975**

Permission is hereby granted to **Eastern Tire Co.** to erect a **Replacement 4000 gal gas tank**

to be constructed of **Steel** to be located.....feet from one side Lot line

and not less than.....feet from the other side Lot line, and to be occupied by.....famil.....to be located on the.....of

Lot No. **1-3 MC 623 (14 22)** on the **n/e** side of **Kenmore Ave**

House No. **945 as per plot plan** feet from.....Lot line, completed building to be.....feet wide,feet long,feet high, in accordance with plans and specifications submitted and all driveways must be on the same side of house in the same block; see Zoning Ordinance for regulations.

All trenches for sewer connections shall remain open until approved by Town Plumbing Inspector.

All water connections to main lines shall be made by the Water Department. Any water fee paid is for construction purpose only.

Water shut-off boxes shall be placed at curb or where directed by the Superintendent of Water Department.

This permit is granted on the express condition that the owner or his agent shall in all respects conform to the Zoning Ordinance and Building Code, Plumbing Code and Water Ordinance of the Town of Tonawanda, relating to the construction of buildings and may be revoked at any time upon the violation of any of the provisions of said Zoning Ordinance and Building Code, Plumbing Code and Water Ordinance, or the above named plans and specifications.

No building materials can be placed on street without permission of Supervising Building Official.

Supervising Building Official to be notified when foundation is completed, fire stops are in, chimneys completed and all pipes installed. Certificate must be issued by Supervising Building Official before concealing same.

Permit Fee **\$ 15** By Order of Town Board,

Water Fee..... Signed.....
Supervising Building Official

Remarks

Check Telephone, Power and Gas Companies before using this permit. If there is any chance of a conflict in locations, ask utility involved for an inspector to be on the job.

14-41
14-22
S
R

No 50210

BUILDING PERMIT

Estimated Cost \$ 4500

Town of Tonawanda, N. Y. September 29, 1980

Permission is hereby granted to Eastern Tire Co. Inc. to erect a Remove 2 - 3000 gal gas tanks
Fill 1 - 4000 " with water
Install 1 - 10,000 "

to be constructed of..... to be located..... feet from one side Lot line
and not less than..... feet from the other side Lot line, and to be occupied by..... famil.....to be located on the.....of

Lot No. 51-53 B1 C MC 623 F1 27 (14 41) n/ Kenmore Avenue
on the.....side of.....

House No. 945 as per plot plan feet from.....Lot line, completed building to be.....feet wide,feet long,feet
high, in accordance with plans and specifications submitted and all driveways must be on the same side of house in the same
block; see Zoning Ordinance for regulations.

All trenches for sewer connections shall remain open until approved by Town Plumbing Inspector.

All water connections to main lines shall be made by the Water Department. Any water fee paid is for construc-
tion purpose only.

Water shut-off boxes shall be placed at curb or where directed by the Superintendent of Water Department.

This permit is granted on the express condition that the owner or his agent shall in all respects conform to the
Zoning Ordinance and Building Code, Plumbing Code and Water Ordinance of the Town of Tonawanda, relating to the
construction of buildings and may be revoked at any time upon the violation of any of the provisions of said Zoning
Ordinance and Building Code, Plumbing Code and Water Ordinance, or the above named plans and specifications.

No building materials can be placed on street without permission of Supervising Building Official.

Supervising Building Official to be notified when foundation is completed, fire stops are in, chimneys completed
and all pipes installed. Certificate must be issued by Supervising Building Official before concealing same.

Permit Fee \$ 21
 10
Water Fee \$ 31

By Order of Town Board,

Signed
Supervising Building Official

Remarks

Check Telephone, Power and Gas Companies before using this permit. If there is any chance of a conflict in locations, ask utility involved for an inspector to be on the job.

01/04/93

TOWN OF TONAWANDA BUILDING PERMIT

Application: 0104932 Permit # 60447 Permit date: 01/04/93

Applicant Name:	Property Owner -
PATRICK F. RUGGIERO	KEN HY AUTO INC
945 KENMORE AVE	945 KENMORE AVE
BUFFALO NY (14223-)	BUFFALO NY (14223-)

Property Location:	Zoning: C
945 KENMORE AVE	Lot Number: 945
Subdiv: KENMORE AVE	Tax #: 648978.34-3-15.1
P. B. Approval:	Flood Prone: no
Special Permit Obt.?: no	DEC: Y
	H.D. Approval.: no

Approved Set Backs:

Sec. 281: no	Front:	Side:	Rear:	Corner:
Lot Dimensions	Front: 200.00	Left: 120.00	Right: 120.00	Back: 200.00

App. For REMOVAL OF 2 TANKS...1 5000 GAL & 1-10000 GAL IN GROUND

County Water: U Town Water Meter Application Fee: 0.00
 Sewer Entrance Fee Required: 0.00 Recreation Fee Required: 0.00

Code	Sto	Construct	Unit	Length	Width	Sq. Ft.	Value	Sq. Ft.	Fees
01	STR1	1.0	5000 GAL	0	0.0	0.0	7000.00	0.0	50.00
02	STR1	1.0	10000	0	0.0	0.0	0.00	0.0	50.00
Total Living Area							0.0	Total Fee:	100.00

Grand Total Fee: 100.00 Excluding water, sewer and rec. fees.

Approved By: Michael P. Wyz



Bulk Storage Database Search Details

Facility Information

Site No.: 9-600023
 Status: Unregulated
 Expiration Date: 05/23/1996
 Site Type: PBS
 Site Name: KEN HY AUTO
 Address: 945 KENMORE AVE
 Locality: BUFFALO
 State: NY
 Zipcode: 14223
 County: ERIE

Owner(s) Information

Facility Owner: PATRICK F RUGGIERO
 65 STERLING AVE . BUFFALO , NY. 14216
 Mail Contact: KEN HY AUTO & TIRE INC
 945 KENMORE AVE . BUFFALO , NY. 14223

Tank Information

2 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
1	Underground	Closed - Removed	10000
2	Underground	Closed - Removed	5000

[Refine Current Search](#)



Bulk Storage Database Search Details

Tank Information

[Next Tank](#)

[Last Tank](#)

Site No: 9-600023
Site Name: KEN HY AUTO
Tank No: 1
Tank Location: Underground
Tank Status: Closed - Removed
Tank Install Date:
Tank Closed Date: 01/01/1993
Tank Capacity: 10000 gal.
Product Stored: Gasoline
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: Pressurized Dispenser
Pipe Location: Underground/On-ground
Pipe Type: Steel/Carbon Steel/Iron
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test: 12/01/1986
Tank Test Method: SoilTest Ainlay Tank 'Tegrity Tester

[Refine Current Search](#)

[Back to Facility Info](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#)

[Previous Tank](#)

Site No: 9-600023
Site Name: KEN HY AUTO
Tank No: 2
Tank Location: Underground
Tank Status: Closed - Removed
Tank Install Date:
Tank Closed Date: 01/01/1993
Tank Capacity: 5000 gal.
Product Stored: Gasoline
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: Pressurized Dispenser
Pipe Location: Underground/On-ground
Pipe Type: Steel/Carbon Steel/Iron
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test: 10/01/1986
Tank Test Method: SoilTest Ainlay Tank 'Tegrity Tester

[Refine Current Search](#)

[Back to Facility Info](#)

LCS' MARCH 24-25, 2014 SITE INSPECTION - PHOTOGRAPH VIEWS

Photo 1: View of the Eastern Building (looking north)



LCS, INC.
PO Box 406
BUFFALO, NEW YORK 14205
Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
LCS Project #14B286.26

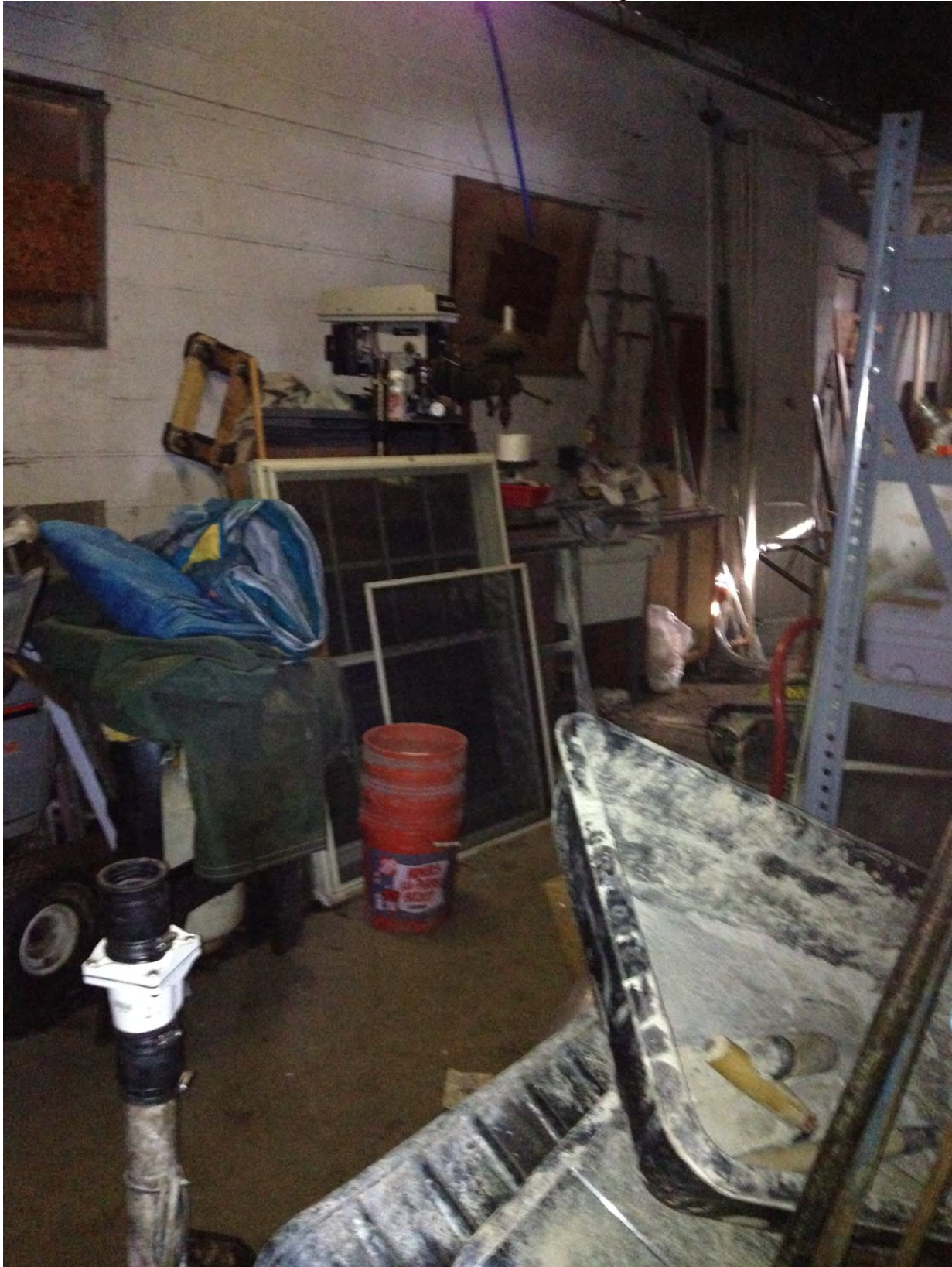
Photo 2: View of debris in the Eastern Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
LCS Project #14B286.26

Photo 3: Additional view of debris in the Eastern Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
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Photo 4: View of debris along the northern exterior wall of the Eastern Building



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Tonawanda, New York
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Photo 5: View of unknown circular structure south of the Eastern Building (looking north)



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Photo 6: Another view of the unknown circular structure south of the Eastern Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
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Photo 7: View of a permanent monitoring well west of the Eastern Building (looking east)



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SITE PHOTOGRAPHS
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Photo 8: Another view of the permanent monitoring well west of the Eastern Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 9: View of a fill port on the northwestern edge of the former Western Building (looking west)



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Photo 10: Another view of the fill port on the northwestern edge of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 11: View of the opened fill port on the northwestern edge of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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LCS Project #14B286.26

Photo 12: View of water in the UST associated with the fill port on the northwestern edge of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 13: View of a fill port on the southeastern edge of the former Western Building (looking southwest)



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Photo Dates: 3/24/14 - 3/25/14

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Tonawanda, New York
LCS Project #14B286.26

Photo 14: Another view of the fill port on the southeastern edge of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 15: View of the opened fill port on the southeastern edge of the former Western Building and approximately two feet of oil product from the associated UST



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SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
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Photo 16: View of 2-3 suspected cut vent pipes on the southeastern edge of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
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Photo 17: View of 3 historic in-ground hydraulic lifts in the footprint of the former Western Building (looking northwest)



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
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Photo 18: View of 1 historic in-ground hydraulic lift in the footprint of the former Western Building with suspected oil staining (looking west)



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SITE PHOTOGRAPHS
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Photo 19: View of a historic in-ground hydraulic lift in the footprint of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 20: View of a historic in-ground hydraulic lift in the footprint of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Photo 21: View of a historic in-ground hydraulic lift in the footprint of the former Western Building



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 22: View of a former pump island south of the former Western Building (looking west)



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
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Tonawanda, New York
LCS Project #14B286.26

Photo 23: View of former pump islands southeast of the former Western Building and south of the Eastern Building (looking east)



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Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
LCS Project #14B286.26

Photo 24: View of a former pump island west of the former Western Building, covered by snow (looking south) [see Google image on next page]



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BUFFALO, NEW YORK 14205
Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
LCS Project #14B286.26

Photo 25: Google image of the former pump island west of the former Western Building (looking northeast)



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BUFFALO, NEW YORK 14205
Photo Dates: 3/24/14 - 3/25/14

SITE PHOTOGRAPHS
945 Kenmore Avenue
Tonawanda, New York
LCS Project #14B286.26



TREC Environmental Inc.

Technician: Jim Agar

Date: 1-28-15

Site Address: 945 Kenmore Avenue, Buffalo, NY

Contact Person: Jeff Rowley

Scope of Work: GPR services

Type of Service:

- Fault Detection Utility Location/GPR
 Infrastructure Assessment Utility Mapping

Type of Equipment Used:

- Mala Easy Locator HDR SPX RD 7000

Marking Used:

- Paint Flags Chalk Updated Existing Maps Other

Instructions from Onsite Contact: Scan entire property. Investigate property for unknown underground storage tanks.

Notes: Site covered with ice and snow. Some areas inaccessible due to snow piles. Unknown anomaly identified on figure. Objects consistent with buried hydraulic lifts identified on figure.

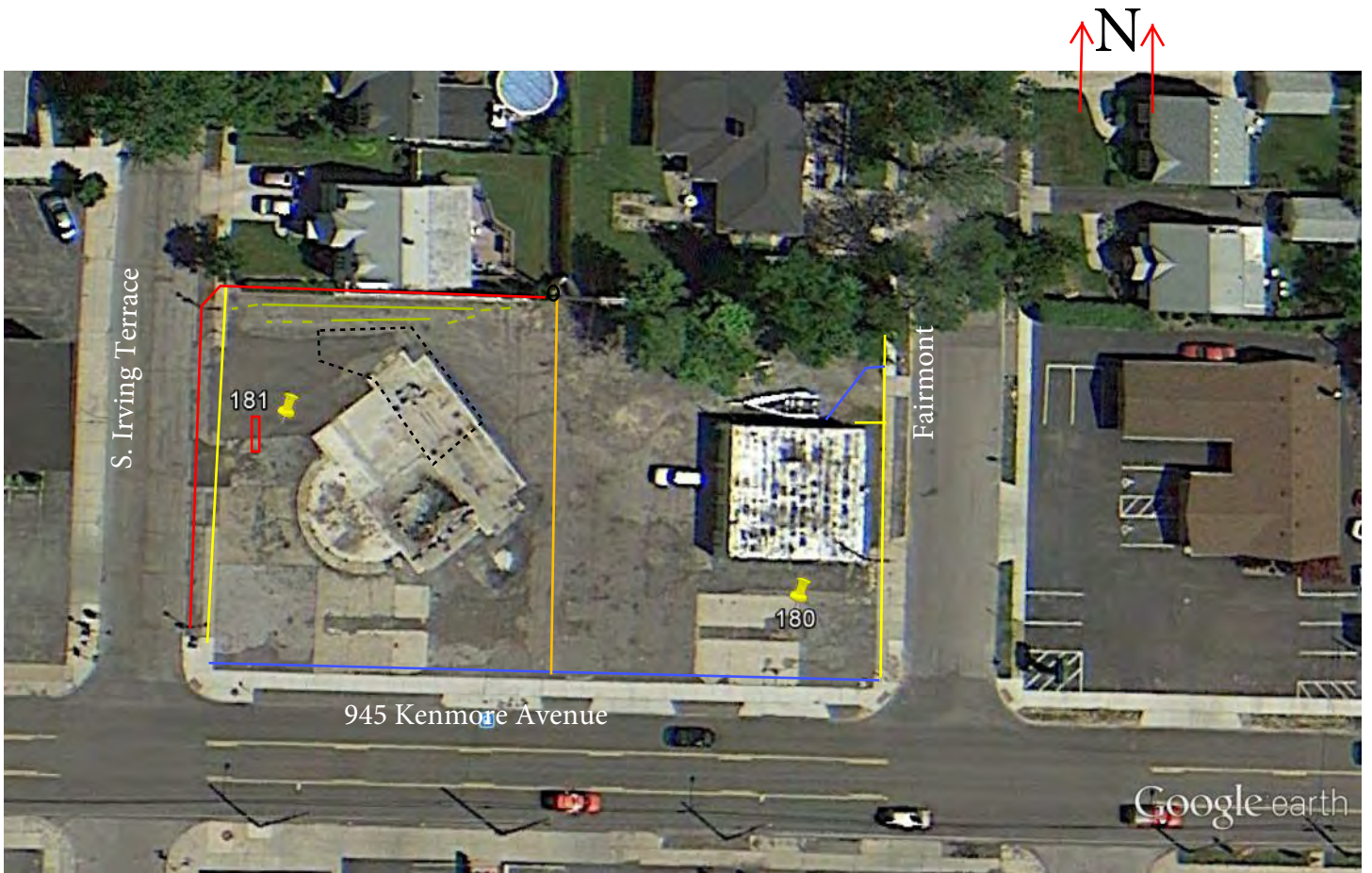
Information Relayed on site:

- Verbal GPR Photos Digital Photos Hand drawn Map

Reporting Options:

- Letter Report
 Comprehensive Report









TREC will guarantee the accuracy of utility markings only when subsurface utility location methods are used which meet the ASCE's *Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data CI/ASCE 38-02*, Quality Level A. This process exposes subsurface utility systems to confirm location, size and identity.

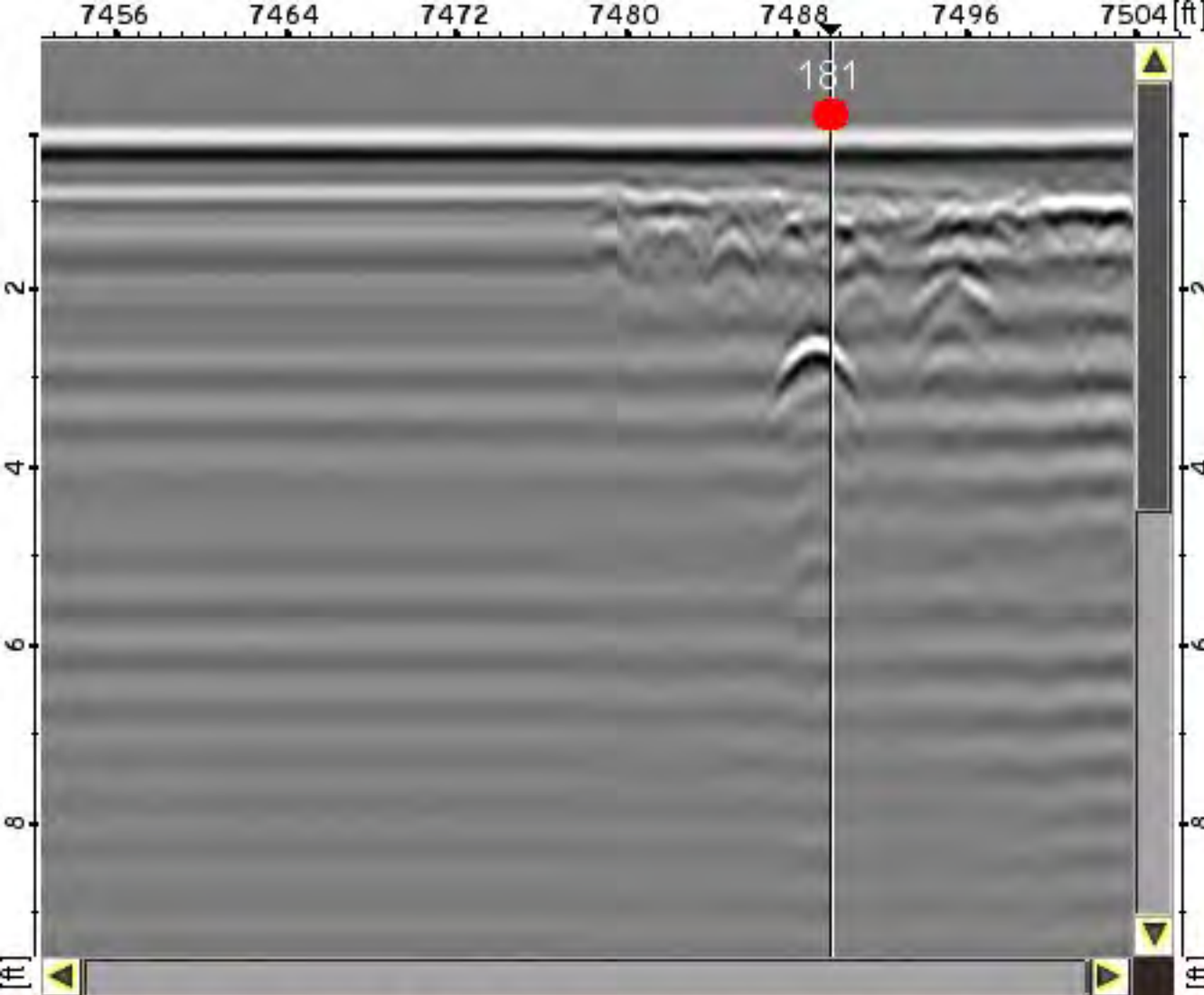


Google earth



Legend:

	Electric		Anomaly
	Gas		Areas of hydraulic lifts and potential fill ports (circular ferrous objects at surface)
	Water		
	Communication		
	Unknown		
	Unknown lost connection		



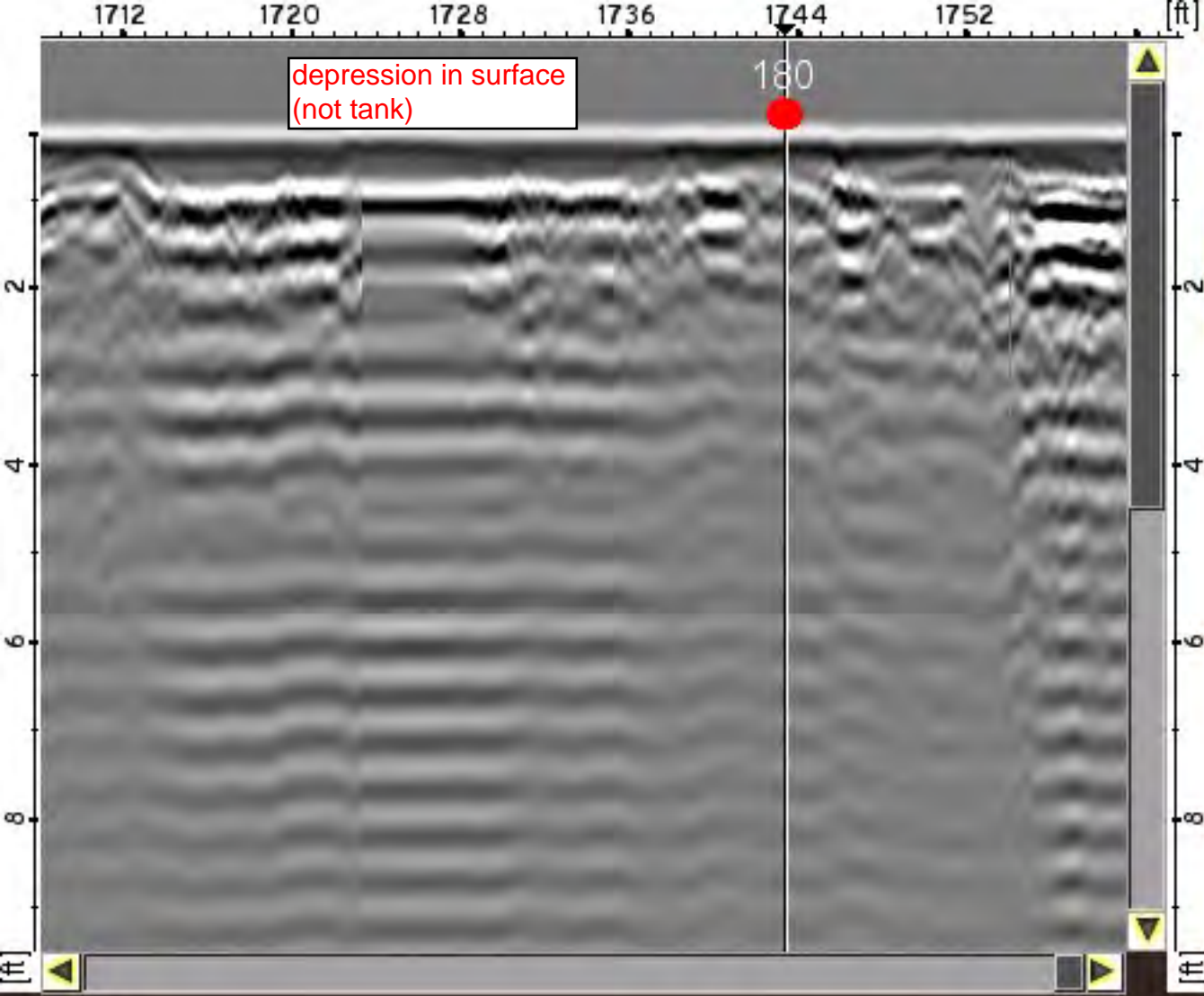
Color calibration bar:

Stop

GPS Marker

File: 150128_095630.jpg 42.95891800N 78.85298650W

Soil: 300 ft/ μ s Antenna: HDR-Mid M1 Trigger type: RTC Forward



Color calibration bar with a green crosshair icon above it.

Stop button with a square icon.

GPS Marker button with a square icon containing a circle and a crosshair, highlighted with a yellow border.


Button with a curved line icon.

GPS Marker button with a square icon containing a crosshair.

Buttons with a crossed-out list icon and a triangle icon.

Buttons with a circle icon and a triangle icon.

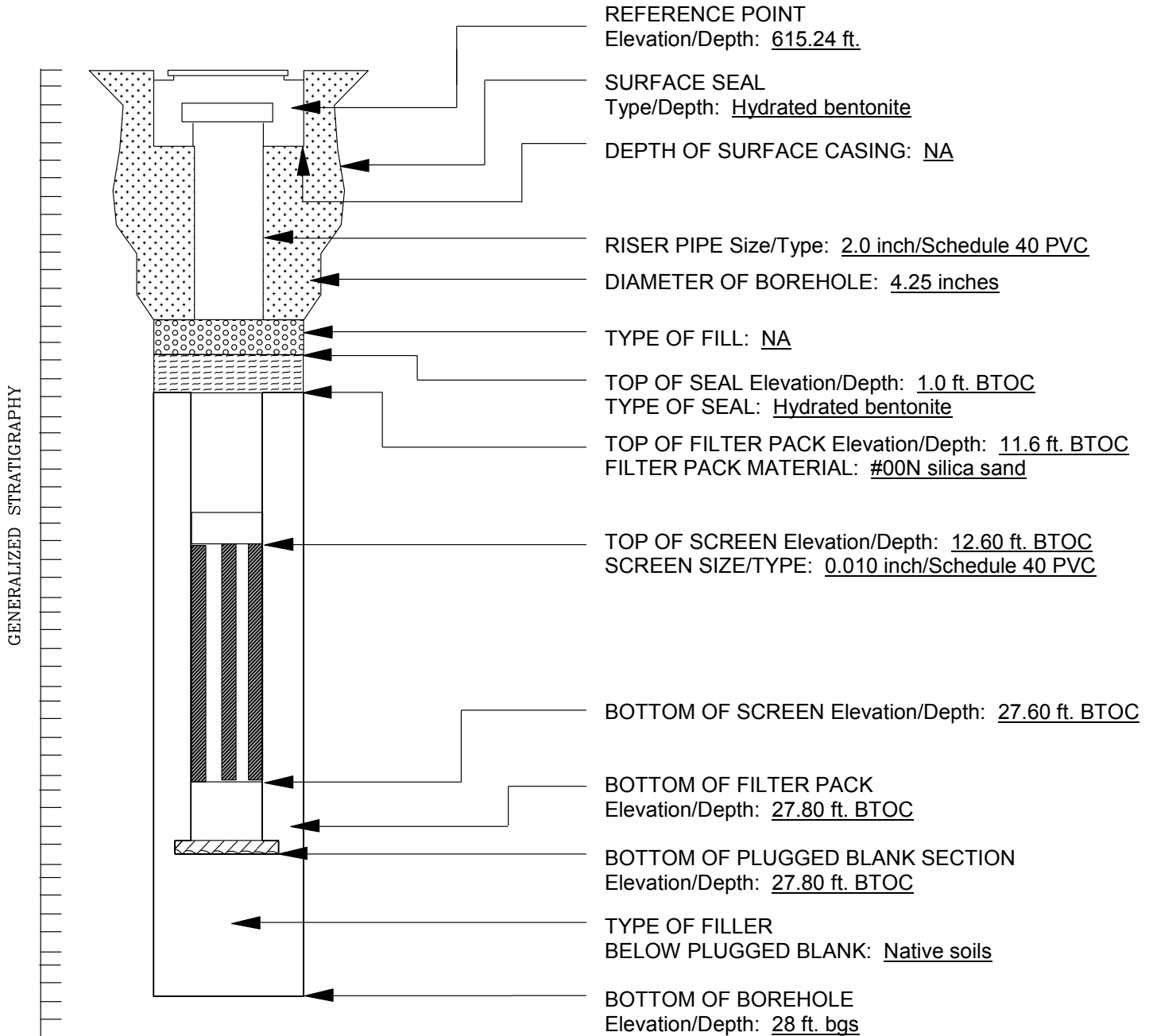
Buttons with a list icon and a triangle icon.

 File: 42.95876400N 78.85238933W

Soil: 300 ft/ μ s Antenna: HDR-Mid MI Trigger type: RTC Forward

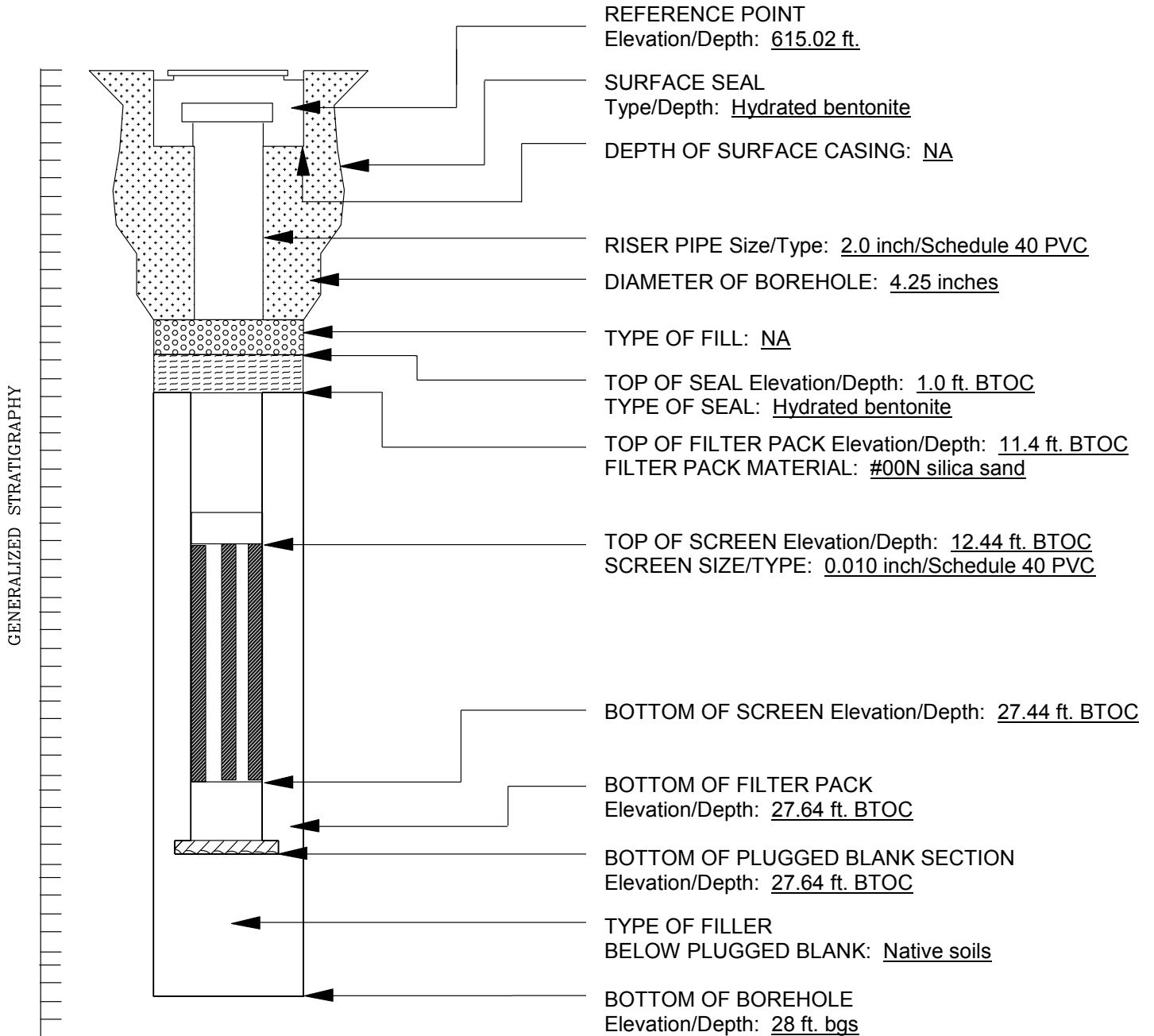
APPENDIX B

PROJECT/LOCATION:	945 Kenmore Avenue, Tonawanda, New York	PROJECT No.	BCP ID C915286
CLIENT:	945 Kenmore Group, LLC	WELL No.	BCP MW1
DATE COMPLETED:	3/17/2015	SUPERVISED BY:	MP



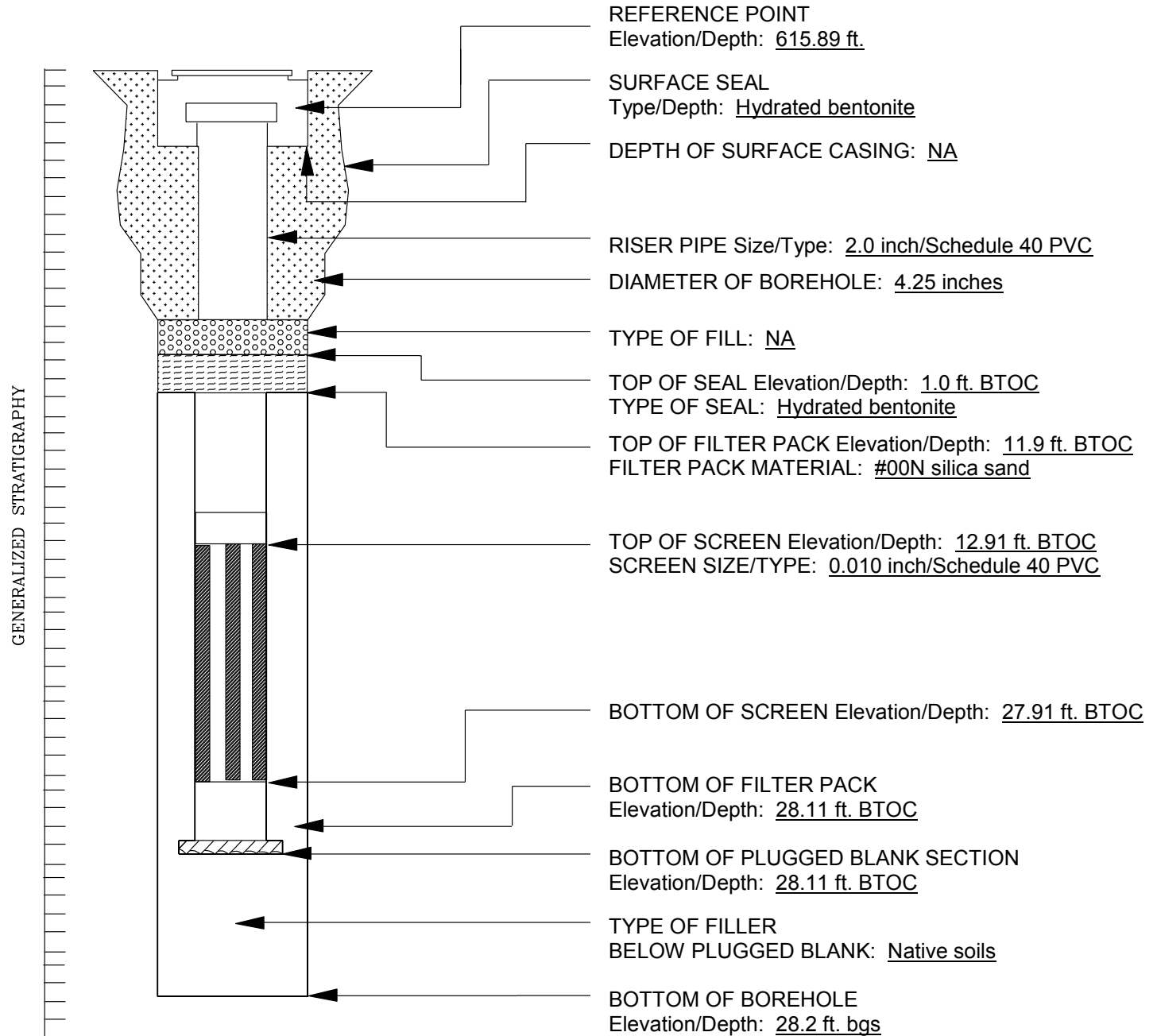
NOTES

PROJECT/LOCATION:	<u>945 Kenmore Avenue, Tonawanda, New York</u>	PROJECT No.	<u>BCP ID C915286</u>
CLIENT:	<u>945 Kenmore Group, LLC</u>	WELL No.	<u>BCP MW2</u>
DATE COMPLETED:	<u>3/17/2015</u>	SUPERVISED BY:	<u>MP</u>



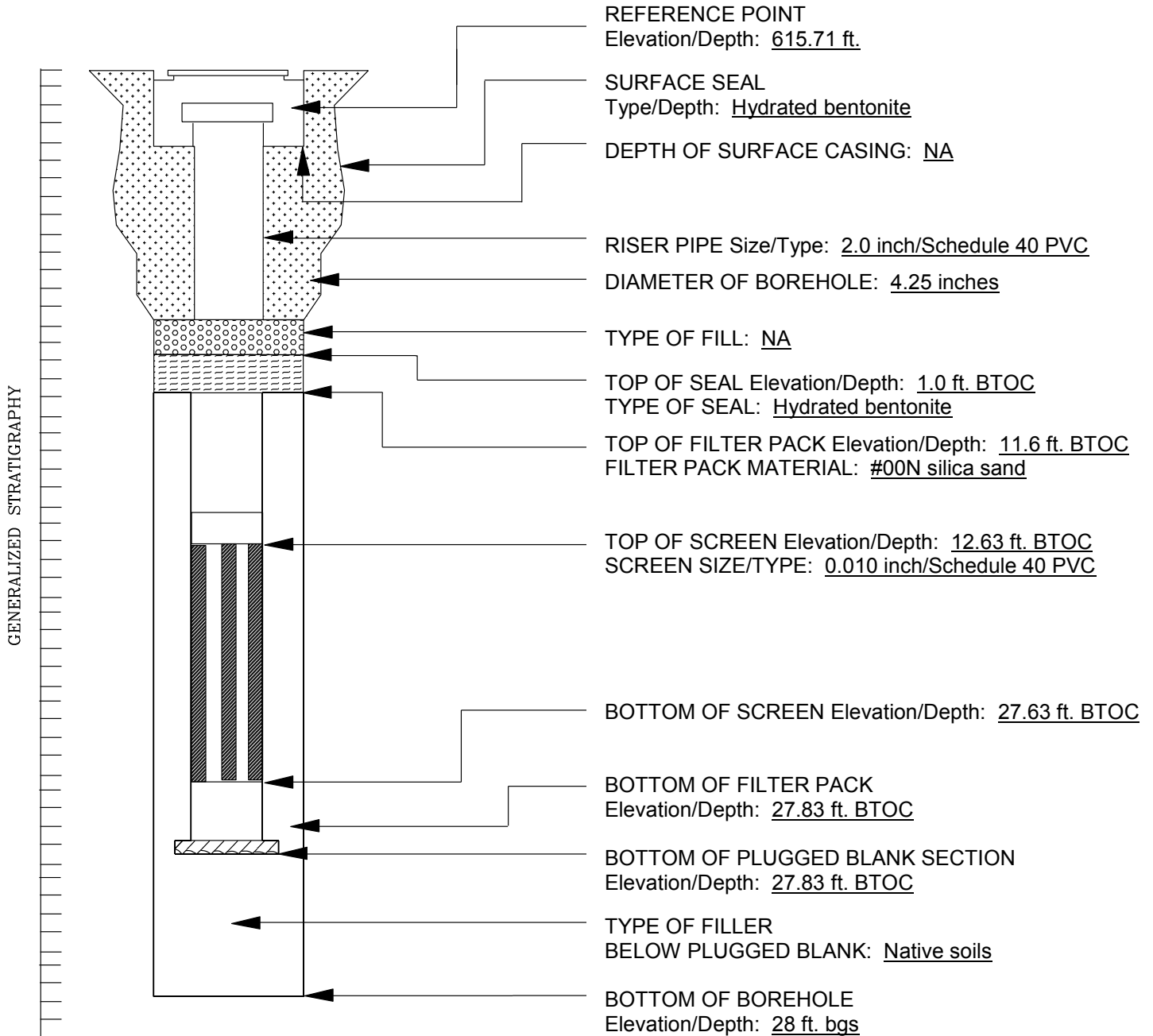
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PROJECT/LOCATION:	945 Kenmore Avenue, Tonawanda, New York	PROJECT No.	BCP ID C915286
CLIENT:	945 Kenmore Group, LLC	WELL No.	BCP MW3
DATE COMPLETED:	3/16/2015	SUPERVISED BY:	MP



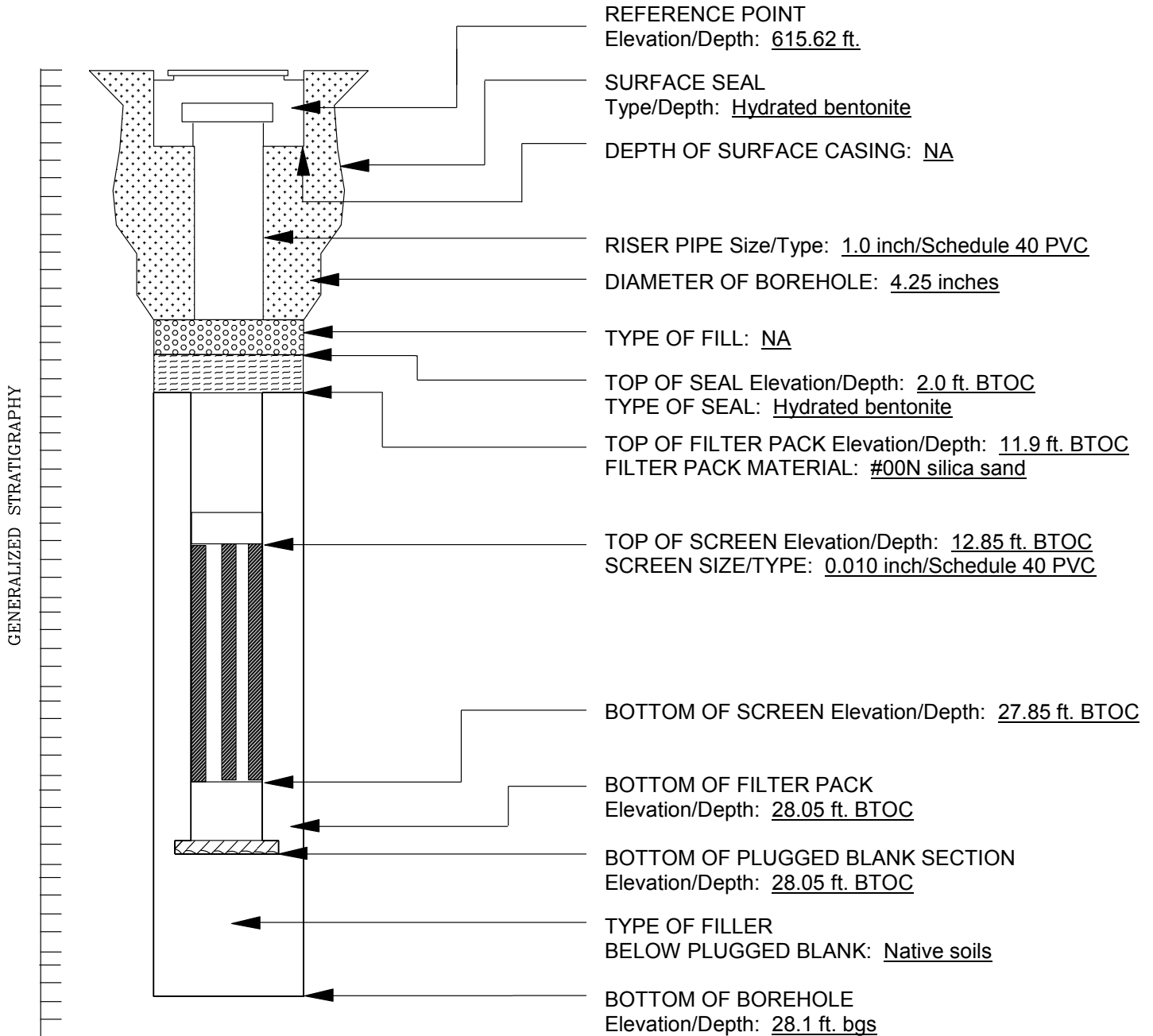
NOTES

PROJECT/LOCATION:	945 Kenmore Avenue, Tonawanda, New York	PROJECT No.	BCP ID C915286
CLIENT:	945 Kenmore Group, LLC	WELL No.	BCP MW4
DATE COMPLETED:	3/18/2015	SUPERVISED BY:	MP



NOTES

PROJECT/LOCATION:	<u>945 Kenmore Avenue, Tonawanda, New York</u>	PROJECT No.	<u>BCP ID C915286</u>
CLIENT:	<u>945 Kenmore Group, LLC</u>	WELL No.	<u>BCP MW5</u>
DATE COMPLETED:	<u>3/16/2015</u>	SUPERVISED BY:	<u>MP</u>



NOTES

APPENDIX C

**SITE HEALTH AND SAFETY PLAN AND
COMMUNITY AIR MONITORING PLAN FOR INTERIM REMEDIAL MEASURE**

**945 Kenmore Avenue
Tonawanda, Erie County, New York**

Prepared by:

LCS, Inc.
40 La Riviere Drive, Suite 120
Buffalo, New York 14202



April 2015

**SITE HEALTH AND SAFETY PLAN AND COMMUNITY AIR MONITORING PLAN FOR INTERIM REMEDIAL
MEASURE**

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1.0 INTRODUCTION

1.1 Site Description

The 945 Kenmore Avenue Site encompasses approximately 0.552 acres in the Town of Tonawanda, Erie County, New York (Town of Tonawanda Parcel No. 78.34-3-15.1 in its entirety). The Site is described as developed land with one structure, located in a highly developed, predominantly residential and commercial area north of the City of Buffalo, New York. The Site and surrounding area were historically utilized for commercial and residential purposes.

According to historical records, the Site was utilized as a gasoline station from at least 1950 to 1986 and as an automotive repair facility from at least 1958 to 2010; such operations included automotive body repair work from at least 1994 to 2010. The Site included at least four pump islands and at least six underground storage tanks (USTs): two 5,000-gallon tanks, one 10,000-gallon tank, two 3,000-gallon tanks, and one 4,000-gallon tank. Based on the records reviewed, the number, location and disposition of USTs are unclear. Limited sampling associated with three tank removals (two 5,000-gallon tanks and one 10,000-gallon tank) identified volatile organic compounds (VOCs) at concentrations such that the NYSDEC indicated that remediation was warranted (Spill 9211433); however, it does not appear that remediation was completed. In addition, no information has been uncovered pertaining to the removals of the three remaining tanks. Furthermore, during a site inspection performed by the NYSDEC in 2013, associated with currently "active" Spill 1306828, the NYSDEC noted two suspected fill ports on-site. During a site inspection conducted by Lender Consulting Services, Inc. (LCS) on March 24-25, 2014, LCS confirmed that each of these two fill ports is currently connected to a UST. One of the tanks appeared to be mostly full of water, and the other tank contained what appears to be approximately two feet of used oil.

No information has been discovered by LCS relative to the soil and groundwater conditions at the Site upon removal of the four known pump islands. However, observations made in 2011 during utility work along the front of the Site (adjacent to three of the former pump islands) included "very strong gasoline odors" along nearly the entire front of the Site along Kenmore Avenue (Spill 1104845). Other spills reported in the utility area along Kenmore Avenue, adjacent to the former pump islands, identified gasoline and lubricating oil compounds at concentrations above NYSDEC regulatory guidance at the time in soil samples submitted for analysis, as well as observations of a sheen on the soil (Spills 8600802, 9515189, and 9211433). Before completion of the Remedial Investigation, only limited analytical data existed pertaining to the environmental quality of on-site soil and groundwater as a result of the historic gasoline station operations.

In addition, the environmental quality of soil and groundwater at the Site as a result of the historic automotive repair/auto body repair operations had been unknown prior to completion of the Remedial Investigation. Field observations suggested that environmental media had been impacted. In 2013, "floating oil, a heavy sheen, and pooled oil" were reported as "running off of" the concrete slab associated with a former building located on the western side of the Site (Spill 1306828). Upon demolition of this building, several historic hydraulic lifts were exposed in the ground, which appeared to be intact. LCS confirmed during a site inspection in March 2014 that there are at least four in-ground hydraulic lifts remaining within the building footprint. One of the lifts was surrounded by suspected heavy oil staining. During a site inspection performed as part of a Phase I Environmental Site Assessment by Hazard Evaluations, Inc. (HEI) in 2010, floor drains, a parts washer, and evidence of release was noted in this former building, including granular absorbent and oily staining surrounding a drum. Staining was also noted in the current building on the eastern portion of the Site during this inspection, as well as unlabeled drums, a floor drain, and poor housekeeping of hazardous/regulated materials.

Evidence suggested that soils at the Site, and potentially groundwater, had been impacted by historic on-site gasoline station and automotive repair/auto body operations. Further investigation and potential remediation of soil and/or groundwater at the Site was required to assess current contaminant levels at the Site.

1.2 Overview of Known Contaminants

A Remedial Investigation (RI) completed according to the BCA was conducted at the Site from January through April 2015. According to the laboratory results, all soil samples submitted for laboratory analysis met the Part 375

SCOs for Track 2 Residential. In addition, all soil samples submitted for laboratory analysis met the Part 375 SCOs for unrestricted site use (Track 1) with the exception of VOCs in samples collected from two of the four former pump island areas, a historic tank nest area, and along a suspected utility trench on the north-central portion of the Site. According to the laboratory results, groundwater xxxxx.

Based on conversations with the NYSDEC, due to unacceptable nuisance characteristics (petroleum odors and elevated PID readings), the NYSDEC and NYSDOH are requiring excavation of soils in the three former pump island areas along Kenmore Avenue, and an examination of soils in the former pump island area along South Irving Terrace. The NYSDEC indicated that soil excavation in the historic tank nest area, underneath the slab of the former western building, and along the utility trench on the north-central portion of the Site is not required; however, if impacted soils are identified during removal of the hydraulic lifts, the impacted soils will require removal. The NYSDEC also recommended terminating and/or relocating the underground communications line that travels north to south through the Site, such that it does not interfere with removal of the pump island areas along Kenmore Avenue. Removal of the two on-site USTs is also required. Lastly, the NYSDEC indicated that an examination of soils underneath the eastern building following demolition is required.

1.3 Site Geology

According to the Bedrock Geologic Map of New York State (1970), bedrock underlying the Site consists of the Upper Silurian Akron Dolostone and Salina Group; specifically, the Camillus, Syracuse, and Vernon Formations, described as shale, dolostone, salt, and gypsum. Thickness generally ranges between 400 and 700 feet. Bedrock was not encountered during the Remedial Investigation, during which select boreholes were advanced to a depth of approximately 28 ft. bgs.

According to the Surficial Geologic Map of New York State (1988), surficial deposits in the area of the Site consist of lacustrine silt and clay. Lacustrine silt and clay deposits are characterized by generally laminated, generally calcareous silt and clay, and were deposited in proglacial lakes. There is potential land instability associated with these deposits. Thickness is variable, and generally ranges up to 330 feet. Sediments encountered during the Remedial Investigation consisted primarily of gravelly clay (gravel very minor).

According to a topographic map, regional groundwater flow in the area of the Site is likely to be to the west, towards the Niagara River.

1.4 Proposed Interim Remedial Measure

The objective of the IRM is to:

- Eliminate the potential for exposure to impacted soil resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources;
- Eliminate the potential for groundwater contamination resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources;
- Eliminate the potential for VOCs to impact soil vapor on-site resulting from future releases from the in-ground hydraulic lifts and USTs remaining at the Site, by removing these sources; and
- Expedite the redevelopment of the Site by removing soil with an unacceptable degree of nuisance characteristics.

1.5 Objective of HASP

The objective of this Health and Safety Plan (HASP) is to provide guidance for LCS field personnel completing the interim remedial measure at the above-referenced site. This plan was completed in accordance with the applicable Occupational Safety and Health Administration (OSHA) standard and 29 CFR 1910.120. All field personnel, both of LCS and its subcontractors, are to be provided a copy of this document and, after its review, sign the following acknowledgement that they have read and understood this document and will complete field activities in accordance with it. The LCS Corporate Health and Safety Officer is responsible for the overall

implementation of this HASP. Non LCS personnel are also required to prepare and implement their own HASP compliant with all OSHA requirements.

2.0 KEY PERSONNEL AND PHONE NUMBERS

2.1 Key Site Personnel

The following LCS personnel will be working on the Site:

Douglas Reid	SVP, Project Manager W: 716-845-6145; M: 716-583-3415
Jeff Rowley	Co-Field Team Leader, Co-Health and Safety Officer, Co-Quality Assurance/Quality Control Officer, Co-Sample Team Leader W: 716-845-6145; M: 716-570-6848
Margaret Popek	Co-Field Team Leader, Co-Health and Safety Officer, Co-Quality Assurance/Quality Control Officer, Co-Sample Team Leader W: 716-845-6145; M: 585-370-0051

Other trained staff will also be used in the field on an as-needed basis.

2.2 Emergency Phone Numbers

Ambulance	911
Police	911
Fire	911
Hospital (Sisters Hospital)	716-862-1000 (Emergency Room)
National Response Center	800-424-8802

If the emergency is not life threatening, personnel may be transported to the local hospital by car. Directions are located within the Appendix.

3.0 HAZARD ASSESSMENT/EVALUATION

A brief discussion of potential hazards and actions is provided below. Further information on appropriate air monitoring and personal protective equipment is detailed in later sections.

Hazard/Risk	Concern	Action
Organic Vapors	The inhalation of volatile organic compounds (VOCs) during all operations may pose a potential health hazard.	Hazard reduction procedures include monitoring the ambient air and the use of Personal Protective Equipment (PPE). Workers should position themselves upwind of the source area of contamination whenever possible.
Flammable Vapors	Presence of flammable vapors can pose a potential fire hazard and health hazard.	Hazard reduction procedures include monitoring the ambient air.
Oxygen	Atmospheres that contain a level of oxygen greater than 23% pose an extreme fire hazard (normal ambient oxygen levels are approximately 20.9%). If oxygen levels are less than 19.5%, the potential for suffocation is extremely high.	Hazard reduction procedures include monitoring the ambient air.
Vehicular Traffic	Work in public traffic areas can create significant risks.	All non work related traffic will be re-routed away from work areas. In public traffic areas, all employees will be required to wear a fluorescent safety vest at all times while on site. In addition, supplemental traffic safety equipment use may be warranted by specific tasks (i.e.; drilling, excavation, gauging and sampling in traffic areas). Supplemental equipment should include traffic cones, barricades, permanent and temporary fences, flagging tape, and appropriate signage.
Natural hazards	Poison ivy, poison oak, snakes, rodents, etc.	Avoid areas known or suspected of containing these materials
Construction	Overhead work, supply storage	Be aware of surroundings; see Personal Protective Equipment, below
Slip/Fall	Wet conditions, overgrown areas, etc.	Be aware of surroundings; wear appropriate foot ware
Skin/eye contact	Contact with contaminated water, preservation acids and cleaning chemicals can occur during various phases of site work.	Appropriate gloves must be worn. If appropriate, safety glasses should also be worn. Contact lenses should not be worn during field activities.
Extreme Temperatures	Prolonged work in high temperatures can result in heat stress or heat stroke. Prolonged work in low temperatures can result in hypothermia or frost bite.	Appropriate clothing must be worn. Workers will consume fluids and rest as necessary.
Confined spaces	Unsafe atmospheres and limited egress are two concerns associated with confined spaces.	Confined spaces will be entered with permits only.

The only known contaminants present at the Site at concentrations above the Part 375 SCOs for unrestricted site use are petroleum-related VOCs.

4.0 TRAINING

All LCS field personnel must have received, at a minimum, the 40 hour “Hazardous Waste Operations and Emergency Response Training” course as required by the OSHA and 29 CFR 1910.120. Any personnel entering confined spaces must be properly trained.

LCS Field personnel which will be operating health and safety equipment (photoionization detector, explosive gas meter, etc.) must be properly trained on the use, calibration and maintenance of this equipment.

5.0 PERSONAL PROTECTIVE EQUIPMENT

5.1 Background

The purpose of personal protective clothing and equipment (PPE) is to shield or isolate individuals from hazards that may be encountered at the site when engineering and other controls are not feasible or cannot provide adequate protection. Careful selection and use of adequate PPE should protect the health of employees.

No single combination of PPE is capable of protecting against all hazards. Therefore, PPE should be used in conjunction with, not in place of, other protective methods, such as engineering controls and safe work practices. The use of PPE can itself create significant worker hazards, such as heat stress, physical and psychological stress, impaired vision, reduced mobility, and distorted communication. In general, the higher the level of PPE protection, the greater are the risks associated with use of PPE. For any given situation, PPE should be selected to provide an adequate level of protection. Over-protection as well as under-protection can be hazardous and should be avoided.

5.2 General Provisions

Personal protective equipment should be utilized when:

- It is not possible and/or feasible to implement engineering controls and work practices that will ensure the safety and health of workers;
- It is necessary to reduce and maintain employee exposure to below the permissible exposure limits (PELs) in 29 CFR 1910, Subparts G and Z, and/or below the threshold limit values (TLVs) established by the American Conference of Governmental Industrial Hygienists (ACGIH); or in the absence of PELs or TLVs, below the recommended exposure limits published in the National Institute for Occupational Safety and Health (NIOSH) publication, NIOSH Recommendations for Occupational Health Standards dated 1992;
- Existing or potential physical and/or biological hazards pose a threat to worker safety and health.

Required PPE should be discussed with site workers prior to the start of work. Employees should be trained and have passed a baseline medical examination for the use of prescribed PPE. The HASP should implement a written PPE program containing operating procedures that comply with the applicable requirements of 29 CFR 1910.120.

5.3 Selection of Personal Protective Equipment

Selection of PPE, based on requirements of 29 CFR 1910, is key to protecting the safety and health of site personnel. This should be done by qualified and knowledgeable professionals to insure that selected PPE protects workers from site-specific hazards posed by their task and work zone.

Selection of the most appropriate level of protection and combinations of respiratory protection and protective clothing will depend on:

- Level of knowledge of onsite chemical hazards;
- Properties such as toxicity, radioactivity, route of exposure, and matrix of the contaminants known or suspected of being present;
- Type and measured concentrations of the contaminants that are known or suspected of being present;
- Potential for exposure to contaminants in air, liquids, soils, or by direct contact with hazardous materials;
- Physical hazards; and,
- Climatic conditions.

Based on the evaluation of potential hazards that will vary with individual field activities, PPE should be selected for specific tasks and work areas (e.g., Exclusion Zone, Contamination Reduction Zone).

Personal protective equipment is divided into two broad categories; respiratory protective equipment and personal protective clothing. Both of these categories are incorporated into the four levels of protection (Levels A, B, C, and D), based on the potential severity of the hazard. The following sections provide detail and explanation of those categories. Modifications to these levels should be made under the direction of LCS' Site or Corporate Health and Safety Officer. Such modifications are routinely employed during site work activity to maximize efficiency and to meet site-specific needs without compromising worker safety and health. LCS' Site or Corporate Health and Safety Officer and Project Manager should make the final determination on the appropriate level of PPE.

Respiratory protective gear and protective clothing should compliment one another. Section 5.5 provides guidelines for determining appropriate PPE.

5.4 Levels of PPE

The specific levels of PPE and necessary components for each level have been divided into four categories according to the degree of protection afforded. General guidelines for use are:

- Level A:** Worn when the highest level of respiratory, skin, and eye protection is needed.
- Level B:** Worn when the highest level of respiratory protection is needed, but a lesser level of skin protection is needed.
- Level C:** Worn when the criteria for using air-purifying respirators are met, and a lesser level of skin protection is needed.
- Level D:** Refers to work conducted without respiratory protection. This level should be used only when the atmosphere contains no known or suspected airborne chemical or radiological contaminants and oxygen concentrations are between 19.5% and 23%.

The following section describes the elements of the basic levels of protective equipment.

5.4.1. Level A PPE

5.4.1.1. Respiratory Protection

Level A respiratory protection is positive pressure, full face-piece self-contained breathing apparatus (SCBA), or positive pressure supplied air respirator (with escape bottle for immediately dangerous to life or health (IDLH) or potential IDLH atmosphere).

5.4.1.2. Protective Clothing

Protective clothing provides maximum skin protection. It is used when the potential exists for splash or immersion by chemicals and/or radiologically contaminated liquids, or for exposure to vapors, fumes, gases, or particulates that are harmful to skin or capable of being absorbed through the skin. Level A protective clothing includes:

- Totally encapsulating non-permeable, chemical-resistant suit;
- Coveralls inner suit;
- Modest clothing under coveralls (e.g., shorts and T-shirt/long underwear);
- Disposable gloves and boot covers (worn over fully encapsulating suit);
- Boots, chemical-resistant, steel toe and shank (depending on suit construction, worn over or under suit boot);
- Hard hat (under suit); and
- Hearing protection (as needed).

5.4.1.3. Other Protective Apparatus

Other protective apparatus which may be used includes:

- Cooling unit/system,
- 2-way radio communications,
- Cold weather gear/clothing, and
- Protection from biological hazards/pests.

5.4.2. Level B PPE

5.4.2.1. Respiratory Protection

Level B respiratory protection is positive pressure, full face-piece self-contained breathing apparatus (SCBA), or a positive pressure supplied air respirator (with escape bottle for immediately dangerous to life or health (IDLH) or potential IDLH atmosphere).

5.4.2.2. Protective Clothing

Level B protective clothing provides a high level of skin protection. It is used when the potential exists for contact with chemicals and/or radiologically contaminated liquids that could saturate/penetrate cloth coveralls (e.g., immersion or inundation of contaminants). Also, potential vapors, fumes, gases, or dusts containing levels of chemicals harmful to skin or capable of being absorbed through the skin are not anticipated. Level B protective clothing includes:

- Hooded one-piece non-permeable, chemical resistant outer suit;
- Coveralls inner suit(s);
- Modest clothing under coveralls (e.g., shorts and T-shirt/long underwear);
- Outer chemical resistant work gloves (rated for contaminants) taped to outer suit;
- Inner gloves of light weight PVC or latex rubber taped to inner suit (cotton liners optional);
- Chemical resistant steel-toe boots taped to inner suit;
- Disposable outer boot covers (booties) taped to outer suit;
- Hard hat (as needed); and
- Hearing protection (as needed).

5.4.2.3. Other Protective Apparatus

Other protective apparatus which may be used includes:

- Cooling unit/system;
- Cold weather gear/clothing; and,
- Protection from biological hazards/pests.

5.4.3. Level C PPE

5.4.3.1. Respiratory Protection

Level C respiratory protection includes an air-purifying respirator, full-face or half-mask, cartridge- or canister-equipped (MSHA/NIOSH approved).

5.4.3.2. Protective Clothing

Level C protective clothing provides a moderate level of skin protection. It is used when the potential exists for contact with chemicals and/or radiologically contaminated materials, but when protection from liquids (chemical and/or radioactive) is not required. It is used when potential vapors, fumes, gases, or dusts are not suspected of containing levels of chemicals harmful to skin or capable of being absorbed through the skin. Level C protective clothing includes:

- Coveralls;

- Modest clothing under coveralls (e.g., shorts and T-shirt/long underwear);
- Rubber/chemical resistant outer gloves rated for contaminant;
- Inner gloves of light weight PVC or latex rubber;
- Safety glasses or safety goggles (not required with full face respirator);
- Face-shield if splash hazard exists (not required with full face respirator);
- Steel-toe rubber boots;
- Outer disposable booties;
- Hard hat (as needed); and,
- Hearing protection (as needed).

5.4.3.3. Other Protective Apparatus

Other Level C protective apparatus which may be used includes:

- Cooling unit/system;
- Cold weather gear/clothing; and,
- Protection from biological hazards/pests.

5.4.4. Level D PPE

5.4.4.1. Respiratory Protection

There is no Level D PPE required for respiratory protection due to the nature of the hazard.

5.4.4.2. Protective Clothing

Level D protective clothing provides a low level of skin protection. It is used when there is no potential for contact with hazardous levels of chemicals or radiological contamination.

Level D protective clothing includes:

- Coveralls;
- Modest clothing under coveralls;
- Work gloves where appropriate;
- PVC or latex rubber surgical/light weight gloves when sampling or handling any potentially contaminated surface or item;
- Safety glasses or safety goggles;
- Steel-toe rubber boots where wet decontamination methods are required or steel-toe leather boots and outer boot covers; and,
- Hard hat.

5.4.4.3. Other Protective Apparatus

Other Level D protective apparatus which may be used include:

- Cold weather gear/clothing;
- Protection from biological-hazards/pests; and,
- Hearing protection.

5.5 PPE for Site Work

Due to the nature of the contaminants and the Site, it is currently anticipated that all field work will be completed in Level D protection. This should include latex or nitrile gloves whenever soil or groundwater will be handled to prevent contact with the skin. Air monitoring equipment (as detailed below) will be used to monitor the breathing air. If there are exceedances to appropriate levels or concentrations, work will be halted. **Unless required for**

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emergency procedures, Level C or above equipment will not be donned. Engineering controls (i.e., wetting of the soils) will be used to reduce dust levels.

6.0 MEDICAL SURVEILLANCE

All field personnel should be enrolled in a medical surveillance program, as required by 29 CFR 1910.120. This should include a baseline or initial medical examination based on an activity hazard assessment prior to being assigned to a hazardous or potentially hazardous activity (e.g., exposure to toxic substances or radiological materials, repetitive motion, heat/cold stress). The examination should include the items listed below.

- Complete medical and work history;
- Physical examination;
- Pulmonary function test;
- Eye examination;
- EKG;
- Audiogram;
- Urinalysis;
- Blood chemistry;
- Heavy metal screen (as appropriate); and,
- Evaluation of stresses related to repetitive motion.

All field personnel should have obtained the appropriate medical clearance from the physician.

7.0 WORKER EXPOSURE MONITORING AND AIR SAMPLING

The main potential source of chemical exposure at the Site is through inhalation of vapors, fumes and dusts. [The secondary source, ingestion, will be addressed in Section 9.0, Decontamination.] The risk of extreme temperatures will also be addressed in this section.

7.1 Air Contaminants

A photoionization detector (PID), oxygen detector and/or combustible gas detector will be used to monitor the breathing space of the site workers during various phases of work at the Site. Generally, the “breathing space” is defined as immediately above the augers or other downhole or excavating equipment during completion of earth moving, test borings or monitoring wells, immediately above a monitoring well during well sampling. Initially, the monitoring should be completed in accordance with the following schedule:

Monitoring Location	Monitoring Equipment	Frequency
Above downhole equipment	PID	Every 20 minutes
Area of drilling	Visual observations for dusts	Constantly
Above monitoring well	PID	Upon opening
Above Excavation	PID	Constantly
Decontamination Area	PID, Visual Observations for Dust	Constantly
Groundwater Holding Tank Interiors	PID, oxygen detector and combustible gas detector	Prior to Entry

Action Levels

The following tables provide the action levels for various potential contaminants.

Sustained VOC Monitoring (through PID)

Action Level	Action
0 to 10 ppm	Continue monitoring
10 to 25 ppm	Repeat testing in 10 minutes or increase monitoring to every 10 minutes, as appropriate. Begin monitoring of the air in the support zone, downwind of the exclusion zone.
over 25 ppm	Immediate withdrawal

Combustible Gases (through combustible gas meter)

Action Level	Action
0.0 to 20.0% LEL	Continue monitoring
over 20.0% LEL	Immediate withdrawal

Oxygen Level (through oxygen detector)

Action Level	Action
0.0 to 19.5% oxygen	Immediate withdrawal
19.5% to 23.0% oxygen	Continue monitoring
over 23.0% oxygen	Immediate withdrawal

Dusts

Action Level	Action
Any observable dusts or elevated particulates in downwind data logger.	Wet soils. If cannot be controlled via wetting, immediate withdrawal.

7.2 Extreme Temperatures

The added burden of PPE required for hazardous waste operations in a temperature extreme condition increases the potential for worker disorders or conditions that can result in injury or illness. Disorders or conditions associated with work conducted in temperature extreme conditions can be controlled through proper planning and effective monitoring of personnel. Factors that could affect a worker's ability to function in extreme temperatures include, but are not limited to:

- Physical fitness;
- Acclimatization;
- Age;
- Obesity;
- Alcohol consumption;
- Drug use;
- Infections; and,
- Disease.

7.2.1 Heat Stress

Increased physical demands on workers occur as a result of increased air temperature and humidity. Wearing PPE also increases the demands on workers, due to:

- Added weight of the equipment;
- Reduced visibility;
- Reduced mobility;
- Loss of the body's natural cooling processes;
- Increased energy consumption by the body, and,
- Lack of sufficient fluid replenishment.

Other factors that influence the occurrence of heat related disorders or conditions include environmental conditions, clothing, workload, and the individual characteristics of workers.

Symptoms of Heat Stress

- Heat Rash - Caused by continuous exposure to heat or humid air. Can be recognized by the occurrence of small red pimples on the skin. Typically found in sensitive areas of the body where the potential for rubbing can occur (e.g., underarm, groin area).
- Heat Cramps - Caused by heavy sweating and inadequate electrolyte replacement. Signs to look for include muscle spasms and pain in the extremities, such as hands and feet, and in the abdomen.
- Heat Exhaustion - Caused by increased stress on various parts of the body, including inadequate blood circulation due to cardiovascular insufficiency or dehydration. Signs to look for include:
 - Pale, cool, moist skin;
 - Heavy sweating;
 - Dizziness;
 - Nausea; and
 - Fainting.
- Heat Stroke - This is the most serious of all temperature related disorders or conditions since temperature regulation fails and the body temperature rises to critical levels. Immediate action should be taken to cool the body before serious injury or death occurs. Competent medical help should be obtained. Signs to look for include:

- Red, hot, usually dry skin;
- Lack of or reduced perspiration;
- Nausea;
- Dizziness and confusion; and,
- In extreme situations, coma.

7.2.2 Cold Exposure

Exposure to cold temperatures increases the likelihood and potential for worker disorders or conditions that could result in injury or illness. Extreme low temperatures may not be the only element necessary to create the potential for cold exposure disorders or conditions; strong wind accompanied by cold temperatures can lead to these types of disorders or conditions.

The wind-chill factor is the cooling effect of any combination of temperature and wind velocity or air movement. The wind-chill index should be consulted when planning for exposure to low temperatures and wind. The wind-chill index does not take into account the specific part of the body exposed to cold, the level of activity which affects body heat production, or the amount of clothing being worn.

The human body senses "cold" as a result of both the air temperature and the wind velocity. Cooling of exposed flesh increases rapidly as the wind velocity goes up. Frostbite can occur at relatively mild temperatures if wind penetrates the body insulation. For example, when the actual air temperature of the wind is 40 F (4.4 C) and the velocity is 30 mph (48 km/h), the exposed skin would perceive this situation as an equivalent still air temperature of 13 F (-11 C).

The generally recognized cold disorders or conditions are frostbite and hypothermia. Contributing factors to these disorders or conditions are:

- Exposure to humidity;
- High winds;
- Contact with wetness;
- Inadequate clothing; and,
- Poor worker health.

The physical conditions that effect cold exposure disorders or conditions are the same as those associated with heat disorders or conditions, such as physical fitness, alcohol or drug use, and disease.

The presence of dead air space between the warm body and clothing and the outside air is essential. Many layers of relatively light clothing with an outer shell of windproof material maintains body temperature much better than a single heavy outer garment worn over ordinary indoor clothing. The more air cells each clothing layer has, the more efficient it insulates against body heat loss. Clothing also needs to allow some venting of perspiration. In addition to adequate clothing, whenever possible, full use should be made of windbreaks and heat tents.

The following table gives the recommended time limits for working in various low temperature ranges.

Maximum Daily Time Limits for Exposure at Low Temperatures

Celsius Temperature	Fahrenheit Temperature	Maximum Daily Exposure
0 to -18	30 to 0	No limit, providing that the person is properly clothed.
-18 to -34	0 to -30	Total Work Time: 4 hours. Alternate 1 hour in and 1 hour out of the low-temperature area.

Symptoms of Cold Exposure Stress

- Hypothermia - The first symptoms of this condition are uncontrollable shivering and the sensation of cold, irregular heart beat, weakened pulse, and change in blood pressure. Severe shaking of rigid muscles may be caused by a burst of body energy and changes in the body's chemistry. Vague or slow, slurred speech, memory lapses, incoherence, and drowsiness are some of the additional symptoms. Symptoms noticed before complete collapse are cool skin, slow and irregular breathing, low blood pressure, apparent exhaustion, and fatigue even after rest.

As the core body temperature drops, the victim may become listless and confused, and may make little or no attempt to keep warm. Pain in the extremities can be the first warning of dangerous exposure to cold. If the body core temperature drops to about 85° F, a significant and dangerous drop in the blood pressure, pulse rate, and respiration can occur. In extreme cases, death will occur.

- Frostbite - Frostbite can occur, in absence of hypothermia, when the extremities do not receive sufficient heat from central body stores. This can occur because of inadequate circulation and/or insulation. Frostbite occurs when there is freezing of fluids around the cells of the body tissues due to extremely low temperatures. Damage may result, including loss of tissue around the areas of the nose, cheeks, ears, fingers, and toes. This damage can be serious enough to require amputation or result in permanent loss of movement.

The potential for both heat and cold related disorders or conditions can occur in many common situations. Cold early morning temperatures can give way to warm daily temperatures, resulting in heavy perspiration within protective clothing. As temperatures cool again in the evening, the potential for cold related disorders or conditions can occur. Managers should be aware of the potential for this occurrence and should monitor workers accordingly.

8.0 COMMUNITY AIR MONITORING PLAN FOR INTERIM REMEDIAL MEASURE

Community air monitoring during the Interim Remedial Measure will be performed in accordance with the attached "New York State Department of Health Generic Community Air Monitoring Plan." This plan is included in the appendix of this document.

9.0 SITE CONTROL

9.1 Work Zones

Due to the nature of the Site, the PPE level and the contaminants of concern, an exclusion area, a contamination reduction zone, and a support area will be established for the intrusive activities of the IRM.

Exclusion Zone - This will be the areas in immediate proximity to the subsurface work. This area will be identified to the field staff but cannot be reasonably demarcated in the field.

Contamination Reduction Zone - This will be established at one end of the exclusion zone, between the exclusion zone and the support zone. This area will include brushes, water, drums and other equipment required for the decontamination of field staff.

Support Zone - This zone will encompass the field equipment and approximately 10 feet or more around the exclusion/contamination reduction zone. This zone will provide the workers a location to don PPE and store equipment. No contaminated equipment or PPE should be placed in the Support Zone.

9.2 Communications

Due to the nature of the contaminants and the Site, the "buddy system" is not warranted. However, during most phases of the fieldwork, more than one member of the field team will likely be present at any given time. Communications can be oral, the field team should never be separated by any great distances.

LCS' field staff will be equipped with cellular telephones to communicate with emergency personnel or others. Emergency telephone numbers are included in Section 2 of this HASP.

A "kick-off" health and safety meeting for LCS employees should be held by LCS' Site or Corporate Health and Safety Officer prior to initiation of the fieldwork. The nature of the concerns at the site, establishment of work zones, availability of emergency services, etc. should be discussed. LCS' Site or Corporate Health and Safety Officer will keep a record of the meeting, including attendees, issues discussed, etc. Any new field staff must also be updated on these issues by LCS' Site or Corporate Health and Safety Officer or designee.

10.0 DECONTAMINATION

The purpose of the decontamination step is to prevent accidental exposure of field crew or others to the contaminants at the Site.

10.1 Equipment Decontamination

Field vehicles (i.e., excavators) will be decontaminated prior to the start of the project, at the completion of the project and whenever appropriate during the work in a decontamination pad constructed for this purpose. This pad will be located in a location determined prior to the fieldwork. Decontamination wastes will be stored in drums on-site.

10.2 PPE Decontamination

To the extent possible, disposable PPE will be used to limit the amount of decontamination required. However, Tyvek® or similar suits should not be worn unless absolutely necessary. Disposable gloves will be removed between each sample collected and placed into plastic bags along with any other disposable clothing to be disposed of as a solid waste. The drums will be placed in the Contamination Reduction Zones until full where they are to be stored on-site.

Gross soil contamination will be brushed off of overboots and/or hard hats. If necessary, the overboots and hard hats shall then be washed with a water/detergent mixture followed by a water rinse. This will be completed within the Contamination Reduction Zone. All removed soil and rinsate will be collected in 55-gallon drums which, when full, will be stored in the Equipment Decontamination Area.

10.3 Personal Decontamination

Prior to leaving the Site, all LCS staff should, at a minimum, wash their hands with soap and water.

11.0 EMERGENCY ACTION PLAN

In the event of an emergency, outside assistance should be obtained. Section 2 of this HASP includes emergency telephone numbers for local police, ambulance and hospitals.

LCS staff will have a cellular telephone on-site for use during an emergency. If emergency help is required, be prepared to provide the following information:

- location;
- time of occurrence;
- description of incident (including contaminants involved, if any);
- injuries or fatalities;
- extent of damage;
- actions taken; and,
- identified response needs.

11.1 Emergency Treatment

If transporting an injured person to a hospital, bring this HASP to assist medical personnel with diagnosis and treatment. In all cases of chemical overexposure, follow standard procedures as outlined below for poison management, first aid, and, if applicable, cardiopulmonary resuscitation. Four different routes of exposure and their respective first aid/poison management procedures are outlined below:

Ingestion - Call Poison Control (see Section 2) - follow instructions. Seek medical attention.

Inhalation/Confined Space - DO NOT ENTER A CONFINED SPACE TO RESCUE SOMEONE WHO HAS BEEN OVERCOME. WAIT FOR EMERGENCY PERSONNEL.

Inhalation/Other - Remove the person from the contaminated environment. Initiate CPR if necessary. Call, or have someone call for medical assistance.

Skin Contact/Non-Caustic Contaminant- Wash off skin with large amounts of water immediately. Remove any affected clothing and rewash skin using soap, if available. Transport person to a medical facility if necessary.

Skin Contact/Corrosive Contaminant - Wash off skin with large amounts of water immediately. Remove any affected clothing and rewash skin with water. Transport person to a medical facility if necessary.

Eyes - Hold eyelids open and rinse the eyes immediately with large amounts of water for 15 minutes. [A small eye wash station will be present within the Support Area. Never permit the eyes to be rubbed. Transport person to a medical facility as soon as possible.

11.2 Communications

Report all injuries to LCS' Site and Corporate Health and Safety Officers, Project Manager, and Site owners. An injury reporting form follows.

12.0 CONFINED SPACE ENTRY

Entering confined spaces without proper training and equipment could result in serious injury or even death due to explosive atmospheres, oxygen deficient atmospheres, inhalation of toxic materials or other work hazards.

If there is no feasible way to perform a task without entering a confined space (i.e., cleaning the interior of the groundwater holding tanks), that work must be completed with extreme caution.

LCS' Site or Corporate Health and Safety Officer or designee is to perform the following tasks.

- Assure the availability of all PPE and clothing necessary for safe entry.
- Assure that rescue and safety related equipment, such as lifting or retrieval devices are readily available prior to entry.
- Provide for and require the use of retrieval lines or equivalent equipment available to make non-entry rescues possible.
- Provide appropriate vehicle and pedestrian guards, barriers or other means to protect the entry party and attendants from local traffic hazards and to protect non-entering personnel and traffic from hazards arising from the confined space.
- Verify all employees authorized or allowed to enter any confined space have been trained in the entry of confined spaces.
- Determine actual and potential hazards associated with the space at the time of entry and choose the appropriate means to execute a safe entry and exit.
- Assure all necessary control measures are completed (i.e., purging of interior atmosphere)
- Assure, by appropriate testing, that the control measures used are effective. Assure proper calibration of monitoring equipment.
- Provide an attendant for each permit entry of a confined space unless this entry.
- complete the Confined Space Entry Permit. Identify by job title or name those persons who must sign the entry permit and the duties of each, including the person in charge of entry. The permit is valid for no more than one shift or one confined space. Keep expired Permits on file with other site documents.

Responsibilities of the person(s) in charge of entry include the following.

- Verify that the pre-entry conditions, including atmospheric gas levels, are measured and recorded on the Confined Space Entry Permit.
- Verify that the means of summoning emergency assistance is operable and on the Permit.
- Complete all portions of the permit and assure that the pre-entry and authorizing signature portions of the permit are completed before any employee enters a confined space.
- Terminate the entry upon becoming aware of a non-permitted condition.
- Serve as attendant if another qualified person is not available.

Responsibilities of Attendant include the following. The attendant is to:

- Remain outside the confined space. **UNDER NO CIRCUMSTANCES IS THE ATTENDANT TO ENTER THE CONFINED SPACE, EVEN IN AN EMERGENCY, UNTIL HELP ARRIVES.**
- Not leave for any reason while the entry continues, except for self-preservation, unless replaced by a qualified individual.
- Maintain continuous communication with all authorized entrants within the confined space by voice, radio, telephone, visual observation or other equally effective means.
- Order entrants to exit the space at the first indication of an unexpected hazard, indication of a toxic reaction, unusual conduct of entrants or external situation that could pose a hazard to the entrants.
- Know the procedure and have the means to summon immediate emergency assistance.
- Not allow anyone to enter the space to affect a rescue unless that person is wearing appropriate PPE, including a safety belt or harness with a lifeline and the necessary respiratory protection.
- Warn unauthorized persons not to enter or to exit immediately if they have entered.
- Assist in handling tools and materials, relaying messages; prevent fouling of airline and lifelines in use.

Confined Space Entry Limitations.

LCS' Site or Corporate Health and Safety Officer is to allow entry into confined spaces only if all of the following criteria are met:

- No other non-entry procedure can be used to complete the necessary work.
- There is no danger of engulfment.
- At least one of the following items is in place:
 - The space has been ventilated using a mechanically powered ventilator for a period of time not less than that specified in the ventilation nomograph for the ventilator and the ventilation continues throughout the entry.
 - A combination of appropriate atmospheric testing and mechanically powered ventilation is used.
 - Appropriate continuous atmospheric testing assures that permit conditions are maintained.

13.0 SPILL CONTAINMENT

Due to the nature of the operations, on-site spills are not anticipated. However, some potentially hazardous chemicals (diesel fuel, cleaning chemicals, etc.) will be used on-site and could be spilled into the environment. MSDS sheets for any chemicals brought onto the Site by LCS' personnel must be maintained by LCS' Site or Corporate Health and Safety Officer or designee for future reference.

Many potential spills can be avoided through application of proper engineering controls to hazards identified in the assessment. In areas where storage, handling, and transportation activities occur, preplanning to contain the largest volume of material that could be released in the area will minimize worker exposure. The containment measure should be appropriate to the hazardous material(s) identified and should be installed in the area or located nearby. The following examples are measures most frequently used:

- Absorbent materials, (e.g., pads, booms, powders);
- Salvage containers (e.g., overpack drums);
- Bermed, lined pads;
- Concrete pad and dike;
- Inflatable containment (e.g., "kiddie" pools, bladders); and
- Associated equipment (e.g., pumps, hoses, shovels, hoists).

Any field staff using potentially hazardous chemicals should consider these precautions.

13.1 Reporting and Initial Personnel Safety

In the event of a release,

- Immediately summon help by notifying LCS' Site or Corporate Health and Safety Officer, and/or the Project Manager;
- Take action to ensure the safety of nearby personnel;
- Proceed to a safe location;
- If anyone is seriously injured, immediately contact emergency medical services; and
- Keep unauthorized personnel out of the area.

13.2 Initial Spill Action

Field Staff should limit their actions to:

- Shutting off equipment or pumps;
- Closing valves;
- Blocking drains within the path of the spill; and,
- Using spill kit materials to dam or impede the flow of the spill.

Unauthorized persons should be excluded from the area.

13.3 Spill Response Evaluation

The identity and hazards of the spilled material should be determined before decisions regarding spill containment and control are made. LCS' Site or Corporate Health and Safety Officer or Project Manager should evaluate the hazards associated with the spill and decide whether project employees or external response organizations should conduct the cleanup.

13.4 Organizing a Spill Response

If the Project Manager determines that cleanup can be performed safely with project response personnel, LCS' Site or Corporate Health and Safety Officer may act as the spill team leader and designate required procedures.

Safety practices for small spill operations closely parallel procedures implemented during routine hazardous materials handling operations. Before work begins, LCS' Site or Corporate Health and Safety Officer or designee should conduct a hazard identification and assessment with response personnel. The following should be discussed and established:

- Levels of PPE and safety procedures;
- Safety and work zones;
- All steps of the response activities;
- Most effective procedures or methods for cleanup;
- Means of containment;
- Leak or spill control;
- Decontamination procedures; and,
- Emergency decontamination.

13.5 Spill Cleanup Procedures

After care of injured personnel, containment of the released hazardous material should be the next consideration to limit its effect on the safety of personnel, the public, and the environment. LCS' Site or Corporate Health and Safety Officer should determine the methods of control which depend upon the nature and extent of the spill. Actions documented in Chapter 11, Emergency Response/Contingency Plan should also be consulted. Decontamination should be accomplished in accordance with Chapter 10, Decontamination and disposal of contaminated materials should meet all regulatory requirements.

13.6 Post Incident Follow-up

The Project Manager or Site or Corporate Health and Safety Officer should implement necessary steps to ensure that the incident is properly documented and that spill response equipment is replenished. The Project Manager should direct the necessary corrective actions to prevent recurrence and evaluate the response.

LIST OF ACRONYMS

ACGIH	American Conference of Governmental Industrial Hygienists
AIHA	American Industrial Hygiene Association
ALARA	As Low As Reasonably Achievable
ANSI	American National Standards Institute
CDC	Centers for Disease Control
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act (also known as Superfund)
CFR	Code of Federal Regulations
CPR	Cardiopulmonary Resuscitation
CRC	Contamination Reduction Corridor
CRZ	Contamination Reduction Zone
DHHS	Department of Health and Human Services
DOE	Department of Energy
DOT	Department of Transportation
EAP	Emergency Action Plan
EKG	Electrocardiogram
EPA	Environmental Protection Agency
ER	Environmental Restoration
ERP	Emergency Response Plan
HASP	Health and Safety Plan
HAZMAT	Hazardous Material
HAZWOPER	Hazardous Waste Operations and Emergency Response
HEPA	High Efficiency Particulate Air
IDLH	Immediately Dangerous to Life or Health
LEL/LFL	Lower Explosive Limit/Lower Flammable Limit
MSDS	Material Safety Data Sheets
MSHA	Mine Safety and Health Administration
NCP	National Oil and hazardous Substances Pollution Contingency Plan
NIEHS	National Institute of Environmental Health Sciences
NIOSH	National Institute for Occupational Safety and Health
NRC	Nuclear Regulatory Commission
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Administration
OTA	Office of Technology Assessment
OU	Operable Unit
PC	Protective Clothing
PEL	Permissible Exposure Limits
PPE	Personal Protection Equipment
RCRA	Resource Conservation and Recovery Act
REL	Recommended Exposure Limits
S&H Officer	Safety and Health Officer
SARA	Superfund Amendments and Reauthorization Act
SCBA	Self-Contained Breathing Apparatus
SOP	Standard Operating Procedure
SOSG	Standard Operating Safety Guide
SSO	Site Safety Office
TLV	Threshold Limit Values
TLV-STEL	Threshold Limit Value-Short-Term Exposure Limit
TLV-TWA	Threshold Limit Value-Time-Weighted Average
TSD	Treatment, Storage and Disposal
UEL/UFL	Upper Explosive Limit/Upper Flammable Limit
USCG	United States Coast Guard

APPENDICES

DIRECTIONS TO HOSPITAL

ACCIDENT REPORT FORM

LCS, INC.

Project Name: _____ Project No. _____

Date of Accident: _____ Time of Accident: _____ a.m./p.m.

Location of Accident: _____

Names of Individuals Present At Scene (include phone number and affiliation):

Description of Accident:

Respondents to Accident (include any report prepared by respondent):

Ambulance: _____ Police: _____ Other (specify): _____
Hazmat: _____ Fire: _____

Name of Employee Completing Form: _____
Signature: _____
Date: _____

CONFINED SPACE ENTRY PERMIT

Site name/Location/Ref. No.: _____

Work Activity: _____

Duration: _____ Date: _____ Time: _____ Filled out by: _____

Potential Hazards:

Air Monitoring: Pre-Entry _____ Periodic _____ Continuous _____

Date/Time	By (Init.)	%O ₂	ppm CO	%LEL
-----------	------------	-----------------	--------	------

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Isolation:

Purging Required: Yes _____ No _____ Purging Confirmed: _____

Safety Tags Required: Yes _____ No _____

Ventilation Required: Yes _____ No _____

Continuous _____ Other _____

Emergency Rescue Equipment required:

_____ Communications Device	_____ Winch/Hoist
_____ First Aid Kit	_____ Harness with Lifeline (type) _____
_____ Stretcher/Backboard	_____ PPE (type) _____
_____ Fire extinguisher	_____ Lighting (type) _____
_____ SCBA	_____ Other _____

Personal Protective Equipment Required:

_____ Hard Hat	_____ Harness (type) _____
_____ Safety Glasses	_____ Respiratory Protection (type) _____
_____ Face shield	_____ Coveralls
_____ Ear Plugs/Muffs	_____ Chemical Suits
_____ Emergency Escape pack	_____ Rain Suits
_____ Lanyards	_____ Lifelines
_____ Gloves (type)	_____ Other _____

Additional Work Instructions:

Emergency Contact Telephone Number: _____

Persons Entering Confined Space (Print Name)

Standby Person Required: Yes _____ No _____ [Print Name(s)]

I have reviewed and met the requirements on this permit and expect that this work shall be done safely. Entrants have been instructed on the proper confined space entry procedures, requirements and conditions.

Entry Authorized By: _____ Date: _____

All work under this permit has been completed and all materials and entrants have been withdrawn from the confined space.

Attendant or Entrant: _____ Date: _____

ACKNOWLEDGEMENT

The undersigned acknowledges that he/she has received and reviewed a copy of this HASP, prepared for the site. Furthermore, the undersigned agrees to complete all field activities in accordance with this HASP.

Signed name: _____

Printed name: _____

Company: _____

Address: _____

Phone No.: _____

Date: _____

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Signed name: _____

Printed name: _____

Company: _____

Address: _____

Phone No.: _____

Date: _____

APPENDICES



My Notes

A 945 Kenmore Ave, Buffalo, NY 14216

B 2157 Main St, Buffalo, NY
Sisters Hospital (716) 862-1000

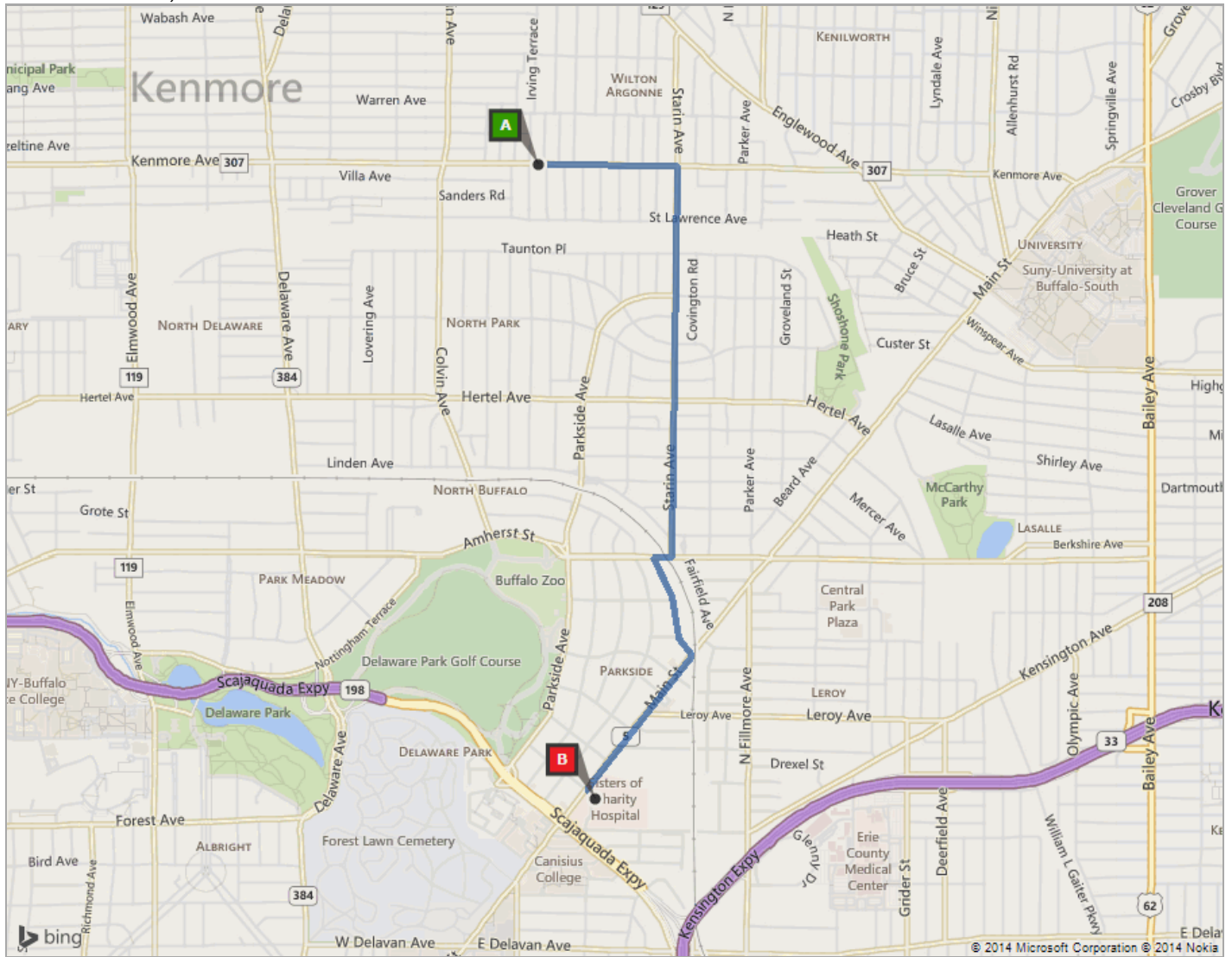
Route: 2.7 mi, 10 min

On the go? Use **m.bing.com** to find maps, directions, businesses, and more

A	945 Kenmore Ave, Buffalo, NY 14216	A-B: 2.7 mi 10 min
	1. Depart Kenmore Ave / CR-307 toward Fairmount St	0.5 mi
	2. Turn right onto Starin Ave	1.3 mi
	3. Turn right onto Amherst St, and then immediately turn left onto Greenfield St	0.4 mi
	4. Turn right onto RT-5 / Main St	0.6 mi
	5. Turn left onto road	236 ft
B	6. Arrive at 2157 Main St, Buffalo, NY on the left The last intersection is RT-5 / Main St If you reach Kensington Ave, you've gone too far	

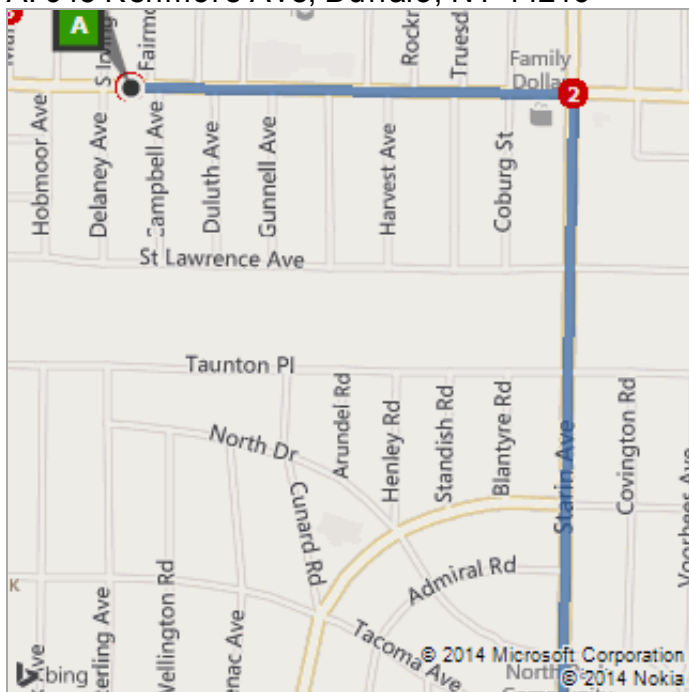
These directions are subject to the Microsoft® Service Agreement and for informational purposes only. No guarantee is made regarding their completeness or accuracy. Construction projects, traffic, or other events may cause actual conditions to differ from these results. Map and traffic data ©2014 NAVTEQ™.

Route: 2.7 mi, 10 min

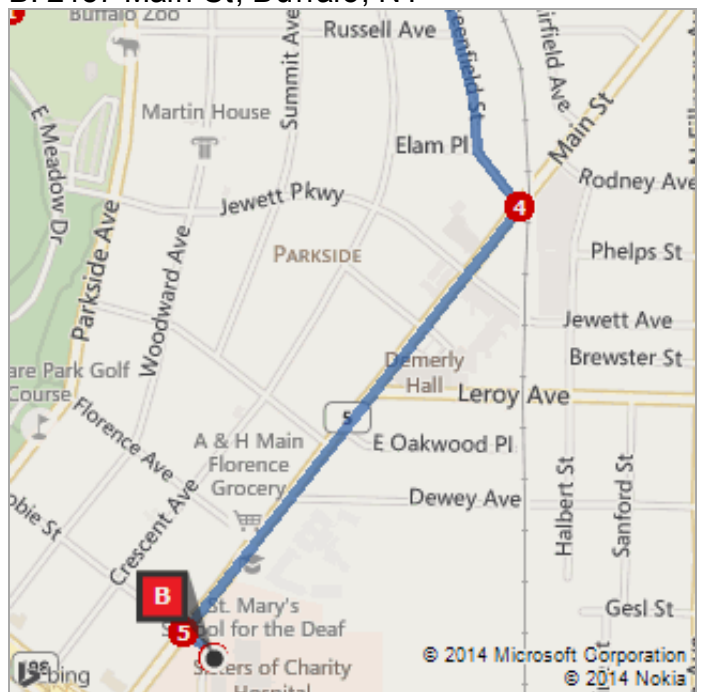


This was your map view in the browser window.

A: 945 Kenmore Ave, Buffalo, NY 14216



B: 2157 Main St, Buffalo, NY



New York State Department of Health Generic Community Air Monitoring Plan

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical-specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for volatile organic compounds (VOCs) and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate NYSDEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. “Periodic” monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a **continuous** basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.
- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.
- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

All 15-minute readings must be recorded and be available for State (DEC and DOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored **continuously** at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

- If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed $150 \text{ mcg}/\text{m}^3$ above the upwind level and provided that no visible dust is migrating from the work area.
- If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than $150 \text{ mcg}/\text{m}^3$ above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within $150 \text{ mcg}/\text{m}^3$ of the upwind level and in preventing visible dust migration.

All readings must be recorded and be available for State (DEC and DOH) personnel to review.

June 20, 2000

C:\Documents and Settings\ajd03\Desktop\BEEL-info\GCAMP1.DOC

APPENDIX D

INSPECTOR'S DAILY REPORT

CONTRACTOR					
CLIENT				DATE:	
LOCATION				DAY	
WEATHER		TEMP	° F	START	
				JOB NO.	
				END	

MEETINGS HELD & RESULTS:

CONTRACTOR'S WORK FORCE AND EQUIPMENT											
DESCRIPTION	H	#	DESCRIPTION	H	#	DESCRIPTION	H	#	DESCRIPTION	H	#
Field Engineer						Equipment			Front Loader 1ton		
Superintendent			Ironworker			Generators			Bulldozer		
						Welding Equip.			DJ Dump truck		
Laborer-Forcman			Carpenter						Water Truck		
Laborer									Backhoe		
Operating Engineer			Concrete Finisher						Excavator		
						Roller			Pad foot roller		
Carpenter						Paving Equipment					
						Air Compressor					

REMARKS:

REFERENCES TO OTHER FORMS:

SAMPLES COLLECTED:				
SAMPLE NUMBER				
APPROX. LOCATION OF STOCKPILE				
NO. OF STOCKPILE				
DATE OF COLLECTION				
CLIMATOLOGIC CONDITIONS				
FIELD OBSERVATION		SHEET		OF

PART 1 - INFORMATION

Issue Date:

Date Work to be Performed: Start:

Finish (permit terminated):

Performed By:

Work Area:

Object to be Worked On:

PART 2 - APPROVAL

(for 1, 2 or 3: mark Yes, No or NA)*

Will working be on or in:

Finish (permit terminated):

1. Metal partition, wall, ceiling covered by combustible material?
2. Pipes, in contact with combustible material?
3. Explosive area?

yes no
yes no
yes no

* = If any of these conditions exist (marked "yes"), a permit will not be issued without being reviewed and approved by Thomas H. Forbes (Corporate Health and Safety Director). Required Signature below.

PART 3 - REQUIRED CONDITIONS**

(Check all conditions that must be met)

PROTECTIVE ACTION		PROTECTIVE EQUIPMENT	
<input type="checkbox"/>	Specific Risk Assessment Required	<input type="checkbox"/>	Goggles/visor/welding screen
<input type="checkbox"/>	Fire or spark barrier	<input type="checkbox"/>	Apron/fireproof clothing
<input type="checkbox"/>	Cover hot surfaces	<input type="checkbox"/>	Welding gloves/gauntlets/other:
<input type="checkbox"/>	Move movable fire hazards, specifically	<input type="checkbox"/>	Wellintons/Knee pads
<input type="checkbox"/>	Erect screen on barrier	<input type="checkbox"/>	Ear protection: Ear muffs/Ear plugs
<input type="checkbox"/>	Restrict Access	<input type="checkbox"/>	B.A.: SCBA/Long Breather
<input type="checkbox"/>	Wet the ground	<input type="checkbox"/>	Respirator: Type:
<input type="checkbox"/>	Ensure adequate ventilation	<input type="checkbox"/>	Cartridge:
<input type="checkbox"/>	Provide adequate supports	<input type="checkbox"/>	Local Exhaust Ventilation
<input type="checkbox"/>	Cover exposed drain/floor or wall cracks	<input type="checkbox"/>	Extinguisher/Fire blanket
<input type="checkbox"/>	Fire watch (must remain on duty during duration of permit)	<input type="checkbox"/>	Personal flammable gas monitor
<input type="checkbox"/>	Issue additional permit(s):		

Other precautions:

** Permit will not be issued until these conditions are met.

SIGNATURES

Originating Employee:

Date:

Project Manager:

Date:

Part 2 Approval:

Date:

