
PERIODIC REVIEW REPORT

**399 OHIO STREET SITE
(BCP SITE NO. C915287)**

BUFFALO, NEW YORK

June 2021

0136-021-004

Prepared for:

1093 Group, LLC

Prepared By:



TurnKey Environmental Restoration, LLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218

PERIODIC REVIEW REPORT

399 Ohio Street Site

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1.0 INTRODUCTION

TurnKey Environmental Restoration, LLC (TurnKey) has prepared this Periodic Review Report (PRR), on behalf of 1093 Group, LLC to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) 399 Ohio Street Site (C915287), located in the City of Buffalo, Erie County, New York (Site; see Figure 1).

This PRR has been prepared in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010) and the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A).

This PRR and the associated IC/EC form has been completed for the post-remedial activities at the Site for the April 27, 2018 to April 27, 2021 reporting period.

1.1 Site Background

The 399 Ohio Street Site was historically used for rail line right of way, material handling and shipping, equipment maintenance, and the use and storage of paints, solvents, thinners, greases, hydraulic oils and lubricants. More recently the property was used as a bus and trucking terminal and maintenance operations, including petroleum storage tanks and fuel dispensing pump(s), and the likely use and storage of automotive lubricants, oils, degreasers, solvents, grease, paints, thinners, and waste oils common for vehicle maintenance operations.

The 5-acre BCP Site is bound by Ohio Street to the east, the Buffalo River to the west, and commercial-recreational properties to the north and south. The site contains one existing building, with associated parking and landscaped areas.

1.2 Remedial History

The 399 Ohio Street Site was previously developed as a bus and trucking terminal. Based on the historical use of the site, soil/fill was impacted with PAHs and metals cleanup. Remedial Action Activities including excavation followed by off-site disposal of contaminated soil/fill were completed at the site. Continued monitoring of the cover system will be completed as part of the Site Management Plan (SMP).

1.3 Compliance

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

1.4 Recommendations

No modifications to the current SMP are recommended at this time.

2.0 SITE OVERVIEW

Previous environmental investigations identified environmental contamination on-Site that required remediation.

1093 Group, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC to investigate and remediate the Site. BCP investigation and remediation were completed during 2015 and 2016.

The remedial activities included:

- Excavation and off-Site disposal of petroleum contaminated soil/fill, and PAH and metals impacted soil/fill;
- Construction and maintenance of a cover system consisting of the existing building, pavement (asphalt), sidewalks, and minimum two feet of approved clean material placed on top of demarcation layer, to prevent human exposure to remaining soil/fill exceeding RRSCOs.

Remedial activities were completed in December 2016. The FER and SMP for the Site were approved by the Department, and the Certificate of Completion (COC) was issued for the Site on December 27, 2016.

3.0 REMEDY PERFORMANCE

Post-remedial annual site inspections have been completed at the Site in accordance with the SMP. The Site inspection including a walk-over of the entire BCP Site to visually observe and document the use of the Site for restricted residential use, restriction of groundwater use, and conformance with the Site Management Plan (SMP). The site inspections indicates that the controls are in-place and functioning as intended in accordance with the SMP.

The completed IC/EC Certification form and site photographs are included in Appendix A and Appendix B, respectively.

4.0 INSTITUTIONAL AND ENGINEERING CONTROLS

A SMP was prepared for the Site and approved by the Department in December 2016. The SMP provides a detailed description of all procedures required to manage remaining contamination at the Site after completion of the Remedial Action, including: (1) implementation and management of all Institutional and Engineering Controls; and, (2) performance of periodic inspections, certification of results, and submittal of Periodic Review Reports. A brief description of the components of the SMP is presented below.

4.1 Engineering and Institutional Control Requirements and Compliance

As detailed in the Environmental Easements, several IC/ECs need to be maintained as a requirement of the BCA for the Site.

4.1.1 Institutional Controls

- Land-Use Restriction: The controlled property may be used for restricted residential, commercial and/or industrial use;
- Groundwater-Use Restriction – the use of groundwater is prohibited; and,
- Implementation of the SMP including the EWP.

4.1.2 Engineering Controls

- Cover System – The cover system, including building foundations, concrete sidewalks, concrete or asphalt driveways and parking areas, and landscaped vegetated areas are being maintained in compliance with the SMP.

4.2 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines the requirements for the Site, to certify and attest that the institutional controls and/or engineering controls employed at the Site are unchanged from the previous certification. The Annual Certification will primarily consist of an annual Site Inspection to complete the NYSDEC's IC/EC Certification Form. The Site inspection will verify that the IC/ECs:

- Are in place and effective.

- Are performing as designed.
- That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
- That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

Annual site inspections were completed July 16, 2019, and April 09, 2021. No site inspection was completed during 2020 due to conditions related to the novel coronavirus.

At the time of the site inspections, the property was being used as a mixed-use residential apartment and commercial (office – retail), with surface parking, paved walkways and landscaped areas on the north end of the property; and commercial storage-office building on the south end of Site.

No observable indication of intrusive activities was noted during the Site inspection. No observable use of groundwater was noted during the Site inspection.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photolog of the Site inspection is included in Appendix B.

At the time of the site inspection, the Site was compliant with all engineering and institutional control requirements.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- At the time of the site inspection, the Site was compliant with engineering and institutional control requirements.

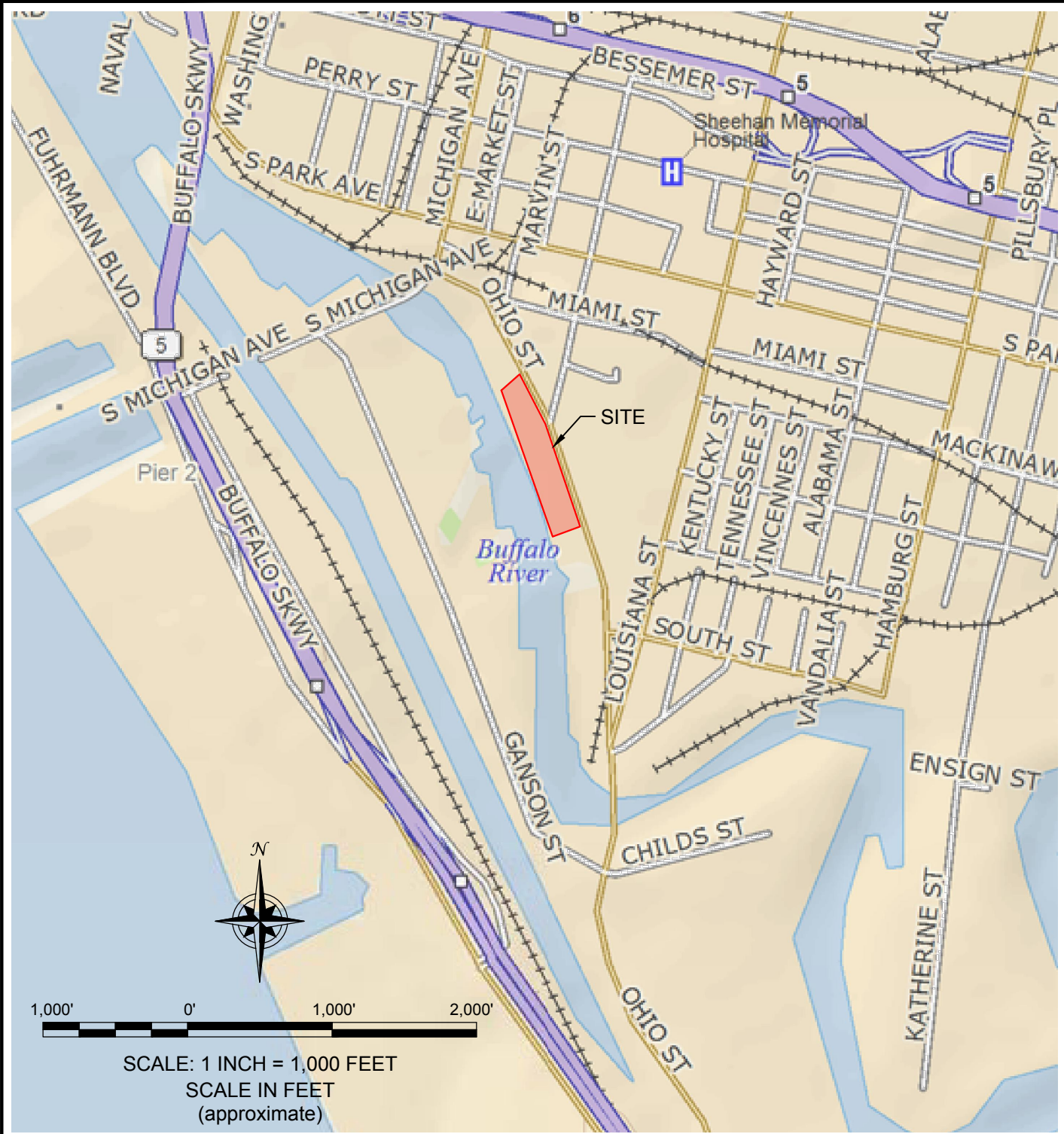
6.0 DECLARATION/LIMITATION

TurnKey Environmental Restoration, LLC personnel conducted the annual site inspections for the 399 Ohio Street Site No. C915287 and completed the PRR according to generally accepted practices. This report complied with the scope of work provided to 1093 Group, LLC by TurnKey Environmental Restoration, LLC.

This report has been prepared for the exclusive use of 1093 Group, LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of 1093 Group, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of TurnKey Environmental Restoration, LLC.

FIGURES

FIGURE 1



BENCHMARK
ENVIRONMENTAL
ENGINEERING
SCIENCE, PLLC

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

TURNKEY
ENVIRONMENTAL
RESTORATION, LLC

PROJECT NO.: 0136-018-006

DATE: MAY 2018

DRAFTED BY: CMC

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT

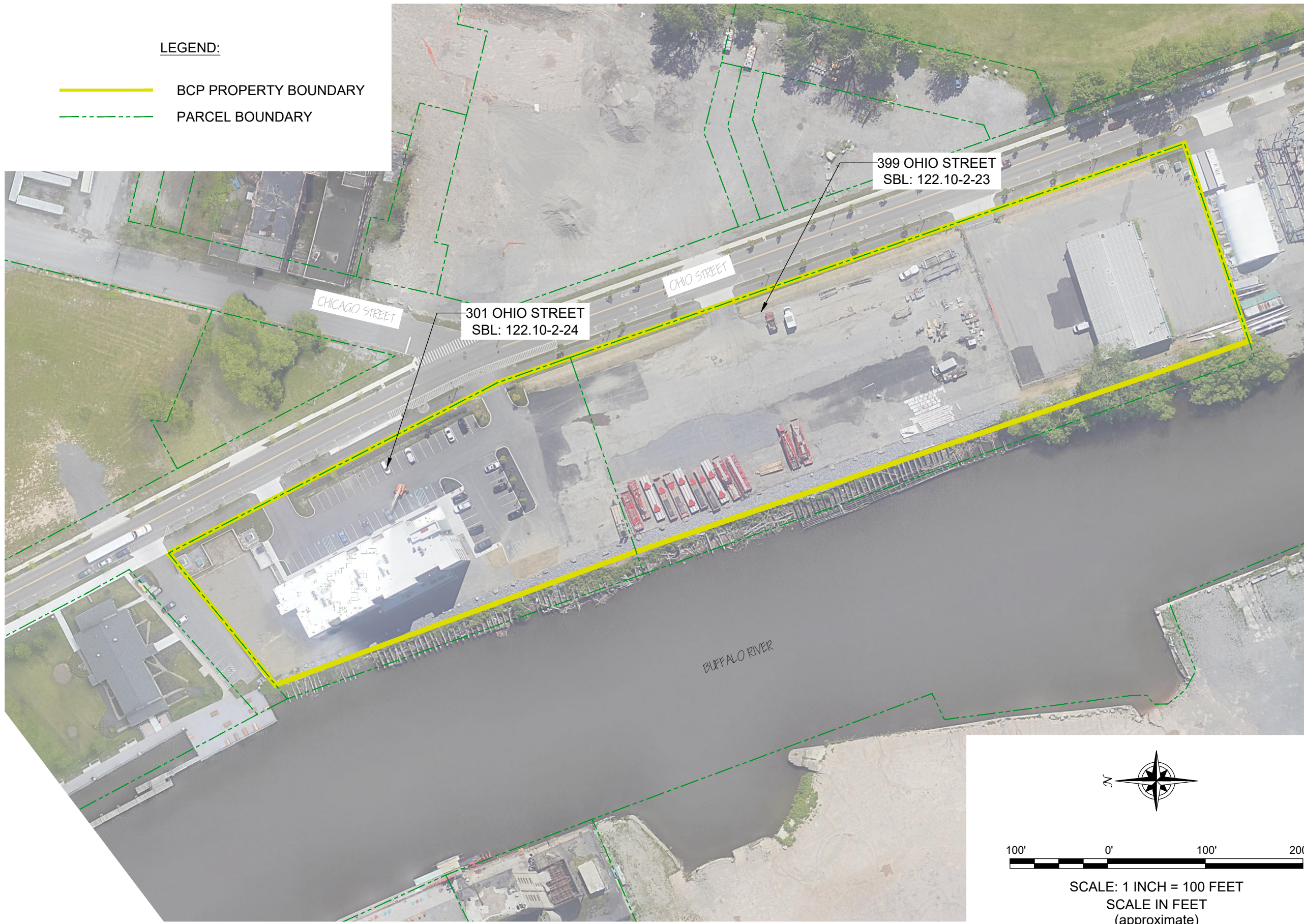
399 OHIO STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

1093 GROUP, LLC

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



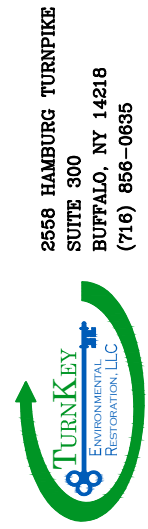
LEGEND:

- BCP PROPERTY BOUNDARY
- - - - - PARCEL BOUNDARY

SITE PLAN (AERIAL)

PERIODIC REVIEW REPORT
 399 OHIO STREET SITE
 BUFFALO, NEW YORK
 PREPARED FOR
 1093 GROUP, LLC

FIGURE 2



2556 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0635

JOB NO.: 0136-018-006

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

APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C915287		
Site Name 399 Ohio Street Site			
Site Address: 399 Ohio Street		Zip Code: 14204	
City/Town: Buffalo			
County: Erie			
Site Acreage: 5.000			
Reporting Period: April 27, 2018 to April 27, 2021			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
Signature of Owner, Remedial Party or Designated Representative		Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? YES NO
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915287

Box 3**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
122.10-2-23	1093 Group, LLC	Monitoring Plan IC/EC Plan Soil Management Plan Site Management Plan Ground Water Use Restriction Landuse Restriction
122.10-2-24	1093 Group, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

Box 4**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
122.10-2-23	Cover System
122.10-2-24	Cover System

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:
- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
 - b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.
- YES NO
-

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:
- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
 - (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
 - (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
 - (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
 - (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.
- YES NO
-

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915287

Box 6

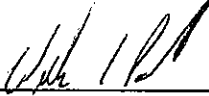
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I William Paladino at 295 Main Street, Suite 700, Buffalo NY
print name print business address

am certifying as Authorized Member (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


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

6/9/21
Date

EC CERTIFICATIONS

399 Ohio Street Site C915287

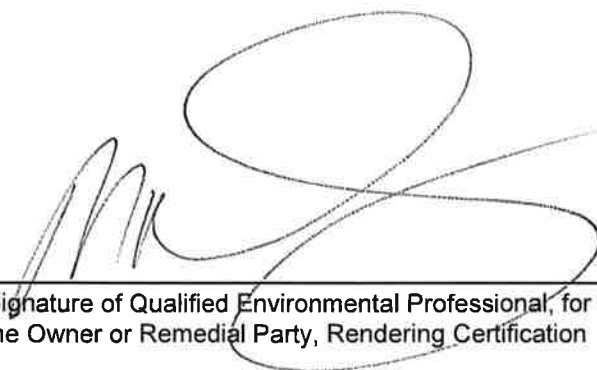
Box 7

Qualified Environmental Professional Signature

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

I Nathan Munley at 2558 Hamburg Turnpike, Buffalo NY 14218
print name print business address

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



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

Stamp
(Required for PE)

10 June 2021
Date



INSPECTOR'S DAILY REPORT

Page of

CONTRACTOR:	JOB NO.:
CLIENT: 1093 Corp	DATE: 16 July 2019

LOCATION: 399 Ohio Street Site	DAY: Su M Tu W Th F Sa
WEATHER: clear sunny	TEMP: 70s °F
START:	END:

WORK PERFORMED:

399 Ohio Street - 2019 Inspection

- Asphalt concrete / landscape areas around Bldg - good slope
- > new concrete pattern btw bldg and sewer in place (on top of existing stone cur)
- Blue Stave Bldg area - ok ✓
- Main Asphalt Stone puggy area - ok
- minor asphalt wear areas
- No GW use
- No excavation evident

TEST PERFORMED:	QA PERSONNEL:
	SIGNATURE:



INSPECTOR'S DAILY REPORT

Page of

CONTRACTOR:	JOB NO.:
CLIENT:	DATE: <i>9 April 2021</i>

LOCATION: <i>399 Olive Street</i>	DAY: Su M Tu W Th F Sa
WEATHER: <i>clear, warm</i>	TEMP: <i>60's</i> °F
START:	END:

WORK PERFORMED:

2021 Site Inspection

- *Blue Bldg area - good fine intact*
- *Can system in place - minor bare spots in grass, concrete*
- *301 parking lot - good thickness ok*
- *399 parking lot / minor surface wear in asphalt / stone areas*
- *Large Stone along River - good*
 - *UST area - good*
 - *Back area - good*
- *↳ minor fuel debris noted (UST area rest area) - off site*
- *Concrete along River / Bldg - good condition*

TEST PERFORMED:	QA PERSONNEL:
<i>[Signature]</i>	SIGNATURE:

APPENDIX B

SITE PHOTO LOG

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Site Inspection – Mixed cover system and building 301 Ohio area (looking southwest).
Photo 2: Site Inspection – Mixed cover along eastern side of Building (looking north)
Photo 3: Site Inspection – Parking lot 301 Ohio area (looking south).
Photo 4: Site Inspection – Cover along eastern property boundary of the Site (looking north)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Site Inspection – Concrete patio along the western property boundary (looking north).

Photo 6: Site Inspection – Rip rap stone cover along the Buffalo River (looking south).

Photo 7: Site Inspection – Rip rap stone cover along Buffalo River (looking north)

Photo 8: Site Inspection – 399 Ohio portion asphalt cover (looking north).

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



- Photo 9: Site Inspection – Site Inspection - Cover along the eastern boundary (looking south).
Photo 10: Site Inspection – Site Inspection - Cover and fence line at Blue Bldg area (looking south).
Photo 11: Site Inspection – Site Inspection - Asphalt cover around Blue Bldg. (looking west).
Photo 12: Site Inspection – Site Inspection – Cover along eastern boundary (looking north)