

# ORION

## Environmental Solutions, LLC

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### **3021 Orchard Park Road Site**

BCP Site No. C915289  
3021-3041 Orchard Park Road  
Orchard Park, New York

## **Periodic Review Report**

**(December 31, 2018 to December 31, 2021)**

Date: January 2022, Revised March 2022

Prepared for: Orchard Park 3021 Medical Properties, LLC

Job Number: 0010-001-001

Service to  
Our Community,  
Our Professions, &  
Our Clients

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# **PERIODIC REVIEW REPORT**

**(December 31, 2018 to December 31, 2021)**

**3021 ORCHARD PARK ROAD SITE  
BCP SITE NO. C915289  
ORCHARD PARK, NEW YORK**

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January 2022  
March 2022 (revised)

0010-001-001

Prepared for:

**Orchard Park 3021 Medical Properties, LLC**

Prepared By:



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**PERIODIC REVIEW REPORT  
3021 Orchard Park Road Site  
BCP Site No. C915289**

**Table of Contents**

<b>LIST OF ACRONYMS .....</b>	<b>III</b>
<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 Site Background .....	1
1.2 Remedial History .....	2
1.3 Compliance .....	3
<b>2.0 SITE REMEDIATION OVERVIEW .....</b>	<b>4</b>
<b>3.0 REMEDY PERFORMANCE .....</b>	<b>5</b>
<b>4.0 SITE MANAGEMENT PLAN .....</b>	<b>6</b>
4.1 Institutional & Engineering Control (IC/EC) Plan .....	6
4.1.1 Institutional Controls (ICs) .....	6
4.1.2 Engineering Controls (ECs) .....	7
4.2 Post-Remedial Groundwater Monitoring .....	7
4.3 Intrusive Activities .....	8
4.4 Annual Inspection & Certification Program .....	8
4.5 Operation, Monitoring, & Maintenance Plan .....	9
<b>5.0 CONCLUSIONS &amp; RECOMMENDATIONS .....</b>	<b>10</b>
<b>6.0 DECLARATION/LIMITATION .....</b>	<b>11</b>
<b>7.0 REFERENCES .....</b>	<b>12</b>

**PERIODIC REVIEW REPORT  
3021 Orchard Park Road Site  
BCP Site No. C915289**

**Table of Contents**

**LIST OF FIGURES**

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Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan

**APPENDICES**

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Appendix A	Institutional & Engineering Controls Certification Form
Appendix B	Photographic Log
Appendix C	Well Decommissioning Records



# PERIODIC REVIEW REPORT

## 3021 Orchard Park Road Site

### BCP Site No. C915289

#### List of Acronyms

<b>ACMs</b>	<i>Asbestos Containing Materials</i>	<b>HASP</b>	<i>Health and Safety Plan</i>
<b>AIRS</b>	<i>Aromatic Information Retrieval System</i>	<b>HREC</b>	<i>Historical Recognized Environmental Condition</i>
<b>ASD</b>	<i>Active Subslab Depressurization</i>	<b>HSWDS</b>	<i>Hazardous Waste Disposal Site</i>
<b>AST</b>	<i>Aboveground Storage Tank</i>	<b>HVAC</b>	<i>Heating Ventilation and Air Conditioning</i>
<b>ASTM</b>	<i>American Society for Testing and Materials</i>	<b>IC</b>	<i>Institutional Control</i>
<b>BCA</b>	<i>Brownfield Cleanup Agreement</i>	<b>ICIS</b>	<i>Integrated Compliance Information System</i>
<b>BCP</b>	<i>Brownfield Cleanup Program</i>	<b>IRM</b>	<i>Interim Remedial Measure</i>
<b>BTEX</b>	<i>Benzene, toluene, ethylbenzene, and xylenes</i>	<b>LBP</b>	<i>Lead-Based Paint</i>
<b>C/D</b>	<i>Construction and Demolition</i>	<b>LNAPL</b>	<i>Light Non-Aqueous Phase Liquid</i>
<b>CAMP</b>	<i>Community Air Monitoring Plan</i>	<b>LQG</b>	<i>Large Quantity Generator</i>
<b>CBS</b>	<i>Chemical Bulk Storage</i>	<b>LTANK</b>	<i>Leaking Tank</i>
<b>CERCLA</b>	<i>Comprehensive Environmental Response, Compensation, and Liability Act</i>	<b>LUST</b>	<i>Leaking Underground Storage Tank</i>
<b>CERCLIS</b>	<i>Comprehensive Environmental Response, Compensation, and Liability Information System</i>	<b>MOSF</b>	<i>Major Oil Storage Facility</i>
<b>CESQG</b>	<i>Conditionally Exempt Small Quantity Generator</i>	<b>MSDS</b>	<i>Material Safety Data Sheets</i>
<b>CFR</b>	<i>Code of Federal regulation</i>	<b>MTBE</b>	<i>Methyl Tertiary Butyl Ether</i>
<b>CO2</b>	<i>Carbon Dioxide</i>	<b>NA</b>	<i>Not Available/Applicable</i>
<b>COC</b>	<i>Certificate of Completion</i>	<b>NPDES</b>	<i>National Pollutant Discharge Elimination System</i>
<b>CORRACTS</b>	<i>Corrective Action</i>	<b>NPL</b>	<i>National Priorities List</i>
<b>CP</b>	<i>Commissioner Policy</i>	<b>NRCS</b>	<i>Natural Resource Conservation Service</i>
<b>CPG</b>	<i>Certified Professional Geologist</i>	<b>NYCRR</b>	<i>New York Codes, Rules, and Regulations</i>
<b>CREC</b>	<i>Controlled Recognized Environmental Condition</i>	<b>NYSDEC</b>	<i>New York State Department of Environmental Conservation</i>
<b>cVOC</b>	<i>Chlorinated Volatile Organic Compound</i>	<b>NYSDOH</b>	<i>New York State Department of Health</i>
<b>DER</b>	<i>Division of Environmental Remediation</i>	<b>NYSDDL</b>	<i>New York State Department of Labor</i>
<b>DNAPL</b>	<i>Dense Non-Aqueous Phase Liquid</i>	<b>O&amp;M</b>	<i>Operations and Maintenance</i>
<b>EC</b>	<i>Engineering Control</i>	<b>OM&amp;M</b>	<i>Operation, Maintenance, and Monitoring</i>
<b>ECHO</b>	<i>Enforcement and Compliance History Information</i>	<b>OPRA</b>	<i>Open Public Records Act</i>
<b>ECL</b>	<i>Environmental Conservation Law</i>	<b>ORION</b>	<i>Orion Environmental Solutions, LLC</i>
<b>EDR</b>	<i>Environmental Data Resources, Inc.</i>	<b>OSHA</b>	<i>Occupational Safety and Health Administration</i>
<b>ELAP</b>	<i>Environmental Laboratory Approval Program</i>	<b>PAH</b>	<i>Polycyclic aromatic hydrocarbons</i>
<b>ERNS</b>	<i>Emergency Response &amp; Notification System</i>	<b>PBS</b>	<i>Petroleum Bulk Storage</i>
<b>ESA</b>	<i>Environmental Site Assessment</i>	<b>PCBs</b>	<i>Polychlorinated Biphenyls</i>
<b>ETPH</b>	<i>Extractable Total Petroleum Hydrocarbons</i>	<b>pCi/L</b>	<i>picocuries per Liter</i>
<b>FBGS</b>	<i>Feet below ground surface</i>	<b>PE</b>	<i>Professional Engineer</i>
<b>FIFRA</b>	<i>Federal Insecticide, Fungicide, &amp; Rodenticide Act</i>	<b>PERC</b>	<i>Tetrachloroethylene (perchloroethylene)</i>
<b>FINDS</b>	<i>Facility Index System/Facility Registry System</i>	<b>PG</b>	<i>Professional Geologist</i>
<b>FOIA</b>	<i>Freedom of Information Act</i>	<b>PID</b>	<i>photoionization detector</i>
<b>FOIL</b>	<i>Freedom of Information Letter</i>	<b>PPB</b>	<i>parts per billion</i>
<b>FOP</b>	<i>Field Operating Procedure</i>	<b>PPM</b>	<i>parts per million</i>
<b>FTTS</b>	<i>FIFRA/TSCA Tracking System</i>	<b>PRP</b>	<i>Potentially Responsible Party</i>
<b>FWS</b>	<i>Fish and Wildlife Service</i>	<b>PRR</b>	<i>Periodic Review Report</i>
<b>GIS</b>	<i>Geographic Information Systems</i>	<b>PVEC</b>	<i>Potential Vapor Encroachment Condition</i>

**PERIODIC REVIEW REPORT**  
**3021 Orchard Park Road Site**  
**BCP Site No. C915289**

**List of Acronyms**

<b>QA/QC</b>	<i>Quality Assurance/Quality Control</i>	<b>SSD</b>	<i>Sub-slab Depressurization</i>
<b>QAPP</b>	<i>Quality Assurance Project Plan</i>	<b>SVE</b>	<i>Soil Vapor Extraction</i>
<b>RAO</b>	<i>Remedial Action Objective</i>	<b>SVI</b>	<i>Soil Vapor Intrusion</i>
<b>RAWP</b>	<i>Remedial Action Work Plan</i>	<b>SVOC</b>	<i>Semi volatile Organic Compound</i>
<b>RCRA</b>	<i>Resource Conservation and Recovery Act</i>	<b>SWF/LF</b>	<i>Solid Waste Facility/Landfill</i>
<b>RSO</b>	<i>Remedial System Optimization</i>	<b>SWRCY</b>	<i>Registered Recycling Facility List</i>
<b>SAC</b>	<i>State Assistance Contract</i>	<b>TAL</b>	<i>Target Analyte List</i>
<b>SACM</b>	<i>Suspect Asbestos Containing Material</i>	<b>TCE</b>	<i>Trichloroethylene</i>
<b>SCG</b>	<i>Standards, Criteria, and Guidelines</i>	<b>TCL</b>	<i>Target Compound List</i>
<b>SCO</b>	<i>Soil Cleanup Objective</i>	<b>TCLP</b>	<i>Toxicity Characteristic Leachate Procedure</i>
<b>SEMS</b>	<i>Superfund Enterprise Management System (FKA CERCLIS)</i>	<b>TRIS</b>	<i>Toxic Chemical Release Inventory System</i>
<b>SFMP</b>	<i>Soil Fill Management Plan</i>	<b>TSCA</b>	<i>Toxic Substance Control Act</i>
<b>SHPO</b>	<i>State Historic Preservation Office/Officer</i>	<b>TSDF</b>	<i>Treatment, Storage and Disposal Facility</i>
<b>SHWS</b>	<i>State Hazardous Waste Site</i>	<b>USDA</b>	<i>United States Department of Agriculture</i>
<b>SMP</b>	<i>Site Management Plan</i>	<b>USEPA</b>	<i>United States Environmental Protection Agency</i>
<b>SOP</b>	<i>Standard Operating Procedure</i>	<b>USGS</b>	<i>United States Geological Survey</i>
<b>SOW</b>	<i>Statement of Work</i>	<b>UST</b>	<i>Underground Storage Tank</i>
<b>SPCC</b>	<i>Spill Prevention Control and Countermeasure</i>	<b>VCP</b>	<i>Voluntary Cleanup Program</i>
<b>SPDES</b>	<i>State Pollution Discharge Elimination System</i>	<b>VEC</b>	<i>Vapor Encroachment Condition</i>
<b>SQG</b>	<i>Small Quantity Generator</i>	<b>VOC</b>	<i>Volatile Organic Compound</i>

## 1.0 INTRODUCTION

Orion Environmental Solutions, LLC (Orion) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915289, located at 3021-3041 Orchard Park Road, in the Town of Orchard Park, Erie County, New York (see Figure 1).

This PRR has been prepared in accordance with the NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010; Ref. 1) and the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been prepared for the Site. This PRR and the associated IC/EC Form (see Appendix A) have been completed for the post-remedial period from December 31, 2018 to December 31, 2021.

### 1.1 Site Background

In October 2014, 3021-3041 Orchard Park Road, LLC and CCS Oncology, P.C. entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) to investigate and remediate an approximate 4.19-acre portion of a larger 5.06-acre parcel located in the Town of Orchard Park, County of Erie, New York. BCP site activities were performed in accordance with Brownfield Cleanup Agreement (BCA) Index #C915289-10-14, Site #C915289, which was executed on October 30, 2014. The BCP property, which is inclusive of the asphalted parking/driveway areas and on-site building and excludes the vegetated (grassed) areas along the outer perimeter of the Site, was remediated to restricted residential use.

On April 2, 2018, CCS Oncology, P.C. filed for Chapter 11 reorganizational bankruptcy, subsequently closing on April 27, 2018. 3021-3041 Orchard Park Road, LLC continued to own and maintain the Site in accordance with the BCA until January 13, 2021 when Orchard Park 3021 Medical Properties, LLC purchased the property and assumed responsibility for implementation of the Site Management Plan (SMP) for the Site. Currently, the Site is being used as a consolidated multi-disciplinary medical facility, including breast surgeons, gynecologic surgeons, vascular surgeons, primary physicians, diagnostic imaging, and diagnostic information services.

The Site is located in the County of Erie, New York and is identified as Section 152.12 Block 02 and Lot 1.1 on the Orchard Park Tax Map #152.12 per Erie County

Tax Map records. The BCP Site is bounded by Michael Road to the north, commercial property to the south (Rite Aid Pharmacy), commercial property (Walgreens Pharmacy) to the east, and Orchard Park Road to the west (see Figures 1 and 2). Historically, the Site was improved as a commercial multi-unit shopping plaza and associated parking. The existing building formerly contained seven units identified by address as follows:

- 3025 – Former Tops Grocery Store and Antique Mall
- 3027 – Existing Family Dollar
- 3031 – Former CVS Pharmacy
- 3035 – Former Hair Salon and Dry Cleaner
- 3037 – Former Paint Shop
- 3039 – Former Dry Cleaner/Insty-Prints Printing Center
- 3041 – Former Credit Union

## **1.2 Remedial History**

The 3021 Orchard Park Road Site is located in a moderately developed commercial area of Orchard Park, New York. The Site is improved with a single-story, multi-unit commercial building and large parking lot. According to the Phase I Environmental Site Assessment (ESA) (Ref. 2), the commercial plaza historically housed a dry-cleaning tenant in the 3035 and 3039 Orchard Park Road tenant units between 1979 and 2008.

Previous investigations completed on the Site included a Limited and Focused Subsurface Soil and Groundwater Investigation (Ref. 3) and a Supplemental Phase II Environmental Investigation (Ref. 4). The LCS investigation was based on information reported in the Phase I ESA of a recognized environmental condition (REC) that the subject property was historically used as a dry cleaner. The LCS investigation included the completion of a subsurface soil and groundwater investigation in accessible exterior areas of the Site to assess potential environmental impact related to the past operation of a dry-cleaning facility. The investigation identified photoionization detector (PID) measurements above background concentrations (e.g., 0.0 parts per million, ppm) at 53 of the 63 soil samples collected, solvent-type odors, and chlorinated volatile organic compounds (cVOCs), commonly associated with dry

cleaning facilities, in two temporary monitoring wells in exceedance of NYSDEC Class "GA" Ambient Water Quality Standards (AWQSs). No analytes were detected in soil at concentrations in exceedance of NYSDEC Part 375 Soil Cleanup Objectives.

Based on the findings of the LCS report, further investigation was recommended to delineate the extent of cVOCs found at the site. Turnkey's investigation included six interior soil borings, three soil vapor samples (subslab, indoor, and outdoor), and five exterior borings/temporary monitoring wells. Results from this investigation generally indicated the following conditions: tetrachloroethene (PCE) was detected at a concentration above the Part 375 Protection of Groundwater Soil Cleanup Objective (SCO) at two boring locations; PCE was categorized as "IR" (identify sources and reduce exposures) in soil vapor; and, benzene, cis-1,2-dichloroethene (cis-1,2-DCE), PCE, trichloroethene (TCE), and vinyl chloride (VC) were detected above the AWQSs in one temporary well, while cis-1,2-DCE and VC were detected at concentrations above the AWQSs at another temporary well.

A BCP Remedial Investigation (RI) was performed from November 2014 to January 2015 to characterize the nature and extent of contamination at the site. The results of the RI are described in detail in the Remedial Investigation/Interim Remedial Measures/Alternatives Analysis (RI/IRM/AA) Report (Ref. 5). In general, the RI determined that cVOCs were the contaminants of concern (COCs) in Site soil and/or groundwater.

The RI/IRM/AA Report recommended remediation of potentially cVOC-impacted soil/fill from the vault area, Porte Cochere footers, and storm sewer spoils, as well as removal of sediment from and replacement of an on-site catch basin followed by direct injection of groundwater treatment amendments in the vault area and maintenance and repair, as necessary, of the existing asphalt covered driveways/parking lots and concrete pads as the final remedial measure under a Track 4 Cleanup approach. Additional requirements included development and adherence to a Site Management Plan (SMP) (Ref. 6) and filing of an Environmental Easement to restrict use of the property to restricted residential, commercial, and industrial applications and to place other limitations on post-redevelopment activities.

### **1.3 Compliance**

At the time of the 2019, 2020, and 2021 Site inspections, the Site was fully compliant with the NYSDEC-approved SMP dated November 2015.

## 2.0 SITE REMEDIATION OVERVIEW

An overview of the remediation and redevelopment activities undertaken on the Site covered by this PRR are presented below. The remediated property is subject to a comprehensive, site-wide SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities.

The 3021 Orchard Park Road Site was redeveloped under the BCP as a consolidated multi-disciplinary medical facility. The following IRM activities were performed to remediate the Site:

- Excavation and off-site disposal of 1,246.29 tons of potentially cVOC-impacted soil/fill from the vault area of the Site.
- Excavation and off-site disposal of 420.60 tons of non-impacted soil/fill generated from building interior utility trenching, Porte Cochere footer excavations, new roof storm drain installation, and excavation of nine topsoil/grass covered islands throughout the parking lot area.
- Removal of sediment from, followed by decontamination and disposal of, an on- site catch basin. A new concrete catch basin was installed.
- Targeted in-situ groundwater treatment in the vault area of the Site included 23 injection points from approximately 4 to 14 feet below ground surface.
- Non-PCB containing (less than 3 ppm) transformer removal and disposal.
- Asbestos abatement of floor tile, floor mastic, and carpet mastic.

The remedial program was successful in achieving the remedial objectives for the Site. An Environmental Easement restricting end use of the Site and enforcing adherence to the SMP was filed and approved in November 2015. The Final Engineering Report (FER) (Ref. 7) was approved in December 2015. Concurrently, a Certificate of Completion (COC) was issued for the Site by the NYSDEC in December 2015.

### **3.0 REMEDY PERFORMANCE**

A post-remedial site inspection involving a walk-over of the Site covered by this PRR was performed on December 5, 2019, November 6, 2020, and April 14, 2021 to visually observe and document the use of the Site for restricted residential, commercial, and/or industrial use, confirm absence of site groundwater use, inspect the cover system integrity, and verify conformance with other requirements under the SMP. The site inspection completed during the current reporting period indicates that the controls are in-place and functioning as intended in accordance with the SMP.

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

## 4.0 SITE MANAGEMENT PLAN

A site-wide SMP was prepared for the Site and approved by the Department in November 2015. In a letter dated February 7, 2019, the NYSDEC approved the following modifications to the SMP:

- Cessation of groundwater monitoring and decommissioning of monitoring wells MW-4A and MW-6.
- Modification of PRR submission frequency from Annual (1-year) to Triennial (3-year) certification period.

Key components of the SMP are described below.

### 4.1 Institutional & Engineering Control (IC/EC) Plan

Since remaining contaminated soil and groundwater exists beneath the site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all IC/ECs at the Site. At the time of the site inspections (December 5, 2019, November 6, 2020, and April 14, 2021), the Site covered by this PRR was fully compliant with all engineering and institutional control requirements.

#### 4.1.1 Institutional Controls (ICs)

The site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for restricted-residential, commercial, and industrial use provided that the long-term Engineering and Institutional Controls included in the SMP are employed.
- The property may not be used for a higher level of use, such as unrestricted use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;



- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- Vegetable gardens and farming on the property are prohibited;
- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC by an expert that the NYSDEC finds acceptable.

#### **4.1.2 Engineering Controls (ECs)**

Engineering controls at the Site include:

- Cover System – Exposure to remaining contamination in soil/fill at the site is prevented by a final cover system placed over the site. The cover system is comprised of a minimum of 24 inches of clean soil for interior green space islands, asphalt pavement, and concrete sidewalks and building slabs/foundations. The cover system must be maintained in compliance with the SMP.
- Vapor Barrier - A polyethylene vapor barrier must be installed (if new construction) and remain in-place beneath existing building concrete floor slabs (i.e., vault room).

## **4.2 Post-Remedial Groundwater Monitoring**

In a letter dated February 7, 2019, the NYSDEC approved cessation of groundwater monitoring and decommissioning of the remaining on-site monitoring wells. As such, on December 5, 2019, wells MW-4A and MW-6 were decommissioned in general accordance with NYSDEC Commissioners Policy 43 (CP-43: *Groundwater Monitoring Well Decommissioning*). The well decommissioning records for each monitoring well are presented in Appendix C. Photographs of well decommissioning activities are presented in Appendix B.

### 4.3 Intrusive Activities

An Excavation Work Plan (EWP) was included in the NYSDEC-approved SMP for the Site. The EWP provides guidelines for the management of soil and fill material during any future intrusive activities. Any intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination at the Site, including any modifications or repairs to the existing cover system and/or building foundation, must be performed in compliance with the EWP.

During the current reporting period (December 31, 2018 to December 31, 2021), no site improvements were conducted.

### 4.4 Annual Inspection & Certification Program

The Annual Inspection and Certification Program outlines requirements for certifying and attesting that the institutional controls and engineering controls employed on the Site are unchanged from the original design and/or previous certification. The Annual Certification includes a Site Inspection and completion of the NYSDEC-provided IC/EC Certification Form. The Site inspection is intended to 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.

Inspection of the Site was conducted by Bryan C. Hann, P.G. of Orion on three separate occasions: December 5, 2019, November 6, 2020, and April 14, 2021. Mr. Hann is a licensed and registered NY State Professional Geologist and meets the requirements of a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of each inspection, the Site was being used as a medical and diagnostics facility (Vascular Associates of WNY and Quest Diagnostics) and Family Dollar, with asphalt surface parking, concrete sidewalks, and interior landscaped

island areas. No observable indication of intrusive activities was noted during the Site inspection. The existing medical and shopping facilities utilize the local municipal water supply, and 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 photographic log of the December 2019, November 2020, and April 2021 Site inspections are included in Appendix B.

#### **4.5 Operation, Monitoring, & Maintenance Plan**

The remedy for the Site does not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, an Operation and Maintenance Plan is not required.

## **5.0 CONCLUSIONS & RECOMMENDATIONS**

Conclusions for this reporting period and recommendations for the next reporting period are as follows:

- At the time of each Site inspection, the Site was in compliance with the SMP. No intrusive activities were performed during the reporting period.
- Annual Site inspections to verify the IC/ECs employed at the Site are unchanged from the original design and/or previous certifications should continue with a triennial (3-year) certification period.

## **6.0 DECLARATION/LIMITATION**

Orion Environmental Solutions, LLC personnel conducted the annual site inspection for BCP Site No. C915289, located in Orchard Park, New York, according to generally accepted practices. This report has been prepared for the exclusive use of and has complied with the scope of work provided to Orchard Park 3021 Medical Properties, LLC. The contents of this report are limited to information available at the time of each Site inspection. The findings herein may be relied upon only at the discretion of Orchard Park 3021 Medical Properties, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission from Orion Environmental Solutions, LLC.

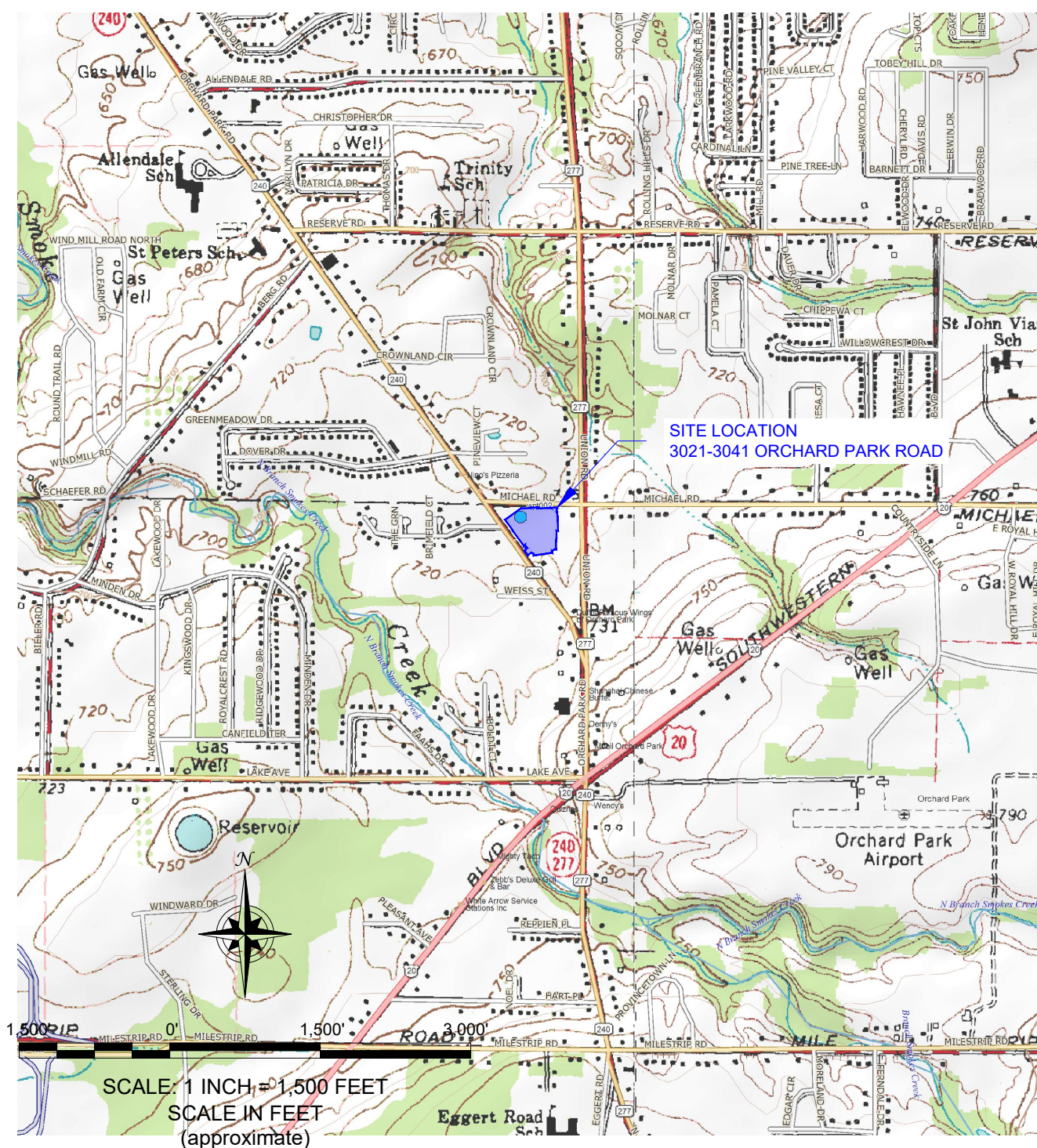
## 7.0 REFERENCES

1. New York State Department of Environmental Conservation. DER-10; *Technical Guidance for Site Investigation and Remediation*. May 2010.
2. LCS Inc. ASTM E1527-05 All Appropriate Inquiries Phase I Environmental Site Assessment Report for the Property Identified as: Commercial Plaza, 3021-3041 Orchard Park Road, Orchard Park, New York. October 10, 2013.
3. LCS Inc. Limited and Focused Subsurface Soil and Groundwater Investigation Report for the Property Identified as: Commercial Plaza, 3021-3041 Orchard Park Road, Orchard Park, New York. May 14, 2014.
4. TurnKey Environmental Restoration, LLC. Supplemental Phase II Environmental Investigation Report, 3021-3041 Orchard Park Road, Orchard Park, New York. June 2014.
5. Benchmark Environmental Engineering & Science, PLLC and TurnKey Environmental Restoration, LLC. *Remedial Investigation/Alternatives Analysis Report, 3021 Orchard Park Road Site, Orchard Park, New York*. April 2015.
6. Benchmark Environmental Engineering & Science, PLLC and TurnKey Environmental Restoration, LLC. *Site Management Plan, 3021 Orchard Park Road Site, Orchard Park, NY (NYSDEC BCP Site #C915289)*. November 2015.
7. Benchmark Environmental Engineering & Science, PLLC and TurnKey Environmental Restoration, LLC. *Final Engineering Report, 3021 Orchard Park Road Site, Orchard Park, NY (NYSDEC BCP Site #C915268)*. November 2015.

# FIGURES



**FIGURE 1**



4535 Southwestern Boulevard, Suite 210, Hamburg, NY 14075

PROJECT NO.: 0010-001-001

DATE: JANUARY 2022

DRAFTED BY: BCH

## SITE LOCATION & VICINITY MAP

PERIODIC REVIEW REPORT

3021 ORCHARD PARK ROAD SITE  
ORCHARD PARK, NEW YORK

PREPARED FOR

ORCHARD PARK 3021 MEDICAL PROPERTIES, LLC

**DISCLAIMER:**

PROPERTY OF ORION ENVIRONMENTAL SOLUTIONS, 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 ORION ENVIRONMENTAL SOLUTIONS, 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.**            **C915289**

**Site Name** 3021 Orchard Park Road Site

Site Address: 3021 Orchard Park Road      Zip Code: 14127  
City/Town: Orchard Park  
County: Erie  
Site Acreage: 4.190

Reporting Period: December 31, 2018 to December 31, 2021

YES    NO

1. Is the information above correct?

☒    ☐

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?

☒    ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐    ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐    ☒

**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?

☐    ☒

**Box 2**

YES    NO

6. Is the current site use consistent with the use(s) listed below?  
Restricted-Residential, Commercial, and Industrial

☒    ☐

7. Are all ICs in place and functioning as designed?

☒    ☐

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

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

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date



**Box 2A**

YES NO

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

☐☒

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

9. Are the assumptions in the Qualitative Exposure Assessment still valid?  
(The Qualitative Exposure Assessment must be certified every five years)

☒☐

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

**SITE NO. C915289****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control

portion of 152.12-2-1.1

Orchard Park 3021 Medical Properties LLC

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction  
Monitoring Plan  
Site Management Plan  
IC/EC Plan

1. Prohibition of use of groundwater.
2. Land use restriction for Restricted Residential, Commercial or Industrial use.
3. Soil Management or Excavation Work Plan for any future intrusive work.
4. Soil vapor intrusion evaluation of any new buildings constructed on site.

**Box 4****Description of Engineering Controls**ParcelEngineering Control

portion of 152.12-2-1.1

Cover System

1. Monitoring and maintenance of the cover system.
- ~~2. Bi-annual and annual groundwater monitoring.~~

Groundwater monitoring is longer required per NYSDEC acceptance letter dated February 7, 2019.  
Monitoring wells MW-4A and MW-6 were decommissioned December 5, 2019.

**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. C915289

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 Robert Burkitt at 3021 Orchard Park Road, Orchard Park, NY 14127,  
print name print business address

am certifying as Owner (Owner or Remedial Party)

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

**Robert Burkitt**

Digitally signed by Robert Burkitt  
Date: 2022.01.12 15:31:25 -07'00'

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

\_\_\_\_\_  
Date

## EC CERTIFICATIONS

Box 7

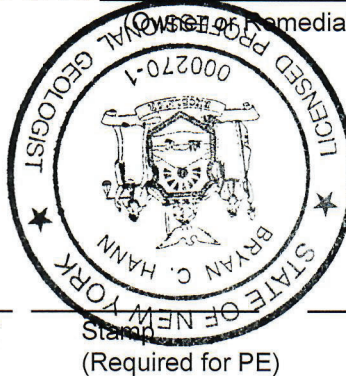
### Qualified Environmental Professional Signature

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

I Bryan C. Hann, P.G. at Orion Environmental Solutions, LLC  
print name PO Box 543, Sinclairville, NY 14782  
print business address

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

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



1/25/2022  
Date

# APPENDIX B

## PHOTOGRAPHIC LOG



## SITE PHOTOGRAPHS - 2019

**Photo 1:**



**Photo 2:**



**Photo 3:**



**Photo 4:**



- Photo 1. Asphalt and hardscape final cover along front of Site (looking NE).
- Photo 2. Asphalt and hardscape final cover along south side of Site (looking E).
- Photo 3. Asphalt and hardscape final cover along front of Site (looking N).
- Photo 4. Asphalt final cover entrance along Orchard Park Road (looking S).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: December 5, 2019





## SITE PHOTOGRAPHS - 2019

**Photo 5:**



**Photo 6:**



**Photo 7:**



**Photo 8:**



- Photo 5. Asphalt final cover along front of Site, Orchard Park Road at left (looking NW).
- Photo 6. Asphalt and hardscape final cover in SE corner of Site (looking E).
- Photo 7. Asphalt and hardscape final cover along southern portion of Site (looking N).
- Photo 8. Asphalt and hardscape final cover with decommissioned well MW-6 at center (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: December 5, 2019



## SITE PHOTOGRAPHS - 2019

**Photo 9:**



**Photo 10:**



**Photo 11:**



**Photo 12:**



- Photo 9. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 10. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 11. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 12. Asphalt and hardscape final cover in northeastern corner of Site (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: December 5, 2019





## SITE PHOTOGRAPHS - 2019

**Photo 13:**



**Photo 14:**



**Photo 15:**



**Photo 16:**



- Photo 13. Asphalt and hardscape final cover along northern portion of Site (looking W).
- Photo 14. Asphalt final cover at Michael Road entrance (looking W).
- Photo 15. Asphalt and hardscape final cover along northern portion of on-site building (looking S).
- Photo 16. Asphalt and hardscape final cover along front portion of Site, grass-covered island at right (looking E).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: December 5, 2019





## SITE PHOTOGRAPHS - 2019

**Photo 17:**



**Photo 18:**



**Photo 19:**



**Photo 20:**



Photo 17. Grass-covered island, typical of five (looking E).

Photo 18. Asphalt and hardscape final cover along Orchard Park Road (looking SE).

Photo 19. Asphalt and hardscape final cover at main entrance (looking N).

Photo 20. Asphalt and hardscape final cover at decommissioned well MW-4A (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: December 5, 2019





## SITE PHOTOGRAPHS - 2020

**Photo 1:**



**Photo 2:**



**Photo 3:**



**Photo 4:**



- Photo 1. Asphalt and hardscape final cover along front of Site (looking NE).
- Photo 2. Asphalt and hardscape final cover along south side of Site (looking NE).
- Photo 3. Asphalt and hardscape final cover along front of Site (looking N).
- Photo 4. Asphalt final cover entrance along Orchard Park Road (looking NW).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: November 6, 2020



## SITE PHOTOGRAPHS - 2020

**Photo 5:**



**Photo 6:**



**Photo 7:**



**Photo 8:**



- Photo 5. Asphalt final cover along front of Site, Orchard Park Road at left (looking NW).
- Photo 6. Asphalt and hardscape final cover in SE corner of Site (looking E).
- Photo 7. Asphalt and hardscape final cover along southern portion of Site (looking N).
- Photo 8. Asphalt and hardscape final cover at decommissioned well MW-6 area (at right) (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: November 6, 2020





## SITE PHOTOGRAPHS - 2020

**Photo 9:**



**Photo 10:**



**Photo 11:**



**Photo 12:**



- Photo 9. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 10. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 11. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 12. Asphalt and hardscape final cover in northeastern corner of Site (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: November 6, 2020





## SITE PHOTOGRAPHS - 2020

**Photo 13:**



**Photo 14:**



**Photo 15:**



**Photo 16:**



- Photo 13. Asphalt and hardscape final cover along northern portion of Site (looking W).
- Photo 14. Asphalt final cover at Michael Road entrance (looking W).
- Photo 15. Asphalt and hardscape final cover along northern portion of on-site building (looking S).
- Photo 16. Asphalt and hardscape final cover along front portion of Site (looking SE).

## SITE PHOTOGRAPHS - 2020

**Photo 17:**



**Photo 18:**



**Photo 19:**



**Photo 20:**



Photo 17. Grass-covered island, typical of five (looking E).

Photo 18. Asphalt and hardscape final cover along Orchard Park Road (looking SE).

Photo 19. Asphalt and hardscape final cover at main entrance (looking N).

Photo 20. Asphalt and hardscape final cover along Orchard Park Road (looking N).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: November 6, 2020





## SITE PHOTOGRAPHS - 2021

**Photo 1:**



**Photo 2:**



**Photo 3:**



**Photo 4:**



- Photo 1. Asphalt and hardscape final cover along front of Site (looking NE).
- Photo 2. Asphalt and hardscape final cover along south side of Site (looking NE).
- Photo 3. Asphalt and hardscape final cover along front of Site; Orchard Park entrance at left (looking N).
- Photo 4. Asphalt final cover entrance along Orchard Park Road (looking SW).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: April 14, 2021



## SITE PHOTOGRAPHS - 2021

**Photo 5:**



**Photo 6:**



**Photo 7:**



**Photo 8:**



Photo 5. Asphalt final cover at Orchard Park Road (looking W).

Photo 6. Asphalt and hardscape final cover in SE corner of Site (looking E).

Photo 7. Asphalt and hardscape final cover along southern portion of Site (looking N).

Photo 8. Asphalt and hardscape final cover along southern portion of Site (looking W).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: April 14, 2021





## SITE PHOTOGRAPHS - 2021

**Photo 9:**



**Photo 10:**



**Photo 11:**



**Photo 12:**



- Photo 9. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 10. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 11. Asphalt and hardscape final cover along eastern portion of Site (looking N).
- Photo 12. Asphalt and hardscape final cover in northeastern corner of Site (looking S).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: April 14, 2021





## SITE PHOTOGRAPHS - 2021

**Photo 13:**



**Photo 14:**



**Photo 15:**



**Photo 16:**



- Photo 13. Asphalt and hardscape final cover along northern portion of Site (looking W).
- Photo 14. Asphalt final cover at Michael Road entrance (looking W).
- Photo 15. Asphalt and hardscape final cover along northern portion of on-site building (looking S).
- Photo 16. Asphalt and hardscape final cover along front portion of Site, grass-covered islands, typical of five, at center (looking E).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: April 14, 2021



## SITE PHOTOGRAPHS - 2021

**Photo 17:**



**Photo 18:**



**Photo 19:**



**Photo 20:**



Photo 17. Grass-covered island, typical of five (looking E).

Photo 18. Asphalt and hardscape final cover along Orchard Park Road (looking SE).

Photo 19. Asphalt and hardscape final cover at main entrance (looking E).

Photo 20. Asphalt and hardscape final cover along Orchard Park Road (looking S).

Periodic Review Report – Dec 31, 2018 thru Dec 31, 2021  
3021 Orchard Park Road Site  
Orchard Park, New York

Photo Date: April 14, 2021



# APPENDIX C

## WELL DECOMMISSIONING RECORDS



# WELL DECOMMISSIONING RECORD

## NYSDEC NPL Sites



EARTH DIMENSIONS, INC.

1091 Jackson Road • Elms, NY 14059

Site Name: <u>EDF # 3L14C -</u>	Well I.D. <u>MW-4A</u>
Site Location: <u>3021 ORCHARD PARK RD, ORCHARD PARK, NY</u>	Driller: <u>ANDY KEMPESTI/bms</u>
Drilling Co: <u>EARTH DIMENSIONS INC.</u>	Inspector:
	Date: <u>12/5/2019</u>

### DECOMMISSIONING DATA

(fill in all that apply)

#### OVERDRILLING

Interval drilled	N/A
Drilling Method(s)	"
Borehole Dia. (in)	"
Temporary Casing Installed? (y/n)	"
Depth temporary casing installed	"
Casing type/dia. (in.)	"
Method of installing	"

#### CASING PULLING

Method employed	N/A
Casing retrieved (feet)	"
Casing type/dia. (in)	"

#### Casing perforating

Equipment used	N/A
Number of perforations/foot	"
Size of perforations	"
Interval perforated	"

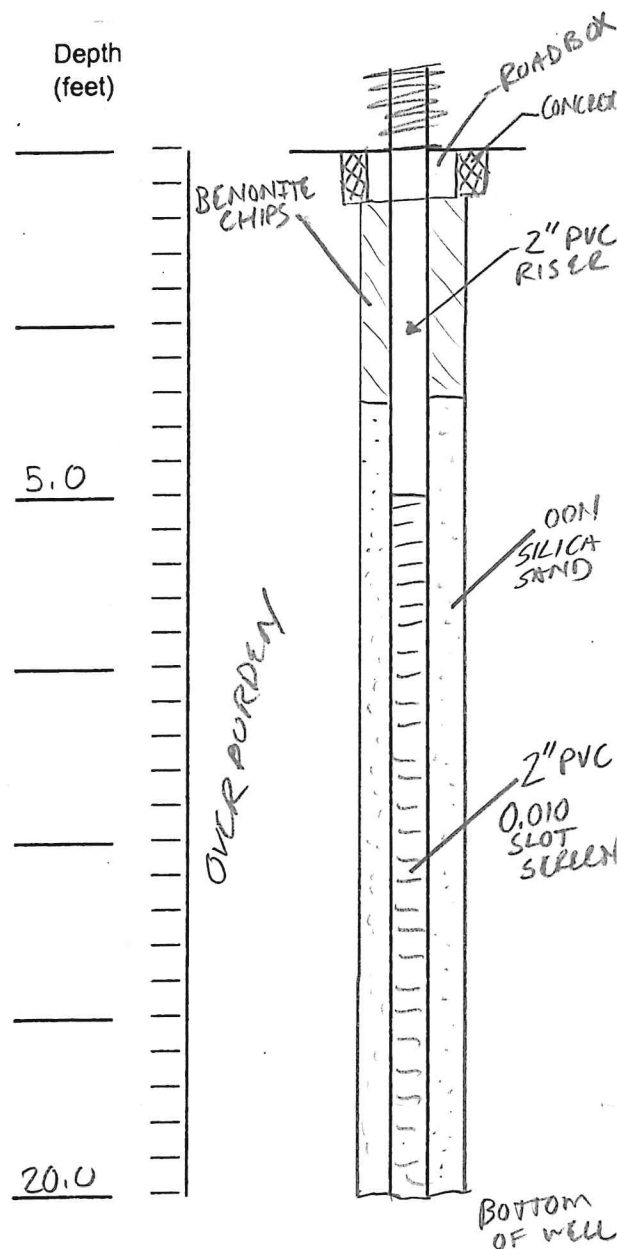
#### GROUTING

Interval grouted (FBLs)	0.0-20.0'
# of batches prepared	1
For each batch record:	
Quantity of water used (gal.)	7.8 gal
Quantity of cement used (lbs.)	94
Cement type	PORTLAND TYPCL2
Quantity of bentonite used (lbs.)	3.9 lbs
Quantity of calcium chloride used (lbs.)	N/A
Volume of grout prepared (gal.)	14 gal
Volume of grout used (gal.)	3.5 gal

COMMENTS: TREME GROUTED WELL IN PLACE IN ACCORDANCE TO CP-43 FROM BOTTOM OF WELL TO 1.0 FEET BELOW SURFACE, REPAIRED SURFACE W/ QUICKSET CONCRETE AND ASPHALT COLDPATCH

Drilling Contractor

### WELL SCHEMATIC\*



\* Sketch in all relevant decommissioning data including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.

Dept Representative

# WELL DECOMMISSIONING RECORD

## NYSDEC NPL Sites



Site Name: <u>EDI # 3L14C</u>	Well I.D. <u>MW-6</u>
Site Location: <u>3021 ORCHARD PARK RD, ORCHARD PARK, NY</u>	Driller: <u>ANDY KEMPESTY</u>
Drilling Co: <u>EARTH DIMENSIONS INC.</u>	Inspector:
	Date: <u>12/5/2019</u>

### DECOMMISSIONING DATA

(fill in all that apply)

#### OVERDRILLING

Interval drilled  
Drilling Method(s)  
Borehole Dia. (in)  
Temporary Casing Installed? (y/n)  
Depth temporary casing installed  
Casing type/dia. (in.)  
Method of installing

N/A
"
"
"
"
"
"

#### CASING PULLING

Method employed  
Casing retrieved (feet)  
Casing type/dia. (in)

N/A
"
"

#### Casing perforating

Equipment used  
Number of perforations/foot  
Size of perforations  
Interval perforated

N/A
"
"
"

#### GROUTING

Interval grouted (FBLs)  
# of batches prepared  
For each batch record:  
Quantity of water used (gal.)  
Quantity of cement used (lbs.)  
Cement type  
Quantity of bentonite used (lbs.)  
Quantity of calcium chloride used (lbs.)  
Volume of grout prepared (gal.)  
Volume of grout used (gal.)

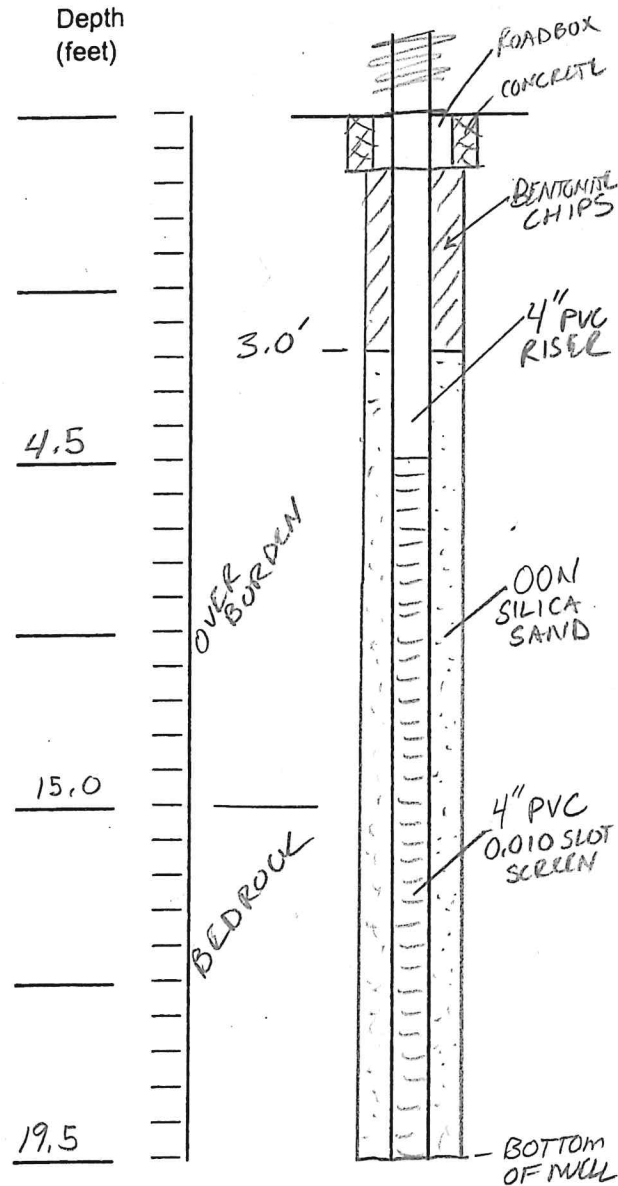
0.0 - 19.5
1
7.8
94
PORTLAND TYPE 2
3.9
N/A
14 gal
12.7 gal

WELL IN PLACE

COMMENTS: TREME GROUTED IN ACCORDANCE TO CP-43 FROM BOTTOM OF WELL TO 1.0 FEET BELOW SURFACE, REPAIRED SURFACE W/ QUICKSET CONCRETE AND ASPHALT COLD PATCH

### WELL SCHEMATIC\*

Depth (feet)



\* Sketch in all relevant decommissioning data including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.

Drilling Contractor

Dept Representative