HIGHLAND PLAZA
BROWNFIELD SITE # C915293

215 TO 237 HIGHLAND PARKWAY
TONAWANDA, NEW YORK

ALTERNATIVES ANALYSIS REPORT

PREPARED FOR:

NYSDEC REGION 9
&
NYSDOH

PREPARED BY:

HIGHLAND PLAZA
&
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FIGURES

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1. INTRODUCTION

This document provides the Alternatives Analysis (AA) that has been completed for the Highland Plaza Brownfield Site (Site) located at the intersection of Highland Parkway and Colvin Boulevard in the Tonawanda, New York. A dry cleaner was formerly located in the eastern end of the strip plaza. The Site has undergone two phases of environmental investigation and is currently in the NYSDEC Brownfield Program (Site # C915293).

1.1 Purpose

The purpose of the Alternatives Analysis (AA) is to identify specific remedial activities that are available to remediate portions of the Site where site media such as soil, groundwater and soil vapor are contaminated and require remediation. The technologies are then screened and the most appropriate remedy(s) for the Site conditions are developed into remedial alternatives that are evaluated based on the criteria identified in DER – 10. The information is then used to propose appropriate remedial actions for the Site. This information will be released to the public for comment as part of the citizen's participation process for the Site. After receipt and consideration of public comments, the NYSDEC will issue a Decision Document that reflects the selected remedy.

1.2 Report Organization

This document is divided into six sections, followed by figures, tables and appendices as appropriate. A brief summary is provided below.

Section 1. Introduction: This section presents the Site background including Site description, Site history, previous relevant studies and report organization.

Section 2. Identification of Standards, Criteria and Guidance (SCGs) and Remedial Action Objectives: This section identifies the SCGs that are to be used to establish the location(s) where remedial actions are warranted and to establish remedial action objectives for the Site.

Section 3. Preliminary Screening of Response Actions: This section presents the preliminary screening of remedial alternatives and technologies to identify those alternatives that appear implementable and effective based on the Site conditions and the contaminants identified during Site environmental investigations.

Section 4. Technology Screening and Development of Remedial Alternatives: This section presents the list of developed remedial alternatives for detailed screening that were evaluated on the basis of overall protection of human health and the environment; compliance with applicable or relevant and appropriate SCGs; long-term effectiveness and permanence; reduction of toxicity, mobility and volume; short-term impacts and effectiveness; ability to implement the remedy; cost effectiveness and use.

Section 5. Detailed Analysis of Remedial Alternatives: Presents a detailed analysis of remedial alternatives established in section 4. The alternatives are compared on the basis of environmental

benefits and cost using the eight criteria established in DER-10. Each alternative is assessed and an appropriate remedy is selected that satisfies the remedial action objectives.

Section 6. Remedial Work Plan: Presents the work elements that will be completed for remediation purposes and a schedule for completion of the work elements.

1.3 Site and Surrounding Area Description

The Highland Plaza Site is located in Tonawanda, New York on the southeast corner of the Colvin Avenue and Highland Parkway intersection in a mixed commercial and residential neighborhood (Figure 1). The property boundary is the same as the Brownfield Cleanup Program (BCP) site boundary. The Site is approximately 300 feet in length (east – west) and approximately 100 feet wide in the north – south direction. The Site gently slopes northward toward Highland Parkway. Approximately 50% of the Site is occupied by a one story strip plaza building, which is 297 feet in length and 49 feet wide. This is a slab on grade cinder block building that is situated 2.95 feet from the southern property boundary to the back of the parcel. The northern half of the Site is an asphalt parking lot (Figure 2).

The strip plaza consists of three attached buildings that are separated by a common firewall, a foundation break and different roof lines. The eastern half of the plaza was a former dry cleaner that ceased operation in 2010. The buildings are subdivided into eight commercial businesses located in a mixed residential and commercial area (Figure 2):

- 215 Highland Parkway (Building 3) - approximately 16 feet of frontage;
- 217 Highland Parkway (Building 3) - approximately 31 feet of frontage (now vacant);
- 221 Highland Parkway (Building 2) - approximately 46 feet of frontage;
- 225 Highland Parkway (Building 2) - approximately 16 feet of frontage (now vacant);
- 227 Highland Parkway (Building 2) - approximately 31 feet of frontage (now vacant);
- 231 Highland Parkway (Building 2) - approximately 30 feet of frontage;
- 235 Highland Parkway (Building 1) - approximately 60 feet of frontage; and
- 237 Highland Parkway (Building 1) - approximately 68 feet of frontage.

To the north is Highland Parkway, then commercial properties. To the west is a CITGO gas station followed by Colvin Boulevard and commercial properties. To the south is a service alleyway approximately 25 feet wide, then residences with their back yards to the service alleyway. The service alleyway is not part of the BCP site, but is being investigated by the NYSDEC as site number C915293A. To the east is the Tonawanda Community Federal Credit Union (Figure 1).

1.4 Previous Site Use/History

Sanborn Maps show that the property was undeveloped in 1928, but by 1950 had been developed into the present plaza. There was no indication from available public information that the property was used for industrial or manufacturing purposes.

1.5 Public and Private Information on Previous Site Investigations

Review of publicly available records for the former onsite dry cleaner showed there is no information on spills or environmental investigations for the former dry cleaner. There is also no record of previous site investigations other than the Preliminary Phase II Site Investigation that was completed by Environmental & Geologic Management Services, LLC (EGMS) in 2014. This investigation will be discussed in another section of this report.

The site is bounded to the west by a CITGO gas station. Review of NYSDEC environmental records for the CITGO gas station indicates it has undergone two subsurface investigations/remedial actions: one in 1999 (Spill #889-75108) and a second in 2008 (Spill #06-06779). NYSDEC concluded from the results of the investigations that "No Further Action" was required at this location.

1.5.1 Preliminary Phase II Investigation

A Preliminary Phase II Investigation and Soil Vapor Intrusion Study were completed at the Site in October of 2014. A copy of this report is included as Appendix A. Twelve soil borings ranging in depths from 8 to 12 feet below ground surface (BGS) were completed. Groundwater was encountered at only one location. Twelve onsite soil samples, one groundwater sample and three off site soil samples were collected for laboratory analysis (Figures 2 and 3). The soil and groundwater samples were analyzed for Method 8260 Target Compound List (TCL) volatile organic compounds (VOCs); two soil samples were analyzed for Method 8270 TCL semi-volatile organic compounds (SVOCs); and two soil samples were analyzed for polychlorinated biphenyls (PCBs).

Preliminary Phase II Investigation Results

The Site is underlain by a thin veneer of fill material one to 1.5 feet in thickness, which is then underlain by native, dense red-brown clay with minor amounts of silt, sand and gravel. The soil samples collected were dry to generally damp at depth.

Soil screening and sample analytical results from soil boring SB-2 located along the western property line between the Getty Station and the Site (located to evaluate potential impacts from the former service station) did not show impacts from the former service station.

Laboratory analytical results of soil samples from under the concrete floor of the former dry cleaner detected three VOCs (cis–1,2–Dichloroethene, Tetrachloroethene, and Trichloroethene) above their respective detection limits (Table 1A). The soil sample collected outside of the back door (SS – 12) also showed impacts from Tetrachloroethene and Trichloroethene. No SVOCs or PCBs were detected in the respective soil samples analyzed. There were no VOCs detected in the groundwater sample that was analyzed from SB-2.

Soil Vapor Intrusion Study (2014)

A soil vapor intrusion (SVI) study was also completed at the former dry cleaner as part of the Phase II Preliminary Phase II Investigation. Three sub-slab vapor samples were collected near boring locations

with the highest PID readings. One indoor air and one outdoor air sample were also collected. Samples were analyzed for USEPA Method TO – 15 for VOCs. Sampling locations are shown on Figure 3.

Analytical results from the SVI study showed that cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were detected at elevated concentrations in the sub-slab, indoor air and outdoor air samples that were collected (Table 2).

Additional Air & Soil Sampling in the Service Alley

VOCs were detected in the outdoor air sample that was collected at ground surface off site in the service alley; thus, additional air and soil samples were collected in this area. The second outdoor air sample was collected four feet above the ground surface. Three shallow soil samples were also collected off site in the service alley at approximately 20 foot intervals centered on the location of Outdoor Air Sample #2 (Figure 3).

Analytical results for Outdoor Air Sample #2 collected four feet above the ground surface showed a significant decrease in the concentrations of cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene (Table 2). Analytical results for the three soil samples (AWSS-1 through AWSS-3) detected the VOC tetrachloroethene at elevated concentrations in all three soil samples (Table 1).

1.5.2 Remedial Investigation

Based on the findings of the Preliminary Phase II Investigation, and discussions with NYSDEC personnel, a Remedial Investigation (RI) Work Plan was submitted to the NYSDEC and the NYSDOH for the Site. The RI Work Plan was approved in August, 2015 and field work started in October of 2015. The objectives of the RI were to further characterize soil and groundwater conditions on site as well as at adjacent off site properties.

The RI consisted of:

- Completion of 14 soil borings with the collection of 30 subsurface soil samples for laboratory analysis;
- Installation of five groundwater monitoring wells (three onsite and two off site);
- Collection of five groundwater samples for laboratory analysis;
- Collection of six shallow soil samples for analysis;
- Completion of a soil vapor intrusion (SVI) investigation in February, 2016 in the two tenant spaces closest to the former dry cleaner (eastern end of Building 2); and
- Completion of a second SVI investigation in March, 2017 in the other four tenant spaces in the strip plaza.

Figure 3 provides the locations of the soil borings, surface soil sampling locations and groundwater monitoring wells.

All 36 soil samples were analyzed for VOCs. In addition, 12 soil samples were analyzed for a full suite of analytes (VOCs, SVOCs, metals PCBs, pesticides and herbicides). Tables 1A, 1B, 3A, 3B, 4A, 4B, 5A and 5B provide the analytical results for the soil samples.

Five groundwater monitoring wells (three onsite and two offsite) were installed to characterize groundwater quality and groundwater flow direction (Figure 4). The well borings were advanced to 24 feet BGS and converted to one-inch groundwater monitoring wells. Groundwater samples were only analyzed for VOCs since there was insufficient volume of water and recharge to allow for the collection of enough water to complete a full suite of analyses. The shortened analyte list was approved by NYSDEC in the field due to slow groundwater recharge in the monitoring wells.

Water level information collected during the initial water level collection event in December, 2015 showed groundwater flow direction to be toward the north and east (Figure 4).

1.5.3 Combined Results of the Preliminary Phase II Investigation and Remedial Investigation

Twenty-six soil borings were completed during the Preliminary Phase II Investigation and the Remedial Investigation. A total of 52 soil samples were collected as part of these investigations, with 42 subsurface soil samples collected for analysis. Ten shallow soil samples were also collected and analyzed as part of these investigations.

A total of 21 onsite soil samples were collected and analyzed as part of the two investigations, with 31 soil samples collected offsite. The 52 soil samples were analyzed for VOCs: 14 of the soil samples were analyzed for semi-volatile organic compounds (SVOCs); and 12 of the soil samples were analyzed for total metals, pesticides, poly-chlorinated biphenyls (PCBs) and herbicides.

Groundwater samples were collected onsite from four different locations (one as part of the Preliminary Phase II Investigation) and offsite from two different locations. Groundwater samples were analyzed for VOCs with SVOCs at one location onsite (SB-2). Slow groundwater recharge in the groundwater monitoring wells that were installed as part of the RI did not allow for the collection of enough water to analyze the groundwater samples for the full Target Compound List/Target Analyte List of parameters.

1.5.3.1 Soils and Fill

Fill. Soils encountered during completion of the RI consisted of both fill materials and native soils. Soil borings completed on site north of the building in the parking lot showed the presence of approximately six inches of asphalt underlain by six to twelve inches of crushed stone or brown-black stained sand, which is underlain by native silty clay soils.

Soil borings completed east of the Site in the Credit Union parking lot showed the presence of approximately eight inches of asphalt/crushed stone underlain by dark brown stained clay. These materials were underlain by native silty clay soils.

Soil borings advanced in the service alley behind the building encountered varying amounts of dark grey to black topsoil (0 to 8 inches) underlain by angular medium grey gravel (crushed stone) and sand. At some locations, crushed stone and sand were present at the surface. These materials were underlain by native silty clay soils.

Native Soils. The native soils that underlie the Site consist of very dense reddish brown silty clay that is greater than 24 feet in thickness. There were no other soil types encountered in the soil borings that were advanced on the Site or adjacent properties. Silt and sand lenses were generally lacking in the native soil samples that were observed; however, minor amounts of sand and gravel occurred as matrix material within this silty clay unit. No groundwater was encountered during the advancement of the soil borings or installation of the groundwater monitoring wells.

1.5.3.2 Onsite Impacts to Soil and Groundwater

There were no impacts to soil and groundwater noted along the west side of the Site from the CITGO gas station.

Volatile organic compounds are present in soil from the former dry cleaner at the eastern end of the Site. These compounds are present under the floor of the eastern end of the former dry cleaner, and in shallow soils in the parking lot north of the building at soil boring SB – 19 (Figure 2).. Benzene, cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were detected at concentrations below their respective NYSDEC Part 375 Commercial Soil Cleanup Objectives (CSCOs), but were above the NYSDEC Part 375 Protection of Groundwater SCO (Table 1A).

There were no SVOCs detected in the onsite soil samples analyzed as part of the RI (Table 3A). Ten metals typically found in soils were present in the onsite soil samples that were analyzed for metals (Table 4A). There were no pesticides detected above their respective method detection limits in the on-site soil samples analyzed as part of the RI, and there were no PCBs detected in the on site soil samples analyzed (Table 5A).

Groundwater quality has been slightly impacted by former dry cleaning operations at the easternmost end of the Site. The VOC cis-1,2-Dichloroethene was detected at a concentration slightly above its guidance value per NYSDEC Technical and Operational Series 1.1.1 – Ambient Water Quality Standards and Guidance. There were no other VOCs detected in onsite groundwater (Table 6A).

1.5.3.3 Off Site Impacts to Soil and Groundwater

Volatile organic compounds and SVOCs were detected at elevated concentrations in the soil samples from the off site service alley directly south of the Site (Table 1B). The VOCs detected are commonly associated with dry cleaning operations, and are prevalent in the shallow soils and deep soils encountered in soil borings on the easternmost end of the service alley adjacent to the former dry cleaner. The concentration of Tetrachloroethene exceeded the Part 375 Commercial SCO in soil borings in this area as well as the Part 375 Protection of Groundwater SCO. The concentration of Trichloroethene and cis-1,2-Dichloroethene also exceeded the Part 375 Protection of Groundwater SCO in soil borings completed on the easternmost end of the service alley adjacent to the former dry

cleaner. The concentration of Acetone (a common laboratory contaminant) exceeded the Part 375 Protection of Groundwater SCO in soil boring SB – 21.

Five SVOCs were detected in the shallow surface soil samples from the service alleyway at concentrations above their respective CSCOs (Table 3B). The SVOCs Benzo(k)fluoranthene and Chrysene were detected above their respective Residential SCOs. The occurrence of these SVOCs is likely related to the presence of millings that have been placed on the alley way service road. There were no significant occurrences of metals, PCBs or pesticides off site (Tables 3B, 4B and 5B).

Off site impacts to groundwater from the former dry cleaner were noted in the two off site groundwater monitoring wells that were installed as part of the RI investigation (Table 6B). The concentrations of cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were detected in MW – 4 at concentrations significantly above their respective TOGS 1.1.1 guidance values. The concentrations of these compounds were also significantly above their respective TOGS 1.1.1 guidance values in MW – 5.

1.5.3.4 Soil Vapor Intrusion Investigation 2016

A soil vapor intrusion (SVI) investigation was completed in March, 2016 in Building 2 in tenant spaces located at 227 and 231 Highland Parkway to evaluate sub-slab vapor and indoor air quality in Building 2 of the strip plaza adjacent to the former dry cleaner. Sub-slab and indoor air samples were collected in each tenant space, and an outdoor air sample was also collected to establish background conditions (Figure 5).

The samples collected as part of the 2016 SVI investigation were analyzed by USEPA Method TO-15 for VOCs. Thirty-three VOCs were detected in the vapor and air samples collected as part of this investigation consisting primarily of petroleum compounds, solvents and refrigerants (Table 7). Fourteen compounds were detected at concentrations at or above 10 micrograms per cubic meter (ug/m3).

The results were compared to the NYSDOH guidance document, “Guidance for Evaluating Soil Vapor intrusion in the State of New York, with Updates (2006). Comparison of results for tetrachloroethene in the IA #1 and SS #1 indoor air and sub-slab vapor sample from 227 Highland Plaza to the NYSDOH Soil Vapor/Indoor Air Matrix Table 2 Guidance shows the tenant space at 227 Highland Plaza falls into Category 2: *Take reasonable and practical actions to identify source(s) and reduce exposure.* Comparison of the results for tetrachloroethene in the IA #2 and SS #2 samples from 231 Highland Plaza shows this tenant space falls into Category 6: *Monitor/Mitigate.*

Comparison of results for trichloroethene in the IA #1 and SS #1 indoor air and sub-slab vapor sample from 227 Highland Plaza to the NYSDOH Soil Vapor/Indoor Air Matrix 1 Guidance Table shows the tenant space at 227 Highland Plaza falls into Category 3: *Take reasonable and practical actions to identify source(s) and reduce exposure.* Comparison of the results for trichloroethene in the IA #2 and SS #2 samples from 231 Highland Plaza falls into Category 10 on Matrix 1: *Monitor/Mitigate.*

Highland Plaza recommended the installation of a sub-slab depressurization system (SSDS) at the tenant space at 231 Highland Parkway based on the results of this SVI investigation.

1.5.3.5 Soil Vapor Intrusion Investigation 2017

A second soil vapor intrusion investigation was completed on March 9th and 10th 2017 using the same protocols, collection methods, laboratory analytical methods and QA/QC protocols that were used to complete the 2016 soil vapor intrusion investigation. Sampling locations were as follows:

- IA – 215 Indoor air sample (IA) at 215 Highland Parkway;
- IA – 217 and SS – 217 IA and sub-slab vapor sample (SS) at 217 Highland Parkway;
- IA – 221 and SS – 221 IA and SS samples at 221 Highland Parkway;
- IA – 225 IA air sample at 225 Highland Parkway; and
- Outdoor Air Sample 1 collected upgradient at the western end of Building 3.

Sample locations are shown on Figure 5. The samples collected as part of this investigation were analyzed using USEPA Method TO-15 for volatile organic compounds (VOCs). Thirty VOCs were detected in the vapor and air samples collected as part of this investigation consisting primarily of petroleum compounds, solvents and refrigerants (Table 8). Eleven compounds were detected at concentrations at or above 10 micrograms per cubic meter (ug/m3).

The results were compared to the NYSDOH guidance document, "Guidance for Evaluating Soil Vapor intrusion in the State of New York, with Updates (2006). Comparison of results for tetrachloroethene in the indoor air and sub-slab vapor samples for all tenant spaces to the NYSDOH Indoor/Indoor Air Matrix Table 2 Guidance shows the four tenant spaces fall into Category 1: *No further action.*

Comparison of results for trichloroethene in the indoor air and sub-slab vapor sample for these four tenant spaces to the NYSDOH Indoor/Indoor Air Matrix Table 2 Guidance shows the four tenant spaces fall into Category 1: *No further action.*

1.6 Interim Remedial Measure

Highland Plaza received approval in February of 2016 from NYSDEC/NYSDOH to construct and operate an interim remedial measure (IRM) consisting of a Sub-Slab Depressurization System (SSDS). The SSDS was constructed in the plaza area formerly occupied by the dry cleaner (235 to 237 Highland Parkway) and has been operational since late April of 2016. The SSDS consists of three blowers and four sub-slab vapor collection pipe runs (Figure 5). The three blowers are located on the roof of the building. The results of confirmation indoor air sampling completed in February 2017 within the tenant space confirmed that no VOCs were present above NYSDOH guidance (Table 8). The results of differential pressure testing of the sub-slab pressure in April confirmed that negative pressure is being maintained under the concrete slab by the SSDS (Table 9).

The IRM consisted of the following work elements:

- Removal of the concrete floor where it was covered with a wooden lattice (approximately 80% of the tenant space);
- Placement of a crushed stone substrate in the area where the concrete was removed;
- Placement of four inch diameter perforated horizontal PVC pipe vapor collection runs within the crushed stone for the SSDS that connected to solid vertical PVC piping to the blower units mounted on the roof of the building;
- Placement of a plastic membrane over the crushed stone substrate and pipe runs; and
- Placement of new concrete in the area of the tenant spaces where the old concrete was removed.

Approximately 32 feet by 50 feet of existing concrete floor was left in place in the easternmost part of this tenant space (237 Highland Parkway). In order to install the SSDS in this area, the existing concrete floor was saw-cut.

A second SSDS was installed in the tenant space at 231 Highland Parkway in October, 2017. This SSDS consisted of a single vapor collection point installed through the concrete floor centrally located within the tenant space, with a vertical pipe to a roof top blower. This SSDS is designed to depressurize the tenant space located at 231 Highland Parkway, which is approximately 30 feet wide and 50 feet long.

This IRM consisted of the following work elements:

- Excavation to approximately 12 to 16 inches below the concrete floor slab;
- Placement of a short piece of four inch perforated PVC pipe through the concrete slab to a depth of approximately 12 inches below the concrete floor. This section of perforated pipe was wrapped in a breathable covering to prevent crushed rock or other debris from entering the perforated PVC pipe;
- Placement of a crushed stone substrate around the four inch diameter perforated PVC pipe; and
- Placement of solid vertical PVC pipe to a blower unit on the roof of the building.

1.7 Remedial Investigation Recommendations

1.7.1 Soil

No additional work was recommended regarding the collection, analysis or removal of soil at the Site.

1.7.2 Groundwater

No additional work was recommended regarding the collection, analysis or removal of groundwater at the site.

1.7.3 Soil Vapor and Air

Installation of a second SSDS was recommended at the tenant space at 231 Highland Parkway (Sampling Area #2).

1.8 Conceptual Site Model

As described in DER - 10, the Conceptual Site Model (CSM) process is utilized to: 1) develop a framework for analysis of contaminants identified at the Site during the investigative process and, 2) to provide the basis for determining the need and scope of the remedial action that is protective of human health and the environment. The CSM process includes delineation of the Contaminants of Concern (COCs), assessment of the extent and transport of the COCs within the environment, and development of a Qualitative Human Health Exposure Assessment (QHHEA) to determine if the COCs present could constitute an exposure pathway currently or under the future intended land use. The CSM includes:

- Sources of Contamination;
- Nature and Extent of Contamination;
- Dominant Fate and Transport Characteristics (based on site conditions and contaminants);
- Potential Exposure Paths; and
- Potentially Impacted Receptors.

The Site CSM has been prepared using data and information derived from the NYSDEC approved investigative reports. These investigations document the following key factors concerning contaminant presence and mobility at the Site.

1.8.1 Site Features/Characteristics

The Site is currently part of an active commercial facility. Approximately 97% of the ground surface is covered by building foundations, a building slab-on-grade concrete floor pad and asphalt pavement that act as a physical barrier to the underlying soils (Figures 1 and 2). Approximately 3% of the Site was soil open to the surface; however in 2016, 12 to 18 inches of clean soil cover was placed over this 2.95 foot wide strip of soil located immediately behind the site building. Prior to placement of the soil cover, this soil cover was sampled and analyzed for the following parameters:

- USEPA Method 1010 Flashpoint
- USEPA Method 9045 pH
- USEPA Method 7.3.3.2 Reactive Cyanide
- USEPA Method 7.3.4.2 Reactive Sulfur
- USEPA Method 8270 Semi-volatile organic compounds
- USEPA Method 8260 Volatile organic compounds

- USEPA Method 7470/13115 TCLP Mercury
- USEPA Method 6010 RCRA Metals

The results were reviewed by NYSDEC, and the soil material was approved for use on-site.

Immediately below these described capping materials is a fill layer consisting of sand and gravel ranging in thickness from four to six inches. Below the fill layer, native silty clay soil comprises the remaining overburden soils to a depth of at least 24 feet. Bedrock was not encountered in any of the soil borings to a depth of 24 feet.

Groundwater elevation information collected from the five groundwater monitoring wells installed as part of the RI (three onsite and two off site) show that the groundwater flow is to the north and east of the Site (Figure 4). Groundwater is not utilized as a potable resource at the Site or surrounding area.

1.8.2 Site Data

1.8.2.1 Soil

VOCs were detected in soils under the eastern end of the easternmost strip plaza building (Building #1) and in soils under the eastern end of the strip plaza asphalt parking lot. Benzene, cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were detected at concentrations below their respective NYSDEC Part 375 Commercial Soil Cleanup Objectives (CSCOs), but were above the NYSDEC Part 375 Protection of Groundwater SCO.

There were no SVOCs detected in the onsite soil samples analyzed as part of the RI. Ten metals typically found in soils were present in the onsite soil samples that were analyzed for metals. There were no pesticides detected above their respective method detection limits in the onsite soil samples analyzed as part of the Preliminary Phase II Investigation and RI, and there were no PCBs detected in the onsite soil samples analyzed.

1.8.2.2 *Groundwater*

Groundwater samples were compared to NYSDEC Technical and Operational Guidance Series Memorandum 1.1.1 (TOGS 1.1.1) Class GA criteria. The four onsite groundwater samples collected (1 Phase II sample; 3 RI samples) were analyzed for VOCs and one sample was analyzed for SVOCs. Groundwater quality has been slightly impacted in onsite groundwater monitoring well MW-3 (Figure 2) by former dry cleaning operations at the easternmost end of the Site. The VOC cis-1,2-Dichloroethene was detected at a concentration slightly above its guidance value per NYSDEC Technical and Operational Series 1.1.1 – Ambient Water Quality Standards and Guidance. There were no other VOCs detected in onsite groundwater.

1.8.2.3 Soil Vapor and Indoor Air

Seven sub-slab soil vapor samples, seven indoor air samples and four outdoor air samples were collected from various locations throughout Buildings 1, 2 and 3. The comparison of the results to the NYSDOH SVI Guidance Decision Matrices indicate that the concentrations of VOCs detected in the sub-slab soil vapor and/or indoor air samples exceed their respective decision matrix thresholds where mitigation has already taken place (231, 235 and 237 Highland Parkway).

1.9 Contaminants of Concern

The COCs identified for the Highland Plaza Brownfield Site soil, groundwater, sub-slab vapor and indoor air are those compounds that were detected at levels higher than their respective comparison criteria. The primary COCs are VOCs, specifically:

- Tetrachloroethene, Trichloroethene and Benzene in soil at the eastern end of the Site below their respective Part 375 CSCOs but above their respective Part 375 Protection of Groundwater SCOs;
- cis-1,2-Dichloroethene in groundwater at the eastern end of the Site slightly above the NYSDEC TOGS 1.1.1 Ambient Water Quality Guidance;
- Tetrachloroethene in sub-slab soil vapor and indoor air above NYSDOH guidance under Building #1 and the easternmost tenant space in Building #2; and
- Ttrichloroethene in sub-slab soil vapor under Building #1 above NYSDOH guidance and the easternmost tenant space in Building #2.

1.10 Qualitative Human Health Exposure Assessment

The qualitative human health exposure assessment (QHHEA) evaluates the potential for a complete pathway to exist by which human receptors may be exposed to the COCs at the Site. This process is used as an initial screening tool to assess the potential that the COCs identified could represent a current or potential future human health risk.

For each media (soil, groundwater, soil vapor) present at the Site, Tables 10A, 10B, and 10C present an assessment of whether COCs are/could be present, the key fate and transport characteristics of these substances, the potential current and future human exposure/land use scenarios, and identification of exposure pathways respectively.

1.11 Results of the Qualitative Human Health Exposure Assessment

1.11.1 Soil. There are no complete human health exposure pathways identified at the Site under the current conditions with respect to soil. Approximately 50% of the Site is covered by an asphalt parking lot which covers the north half of the Site. Approximately 47% of the Site is covered by the building foundation and associated concrete floor slab. Approximately 3% of the Site was open soil with grass; however, this area of the Site was covered/capped in 2016 with approximately 12 to 18 inches of clean soil. This action was approved by NYSDEC.

An excavation work plan will be included in Appendix E of the Site Management Plan for the Site that provides guidance for any future on-site excavation activities. This document will provide for notifications to involved parties; excavation methods; soil screening methods and analytical testing methods; soil staging methods; load-out and disposal guidance; and, on-site re-use.

1.11.2 Groundwater. There is no potential exposure pathway to COCs in groundwater since groundwater is not, nor is planned to be used for any purpose at the Site. Future use of site groundwater is addressed in the Site Environmental Easement which prohibits the use of Site groundwater. The Environmental Easement is attached as Appendix A.

1.11.3 Sub-Slab Soil Vapor and Indoor Air. There is no potential exposure pathway to COCs in sub-slab vapors since a SSDS was installed in Building #1 (237 and 237 Highland Parkway) and has been operational since April, 2016. Confirmation indoor air sampling and sub-slab pressure testing completed in February and March of 2017 confirmed that the SSDS is performing as designed. In addition, a second SSDS was installed at 231 Highland Parkway in October, 2017. The SSDSs are mitigating the exposure pathway to COCs present in soil vapor at the Site.

1.12 Future Considerations. Future complete exposure pathways from inadvertent ingestion, dermal absorption and inhalation of COCs could potentially exist if the building foundation, concrete floor slab, and/or asphalt pavement are removed and soil and groundwater (and subsequently soil vapor) become exposed at the ground surface. An additional consideration would exist if groundwater that contains COCs is extracted in the future in a manner that creates a complete exposure pathway.

Mitigation. The results of the Preliminary Phase II Investigation and RI Investigation confirmed that remedial actions completed as part of the IRM (SSDS in Building #1 at 235 – 237 Highland Parkway); and, the SSDS in Building #2 at 231 Highland Parkway are warranted actions to mitigate the potential for complete human exposure pathways to the COCs in soil vapor at the Site.

2.0 IDENTIFICATION OF STANDARDS, CRITERIA, GUIDANCE AND REMEDIAL ACTION OBJECIVES

The remedial goals and Remedial Action Objectives (RAOs) that have been developed for this Site are based on the results of the previous investigations that were completed at the Site, and the current and potential future use of the property. The Standards, Criteria and Guidance (SCGs) that are potentially applicable to the various remedial alternatives as well as the various cleanup tracks per the requirements of NYSDEC Part 375.

The remedial goals for this Site are based on the following:

- The current use of the Site is commercial, and anticipated future use will be commercial;
- Based on the previous investigations and the associated findings, there are no human health exposure pathways identified under the current or proposed conditions with respect to soil, groundwater, or soil vapor/air; and

- Future complete exposure pathways from inadvertent ingestion, dermal absorption and inhalation of COCs may be present if the building foundations, floor, and/or pavement are removed to expose soil, groundwater and associated soil vapor at the ground surface; or if groundwater containing COCs is extracted and used in a manner that creates an exposure pathway.

2.1 Remedial Goals

The goal of the remedy selection process is to select a remedy that is fully protective of public health and the environment, taking into account the current, intended and reasonably anticipated future use of the Site.

2.2 Standards, Criteria and Guidance (SCGs)

2.2.1 Chemical-Specific Standards

Chemical - specific SCGs are technology or health risk based numerical limitations on the contaminant concentrations in the ambient environment. Chemical - specific SCGs are used to assess the extent of remedial action required and to identify RAOs for a site. Chemical - specific SCGs may be directly used as actual cleanup goals, or as a basis for establishing appropriate cleanup goals for the COCs identified at a site. Chemical - specific SCGs for the Site are identified in Tables 1A, 3A, 4A, 5A, and 6A.

2.2.1.1 Soil

The chemical - specific SCGs to be used for Site soil will consist of the NYSDEC Part 375 Commercial Use Soil Cleanup Objectives (CSCOs).

2.2.1.2 Groundwater

The chemical - specific SCGs to be used the Site groundwater will consist of the NYSDEC's Division of Water, Technical and Operational Guidance Series (TOGS 1.1.1), June 1998, as amended.

2.2.1.3 Soil Vapor

The chemical - specific SCGs to be used for Site soil vapor will consist of the NYSDOH's "Final Guidance for Evaluating Soil Vapor Intrusion in the State New York" dated October 2006 (NYSDOH Guidance) including an update to the threshold for Tetrachloroethene (PCE) dated September 2013.

2.2.2 Location - Specific SCGs

Location - specific SCGs apply to sites that contain features such as wetlands, floodplains, sensitive ecosystems or historic buildings that are located on, or in close proximity to the Site. There are no location – specific SCGs located on the Site or in close proximity to the Site.

2.2.3 Action - Specific SCGs

Action - specific SCGs are usually administrative or activity - based limitations. These may include record keeping and reporting requirements, permitting requirements, design and performance standards for remedial actions, and treatment, storage and disposal practices. Action - specific SCGs that are potentially applicable to the Site include:

- 6 NYCRR Part 375 - Inactive Hazardous Waste Disposal Sites (as amended December 2006)
- 6 NYCRR Part 595 - Releases of Hazardous Substances (August 1994)
- DER - 2 – Making Changes to Selected Remedies (revised April 2008)
- DER - 10 – Technical Guidance for Site Investigation and Remediation (June 2010)
- DER - 23 – Citizen Participation Handbook for Remedial Programs (March 2010)
- DER - 32 – Brownfield Cleanup Program Applications and Agreements (July 2010)
- DER - 33 – Institutional Controls – A Guide to Recording Institutional Controls (January 2011)
- CP - 43 – Groundwater Monitoring Well Decommissioning Policy (December 2009)
- CP - 51 – Soil Cleanup Policy (December 2010)
- Guidance for Evaluation Soil Vapor Intrusion in New York State (October 2006) including an update for Tetrachloroethene (September 2013)
- ECL Article 27 - Collection, Treatment and Disposal of Refuse and Other Solid Waste
- 6 NYCRR Part 360 - Solid Waste Management Facilities 6 NYCRR Part 364 - Waste Transporter Permits
- 6 NYCRR Part 370 - Hazardous Waste Management System: General
- 6 NYCRR Part 371 - Identification and Listing of Hazardous Wastes
- 6 NYCRR Part 372 - Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities
- 6 NYCRR Part 376 - Land Disposal Restrictions
- EPA OSWER Directive 9200.4 - 17 - Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank Sites (April 1999)
- Air Guide 1 - Guidelines for the Control of Toxic Ambient Air Contaminants
- 6 NYCRR Part 201 - Permits and Certificates
- 6 NYCRR Part 212 - General Process Emission Sources
- 6 NYCRR Part 227 - Stationary Combustion Installations

2.3 Remedial Action Objectives (RAOs)

This section presents the objectives for remedial actions that may be taken at the Site to protect human health and the environment. The RAOs development process is as follows:

- Identify the COCs remaining in the environmental media at the Site at concentrations that exceed their respective SCGs;
- Evaluate existing or potential exposure pathways in which the remaining COCs may affect human health and the environment;
- Identify pathways having an existing or potential exposure concern;
- Identify chemical‐specific SCGs that apply to the likely exposure routes for the COCs; and,
- Establish RAOs for the COCs to reduce the potential for current and future exposure.

2.3.1 Contaminants of Concern and Applicable SCGs

Applicable cleanup SCGs for the identified COCs were selected by comparing the chemical - specific SCGs appropriate to the current and potential future exposure pathways. The cleanup SCGs were then selected based on the potential exposure scenarios and contaminated media.

The COCs for the Site are PCE and TCE associated with a former dry cleaner in Building #1, and cis,1,2-DCE (a biodegradation breakdown product of PCE and TCE). These are the compounds identified as generally having the highest concentrations detected in soil and groundwater. These COCs were also detected in soil vapor as part of soil vapor intrusion investigations conducted at the Site. Table 1A lists the contaminants detected in the subsurface soil samples and Figures 2 and 3 identify the locations where subsurface soil samples were collected.

2.3.2 Contaminated Media and Exposure Pathways

This subsection addresses the environmental media and describes the types of contaminants present and the potential exposure pathways.

2.3.2.1 Surface Soil

The majority of the Site (97%) is covered by existing buildings and asphalt with 3% covered by a soil cap. If in the future, surface soil contamination is identified onsite, the CSCOs should be used for evaluation of the surface soils.

2.3.2.2 Subsurface Soil

The findings from the previous investigations indicate that subsurface soils located beneath Building #1 and in the northeast corner of the parking lot are impacted by VOCs, specifically

PCE and TCE at concentrations below the CSCOs for these compounds.

Potential exposure pathways for the contaminated subsurface soils include ingestion, dermal contact and to a lesser degree inhalation by construction workers. The potential for exposure via these pathways is possible if uncontrolled access (e.g., excavation) to subsurface soils occurs. Additionally, the subsurface soils are a potential source for sub-slab soil vapor and groundwater contamination.

2.3.2.3 Groundwater

Results of the groundwater sampling of the monitoring well network installed during completion of the RI identified the presence of one VOC at the eastern end of the Site parking lot north of Building #1 (Table 6A).

Potential exposure pathways for the contaminated groundwater include ingestion, dermal contact and/or inhalation by construction workers. The potential for exposure via these pathways is possible if uncontrolled access (e.g., excavation) to the subsurface occurs.

The groundwater contamination is also a possible source for contaminated soil vapor intrusion within Building #1.

2.3.2.4 Soil Vapor

Building #1. The COCs identified in the soil vapor at Building #1 and to a lesser extent at Building #2 include PCE, TCE and cis-1,2-DCE which is both consistent with the COCs identified in the subsurface soil, groundwater and chemicals historically used within the former dry cleaner that was located in Building #1.

TCE was detected in the one indoor air sample collected from Building #1 at a concentration below its respective NYSDOH decision matrix mitigation threshold of 2 ug/m3. PCE was detected in the one indoor air sample collected in Building #1 at a concentration of 180 ug/m3 well above the NYSDOH decision matrix mitigation threshold of 30 ug/m3. In addition, PCE, TCE, cis-1,2-DCE, trans-1,2-DCE and Vinyl Chloride (VC) were detected in sub-slab soil vapors at elevated concentrations in Building #1 (Table 2).

The results of the confirmation indoor air sample collected in February, 2017 while the SSDS was in operation in Building #1 did not detect the presence of COCs at concentrations above the NYSDOH Guidance decision matrices. These results, combined with the pressure testing results, indicate that the SSDS system is effectively mitigating the potential for soil vapor intrusion into Building 1.

Building #2. TCE was detected in the two indoor air samples collected from two different tenant spaces on the east end of Building #2 during the 2016 Soil Vapor Intrusion Investigation. The concentration of TCE was 0.48 ug/m3 for both samples collected, well below its respective NYSDOH decision matrix mitigation threshold of 2 ug/m3. PCE was detected in the both

indoor air samples collected at concentration of 5.5 ug/m3 and 7.3 ug/m3, which are below the NYSDOH decision matrix mitigation threshold of 30 ug/m3. However, PCE, TCE, cis-1,2-DCE, trans-1,2-DCE and VC were detected in sub-slab vapors at elevated concentrations. The indoor air analytical test results for the 2016 SVI investigation are summarized in Table 7 with sampling locations shown on Figure 5.

Highland Plaza has provided an IRM Work Plan Addendum to NYSDEC/NYSDOH to construct a second SSDS in the tenant space at 231 Highland Parkway based on the results of the 2016 Soil Vapor Intrusion Investigation.

2.3.3 Remedial Action Objectives

The remedial action objectives (RAOs) for the remedial program have been established through the remedy selection process stated in 6 NYCRR part 375. The goal for the program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The RAOs for the Site are:

Groundwater

RAOS for Public Health Protection:

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards; and
- Prevent contact with or inhalation of volatiles from contaminated groundwater.

RAOs for Environmental Protection:

- Restore groundwater aquifer to pre-disposal/pre-release conditions, to the extent practicable; and
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection:

- Prevent ingestion/direct contact with contaminated soil; and
- Prevent inhalation of, or exposure from, contaminants volatilizing from contamination in soil.

RAOs for Environmental Protection:

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection:

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the Site.

3. PRELIMINARY SCREENING OF GENERAL RESPONSE ACTIONS

General response actions (GRAs) are methods and technologies that are used to achieve RAOs. The GRAs (e.g., containment/management, excavation, etc.) can be accomplished using institutional controls, various technologies alone or in combination. The list of GRAs to be considered will include those actions that are appropriate for the current and anticipated future use of the Site.

3.1 Impacted Environmental Media

Impacted environmental media were determined based on the information and data gathered as part of the Preliminary Phase II Investigation and the Remedial Investigation. For purposes of evaluating appropriate GRAs, three media have been identified that require remedial action and consist of the following:

- Soils impacted by VOCs;
- Groundwater impacted by VOCs, and
- Soil Vapor impacted by VOCs beneath Site Building #1.

3.1.1 Contaminated Soil

Although concentrations of Benzene, cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were detected at concentrations below their respective commercial SCOs, a goal of the BCP is to restore a site to pre-disposal conditions. As a result, comparison of contaminant concentrations to the unrestricted SCOs revealed that six VOC exceedances were documented at the Site.

3.1.2 Contaminated Groundwater

VOC contaminated groundwater associated with the Site has been detected above the Class GA criteria as shown on Table 6A. Based on the groundwater data collected as part of the RI, groundwater contamination is present in the northeast corner of the Site that exceeds the Class GA

criteria for the COC cis-1,2-Dichloeoethene (Figure 2).

3.1.3 Contaminated Soil Vapor

During completion of the investigations at the Site, COCs were detected in the indoor air and sub-slab soil vapor samples within Building #1 at concentrations above the NYSDOH decision matrix thresholds that recommend mitigation of the potential for soil vapor intrusion. For this reason, Highland Plaza recommended an Interim Remedial Measure (IRM) for the installation of a SSDS at Building #1. With NYSDEC approval of the IRM Work Plan, the SSDS was installed in Building #1 in April, 2016. A confirmation indoor air sample was collected in February, 2017 and sub-slab pressure testing was completed in March, 2017. Based on the results of these tests, this engineering control is mitigating the potential for contaminated soil vapor to enter Building #1.

With NYSDEC approval of the IRM Work Plan Addendum, a second SSDS was installed at 231 Highland Parkway (Building #2) in October, 2017. Sub-slab pressure testing was completed on November 2, 2017, and again on December 5, 2017. Based on the results of this testing, this engineering control is mitigating the potential for contaminated soil vapor to enter the 231 Highland Parkway tenant space in Building #2.

3.2 General Response Actions (GRAs)

To achieve the RAOs for the Site, remedial actions will be required for the media discussed above. The following site conditions limit the number of remedial alternatives available to address the various contaminated media:

- The presence of the existing buildings and active commercial operations above impacted soil and groundwater contamination;
- The majority of the soils present at the Site are clays with minor amounts of silt; and,
- The impacted groundwater is present within very low permeability clay soils.

The footprint of the strip plaza buildings cover approximately 50% of the Site with an additional 47% of the Site covered with an asphalt parking lot. The last 3% of the Site is presently covered by a clean soil cap approximately 12 to 18 inches thick, thus the GRAs for the various impacted media are limited. GRAs that are available to meet the RAOs and are under consideration, based on the COCs detected and the current and anticipated future use of the Site are identified below.

GRAs for impacted soil include:

- Soil excavation;
- Engineering Controls consisting of the existing cover system; and
- Institutional Controls (Environmental Easement) and Site Management Plan.

GRAs for impacted groundwater include:

- Institutional Controls (Environmental Easement) and Site Management Plan;

- Monitoring (monitored natural attenuation (MNA);
- Groundwater Extraction and Treatment; and
- In-Situ Treatment.

GRAs for impacted soil vapor include:

- Engineering Controls using current IRM SSDS's; and
- Institutional Controls (Environmental Easement) and Site Management Plan.

3.3 Description of GRAs

This section describes how the GRAs would be applied to address the impacted soil, groundwater and soil vapor within the Site. The technologies to be used to implement the GRAs are evaluated based on the areas of the Site where impacts have been identified and site specific factors or constraints that may limit their applicability to achieve the RAOs for each impacted environmental media. Technologies determined to be inappropriate for the identified site conditions will be eliminated from further consideration.

3.4 Soil Technologies

The results of the analytical data for soils from the Site investigations completed indicates that there were six VOC exceedances of the unrestricted SCOs, but none above the commercial SCOs.. Since a goal of the BCP is to restore sites to pre-disposal conditions, excavation of contaminated soil to unrestricted SCOs is a GRA that must be evaluated. The following is a discussion of the preliminary screening of various GRAs and remedial technologies that were considered for remediation of Site soil.

3.4.1 Excavation to Pre-Disposal Conditions

The excavation of contaminated soil above unrestricted SCOs to 15 feet depth was evaluated to satisfy NYSDEC DER-10 criteria in section 4.4(d)2i (Remedy Selection Reporting Requirements for AA for a BCP Site) that requires one alternative to achieve unrestricted use relative to soil contamination without the use of institutional controls.

3.4.2 Site Cover System

A site cover system currently exists that consists of buildings, asphalt pavement, concrete sidewalks and clean soil behind the building. This cover system will be maintained to allow for commercial use of the Site. Any site redevelopment will maintain the existing site cover, while any fill material brought to the Site will meet the requirements for the identified use set forth in 6 NYCRR Part 375-6.7(d).

3.4.3 Institutional Controls and Site Management Plan

Institutional controls (i.e. work permits, environmental easement) are non-engineered instruments that minimize the potential for human exposure to residual soil contamination that may be present at the Site following implementation of a remedial action. They are also used to protect the integrity of the remedy.

3.4.3.1. Environmental Easement. An environmental easement (EE) has been approved by the NYSDEC (July 25, 2017) and was filed with Erie County and the Town of Tonawanda to limit future development at the Site to Commercial use only. The EE also prohibits the use of groundwater under the Site. Lastly, it will also serve to inform the community of the engineering controls that are in-place at the Site and the limitation on future Site use.

3.4.3.2 Site Management Plan. A Site Management Plan (SMP) provides for implementing, monitoring and reporting on the performance of institutional controls (ICs), and engineering controls (ECs) implemented at the Site. The SMP also outlines the handling, segregating, testing, re-use and disposal of soil/material encountered during future building construction and routine maintenance activities. The information provided in the SMP will include procedures/requirements for materials management during the completion of specific projects as well as the handling of surface and subsurface soils, groundwater and other materials.

Use of an EE (institutional control) and an SMP is considered an appropriate technology for the present Site conditions and will be retained for further consideration.

3.5 Groundwater Technologies

The results of the analytical data for groundwater quality monitoring conducted during the RI indicate that one VOC is present at a concentration greater than the SCGs at the Site and will need to be addressed as part of the remedial effort. The following is a discussion of the preliminary screening of various GRAs and remedial technologies that were considered for remediation of Site groundwater.

3.5.1 Monitored Natural Attenuation

Natural attenuation processes include a variety of physical, chemical and biological processes that, under favorable conditions, act to reduce the mass, toxicity, mobility, volume or concentration of contamination in groundwater. These processes include biodegradation, dispersion, dilution, sorption, volatilization, and/or chemical or biological stabilization, transformation, or destruction. Natural attenuation can be considered a remedial technology for the groundwater contamination when one or more of the following conditions are present:

- Natural attenuation processes are observed or are strongly expected to occur;
- There are no receptors that will be adversely impacted in the vicinity of the groundwater contamination;
- A continuing source exists that cannot be easily or cost-effectively removed and will require a long-term remedial effort;

- Alternative remedial technologies are not cost effective or are technically impractical; or
- Alternative remedial technologies pose added risk by transferring or spreading contamination.

Natural attenuation is evaluated using the following approach:

- Documentation of historical trends in contaminant concentration and distribution in conjunction with site geology and hydrogeology, to evaluate potential reductions in total mass of contaminants through time; and
- Presence and distribution of geochemical conditions that correlate to the observed reduction or changes in contaminant concentrations through time to evaluate the occurrence of natural attenuation.

Based on the groundwater monitoring data collected at the Site, monitored natural attenuation (MNA) is a viable technology for the groundwater contamination and will be retained for further consideration.

3.5.2 Groundwater Extraction and Treatment

Groundwater extraction and treatment refers to the removal of impacted groundwater through the use of groundwater recovery wells, or other extraction methods, and treatment of the impacted groundwater through the use of an above - ground treatment system equipped with necessary components, such as an air stripper, and adsorption technologies, to reduce the concentrations of COCs before discharge to a public wastewater treatment facility. Under the right geologic conditions, groundwater extraction and treatment actively reduces the toxicity and mobility of impacted groundwater by physically removing it from the aquifer and reducing the mass of the COCs present.

Groundwater extraction and treatment is not considered a viable technology that could be used at the Site due the presence of very low permeability clay soils that do not easily allow for the transmission or movement of groundwater through these soils. This was demonstrated during onsite groundwater monitoring well development and sampling events when very long recharge rates were observed.

3.5.3 In-Situ Groundwater Treatment

In-Situ groundwater treatment technologies do not require extraction of the groundwater for treatment, but instead treat the impacted groundwater in place. In-situ groundwater treatment is not considered a viable technology since clay soils do not easily allow for the transmission or movement of fluids through these soils.

3.5.4 Institutional Controls and Site Management Plan

The Environmental Easement and Site Management Plan is discussed in Section 3.4.3 above.

3.6 Soil Vapor Technologies

The analysis of indoor air and sub-slab soil vapor samples collected during completion of the Preliminary Phase II Investigation and the RI indicates that COCs, primarily TCE and PCE, are present in soil vapor immediately below the concrete floor of Building #1 and the eastern end of Building #2. Comparison of the results to the NYSDOH SVI Guidance decision matrices showed that the concentrations of COCs detected in the sub-slab soil vapor and/or indoor air samples exceeded their respective decision matrix mitigation thresholds at Building #1.

To address these findings, an SSDS was installed in Building #1 in April of 2016 as an IRM and is currently operating as designed. Confirmation indoor air sampling and sub-slab pressure testing confirmed that this engineering control is operating in accordance with the NYSDEC approved IRM Work Plan.

During completion of soil vapor and indoor air sampling completed in February, 2016, COCs at elevated concentrations were found to be present in sub-slab vapors at 231 Highland Parkway in Building #2. To address this finding, an SSDS was installed in Building #2 in October, 2017 as an IRM and is currently operating as designed. Sub-slab pressure testing confirmed that this engineering control is operating in accordance with the NYSDEC approved IRM Work Plan Addendum.

3.6.1 Sub - Slab Depressurization Systems (SSDSs)

The installed SSDSs at Building #1 and #2 create a negative pressure differential between the interior space of the building and the surrounding subsurface beneath the concrete floor slabs to mitigate the potential for vapor-phase contaminants to migrate into the buildings.

The SSDSs consist of fans or blowers which draw soil vapor from beneath the building concrete floor slab through a series of perforated collection pipes located under the concrete floor slab (Building #1) or by single extraction point (Building #2) and transfers the sub-slab vapors via interconnected piping to discharge points on the roof to the atmosphere. Crushed stone covered by plastic sheeting was placed under the new floor slab of Building #1 prior to pouring the concrete slab to enhance the flow of vapors under the concrete slab (through the crushed stone) and to provide a good seal under the new concrete pad (plastic sheeting).

Based on the performance of the NYSDEC approved and currently operating IRM SSDS at Building #1 and #2, evaluation of additional technologies to address impacted soil vapor is not necessary. Continued operation of these IRM SSDS's will be brought forward into the detailed analysis of alternatives.

3.7 Results of Preliminary Screening of GRAs

The results of the screening of the GRAs identified several technologies that achieve the media-specific RAOs and are appropriate to address the environmental media at the Site under the current site conditions.

3.7.1 Impacted Soil

There are no COCs above the commercial SCOs, so no additional technologies are required other than the present cover systems (asphalt parking lot, building floor slab and clean soil cap behind the strip plaza building), Institutional Controls (Environmental Easement) and a Site Management Plan (SMP). Excavation of contaminated soil above the unrestricted SCOs was not retained due to the presence of the cover system.

3.7.2 Impacted Groundwater

Monitored natural attenuation (MNA) in combination with the Environmental Easement (Institutional Control) and a SMP are the GRAs that have been selected to manage impacted groundwater.

3.7.3 Impacted Soil Vapor

The use of SSDS technology as an engineering control along with Institutional Controls (Environmental Easement) and a SMP have been selected to manage impacted soil vapor.

4.0 TECHNOLOGY SCREENING AND DEVELOPMENT OF REMEDIAL ALTERNATIVES

4.1 Technology Screening

NYSDEC DER - 10 requires that the appropriate GRAs and technologies that can achieve the RAOs must be evaluated for: the potential effectiveness; and the ability to be implemented at the Site.

4.1.1 *Effectiveness*

Effectiveness is the degree to which a technology:

- Reduces the mobility, toxicity and volume of contamination at the Site;
- Meets the remediation goals identified in the RAOs;
- Effectively handles the estimated areas and volumes of contaminated media;
- Reduces impacts to human health and the environment in the short - term during the construction and implementation phase; and
- The reliability of the technology in the long - term under the anticipated future Site uses.

4.1.2 Implementability

Implementability focuses on the technical and administrative feasibility of a remedial action. Technical feasibility is the ability to construct and operate a remedial action at the Site given availability of equipment and technical specialists.

Administrative feasibility refers to compliance with applicable rules, regulations, statutes and the ability to obtain permits or approvals from pertinent regulatory agencies.

All of the technologies identified from the GRAs can be effective in reducing the mobility, volume and toxicity of the impacted environmental media at the Site to varying degrees to achieve the RAOs. Each technology can be technically and administratively implemented with manageable impacts to human health and the environment under the current and future anticipated site uses.

4.2 Development of Remedial Alternatives

4.2.1 Soil Alternative

One remedial alternative has been selected for the management of soil contamination using the GRAs and remedial technologies that passed the preliminary screening. An expanded description of this alternative is provided below.

4.2.1.1 Soil Alternative – Cover System, Institutional Controls and Site Management Plan

This alternative will involve the maintenance of the existing cover system (buildings, asphalt pavement, concrete sidewalks and clean soil behind the building), the preparation and implementation of institutional controls (ICs) including an Environmental Easement (EE) and the preparation of a Site Management Plan (SMP) for the management of contaminated soil at the Site. The SMP will outline a program for implementing, monitoring and periodic reporting to the NYSDEC on the compliance of the ICs, and engineering controls (ECs) implemented at the Site.

The SMP will include an Excavation Work Plan (EWP) that will contain the procedures and requirements for management of work that could disturb potentially impacted soils, groundwater and soil vapor. This alternative will not reduce the volume or toxicity of the site contamination; however, it will reduce the onsite worker and/or contractor risks associated with exposure to the COCs during routine maintenance activities that may encounter potentially impacted environmental media. This alternative can be readily implemented.

4.2.2. Groundwater Alternative

One remedial technology has been identified to address groundwater contamination identified at the Site. An expanded description of how this technology could be implemented at the Site is provided below.

4.2.2.1 Monitored Natural Attenuation (MNA)

The groundwater alternative will involve the monitoring of natural attenuation processes at the Site. The remedial actions associated with this alternative can be completed using traditional

groundwater quality monitoring equipment. In addition to groundwater monitoring, ICs, in the form of an EE, will also be put into place as part of this alternative and managed with a SMP.

This alternative will involve implementing a groundwater monitoring plan consisting of the collection and analysis of groundwater samples annually from the three Site groundwater monitoring wells. Natural attenuation processes appear to be ongoing at the Site since the presence of the degradation compound cis-1,2-dichloroethene is present in groundwater at well MW-3 in the northeast corner of the Site.

Groundwater samples will be collected annually from onsite wells MW-1, MW-2 and MW-3 and analyzed for VOCs by USEPA Method 8260. This alternative will be effective as the mobility, volume and toxicity of the COCs will be monitored and likely reduced and the RAOs will be achieved. This alternative can be readily implemented as the monitoring well network is already in place and the methods for monitoring are established.

4.2.3 Soil Vapor Alternative

One remedial technology has been identified to address soil vapor contamination identified at the Site. An expanded description of how this technology has been implemented at the Site is provided below.

4.2.3.1 Sub-Slab Depressurization Systems (SSDSs)

This alternative has been implemented as IRMs in Building #1 and #2 (231, 235 and 237 Highland Parkway) in accordance with the NYSDEC/NYSDOH approved IRM work plan. The IRM in Building #1 involved the installation of four vapor collection piping runs, three roof mounted blowers and associated interconnecting piping. The SSDS was subsequently tested in February and March, 2017 through the collection analysis of a confirmation indoor sample and sub-slab pressure testing. Confirmation testing results indicated the SSDS is performing as designed within Building #1.

The IRM in Building #2 involved the installation of a single extraction point centrally located in the tenant space at 231 Highland Plaza, a roof mounted blower and associated interconnecting piping. Sub-slab pressure testing was completed in November and December, 2017 that indicated the SSDS is performing as designed within Building #2.

This alternative is effective in reducing the mobility, volume and toxicity of the COCs and achieves the RAOs for soil vapor. This alternative has already been implemented both technically and administratively at Building #1 and #2.

5.0 DETAILED ANALYSIS OF ALTERNATIVES

5.1 Description of Evaluation Criteria

In accordance with NYSDEC DER-10, the threshold criteria used for preliminary screening of the retained alternatives include: overall protectiveness; and compliance with applicable and Appropriate SCGs and Remediation Goals.

5.1.1 Overall Protectiveness

This evaluation looks at the ability of an alternative to be protective of human health and the environment both in the short term during implementation and in the long term during routine and non-routine maintenance activities.

5.1.2 Compliance with Applicable, Relevant and Appropriate SCGs and Remediation Goals

This evaluation looks at the extent to which an alternative conforms with applicable, appropriate and relevant standards and criteria for the COCs detected at the Site. The SCGs for the Site were developed in Section 2.0.

Each alternative that is determined to satisfy the threshold criteria evaluated with respect to the balancing criteria, as summarized below.

Long-Term Effectiveness and Permanence: This evaluation addresses the long-term protection of human health and the environment after completion of the remedial action. An assessment is made of the effectiveness of the remedial action in managing the risk posed by untreated wastes and the long-term reliability of the remedial action.

Reduction of Toxicity, Mobility, and Volume: This evaluation addresses the preference to selecting "remedial technologies that permanently and significantly reduce the toxicity, mobility and volume" of the contaminants of concern at a site. This evaluation consists of assessing the extent to which a treatment technology destroys toxic contaminants, reduces mobility of the contaminants using irreversible treatment processes, and/or reduces the total volume of contaminated media.

Short-Term Impacts and Effectiveness: This evaluation addresses potential impacts of the alternative during the construction and implementation phase until the RAOs are met. Factors to be evaluated include protection of the community during the remedial actions; protection of workers during the remedial actions; and the time required to achieve the RAOs.

Implementability: This evaluation addresses the technical and administrative feasibility of implementing an alternative and the availability of services and materials. Technical feasibility refers to the ability to construct and operate a remedial action for the specific conditions at a site and the availability of necessary equipment and technical specialists. Technical feasibility also includes the future operation and maintenance, replacement and monitoring that may be required for a remedial action. Administrative feasibility refers to compliance with applicable rules, regulations, statutes and

the ability to obtain permits or approvals from other government agencies or offices; and the availability of adequate capacity at permitted treatment, storage and disposal facilities and related services.

Cost Effectiveness: The estimated capital, long-term operation and maintenance, and environmental monitoring costs are presented to evaluate the cost effectiveness of the alternative. The cost estimates are intended to reflect anticipated present day costs with an accuracy of +25% to -25%.

Land Use: This evaluation provides an evaluation of the current, intended and reasonably anticipated future use of the Site as it relates to an alternative or remedy, when unrestricted levels would not be achieved. The soil, groundwater and soil vapor alternatives evaluated as part of the Detailed Analysis are compatible with the current Site use (commercial), the reasonably anticipated future use (commercial use) and the areas surrounding the Site.

Community Acceptance: Comments received from the public in response to Fact Sheets, public comment periods on documents and other planned citizen participation activities as outlined in the Citizen Participation Plan (CPP) will be taken into account with regards to the proposed remedies. Community acceptance cannot be evaluated until after the public comment period to the Remedial Work Plan (RWP) has been completed.

5.2 Detailed Analysis of Soil Alternative

5.2.1 Cover System, Institutional Controls and Site Management Plan

5.2.1.1 Overall Protectiveness

The use of a cover system, EE and a SMP will be effective in minimizing exposure to remaining soil and groundwater contamination by directing construction/maintenance activities regarding the proper handling techniques and management of potential contaminated soil encountered at the Site.

5.2.1.2 Compliance with Applicable, Relevant and Appropriate SCGs and Remediation Goals

Although this alternative is not expected to meet the chemical-specific SCGs for soil, it does achieve the RAOs for this media. Continued achievement of RAOs will be managed by implementation of the SMP. No location-specific SCGs were identified. Action-specific SCGs (e.g., OSHA regulations) will be met during construction and routine maintenance activities.

1. Long-Term Effectiveness and Permanence: This alternative is considered adequate for the contamination. The risks associated from direct contact with soil contaminants will be managed through implementation of the SMP and will be effective long-term by the cover system and EE recorded on the property.

2. Reduction of Toxicity, Mobility, and Volume: There will likely be no reduction in

toxicity, mobility and volume of the soil contamination present onsite. If construction or excavation activities are conducted, the soil generated will be properly managed and disposed of in accordance with the SMP.

3. Short-Term Impacts and Effectiveness: This alternative is considered adequate over the short-term for the remaining soil contamination. The risks associated with direct contact with soil contaminants from future construction activities will be managed by guidance provided in the Site SMP regarding methods and practices for addressing impacted soil that may be encountered.

   No disruptions to normal business operations will occur during the implementation of this alternative, except for engineering controls implemented in support of the construction/maintenance activities. The implementation of this alternative will be effective in preventing exposure to the COCs and will meet the RAOs for soil.

4. Implementability: This alternative is readily implementable.

5. Cost Effectiveness: Total capital costs for this alternative are approximately $8,500 for the preparation and implementation of a SMP and filing of the EE. Annual costs associated with the SMP which include inspection and verification of institutional and engineering controls and submittal of an Annual Review Report is approximately $4,250 annually.

5.3 Detailed Analysis of Groundwater Alternative

5.3.1 Monitored Natural Attenuation

5.3.1.1 Overall Protectiveness

This alternative is protective of human health and environment through the monitoring of the concentrations of the COC in the downgradient groundwater. If, during implementation, the COC concentration is observed to increase, additional remedial actions may be implemented.

5.3.1.2 Compliance with Applicable or Relevant and Appropriate SCGs and Remediation Goals
The groundwater contamination at the Site appears to be naturally attenuating under the current site conditions.

1. Long-Term Effectiveness and Permanence: The groundwater monitoring data conducted to date suggests that the COC is breaking down into degradation compounds at the one groundwater monitoring well location (MW-3) where the COC was noted. Groundwater samples will continue to be collected to assess the long-term effectiveness and permanence. These processes do not require the use or installation of mechanical or electrical components that could malfunction or

breakdown. The risks associated from direct contact with groundwater contaminants will be further managed through implementation of the SMP and will be effective long-term by the EE recorded on the property.

2. Reduction of Toxicity, Mobility, and Volume: The toxicity, mobility and volume of contamination are expected to be reduced over time through natural attenuation.

3. Short-Term Impacts and Effectiveness: No short-term impacts are anticipated during the implementation of this alternative, since there are no additional construction activities.

   Regarding effectiveness, the environment will be protected under this alternative although VOC contamination will remain in onsite groundwater. The length of time required for natural attenuation of groundwater contamination is unknown, but is likely to be greater than 30 years.

4. Implementability: This alternative is readily implementable technically and administratively.

5. Cost Effectiveness: Total capital costs for this alternative are estimated to be $2,650 annually.

5.4 Detailed Analysis of Soil Vapor Alternative

5.4.1 Sub-Slab Depressurization Systems

5.4.1.1 Overall Protectiveness

This alternative is protective of human health and the environment. Operation of SSDSs limits the potential for the intrusion of contaminated soil vapor into the occupied building space and is a presumptive remedy (NYSDOH, 2006).

5.4.1.2 Compliance with Applicable or Relevant and Appropriate SCGs and Remediation Goals

This alternative provides compliance with the RAOs and can achieve chemical-specific SCGs.

1. Long Term Effectiveness and Permanence: This alternative is effective as long as the operation of the SSDSs is continued and the integrity of the building floors is maintained. The risks associated posed from contaminated soil vapors will be further managed through implementation of the SMP and will be effective long-term by the EE recorded on the property.

2. Reduction of Toxicity, Mobility, and Volume: This alternative will reduce mobility of the COCs from beneath the building into indoor air and will be

effective in reducing the volume of the COCs in soil vapor.

3. Short Term Impacts and Effectiveness: There is no potential for short term impacts to human health (workers and construction personnel) as the SSDs are already installed and are operational.

   Proper personal protection equipment will be worn when maintenance or monitoring activities are conducted. Disruptions to current commercial operations are not expected to occur during routine maintenance and monitoring activities. This alternative will achieve the RAOs for soil vapor.

4. Implementability: This alternative has already been implemented.

5. Cost Effectiveness: The capital cost for this alternative is estimated to be $0 for since the SSDSs are already installed and operating. Annual operation and maintenance costs are estimated at $2,150 per year for the SSDS in Building #1 and $1,100 per year for the SSDS in Building #2.

5.5 Recommended Site Remedy

The recommended Site remedy based on the detailed analysis of alternatives for Site contaminated soil, groundwater and soil vapor is a follows:

- The use of a cover system, EE and SMP to document Site conditions, provide public awareness of these conditions, and provide guidance on the onsite management of these media;
- The use of MNA to monitor Site groundwater conditions through time; and
- The use of engineering controls (SSDSs) in Building #1 and Building #2 to mitigate the potential for contaminated soil vapor to enter these buildings.

In the event that groundwater monitoring results show an increase in contaminant concentrations, or that natural attenuation on contaminant concentrations in groundwater is not occurring, then additional investigative or remedial activities may be required.

6.0 REMEDIAL WORK PLAN

The scope of work consists of the following components:

- Development of the SMP (Completed);
- Recording of the EE with the appropriate municipal agencies (Completed);
- Development of the Groundwater Monitoring Plan and inclusion in the SMP (Completed);
- Continued Operation, Monitoring, and Maintenance of the two SSDS; and
- Development of Annual Reporting Schedule.

6.1 Development of the Site Management Plan (SMP)

A SMP to manage and monitor contamination associated with the soil, groundwater and sub-slab soil vapor has been prepared. The SMP will provide guidance to maintain and certify annually that institutional and engineering controls that are put in place at the Site are operating as designed. The SMP will exist in perpetuity or until extinguishment of the environmental easement. The SMP will address the means for implementing the Institutional Controls (ICs) and Engineering Controls (ECs) that are required by the EE for the Site. The SMP will provide a detailed description of the following plans.

Institutional and Engineering Control Plan. This plan will identify use restrictions and ECs for the Site and will detail the steps and media - specific requirements necessary to assure the ICs and ECs remain in place and are effective. The ICs and ECs are as follows:

- Institutional Controls – EE; and
- Engineering Controls – Cover System, Groundwater Monitoring and SSDSs.

Excavation Work Plan. This plan will provide details to manage future excavation activities that may occur onsite in areas where known soil contamination is present; and how to manage waste soils and/or groundwater that may be generated as part of excavation activities.

Monitoring Plan. This plan will provide guidance to assess the performance and effectiveness of groundwater monitored natural attenuation (MNA) and the two SSDS remedies. The work elements of this plan will include:

- Monitoring of groundwater and the two SSDSs to assess the performance and effectiveness of the remedies; and
- A schedule of monitoring and frequency of submittals to NYSDEC.

Operation and Maintenance Plan. This plan will be used to provide for continued operation, maintenance, monitoring, inspection and reporting of mechanical or physical components of the remedies. The work elements of this plan will include:

- Compliance monitoring of the two SSDSs to assure proper operation and maintenance (O&M) as well as providing the data for any necessary permit or permit equivalent reporting;
- Maintaining site access controls and NYSDEC notification; and
- Providing the NYSDEC access to the Site and O&M records.

6.2 Development of the Environmental Easement (EE)

An EE has been approved by the NYSDEC, and has been recorded with the Erie County Clerk and Town of Tonawanda. The EE will be an enforceable legal instrument that will ensure compliance with the SMP, ECs and ICs placed on the Site. The ICs will place restrictions on site use, and mandate reporting measures for the applicable ECs and ICs. The SMP will specify the methods that will be used to ensure compliance with the ECs and ICs required by the

environmental easement for contamination that remains. Compliance with the SMP is required by the grantor (Highland Plaza) of the EE and the grantor's successors and assigns. Any revisions to the SMP must be approved by the NYSDEC.

6.3 Development of the Groundwater Monitoring Plan

A groundwater monitoring plan has been developed as part of the SMP and provides guidance for annual sampling and analysis of groundwater samples from the three existing groundwater monitoring wells (MW-1, MW-2 and MW-3). This information will be used to assess the performance of the selected remedy. Samples will be analyzed for VOCs only. The Groundwater Monitoring Plan will include an annual schedule for sampling and reporting to the NYSDEC.

6.4 Continued Operation, Monitoring and Maintenance of Site Engineering Controls

The SSDS for Building #1 has been operational since April of 2016. Indoor air has been tested in this space and pressure testing of the pressure differential between the tenant space and sub-slab has been completed. Confirmatory testing, combined with pressure testing results, has shown that the system is performing as designed and is mitigating soil vapors under Building #1.

The SSDS for the tenant space at 231 Highland Parkway in Building #2 has been operational since October, 2017. Sub-slab pressure testing completed in November and December, 2017 shows that the system is performing as designed and is mitigating soil vapors under Building #2.

The existing cover system will be maintained. Continued O & M guidance is included in the SMP.

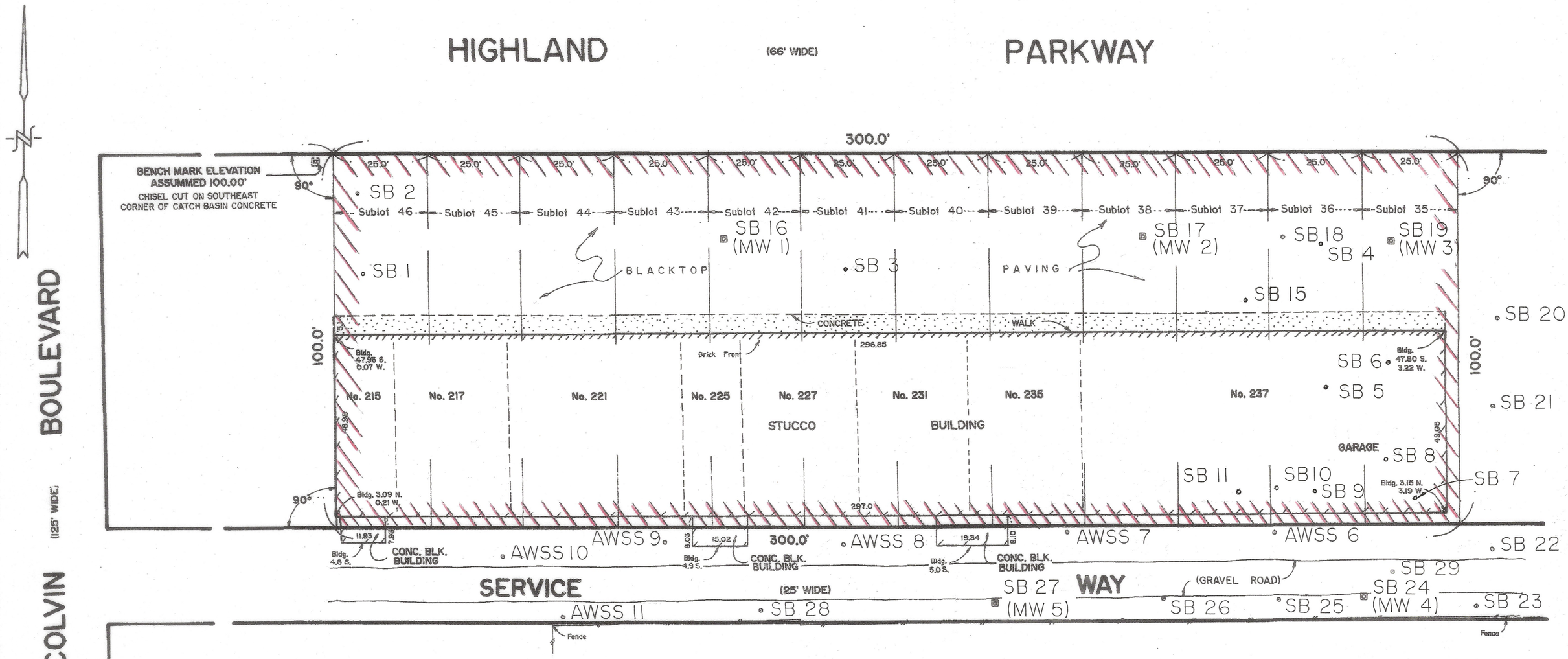
6.5 Implementation and Reporting Schedule

The following is a proposed schedule for the milestone events for the implementation of the remedy at the Site:

- Submittal of the Remedial Work Plan — Completed
- Preparation of the Environmental Easement — Completed
- Submittal of the Site Management Plan — Completed
- Submittal of Final Engineering Report — Completed

SITE BOUNDARY

FIGURE 1: SITE LOCATION MAP
HIGHLAND PLAZA
TONAWANDA, NEW YORK



NOTE:
DELINEATES BROWNFIELD AREA BOUNDARY

NOTE:
Tenant spaces/Addresses are as shown on EGMS Drawing FIGURE 4: RI VAPOR INTRUSIONSAMPLE LOCATIONS SOIL VAPOR INTRUSION INVESTIGATION HIGHLAND PLAZA IN TONAWANDA, N.Y. Dated May 2016

NOTE:
SOIL BORING SB 1 WAS NOT SAMPLED

NOTE:
THE ADDITIONAL SOIL BORING LOCATIONS AND REVISED SOIL BORING LOCATIONS ARE SHOWN ACCORDING TO DIMENSIONS PROVIDED TO OUR FIRM IN A LETTER FROM ENVIRONMENTAL & GEOLOGICAL MANAGEMENT SERVICES, LLC Dated May 15, 2017

NOTE:
SONNENBERGER LAND SURVEYING ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF ADDITIONAL AND REVISED SOIL BORING LOCATIONS.

Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	Elevation (PVC Pipe)
SB 16 (MW 1)	104.45	22.36	100.51
SB 17 (MW 2)	216.22	22.43	100.18
SB 19 (MW 3)	282.43	24.29	100.08
SB 24 (MW 4)	274.59	119.19	101.45
SB 27 (MW 5)	176.13	120.15	102.06
SB 18	253.63	22.88	
SB20	310.68	44.85	
SB 21	309.38	68.53	
SB 22	309.20	106.52	
SB 23	304.75	121.78	
SB 25	251.83	119.34	
SB 26	221.32	118.93	
SB 28	113.74	121.41	
SB 29	282.23	112.08	
AWSS 6	251.01	101.56	
AWSS 7	195.55	101.02	
AWSS 8	136.09	104.20	
AWSS 9	88.35	102.98	
AWSS 10	45.14	106.68	
AWSS 11	61.17	122.98	

Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner
SB 1	8'	32.5'
SB 2	6.5'	10'
SB 3	136'	31'
SB 15	242'	39.5'
SB 4	262'	24'
SOIL BORING LOCATIONS ARE APPROXIMATE		

Point Description	Distance West of Northeast Building Corner	Distance South of Northeast Building Corner
SB 5	32'	15'
SB 6	15'	8'
SB 7	8'	44'
SB 8	16'	34'
SB 9	35'	43'
SB 10	45'	42'
SB 11	55'	43'
SOIL BORING LOCATIONS ARE ESTIMATED		

FIGURE 2 : SITE BASE MAP

HIGHLAND PLAZA
TONAWANDA, NEW YORK

SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 33, TOWNSHIP 12, RANGE 8
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK

40 20 0 10 20
BAR SCALE 1"= 20'

SONNENBERGER LAND SURVEYING
60 NIAGARA STREET
BUFFALO, NEW YORK 14202
(716) 854-0159
SonnenbergerLandSurveying.com

SCALE: 1" = 20' DATE: NOV. 10, 2015
SHEET: 69621 No. 15-221 ATS-1
REVISED 5/20/16 REVISED 5/18/17

LICENSED LAND SURVEYOR FRANCIS X. METZGER STATE OF NEW YORK 049989

This map void unless EMBOSSED with New York State Licensed Land Surveyor's Seal No. 049989

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.

This Survey was prepared without the benefit of a current full abstract of title and is subject to any state of facts that may be revealed by an examination of same

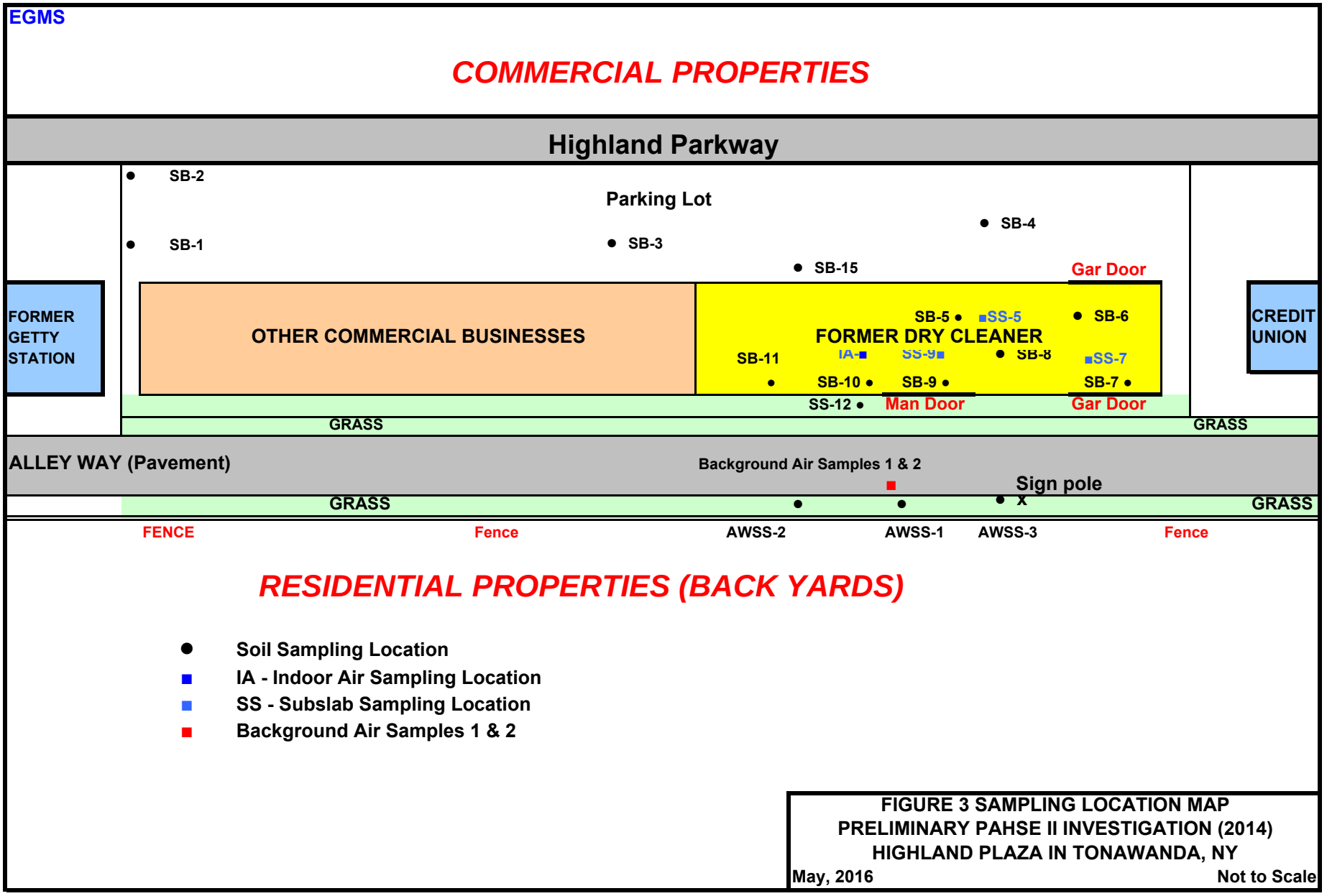
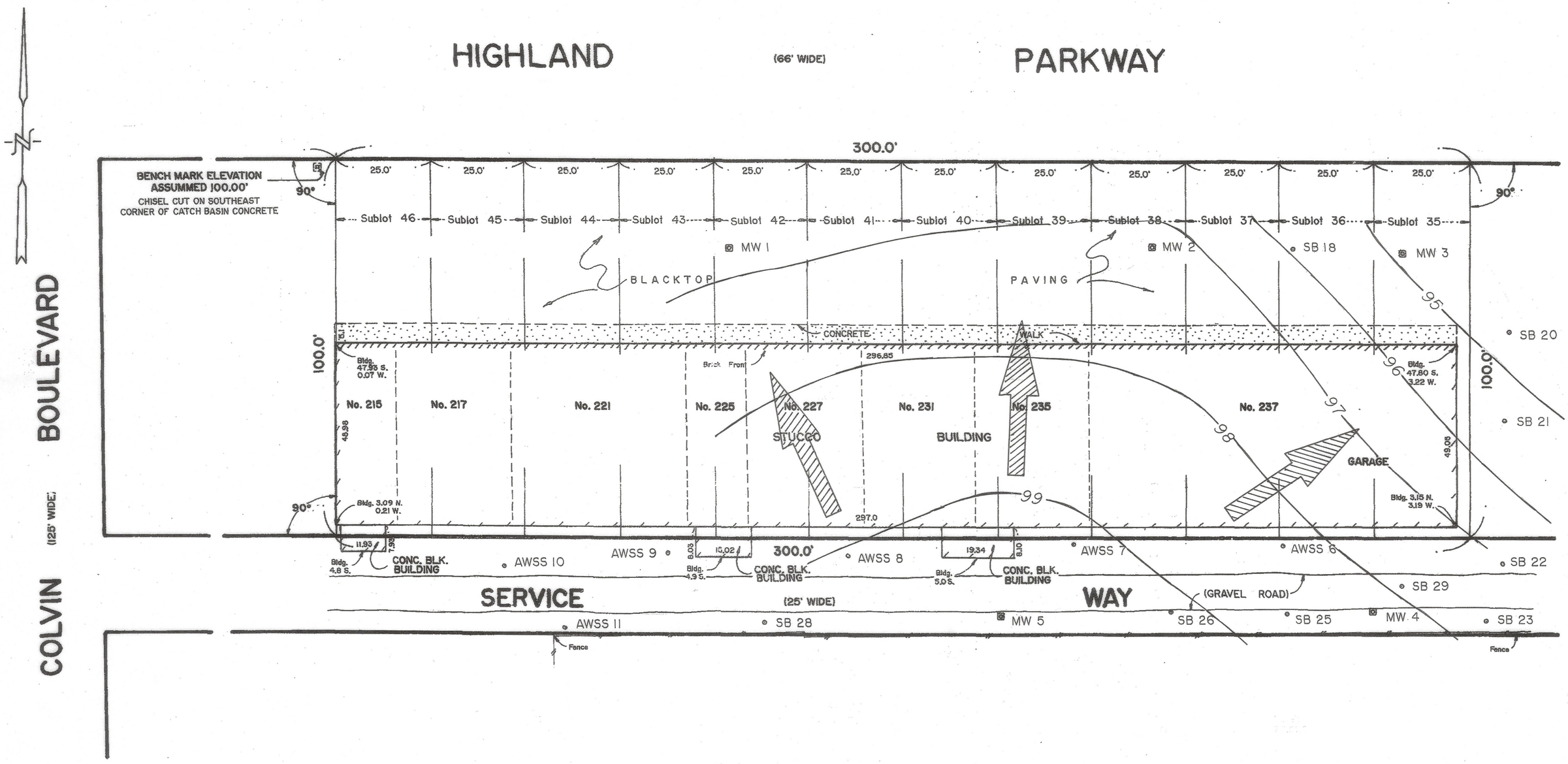


FIGURE 3 SAMPLING LOCATION MAP
PRELIMINARY PAHSE II INVESTIGATION (2014)
HIGHLAND PLAZA IN TONAWANDA, NY
May, 2016 **Not to Scale**



NOTE:
The groundwater contour lines were provided to Sonnenberger Land Surveying by Environmental & Geological Management Services, LLC based on measurements shown on:
TABLE 3: REMEDIAL INVESTIGATION GROUNDWATER ELEVATIONS
HIGHLAND PLAZA IN TONAWANDA , N.Y.
Dated December 4, 2015

Sonnenberger Land Surveying accepts no responsibility for the accuracy or completeness of the contour lines shown.

Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	Elevation (PVC Pipe)	Groundwater Elevation as supplied by Environmental & Geological Management Services, LLC Table 3 Dated 12/4/15
MW 1	104.45	22.36	100.51	96.71
MW 2	216.22	22.43	100.18	97.38
MW 3	282.43	24.29	100.08	94.68
MW 4	274.59	119.19	101.45	98.35
MW 5	176.13	120.15	102.06	99.26
SB 18	253.63	22.88		
SB20	310.68	44.85		
SB 21	309.38	68.53		
SB 22	309.20	106.52		
SB 23	304.75	121.78		
SB 25	251.83	119.34		
SB 26	221.32	118.93		
SB 28	113.74	121.41		
SB 29	282.23	112.08		
AWSS 6	251.01	101.56		
AWSS 7	195.55	101.02		
AWSS 8	136.09	104.20		
AWSS 9	88.35	102.98		
AWSS 10	45.14	106.68		
AWSS 11	61.17	122.98		

LICENSED LAND SURVEYOR FRANCIS X. METZGER Francis X. Metzger NEW YORK

This map void unless EMBOSSED with New York State Licensed Land Surveyor's Seal No. 049989

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.

This Survey was prepared without the benefit of a current full abstract of title and is subject to any state of facts that may be revealed by an examination of same

FIGURE 4 : WATER TABLE MAP

HIGHLAND PLAZA
TONAWANDA, NEW YORK

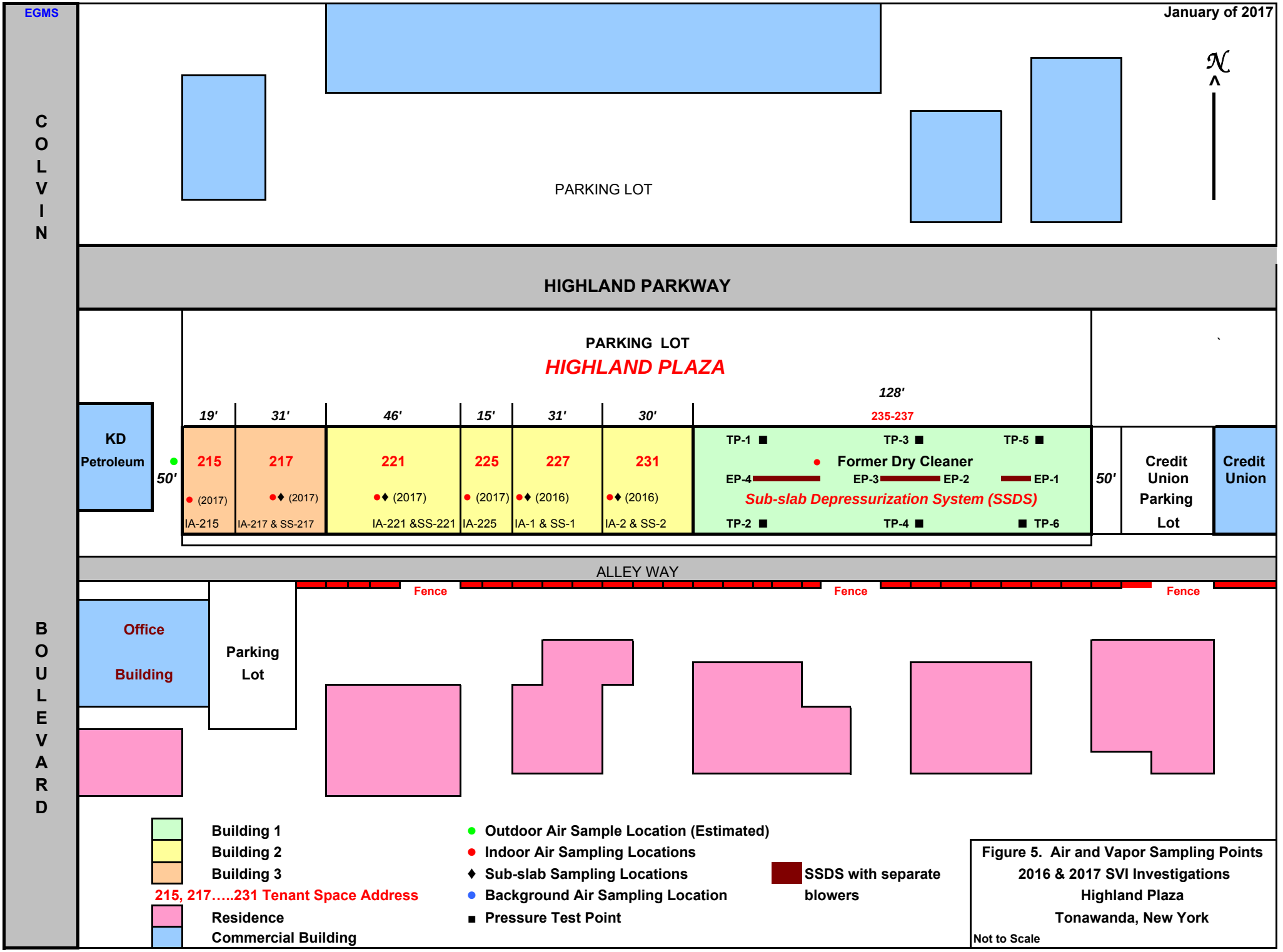
SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 33, TOWNSHIP 12, RANGE 8
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK

40 20 0 10 20
BAR SCALE 1" = 20'

SONNENBERGER LAND SURVEYING
60 NIAGARA STREET
BUFFALO, NEW YORK 14202
(716) 854-0159
SonnenbergerLandSurveying.com

SCALE: 1" = 20' DATE: NOV. 10, 2015

SHEET: 69621 No. 15-221 GW-1
REVISED 5/20/16 REVISED 5/18/17


EGMS
January of 2017
COLVIN
BOULEVARD
PARKING LOT
HIGHLAND PARKWAY
PARKING LOT
HIGHLAND PLAZA
KD Petroleum
50'
19'
31'
46'
15'
31'
30'
128'
235-237
215
217
221
225
227
231
(2017)
(2017)
(2017)
(2017)
(2016)
(2016)
IA-215
IA-217 & SS-217
IA-221 &SS-221
IA-225
IA-1 & SS-1
IA-2 & SS-2
TP-1
TP-3
TP-5
Former Dry Cleaner
EP-4
EP-3
EP-2
EP-1
Sub-slab Depressurization System (SSDS)
TP-2
TP-4
TP-6
50'
Credit Union Parking Lot
Credit Union
ALLEY WAY
Fence
Fence
Fence
Office Building
Parking Lot
Building 1
Building 2
Building 3
215, 217…..231 Tenant Space Address
Residence
Commercial Building
Outdoor Air Sample Location (Estimated)
Indoor Air Sampling Locations
Sub-slab Sampling Locations
Background Air Sampling Location
Pressure Test Point
SSDS with separate blowers
Figure 5. Air and Vapor Sampling Points
2016 & 2017 SVI Investigations
Highland Plaza
Tonawanda, New York
Not to Scale

EGMS April, 2017

TABLE 1A: ON SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	SB -2	SB -3	SB -4	SB - 5	SB -6	SB -7	SB -8	SB -9	SB -10	SB -11	SB-15
Volatile Organic Compounds		*ppm=mg/kg*	Depth	4 ft-8 ft	0 ft-4 ft	8 ft-12 ft	4 ft-8 ft	4 ft-8 ft	0.5 ft- 2 ft	0.5 ft- 2 ft	0.5 ft- 2 ft	0 ft-4 ft	0.5 ft- 2 ft	4 ft-8 ft
	Protection Groundwtr	Commer-cial	Date	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014	5/13/2014
1,1,1-Trichloroethane [f]	0.68	500[b]		ND (0.00938)	ND (0.00892)	ND (0.0093)	ND (0.162)	ND (0.0119)	ND (0.0361	ND (0.119)	ND (0.0105)	ND (0.010)	ND (0.0094)	ND (0.00831)
cis -1,2-Dichloroethene [f]	0.25	500[b]		ND (0.08938)	ND (0.00892)	ND (0.0093)	**0.163**	**0.0816**	ND (0.0361	ND (0.119)	ND (0.0105)	ND (0.010)	ND (0.0094)	ND (0.00831)
Acetone	0.05	500[b]		ND (0.0469)	ND (0.0446)	ND (0.0465)	ND (0.812)	ND (0.0595)	ND (0.181)	ND (0.597)	ND (0.0524)	ND (0.050)	ND (0.047)	ND (0.0416)
Benzene	0.06	44		ND(0.00938)	ND (0.00892)	ND (0.0093)	ND (0.162)	ND (0.0119)	ND (0.0361)	ND (0.119)	ND (0.0105)	ND (0.010)	ND (0.0094)	ND (0.0831)
Methylene chloride	0.05	500[b]		ND (0.0234)	ND (0.0223)	ND (0.0233)	ND (0.406)	ND (0.0297)	ND (0.0903	ND (0.299)	ND (0.0262	ND (0.025)	ND (0.0235)	ND (0.0208
Tetrachloroethene	1.3	150		ND (0.00938)	ND (0.00892)	ND (0.0093)	**3.4**	**0.5150**	**1.95**	**1.23**	**0.061**	**0.0218**	**0.0333**	ND (0.0831)
Trichloroethene	0.47	200		ND (0.00938)	ND (0.00892)	ND (0.0093)	**0.625**	**0.101**	**0.118**	ND (0.119)	**0.0108**	ND (0.010)	ND (0.0094)	ND (0.0831)
Xylene (mixed)	1.6	500[b]		ND (0.00938)	ND (0.00892)	ND (0.0093)	ND (0.162)	ND (0.0119)	ND (0.0361)	ND (0.119)	ND (0.0105)	ND (0.010)	ND (0.0094)	ND (0.0831)

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not Detected above method detection limit

NA Not Analyzed

H **Sample was prepped or analyzed beyond the specified holding time**

B **Compound was found in the blank and sample**

J **Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.**

F1 **MS and/or MSD Recovery is outside acceptance limits**

F2 **MS/MSD RPD exceeds control limits**

EGMS April, 2017

TABLE 1A: ON SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	SB -16	SB -16	SB -17	SB -17	Dup#1 SB-17	SB -18	SB -18	SB -19	SB -19
Volatile Organic Compoun	*ppm=mg/kg*		Depth	6 in-12 in	23 ft-24 ft	6 in-12 in	23 ft-24 ft	23 ft-24 ft	12 in-18 in	7 ft-8 ft	6 in-18 in	23 ft-24 ft
	Protection Groundwtr	Commer-cial	Date	10_14	10_14	10_14	10_14	10_14	10_14	10_14	10_14	10_14
1,1,1-Trichloroethane [I]	0.68	500[b]		ND (0.00035)	ND (0.00028)	ND (0.00034)	ND (0.00028)	ND (0.00025)	ND (0.00037)	ND (0.00029)	ND (0.00029)	ND (0.00026)
cis -1,2-Dichloroethene [I]	0.25	500[b]		ND (0.00061)	ND (0.00049)	ND (0.00059)	ND (0.00049)	ND 0.00043)	ND (0.00064)	ND (0.00051)	0.0072 F1	ND (0.00045)
Acetone	0.05	500[b]		ND (0.0040)	0.012 JHB	0.0078 JB	0.0054 JB	0.01 JHB	ND (0.0042)	0.0043 JB	0.019 JF1	0.0095 J
Benzene	0.06	44		ND (0.00024)	ND (0.00019)	ND (0.00023)	ND (0.00019)	ND (0.00017)	ND (0.00025)	ND (0.0002)	**0.24**	ND (0.00017)
Methylene chloride	0.05	500[b]		ND (0.0022)	0.0027 JHB	0.0024 JB	ND (0.0018)	ND (0.0016)	ND (0.00023)	ND (0.0019)	0.0021 JB	ND (0.0016)
Tetrachloroethene	1.3	150		1.3 JHB	0.001 JHB	0.0097 JB	0.00066 JB	0.00067 JHB	0.00089 JB	0.0007 JB	**9.6**	0.00057 JB
Trichloroethene	0.47	200		ND (0.0011)	ND (0.00085)	ND (0.0001)	ND (0.00085)	ND (0.00075)	ND (0.0011)	ND (0.00088)	**0.53**	ND (0.00078)
Xylene (mixed)	1.6	500[b]		ND (0.0008)	ND (0.00065)	ND (0.00078)	ND (0.00065)	ND (0.00057)	ND (0.00084)	ND (0.00068)	0.0008	ND (0.00060)

(JF2F1B)

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not Detected above method detection limit

NA Not Analyzed

H **Sample was prepped or analyzed beyond the specified holding time**

B **Compound was found in the blank and sample**

J **Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.**

F1 **MS and/or MSD Recovery is outside acceptance limits**

F2 **MS/MSD RPD exceeds control limits**

TABLE 1A: ON SITE RI SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS VOLATILE ORGANIC COMPOUNDS (DETECTED) HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	SS-12
Volatile Organic compounds	*ppm=mg/kg*		Depth	0 in-4 in
	Protection Groundwater	Commer-cial	Date	10_18
1,1,1-Trichloroethane [1]	0.68	500[b]		ND (0.00756)
cis -1,2-Dichloroethene [1]	0.25	500[b]		ND (0.00756)
Acetone	0.05	500[b]		ND (0.0378)
Benzene	0.06	44		ND (0.0756)
Methylene chloride	0.05	500[b]		ND (0.0189)
Tetrachloroethene	1.3	150		0.002 J
Trichloroethene	0.47	200		**0.01**
Xylene (mixed)	1.6	500[b]		ND (0.00756)

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not Detected above method detection limit

NA Not Analyzed

H: Sample was prepped or analyzed beyond the specified holding time

B: Compound was found in the blank and sample

J: Result is less than the reporting limit (RL), nut > than or = to the method detection limit (MDL), and is estimated

F1: MS and/or MSD Recovery is outside acceptance limits

F2: MS/MSD RPD exceeds control limits

April, 2017

TABLE 1B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Volatile Organic compounds	Protection Groundwater	Commer-cial	ppm=mg/kg	Sample #	SB-20	SB-20	SB-21	SB-21	SB-22	SB -22	SB -23	SB -23
				Depth	6 in-18 in	7 ft-8 ft	12 in-20 in	7 ft-8 ft	6 in-18 in	7 ft-8 ft	17 in-24 in	6 ft-7 ft
				Date	10_15	10_15	10_15	10_15	10_15	10_15	10_15	10_15
1,1 Dichloroethene	0.27	500[b]			ND (0.00057)	ND (0.00048)	ND (0.0005)	ND (0.00056)	ND (0.0005)	ND (0.00046)	0.00089 J	ND (0.00047)
cis -1,2-Dichloroethene [f]	0.25	500[b]			ND (0.00053)	ND (0.00056)	ND (0.00052)	ND (0.00056)	0.00079 J	ND (0.00046)	0.23 J	**0.018**
trans-1,2-Dichloroethene [f]	0.19	500[b]			ND (0.00043)	ND (0.0004)	ND (0.00042)	ND (0.00042)	ND (0.00042)	ND (0.00046)	0.00078 J	ND (0.00039)
Acetone	0.05	500[b]			0.047 B	0.0033 J	**0.084**	ND (0.00038)	**0.039**	0.0044 J	0.049	0.01
Chloroform	0.37	350			ND (0.00026	ND (0.00024)	ND (0.00025)	ND (0.00028)	ND (0.00025)	ND (0.00023)	ND (0.00028)	ND (0.00024)
Methyl ethyl ketone	0.12	500[b]			0.0065 J	ND (0.00014)	0.017 J	ND (0.0017)	ND (0.00015)	ND (0.0014)	ND (0.0016)	ND (0.0014)
Methylene chloride	0.05	500[b]			ND (0.0019)	ND (0.00018)	ND (0.00019)	ND (0.0021)	ND (0.00019)	ND (0.0017)	ND (0.0021)	ND (0.0018)
n - Propylbenzene [f]	3.9	500[b]			ND (0.00033)	ND (0.00031)	ND (0.00033)	ND (0.0037)	ND (0.00033)	ND (0.0003)	ND (0.00036)	ND (0.00033)
Tetrachloroethene	1.3	150			0.0019 J	0.00095 J	0.0009 J	ND (0.00061)	0.00086 J	0.0006 J	**19.0**	**4.9**
Toluene	0.7	500[b]			ND (0.00032)	ND (0.0003)	ND (0.00031)	ND (0.00035)	ND (0.00031)	ND (0.00029)	ND (0.00034)	ND (0.00029)
Trichloroethene	0.47	200			ND (0.00092)	ND (0.00086)	ND (0.00096)	ND (0.001)	ND (0.00089)	ND (0.00083)	**3.0**	**0.5**
1,2,4-Trimethylbenzene [f]	3.6	190			ND (0.0008)	ND (0.00075)	ND (0.00078)	ND (0.00088)	ND (0.00078)	ND (0.00073)	ND (0.00086)	ND (0.00073)
1,3,5-Trimethylbenzene[f]	8.4	190			ND (0.00027)	ND (0.00025)	ND (0.00026)	ND (0.00029)	ND (0.00026)	ND (0.00024)	ND (0.00024)	ND (0.00025)
Xylene (mixed)	1.6	500[b]			ND (0.00070)	ND (0.00066)	ND (0.00068)	ND (0.00077)	ND (0.00068)	ND (0.00064)	ND (0.00076)	ND (0.00064)

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not Detected above methoid detection limit

NA Not Analyzed

H Sample was prepped or analyzed beyond the specified holding time

B Compound was found in the blank and sample

J Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.

F1 MS and/or MSD Recovery is outside acceptance limits

F2 MS/MSD RPD exceeds control limits

TABLE 1B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	SB -24	SB -24	SB -24	SB -25	SB -25	SB -26	SB -26
Volatile Organic compounds		*ppm=mg/kg*	Depth	6 in-14 in	14 ft-15 ft	23 ft-24 ft	16 in-20 in	6 ft-7ft	17 in-22 in	7 ft-8 ft
	Protection Groundwater	Commer-cial	Date	10_15	10_15	10_15	10_16	10_16	10_16	10_16
1,1 Dichloroethene	0.27	500[b]		ND (0.32)	0.00082 J	0.0018 J	ND (0.14)	0.0029 J	ND (0.016)	ND (0.00042)
cis -1,2-Dichloroethene [f]	0.25	500[b]		**29.0**	**0.0078**	0.0011 J	**1.6**	0.29 E	ND (0.00056)	0.00057 J
trans-1,2-Dichloroethene [f]	0.19	500[b]		ND (0.22)	ND (0.0004)	ND (0.00037)	ND (0.11)	0.0018 J	ND (0.00045)	ND (0.00036)
Acetone	0.05	500[b]		ND (3.9)	0.005 J	0.0085 J	ND (1.9)	**0.045**	ND (0.0037)	ND (0.00029)
Chloroform	0.37	350		ND (0.64)	0.00049 J	ND (0.00022)	ND (0.32)	0.0013 J	ND (0.0027)	ND (0.00021)
Methyl ethyl ketone	0.12	500[b]		ND (2.8)	ND (0.0014)	ND (0.0013)	ND (1.4)	ND (0012)	ND (0.0016)	ND (0.00013)
Methylene chloride	0.05	500[b]		ND (0.19)	ND (0.0018)	ND (0.0017)	ND (0.092)	ND (0015)	ND (0.002)	ND (0.00016)
n - Propylbenzene [f]	3.9	500[b]		ND (0.25)	ND (0.00031)	ND (0.0029)	ND (0.12)	0.0004 J	ND (0.00035)	ND (0.00028)
Tetrachloroethene	1.3	150		**1600.0**	**170.0**	**140.0**	**1400.0**	**740.0**	**0.22**	**0.0054**
Toluene	0.7	500[b]		0.5 J	0.0004 JB	0.00039 JB	ND (0.12)	0.00048 J	ND (0.00033)	ND (0.00026)
Trichloroethene	0.47	200		**15.0**	**0.023**	**0.061**	**0.014**	0.21 E	ND (0.00096)	ND (0.00026)
1,2,4-Trimethylbenzene [f]	3.6	190		ND (0.26)	ND (0.00074)	ND (0.00069)	ND (0.13)	0,0015 J	ND (0.00084)	ND (0.00067)
1,3,5-Trimethylbenzene[f]	8.4	190		ND (0.28)	ND (0.00025)	ND (0.00023)	ND (0.14)	0.00071 J	ND (0.00028)	ND (0.00022)
Xylene (mixed)	1.6	500[b]		0.98 J	ND (0.00065)	ND (0.00061)	ND (0.26)	ND (0.00057)	ND (0.00073)	ND (0.00058)

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not detected above methoid detection limit

NA Not Analyzed

H Sample was prepped or analyzed beyond the specified holding time

B Compound was found in the blank and sample

J Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.

F1 MS and/or MSD Recovery is outside acceptance limits

F2 MS/MSD RPD exceeds control limits

TABLE 1B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	SB -27	SB -27	SB -27	SB -28	SB -28	SB -29	SB -29
Volatile Organic compounds		*ppm=mg/kg*	Depth	0 in-14 in	14 ft-15 ft	23 ft-24 ft	10 in-22 in	7 ft-8 ft	17 in-22 in	7 ft-8 ft
	Protection Groundwater	Commer-cial	Date	10_15	10_15	10_15	10_16	10_16	10_16	10_16
1,1 Dichloroethene	0.27	500[b]		ND (0.00082)	ND (0.00043)	0.0012 J	ND (0.00052)	ND (0.00046)	ND (0.00048)	0.0005 J
cis -1,2-Dichloroethene [f]	0.25	500[b]		0.0039 J	0.003 J	0.88 J	ND (0.00054)	ND (0.00048)	ND (0.0005)	**1.2**
trans-1,2-Dichloroethene [f]	0.19	500[b]		ND (0.00069)	ND (0.00036)	**0.03**	ND (0.00044)	ND (0.00038)	ND (0.0004)	0.0012 J
Acetone	0.05	500[b]		ND (0.0057)	0.0062 JB	0.0046 J	ND (0.0036)	0.0097 JB	0.011 J	0.0035 J
Chloroform	0.37	350		ND (0.0042)	ND (0.00022)	ND (0.00028)	ND (0.00026)	ND (0.00023)	ND (0.00024)	ND (0.00023)
Methyl ethyl ketone	0.12	500[b]		ND (0.0025)	ND (0.0013)	ND (0.0016)	ND (0.0016)	ND (0.0014)	ND (0.00014)	ND (0.00014)
Methylene chloride	0.05	500[b]		0.0032 JB	ND (0.0016)	ND (0.0021)	ND (0.002)	ND (0.0017)	ND (0.00018)	ND (0.00017)
n - Propylbenzene [f]	3.9	500[b]		ND (0.00034)	ND (0.00028)	ND (0.00036)	ND (0.0034)	ND (0.0003)	ND (0.00031)	ND (0.0003)
Tetrachloroethene	1.3	150		**0.029**	**0.011**	**79.0**	0.0065 F1	0.0006 J	0.0015 JB	**18.0**
Toluene	0.7	500[b]		ND (0.00051)	ND (0.00026)	ND (0.00034)	ND (0.00032)	ND (0.00028)	ND (0.0003)	ND (0.00029)
Trichloroethene	0.47	200		**0.011**	**0.0027**	**5.4**	ND (0.00093)	ND (0.00082)	ND (0.00086)	**0.59**
1,2,4-Trimethylbenzene [f]	3.6	190		ND (0.0013)	ND (0.00067)	ND (0.00086)	ND (0.00081)	ND (0.00071)	ND (0.00075)	0.25 J
1,3,5-Trimethylbenzene [f]	8.4	190		ND (0.0043)	ND (0.00023)	ND (0.00029)	ND (0.00027)	ND (0.00024)	ND (0.00025)	ND (0.00024)
Xylene (mixed)	1.6	500[b]		ND (0.0011)	ND (0.00059)	ND (0.00075)	ND (0.00071)	ND (0.00062)	ND (0.00086)	ND (0.00064)

Footnotes:

Exceeds NYSDEC Part 375 Protection of groundwater Soil Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not Detected above method detection limit

NA Not Analyzed

H Sample was prepped or analyzed beyond the specified holding time

B Compound was found in the blank and sample

J Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.

F1 MS and/or MSD Recovery is outside acceptance limits

F2 MS/MSD RPD exceeds control limits

TABLE 1B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

			Sample #	AWSS-1	AWSS-2	AWSS-3	AWSS-6	AWSS-7	Dup 2 AWSS-7	AWSS-8	AWSS-9	AWSS-10	AWSS-11
Volatile Organic compounds		*ppm=mg/kg*	Depth	0 in-6 in	0 in-6 in	0 in-6 in	0"-4"	0"-4"	0"-4"	0"-4"	0"-4"	0"-4"	0"-4"
	Protection Groundwater	Commer-cial	Date	7/8/2014	7/8/2014	7/8/2014	10_18	10_18	10_18	10_18	10_18	10_18	10_18
1,1 Dichloroethene	0.27	500[b]		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.00067)	ND (0.00062)	ND (0.00062)	ND (0.00072)	ND (0.00062)	ND (0.00046)	ND (0.0013)
cis -1,2-Dichloroethene [l]	0.25	500[b]		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.0007)	ND (0.00065)	ND (0.00065)	ND (0.00071)	ND (0.00065)	ND (0.00048)	ND (0.0014)
trans-1,2-Dichloroethene [l]	0.19	500[b]		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.00056)	ND (0.00052)	ND (0.00052)	ND (0.00061)	ND (0.00053)	ND (0.00039)	ND (0.0011)
Acetone	0.05	500[b]		ND (4.86)	ND (4.11)	ND (5.94)	ND (0.00041)	ND (0.00043)	ND (0.0043)	ND (0.005)	ND (0.0043)	ND (0.0032)	ND (0.0089)
Chloroform	0.37	350		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.00034)	ND (0.00031)	ND (0.00031)	ND (0.00037)	ND (0.00032)	ND (0.00023)	ND (0.00065)
Methyl ethyl ketone	0.12	500[b]		ND (4.86)	ND (4.11)	ND (5.94)	ND (0.002)	ND (0.0018)	ND (0.0018)	ND (0.0022)	ND (0.0019)	0.016 J	ND (0.0039)
Methylene chloride	0.05	500[b]		ND (2.43)	ND (2.06)	ND (2.97)	ND (0.0025)	ND (0.0023)	ND (0.0023)	0.0035 JB	ND (0.0023	ND (0.00017)	0.0097 JB
n - Propylbenzene [l]	3.9	500[b]		NA	NA	NA	ND (0.0004)	ND (0.0004)	ND (0.0004)	ND (0.00047)	ND (0.00047)	ND (0.00030)	ND (0.00089)
Tetrachloroethene	1.3	150		**40.2**	**19.3**	**89.3**	0.002 J	**0.0063**	**0.0019**	**0.0062**	0.001 J	0.0006 J	ND (0..0014)
Toluene	0.7	500[b]		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.00041)	ND (0.00038)	ND (0.00038)	ND (0.00045)	ND (0.00039)	ND (0.00028)	ND (0.0008)
Trichloroethene	0.47	200		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.0012)	ND (0.0011)	ND (0.0011)	ND (0.0013)	ND (0.00011)	ND (0.00083)	ND (0.0023)
1,2,4-Trimethylbenzene [l]	3.6	190		NA	NA	NA	ND (0.0011)	ND (0.00097)	ND (0.00097)	0.0014 J	ND (0.00098)	ND (0.00072)	ND (0.002)
1,3,5-Trimethylbenzene [l]	8.4	190		NA	NA	NA	ND (0.00035)	ND (0.00033)	ND (0.00033)	ND (0.00038)	ND (0.00033)	ND (0.00024)	ND (0.00068)
Xylene (mixed)	1.6	500[b]		ND (0.973)	ND (0.822)	ND (1.19)	ND (0.00092)	ND (0.00085)	ND (0.00085)	0.0015 JB	ND (0.00086)	ND (0.00063)	0.0019 JB

Footnotes:

Exceeds NYSDEC Part 375 Protection of Groundwater Soil Cleanup Cleanup Objective

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

ND Not detected above the method detection limit

NA Not analyzed

H Sample was prepped or analyzed beyond the specified holding time

B Compound was found in the blank and sample

J Result is less than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated.

MS and/or MSD Recovery is outside acceptance limits

MS/MSD RPD exceeds control limits

TABLE 2: PRELIMINARY PHASE II SOIL VAPOR INTRUSION STUDY (2014)
VOLATILE ORGANIC COMPOUNDS DETECTED IN AIR & SUB-SLAB VAPORS
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Analyte (ug/m3)	NYSDOH GUIDANCE ug/m3	SS-5	SS-7	SS-9	INDOOR AIR	OUTDOOR AIR #1*	OUTDOOR Air #2
1,1-Dichloroethene		**1.7**	<0.59	<0.59	<0.59	**0.44**	<0.59
1,2,4-Trimethylbenzene		**6.8**	**6.3**	**8.4**	**4.7**	**0.84**	**1.0**
1,2-Dichloroethane		**7.8**	**8.4**	**7.9**	<0.61	<0.61	<1.2
1,3,5-Trimethylbenzene		**3.3**	**3.0**	**3.6**	**2.4**	<0.74	**0.79**
2,2,4-trimethylpentane		**0.98**	**1.8**	<0.70	<0.70	<0.70	<0.70
4-ethyltoluene		**2.7**	**2.2**	**2.9**	0.96	<0.74	<0.74
Acetone		**56**	**250.0**	**120.0**	31.0	**23.0**	**2.4**
Benzene		**2.5**	**2.7**	**2.8**	0.51	**0.35**	<0.48
Carbon disulfide		**2.3**	**38.0**	**12.0**	0.47	**1.1**	**0.62**
Carbontetrachloride		**0.75**	**0 75**	<0.94	0.75	**0.63**	**0.82**
Chloroform		**12**	**5.2**	**2.1**	0.68	<0.73	<0.73
Chloromethane		<0.40	<0.31	<0.31	1.4	**1.3**	**1.0**
cis-1,2-Dichloroethene		**520.0**	**31.0**	**2.1**	0.95	**54.0**	**1.3**
Cyclohexane		**4.3**	**9.3**	**11.0**	<0.52	<0.52	<0.52
Ethyl acetate		<0.90	**7.9**	**8.6**	1.3	<0.90	<0.90
Ethylbenzene		**2.6**	**3.1**	**2.6**	1.3	<0.65	<0.65
Freon 11		**1.7**	**2.0**	**1.8**	2	**1.8**	**2.0**
Freon 113		<1.1	<1.1	<1.1	0.77	<1.1	<1.1
Freon 12		**3.0**	**2.9**	**3.2**	3.7	**3.5**	**3.4**
Heptane		<0.61	**9.8**	**12.0**	<0.61	<0.61	<0.61
Hexane		<0.53	**16.0**	**20.0**	<0.53	**0.63**	**0.63**
Isopropyl alcohol		<0.37	<0.37	<0.37	9.3	**7.9**	**1.9**
m&p-Xylene		**5.5**	**6.9**	**6.0**	3.5	**1.4**	**0.69**
Methyl Ethyl Ketone		**8.6**	**14.0**	**14.0**	4.4	<0.88	**1.7**
Methylene chloride	60	**9.4**	**8.7**	**11.0**	1.6	**0.83**	**0.69**
a-Xylene		**2.5**	**2.8**	**2.6**	1.7	**0.82**	**0.43**
Tetrachloroethylene	30	**1600.0**	**550.0**	**74.0**	**180.0**	**2900.0**	**7.0**
Toluene		**34.0**	**38.0**	**30.0**	5.8	**2.0**	**2.0**
trans-1,2-Dichloroethene		**260.0**	**41.0**	<0.59	<0.59	<0.59	<0.59
Trichloroethene	2	**1200.0**	**87.0**	**11.0**	**1.8**	**43.0**	**1.2**
Vinyl chloride		**12.0**	<0.38	<0.38	<0.10	<0.10	<0.10

SS Sub-slab Sample

0.0 Bold is a detection of specified volatile organic compound

< Not detected at or below specified quantitation limit

NYSDOH (2006) Table 3.1 and 3.2 Guidance Intended for Indoor and Outdoor Air and not sub-slab vapor

EGMS April, 2017

TABLE 3A: ON SITE REMEDIAL INVESTIGATION SUBSURFACE AND SURFACE SOIL ANALYTICAL RESULTS
SEMI - VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

		Sample #	SB -2	SB -3	SB -16	SB-17	SB-17	Dup SB-17	SB-19
		Depth	4 ft-8 ft	0 ft-4 ft	6 in-12 in	6 in -12 in	23 ft-24 ft	23 ft-24 ft	6 in-18 in
	Commercial	Date	5/13/2014	5/13/2014	10/14/2015	10/14/2015	10/14/2015	10/14/2015	10/14/2015
Compounds	*ppm=mg/kg*								
Bis(2-ehtylhexyl) phthalate	NS		ND (0.328)	ND (0.341)	ND (0.028)	ND (0.067)	ND (0.061)	0.099 J	ND (0.067)

Footnotes:

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

NS: No standard

ND Not Detected above method detection limit

NA Not Analyzed

H: Sample was prepped or analyzed beyond the specified holding time

B: Compound was found in the blank and sample

J: Result is < than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated

F1: MS and/or MSD Recovery is outside acceptance limits

F2: MS/MSD RPD exceeds control limits

EGMS April, 2017

TABLE 3B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE AND SURFACE SOIL ANALYTICAL RESULTS
SEMI - VOLATILE ORGANIC COMPOUNDS (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

		Sample #	SB-24	SB-24	SB-27	SB -28	AWSS-6	AWSS-7	AWSS-9	AWSS-11
		Depth	6 in-14 in	23 ft-24 ft	0 in-14 in	10 in-22 in	0 in-4 in	0 in-4 in	0 in-4 in	0 in-4 in
	Commercial	Date	10/15/2015	10/15/2015	10/15/2015	10/16/2015	10/18/2015	10/18/2015	10/18/2015	10/18/2015
Compounds	*ppm=mg/kg*									
Bis(2-ehtylhexyl) phthalate	NS		ND (1.4)	ND (0.066)	ND (1.4)	ND (0.69)	ND (3.2)	ND (3.4)	6.9 J	ND (2.5)
Acenaphthene	500[b]		ND (0.6)	ND (0.028)	ND (0.62)	0.77 JF1	ND (1.4)	ND (1.5)	4.7 J	ND (1.1)
Anthracene [1]	500[b]		ND (1.0)	ND (0.048)	ND (1.07)	1.5 JF1	ND (2.3)	3.1 J	1.1	ND (1.8)
Benz(a)anthracene [1]	5.6		0.76 J	ND (0.019)	0.46 J	**2.3** F1	ND (0.95)	**9.5** J	**28.0**	2.38 J
Benzo(a)pyrene	1[1]		**2.1** J	ND (0.028)	**1.0** J	**2.1** F1	**2.0** J	**9.6** J	**26.0**	**3.4** J
Benzo(b)fluoranthene[1]	5.6		2.5 J	ND (0.031)	0.98 J	2.2 F1	1.7 J	**12.0**	**33.0**	4.5 J
Benzo(g,h,i)perylene [1]	500[b]		2.6 J	ND (0.020)	0.93 J	1.4 JF1	ND (1.0)	6.8 J	21.0	2.9 J
Benzo(k)fluoranthene[1]	56		1.2 J	ND (0.025)	ND (0.55)	1.4 JF1	ND (1.2)	5.3 J	16.0	1.1 J
Carbazole	NS		ND (0.48)	ND (0.023)	ND (0.5)	0.62 JF1	ND (1.1)	2.6 J	5.7 J	ND (0.85)
Chrysene [1]	56		1.1 J	ND (0.043)	ND (0.95)	2.1 F1	ND (2.1)	9.7 J	28.0	2.8 J
Dibenzo(a,h) anthracene	0.56		ND (0.72)	ND (0.048)	ND (0.75)	ND (0.36)	ND (1.7)	ND (1.8)	**6.6** J	**2.2** J
Dibenzofuran	350		ND (0.48)	ND (0.034)	ND (0.5)	0.49 JF1	ND (1.1)	ND (1.2)	2.5 J	ND (0.85)
Fluoranthene [1]	500[b]		1.5 J	ND (0.020)	0.69 J	5.4 F1	1.1 J	22.0	68.0	5.2 J
Fluorene	500[b]		ND (0.48)	ND (0.023)	ND (0.5)	0.79 JF1	ND (1.1)	1.2 J	4.6 J	ND (0.85)
Indeno(1,2,3-cd)pyrene [1]	5.6		2.5 J	ND (0.024)	1.1 J	1.4 JF1	ND (1.2)	**6.5** J	**17.0**	3.0 J
Naphthalene [1]	500[b]		ND (0.53)	ND (0.023)	ND (0.55)	0.99 JF1	ND (1.2)	ND (1.3)	2.3 J	ND (0.94)
Phenanthrene [1]	500[b]		ND (0.60)	ND (0.028)	ND (0.62)	5.1 F1	ND (1.4)	14.0	43.0	1.9 J
Pyrene[1]	500[b]		1.6 J	ND (0.023)	0.58 J	4.2 F1	ND (1.1)	16.0	50.0	4.0 J

Footnotes: Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

NS: No standard

ND Not Detected above method detection limit

NA Not Analyzed

H: Sample was prepped or analyzed beyond the specified holding time

B: Compound was found in the blank and sample

J: Result is < than the reporting limit (RL), but > than or = to the method detection limit (MDL), and is estimated

F1: MS and/or MSD Recovery is outside acceptance limits

F2: MS/MSD RPD exceeds control limits

EGMS April, 2017

TABLE 4A: ON SITE REMEDIAL INVESTIGATION SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS TOTAL METALS - (DETECTED) HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Contaminant	Commercial	Sample #	SB16	SB-17	SB-17	Dup 1	SB-19
		Depth	6 in-12 in	6 in-12 in	23 ft-24 ft		6 in-18 in
Metals	ppm=mg/kg	Date	10/14/2015	10/14/2015	10/14/2015	10/14/2015	10/14/2015
Arsenic	16[f]		6.6	6.1	3.1	3.0	6.2
Barium	400		110.0	122.0	*90.5*	82.5	131.0 F2F1
Beryllium	590		0.68	0.78	0.35	0.48	0.86
Cadmium	9.3		0.28	0.33	0.36	0.19 J	0.27
Copper	270		15.5	12.9	7.5	12.9	13.7
Lead	1,000		9.5	11.9	*6.9*	8.4	10.9
Manganese	10,000 [d]		447.0 B	721.0 B	497.0 B	470.0 B	460.0 F2B
Total Mercury	2.8[j]		0.021 J	ND (0.0089)	ND (0.008)	ND (0.0084)	0.015 J
Nickel	310		21.6	23.0	11.8	17.0	25.9
Selenium	1,500		ND (0.50)	ND (0.47)	ND (0.41)	ND (0.43)	ND (0.47)
Silver	150		ND (0.25)	ND (0.23)	ND (0.21)	ND (0.22)	ND (0.24)
Zinc	10,000 [d]		48.2	83.7	61.3	41.3	57.7 F1

Footnotes

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

NS: No standard

ND Not detected above method detection limit

NA Not Analyzed

J: Result is < reporting limit (RL), but > or = the method detection limit (MDL) and is estimated

B: Compound was found in the blank and sample

F1: MS and/or MSD Recovery is outside accptance limits

F2; MS/MSD relative percent difference (RPD) exceeds control limits

EGMS April, 2017

TABLE 4B: OFF SITE REMEDIAL INVESTIGATION SUBSURFACE AND SURFACE SOIL ANALYTICAL RESULTS

TOTAL METALS - (DETECTED)

HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Contaminant	Commercial	Sample #	SB-24	SB-24	SB-27	SB-28	AWSS-6	AWSS-7	AWSS-9	AWSS-11
		Depth	6 in-14 in	23 ft-24 ft	0 in-14 in	10 in-22 in	0 in-4 in	0 in-4 in	0 in-4 in	0 in-4 in
Metals	ppm=mg/kg	Date	10/15/2015	10/15/2015	10/15/2015	10/16/2015	10/18/2015	10/18/2015	10/18/2015	10/18/2015
Arsenic	16[f]		5.0	3.9	2.6	3.1	2.8	6.7	10.5	8.5
Barium	400		81.4	80.2	151.0	124.0 F1	78.8 F1	117.0	135.0	86.0
Beryllium	590		0.69	0.66	3.5	0.88	0.38	0.71	0.69	0.78
Cadmium	9.3		0.46	0.21 J	0.52	0.20 J	1.2	1.9	3.9	0.72
Copper	270		8.2	12.9	9.2	10.5	27.8	30.5	41.6	46.2
Lead	1,000		28.2	10.8	47.1	16.9	275	197	331.0	60.9
Manganese	10,000 [d]		426 B	459.0 B	1370.0 B	345.0 B F2	400 B	1170.0 B	604.0 B	534.0 B
Total Mercury	2.8[l]		0.010 J	ND (0.0092)	0.098	0.09	0.08	0.3	0.85	0.34
Nickel	310		8.2	21.4	9.6	17.4 F1	12.4	24.2	19.5	34.2
Selenium	1,500		ND (0.43)	ND (0.45)	ND (0.51)	0.93 J	0.72 J	ND (0.46)	1.0 J	ND (0.88)
Silver	150		ND (0.24)	ND (0.23)	0.41 J	ND (0.24)	ND (0.43)	0.51	0.79 J	1.1
Zinc	10,000 [d]		77.8	45.5	66.5	90.8 F1	349.0	271.0	838.0	230.0

Footnotes:

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objective

NS: No standard

ND Not Detected above method detection limit

NA Not Analyzed

J: Result is < reporting limit (RL), but > or = the method detection limit (MDL) and is estimated

B: Compound was found in the blank and sample

F1: MS and/or MSD Recovery is outside accptance limits

F2; MS/MSD relative percent difference (RPD) exceeds control limits

EGMS April, 2017

TABLE 5A: ON SITE REMEDIAL INVESTIGATION SOIL SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
PCBs & PESTICIDES (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Contaminant	Commercial	Sample #	SB-3	SS-12	SB-16	SB-17	SB-17	Dup 1	SB-19
		Date	5/13/2014	5/13/2014	10/14/2015	10/14/2015	10/14/2015	10/14/2015	10/14/2015
PCBs/Pesticides	***ppm=mg/kg***	Depth	0 ft-4 ft	0 in-6 in	6 in-12 in	6 in-12 in	23 ft-24 ft	23 ft-24 ft	6 in-18 in
Endosulfan II[d, f]	200[l]		NA	NA	0.0012 JB	0.0011 JB	0.00095 JB	0.00098 JB	0.0011 JB

Footnotes:

Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objectives

ND Not Detected above methoid detection limit

NA Not Analyzed

J: Result is < reporting limit (RL), but > or = the method detection limit (MDL) and is estimated

B: Compound was found in the blank and sample

F1: MS and/or MSD Recovery is outside accptance limits

F2: MS/MSD relative percent difference (RPD) exceeds control limits

TABLE 5B: REMEDIAL INVESTIGATION OFF SITE SUBSURFACE & SURFACE SOIL ANALYTICAL RESULTS
PCBs & PESTICIDES (DETECTED)
HIGHLAND PLAZA IN TONAWANDA, NEW YORK

Contaminant	Commercial	Sample #	SB-24	SB-24	SB-27	SB-28	AWSS-6	AWSS-7	AWSS-9	AWSS-11
		Date	10/15/2015	10/15/2015	10/14/2015	10/16/2015	10/18/2015	10/18/2015	10/18/2015	10/18/2015
PCBs/Pesticides	ppm=mg/kg	Depth	6 in -14 in	23 ft-24 ft	0 in-14 in	10 in-22 in	0 in-4 in	0 in-4 in	0 in-4 in	0 in-4 in
4,4'-DDE	62		ND (0.0041)	ND (0.0040)	ND (0.0045)	0.008 F2F1	ND (0.039)	0.085 JB	0.074 JB	ND (0.075)
4,4'-DDT	47		0.0084 J	ND (0.0045)	ND (0.005)	0.0087 F1	ND (0.044)	0.120 J	0.180 J	ND (0.083)
4,4'-DDD	92		0.0064 JB	ND (0.0040)	ND (0.0042)	0.0099 F2F1B	ND (0.036)	ND (0.039)	ND (0.043)	ND (0.069)
alpha-BHC	3.4		ND (0.0035)	0.00057 JB	ND (0.0039)	ND (0.0072)	ND (0.034)	ND (0.036)	ND (0.04)	ND (0.064)
beta-BHC	3		ND ((0.0035)	ND (0.0034)	ND (0.0039)	ND (0.0072)	ND (0.034)	ND (0.036)	0.050 J	ND (0.064)
Chlordane (alpha)	24		ND (0.0098)	ND (0.0095)	ND (0.011)	0.0024 JF2F1	ND (0.093)	ND (0.1)	ND (0.11)	ND (0.185)
delta-BHC [g]	500[b]		ND)0.0037)	0.00060 J	0.007 J	0.0013 J	ND (0.035)	ND (0.037)	ND (0.041)	ND (0.064)
Endosulfan I[d, f]	200[i]		ND (0.0038)	ND (0.0037)	ND (0.0041)	ND (0.0072)	ND (0.036)	ND (0.039)	ND (0.043)	ND (0.069)
Endosulfan II[d, f]	200[i]		ND (0.0037)	0.00048 JB	ND (0.0039)	0.0089 JB	ND (0.034)	ND (0.036)	ND (0.040)	ND (0.064)
Endosulfan sulfate[d, f]	200[i]		0.0049 J	ND (0.0036)	ND (0.004)	ND (0.0075)	ND (0.035)	0.044 J	0.067 J	ND (0.067)
Lindane	9.2		0.0049 J	ND (0.0038)	ND (0.0039)	ND (0.0074)	ND (0.032)	ND (0.037)	ND (0.041)	ND (0.066)

Footnotes:

	Exceeds NYSDEC Part 375 Commercial Soil Cleanup Objectives
ND	**Not Detected above method detection limit**
NA	**Not Analyzed**
J:	**Result is < reporting limit (RL), but > or = the method detection limit (MDL) and is estimated**
B:	**Compound was found in the blank and sample**
F1:	**MS and/or MSD Recovery is outside accptance limits**
F2:	**MS/MSD relative percent difference (RPD) exceeds control limits**

EGMS APRIL, 2017

TABLE 6A: ON SITE REMEDIAL INVESTIGATION GROUNDWATER DETECTIONS - VOLATILE ORGANIC COMPOUNDS HIGHLAND PLAZA, IN TONAWANDA, NEW YORK

Sample Location	NYSDEC Standards & Guidance Values (ug/L)	SB - 2	MW-1	MW-2	MW-2 Dup	MW-3
Sample Date		13-May-14	22-Dec-15	22-Dec-15	22-Dec-15	22-Dec-15
Matrix		Water	Water	Water	Water	Water
Units		ug/L	ug/L	ug/L	ug/L	ug/L
Contaminant						
Volatile Organic Compounds						
Acetone	50	ND (<10.0)	**5. 4 J**	ND (3.0)	ND (3.0)	ND (3.0)
cis-1,2-Dichloroethene	5	ND (<2.0)	ND (0.74)	ND (0.81)	ND (0.81)	**24.0**
Trichloroethene	5	ND (<2.0)	ND (0.46)	ND (0.46)	ND (0.46)	**0.85 J**

Notes

Exceeds standard

1) Standards are NYSDEC T.O.G.S 1.1.1 Ambient Water Quality Standards
2) NS=no standard
J= Estimated Value
E= Result Exceeded Calibration Range

EGMS April, 2017

TABLE 6B: OFF SITE REMEDIAL INVESTIGATION GROUNDWATER DETECTIONS - VOLATILE ORGANIC COMPOUNDS HIGHLAND PLAZA, IN TONAWANDA, NEW YORK

Sample Location	NYSDEC Standards & Guidance Values (ug/L)	MW-4	MW-4	MW-5	MW-5
Sample Date		22-Dec-15	22-Dec-15	22-Dec-15	22-Dec-15
Matrix		Water	Water	Water	Water
Units		ug/L	ug/L	ug/L	ug/L
Contaminant			***DILUTE***		***DILUTE***
Volatile Organic Compounds					
1,1-Dichloroethene	5	**10.0 J**	ND (290.0)	ND (5.8)	ND (15.0)
cis-1,2-Dichloroethene	5	**900.0**	ND (810.0)	**1100.0**	**910.0**
trans-1,2-Dichloroethene	5	ND (18.0)	ND (900.0)	**34.0**	ND (45.0)
Tetrachloroethene	5	**22,000 E**	**58,000.00**	**3200 E**	**3000.0**
Trichloroethene	5	**740**	**560 J**	**1700**	**1500**

Notes

Exceeds standard

1) Standards are NYSDEC T.O.G.S 1.1.1 Ambient Water Quality Standards
2) NS=no standard
J= Estimated Value
E= Result Exceeded Calibration Range

EGMS April, 2017

TABLE 7: REMEDIAL INVESTIGATION SOIL VAPOR INTRUSION STUDY (2016)
VOLATILE ORGANIC COMPOUNDS DETECTED IN AIR & SUB-SLAB VAPORS
HIGHLAND PLAZA IN TONAWNADA, NEW YORK

Compound	NYSDOH Guidance ug/m3	227 Highland Pkwy Franklin Telecom		231 Highland Pkwy Nat'l Hearing		
		Indoor Air #1 3/15/2016 ug/m3	Sub-slab #1 3/15/2016 ug/m3	Indoor Air #2 3/15/2016 ug/m3	Sub-slab #2 3/15/2016 ug/m3	Outdoor Air #1 3/15/2016 ug/m3
1,1,1-Trichloroethane		**1.3**	<0.82	<0.82	<0.82	<0.82
1,1 Dichloroethene		<0.59	<0.59	<0.59	**0.95**	<0.59
1,2,4-Trimethylbenzene		**2.0**	**5.7**	**3.1**	**3.7**	**2.2**
1,3,5-Trimethylbenzene		**0.98**	**3.2**	**1.1**	**2.0**	**1.0**
2,2,4-trimethylpentane		**1.4**	<0.70	**1.6**	**1.5**	**1.5**
4-ethyltoluene		**0.59 J**	**1.5**	**0.79**	**1.1**	**0.64 J**
Acetone		**43.0**	**47.0**	**30.0**	**48.0**	**21.0**
Benzene		**7.3**	**2.3**	**6.5**	**6.0**	**1.8**
Carbon disulfide		**0.34 J**	**0.62**	<0.47	**13.0**	**0.31 J**
Carbon tetrachloride		**0.38 J**	**0.31 J**	**0.44 J**	**0.38 J**	**0.44 J**
Chloroform		<0.73	**0.98**	<0.73	**7.8**	<0.73
Chloromethane		**1.3**	**0.31**	**1.3**	<0.31	**0.93**
cis-1,2 Dichloroethene		**0.4 J**	<0.59	<0.59	**170.0**	<0.59
Cyclohexane		**2.3**	**8.3**	**1.8**	**44.0**	**4.1**
Ethyl acetate		**1.6**	**2.7**	**0.86 J**	**2.1**	**1.1**
Ethylbenzene		**2.5**	**3.3**	**1.8**	**2.8**	**1.5**
Freon 11		**1.2**	**1.2**	**1.2**	**1.0**	**1.2**
Freon 12		**2.4**	**2.1**	**2.5**	**2.1**	**2.4**
Heptane		**2.5**	**2.7**	**2.0**	**22.0**	**0.9**
Hexane		<0.53	**3.1**	**7.1**	**24.0**	**2.6**
Isopropyl Alcohol		**23.0**	**8.8**	**7.6**	**8.8**	**4.0**
m&p Xylene		**9.3**	**11.0 J**	**6.7**	**10.0**	**4.9**
Methyl Ethyl Ketone		**93.0**	**14.0**	**8.8 J**	**9.4**	**4.2**
Methyl Isobutyl Ketone		<1.2	**0.74 J**	<1.2	**2.5**	**1.6**
Methylene chloride	60	**1.9**	**17.0**	**0.94**	**6.5**	**1.9**
0-Xylene		**2.8**	**4.6**	**2.1**	**3.7**	**1.9**
Styrene		**1.0**	**2.5**	**0.81**	**1.7**	**0.94**
Tetrachloroethylene	30	**5.5**	**23.0**	**7.3**	**150.0**	**5.4**
Tetrahyrdofuran		**5.2**	**1.8**	**12.0**	<0.44	**1.0**
Toluene		**13**	**17.0**	**9.8**	**20.0**	**9.8**
Trichloroethene	2	**0.48 J**	**1.2**	**0.48 J**	**110.0**	**0.27 J**
trans 1,2 Dichloroethene		<0.59	<0.59	<0.59	**21.0**	<0.59
Vinyl Chloride		<0.38	<0.38	<0.38	**2.4**	<0.38

J: Analyte detected at or below quantitation limit
0.0 Bold is a detection of specified volatile organic compound
< Not detected at or below specified quantitation limit
NYSDOH (2006) Table 3.1 and 3.2 Guidance

TABLE 8: Volatile Organic Compound Detections in Air and Sub-slab Vapors
2017 Soil Vapor Intrusion Study at Highland Plaza

Compound	NYSDOH Guidance ug/m3	Indoor Air 215 Mama Mia 3/9/2017 ug/m3	Indoor Air 217 Vacant 3/9/2017 ug/m3	Indoor Air 217 Vacant 3/9/2017 ug/m3	Indoor Air 217 Vacant 3/9/2017 ug/m3	Sub-slab 217 Vacant 3/9/2017 ug/m3	Indoor Air 221 Louis Salon 3/9/2017 ug/m3	Sub-slab 221 Louis Salon 3/9/2017 ug/m3	Indoor Air 225 Vacant 3/9/2017 ug/m3	IndoorAir 235 Bflo Ergonom 2/16/2017 ug/m3	Outdoor Air #1 W End of Bldg 3/9/2017 ug/m3
				MS	*MSD*						
1,1,1-Trichloroethane		<0.82	<0.82	<0.82	<0.82	**5.0**	<0.82	<0.82	<0.82	<0.82	<0.82
1,2,4-Trimethylbenzene		<0.74	<0.74	<0.74	<0.74	**1.2**	**0.49J**	**1.5**	<0.74	<0.74	<0.74
1,3,5-Trimethylbenzene		<0.74	<0.74	<0.74	<0.74	<0.74	<0.74	**0.59J**	<0.74	<0.74	<0.74
2,2,4-trimethylpentane		<0.70	<0.70	<0.70	<0.70	<0.70	**1.9**	<0.70	<0.70	<0.70	<0.70
4-ethyltoluene		<0.74	<0.74	<0.74	<0.74	<0.74	<0.74	**0.49J**	<0.74	<0.74	<0.74
Acetone		**67.0**	**200.0**	**200.0**	**200.0**	**140.0**	**36000.0**	**430.0**	**140.0**	**30.0**	**13.0**
Benzene		**0.77**	**0.64**	**0.64**	**0.64**	**2.3**	**0.73**	**3.3**	**0.57**	**1.3**	**0.61**
Carbon disulfide		**0.37J**	**0.40J**	**0.34J**	**0.34J**	**5.9**	**0.44J**	**2.9**	**0.37J**	**0.53**	**0.34J**
Carbon tetrachloride		**0.38**	**0.38**	**0.38**	**0.38**	<0.94	**0.38**	<0.94	**0.44**	<0.94	**0.38**
Chloroform		<0.73	<0.73	<0.73	<0.73	**2.8**	**1.4**	**0.78**	<0.73	<0.73	<0.73
Chloromethane		**1.6**	**1.6**	**1.4**	**1.4**	**0.62**	<0.31	**1.3**	**1.7**	<0.31	**1.9**
Cyclohexane		<0.52	<0.52	<0.52	<0.52	**10.0**	<0.52	**6.5**	<0.52	**0.34J**	<0.52
Ethyl acetate		**1.9**	**1.0**	**0.97**	**0.97**	**9.7**	**99.0**	<0.54	**0.58**	<0.54	<0.54
Ethylbenzene		<0.65	<0.65	<0.65	<0.65	**3.5**	<0.65	**4.6**	<0.65	**0.52J**	<0.65
Freon 11		**1.9**	**1.5**	**1.5**	**1.5**	**1.6**	**1.5**	**1.6**	**1.4**	**1.1**	**1.5**
Freon 12		**2.4**	**2.4**	**2.3**	**2.3**	**2.3**	**2.0**	**2.2**	**2.2**	**2.2**	**2.2**
Heptane		**0.57J**	**0.53J**	**0.41J**	**0.41J**	**18.0**	<0.61	**28.0**	<0.61	**0.61**	<0.61
Hexane		<0.53	**0.63**	<0.53	<0.53	**6.7**	<0.53	**12.0**	<0.53	**1.4**	**0.49J**
Isopropyl Alcohol		**4.5**	**4.9**	**5.1**	**5.1**	**6.9**	**2900.0**	**19.0**	**2.70**	**83.0**	**0.86**
m&p Xylene		**0.69J**	**0.65J**	**0.61J**	**0.61J**	**12.0**	**0.91J**	**15.0**	**0.48J**	**1.7**	**0.52J**
Methyl Butyl Ketone		<1.2	<1.2	**0.98J**	**0.98J**	**9.8J**	<1.2	<1.2	<1.2	<1.2	<1.2
Methyl Ethyl Ketone		**1.5**	**1.8**	**1.2**	**1.2**	**270.0**	**64.0**	**340.0**	**1.0**	**1.4**	**0.62J**
Methyl Isobutyl Ketone		<1.2	<1.2	<1.2	<1.2	<1.2	**2.2**	<1.2	<1.2	**0.49J**	<1.2
Methylene chloride	60	**0.9**	**0.9**	**0.94**	**0.94**	**9.7**	**1.7**	**18.0**	**0.66**	**1.1**	**0.73**
0-Xylene		<0.65	<0.65	<0.65	<0.65	**4.1**	<0.65	**5.3**	<0.65	**0.61J**	<0.65
Styrene		<0.64	<0.64	<0.64	<0.64	**1.4**	<0.64	**1.9**	<0.64	<0.64	<0.64
Tetrachloroethylene	30	<1.0	<1.0	<1.0	<1.0	**13.0**	<1.0	**4.4**	<1.0	<1.0	<1.0
Tetrahyrdofuran		<0.44	<0.44	<0.44	<0.44	**5.5**	<0.44	**16.0**	<0.44	**0.74**	<0.44
Toluene		**1.2**	**1.1**	**1.1**	**1.1**	**46.0**	**2.1**	**70.0**	**1.0**	**4.7**	**0.87**
Trichloroethene	2	<0.21	<0.21	<0.21	<0.21	**1.1**	<0.21	**1.8**	<0.21	<0.21	<0.81

J: Analyte detected at or below quantitation limit

0.0 Bold is a detection of specified volatile organic compound

< Not detected at or below specified quantitation limit

NYSDOH (2006) Table 3.1 and 3.2 Guidance

EGMS 7/21/2017'

TABLE 9: IRM SUB-SLAB DEPRESSURIZATION SYSTEM PRESSURE TEST POINT SUMMARY
HIGHLAND PLAZA IN TONAWANDA, NEW YORK
MARCH, 2017

Test Point	Distance from North Wall	Distance from South Wall	Distance from East Wall of Bldg	Distance from West Wall of Bflo Ergonomics	Pressure
TP-1	~3.0'			~22'	(-) 0.005
TP-2		~1.5'		~24'	(-) 0.004
TP-3	~1.5'		~61'		(-) 0.007
TP-4		~1.5'	~59'		(-) 0.012
TP-5	~1.5'		~18'		(-) 0.007
TP-6		~1.5'	~23'		(-) 0.018

EGMS 7/212017'

Table 10A: Fate, Transport & Exposure Pathways for Site Contaminants of Concern in Soil
Highland Plaza
Tonawanda, New York

Media	Contaminants of Concern (COCs)	Fate & Transport	Potentially Affected Populations	Exposure Pathways *Ingestion*	*Absorption*	*Inhalation*	Potential Exposure Setting & Mechanism
Soil	**Chlorinated Solvents** Tetrachloroethene Trichloroethene	Chlorinated solvents are present in soils under the paved parking lot and Building #1 concrete floor. Therefore access to these soils is controlled by existing site infrastructure. This precludes direct exposure to impacted soil. The Site 97% covered with pavement and Site buildings. Chlorinated solvents in soil could become present in air if the soil is disturbed during a future excavation scenario.	Shop workers Shop Patrons	Incomplete	Incomplete	Incomplete	**Ingestion:** No current pathway. Site groundwater is currently not used, nor has expected future use. If used in the future, an exposure pathway could be complete. **Absorption:** No current pathway due to the presence of pavement and buildings covering 97% of the Site. COCs could become a potential future pathway if onsite excavation occurs and dermal contact with soil occurs. **Inhalation:** No current pathway due to the presence of pavement and buildings covering 97% of the Site. Could become a potential future pathway if onsite excavation occurs and allowing dust and vapors to occur in air.
			Future Site Construction Workers if the Site is redeveloped, of if excavation is to occur	Potentially Complete	Potentially Complete	Potentially Complete	

EGMS 7/21/2017'

Table 10B: Fate, Transport & Exposure Pathways for Site Contaminants of Concern in Groundwater
Highland Plaza
Tonawanda, New York

Media	Contaminants of Concern (COCs)	Fate & Transport	Potentially Affected Populations	Exposure Pathways *Ingestion*	*Absorption*	*Inhalation*	Potential Exposure Setting & Mechanism
GROUNDWATER	**Chlorinated Solvent** cis-1,2-Dichloroethene	Groundwater is currently not in use, nor is it intended to be used for drinking water purposes, or for commercial use purposes Groundwater flow direction is to the northeast; there is potential for contaminated groundwater to migrate off-site without mitigation. Volatilization of chlorinated' solvents from groundwater could be emitted into. ambient air.	Shop workers Shop Patrons	Incomplete	Incomplete	Not Applicable	**Ingestion:** No current pathway. Site groundwater is not in use. If used in the future, an exposure pathway could be complete. **Absorption:** No current pathway Could be a future potential exposure pathway under a different non-potable usage scenario if impacted groundwater comes into contact with skin, and COC absorbed (i.e. - inadvertent contact during future excavation or groundwater sampling). Extracted groundwater would be isolated and contained in tanks or drums to minimize contact. **Inhalation:** Inhalation of groundwater is unlikely and not a complete pathway, though Inhalation of COCs via vapor/air originating from soil contamination is possible.
			Future Site Construction Workers if the Site is redeveloped, of if excavation is to occur	Incomplete	Potentially Complete	Not Applicable	

EGMS 7/21/2017'

Table 10C: Fate, Transport & Exposure Pathways for Site Contaminants of Concern in Air
Highland Plaza
Tonawanda, New York

Media	Contaminants of Concern (COCs)	Fate & Transport	Potentially Affected Populations	Exposure Pathways *Ingestion*	*Absorption*	*Inhalation*	Potential Exposure Setting & Mechanism
Soil Vapor & Air	**Chlorinated Solvents** cis-1,2-Dichloroethene Tetrachloroethene trans-1,2-Dichloroethene Trichloroethene Vinyl chloride	Based on sub-slab and indoor testing completed during the Preliminary Phase II and RI, COCs impacted vapor and air have been identified that will require mitigation per NYSDOH guidance Sub-slab depressurization system (SSDS) was installed in Building #1 as an IRM, and a second SSDS will be installed in Building #2 affected areas in 2017.	Shop workers Shop Patrons Future Site Workers	Not Applicable	Not Applicable	Incomplete	**Ingestion:** Not an applicable. pathway. **Absorption:** Not an applicable. pathway.
			Future Site Construction Workers if the Site is redeveloped, of if excavation is to occur	Not Applicable	Not Applicable	Incomplete	**Inhalation:** Following installation of the SSDS, an exposure pathway is no longer present. The SSDS will continue to operate under the Site Management Plan.

APPENDIX A

ENVIRONMENTAL EASEMENT

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

August 24, 2017

Andrew Guglielmi, Associate Attorney
NYS Dept. of Environmental Conservation
Bureau of Remediation
625 Broadway, 14th Floor
Albany, New York 12233-1500

Re: 215 Highland Parkway
Tonawanda, New York
Site No. C915293
Owner: Gary Crewson

Dear Mr. Guglielmi:

Thank you for your correspondence of August 14, 2017. Per your instructions, I enclose herewith a copy of the recorded easement with a copy of the recording receipt from the Erie County Clerk's Office attached which shows the document was recorded on August 22, 2017 in Book 11317 at page 6208.

Also enclosed is a copy of my letter to the Office of the Town Clerk of the Town of Tonawanda providing a copy of the recorded easement. This letter was mailed by certified mail, return receipt requested and a copy of the certified mail receipt from the US Postal Service is attached to this letter.

Should anything further be required, please advise.

Very truly yours,

Thomas Whissel

THOMAS WHISSEL

TW/lms
Enc.

cc: Mr. Gary Crewson

PEGGY A. LAGREE, ACTING ERIE COUNTY CLERK
REF:

DATE:8/22/2017
TIME:1:39:03 PM
RECEIPT: 17146235

THOMAS WHISSEL
ACCOUNT #: 0

ITEM - 01 785
RECD: 8/22/2017 1:46:55 PM
FILE: 2017168610 BK/PG D 11317/6208
Deed Sequence: TT2017001627
CREWSON GARY
PEOPLE OF THE STATE OF NEW YORK (THE)

Recording Fees	90.00
TP584	10.00
Subtotal	100.00

TOTAL DUE	$100.00
PAID TOTAL	$100.00
PAID CHECK	$100.00
Check #16821:	100.00

REC BY: Donna G
COUNTY RECORDER

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 3RD day of August, 2017, between Owner(s) Gary Crewson, having an address of 5387 Oakridge Drive, Hamburg, New York 14075, County of Erie, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 215 Highland Parkway in the Town of Tonawanda, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel numbers: Section 66.57 Block 2 Lot 8.11, being the same as that property conveyed to Grantor by deed dated December 18, 2014 and recorded in the Erie County Clerk's Office in Liber and Page 11279/9309. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.690 +/- acres, and is hereinafter more fully described in the Land Title Survey dated April 14, 2017 prepared by Francis X. Metzger, L.L.S. of Sonnenberger Land Surveying, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is

extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C915293-04-15, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation

Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her 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

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number: C915293
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Gary Crewson:

By: _____

Print Name: Gary Crewson

Title: Owner Date: July 25, 2017

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

On the 25th day of July, in the year 2017, before me, the undersigned, personally appeared Gary Crewson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Thomas Whissel
Notary Public - State of New York

THOMAS WHISSEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 31, 2017

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: _____
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 3rd day of August, in the year 2017, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot Nos. 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre.

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

August 23, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COPY

Office of the Town Clerk
Town of Tonawanda
2919 Delaware Avenue
Room 14
Kenmore, New York 14217

Re: 215 Highland Parkway
Tonawanda, New York

Ladies and Gentlemen:

I am the attorney for Gary Crewson, the owner of property at 215 Highland Parkway, Tonawanda, New York.

Recently, Mr. Crewson provided an environmental easement to the State of New York, Department of Environmental Conservation. That easement is dated August 3, 2017 and was recorded in the Erie County Clerk's Office on August 22, 2017 in Book 11317 of Deeds at page 6208.

At the direction of the Department of Environmental Conservation, I enclose herewith a copy of the easement that was recorded in August 22, 2017. I also enclose a copy of the recording receipt issued by the Erie County Clerk.

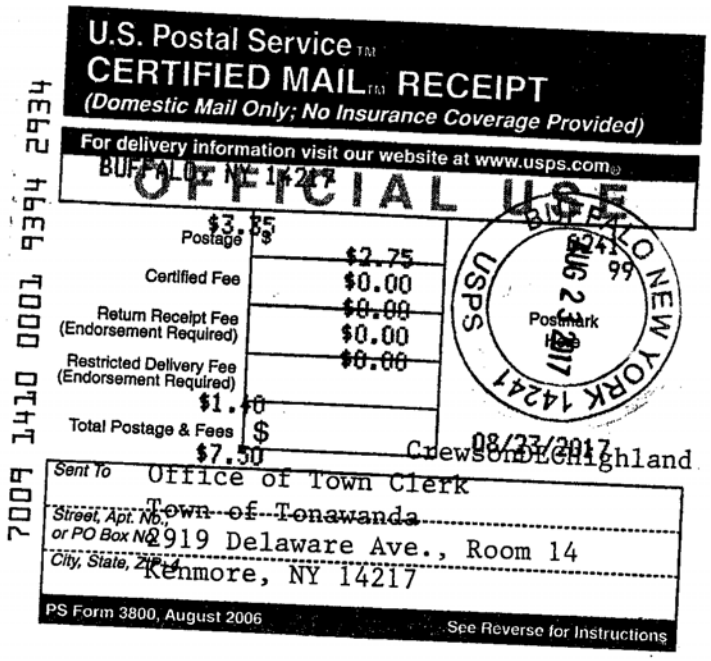
Should you need additional information, please advise.

Very truly yours,

THOMAS WHISSEL

TW/lms
Enc.

cc: Gary Crewson



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

BUFFALO NY 14217

OFFICIAL USE

Postage	$3.85 ~~$~~
Certified Fee	~~$2.75~~ $0.00
Return Receipt Fee (Endorsement Required)	~~$0.00~~ $0.00
Restricted Delivery Fee (Endorsement Required)	~~$0.00~~
Total Postage & Fees	$1.~~40~~ $7.50

BUFFALO NEW YORK 14241 99
USPS
AUG 23 2017
Postmark Here

08/23/2017 Crews on Lehighland

Sent To: Office of Town Clerk
Street, Apt. No., or PO Box No.: ~~Town of Tonawanda~~ 2919 Delaware Ave., Room 14
City, State, ZIP+4: Kenmore, NY 14217

PS Form 3800, August 2006 — See Reverse for Instructions

7009 1410 0001 9394 2934

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO - (716) 852-8013

April 20, 2017

HAND DELIVERED

Mr. Gary Crewson
Buffalo Business Park, Inc.
1800 Broadway
Buffalo, New York 14212

Re: 215 Highland Parkway

Dear Gary:

Enclosed herewith please find a copy of my correspondence to attorney Burns dated April 18, 2017 along with copies of the items enclosed in that correspondence.

Please note that Form TP-584 must be signed by you and delivered to attorney Burns.

Also enclosed is a photocopy of the tax map maintained by the Town of Tonawanda. The premises on Highland Parkway are highlighted on that tax map.

Finally, I enclose four prints of the revised survey map of the premises now dated April 14, 2017.

Very truly yours,

THOMAS WHISSEL

TW/lms
Enc.

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

April 18, 2017

FEDERAL EXPRESS

Bradford D. Burns, Senior Attorney
NYS Dept. of Environmental Conservation
Office of General Counsel
625 Broadway, 14th Floor
Albany, New York 12233-1500

Re: 215 Highland Parkway
Tonawanda, New York
Site No. C915293
Owner: Gary Crewson

Dear Mr. Burns:

I apologize for the delay in responding to you. Due to a prolonged illness, my time in the office has been somewhat limited.

The owner of the premises, Gary Crewson, will be coming to Albany on Friday, April 21, 2017. He will bring with him a revised and enlarged survey map and hard copies of the environmental Easement Checklist and the Notice to Municipality and Form TP-584.

For your convenience, I am enclosing herewith the following:

1. Copy of Environmental Easement Checklist.
2. Copy of proposed Notice to Municipality.
3. Copy of metes and bounds description prepared by the land surveyor.
4. Copy of deed conveying premises to Mr. Crewson.
5. Form TP-584.

Under separate cover, I will forward to you a copy of the tax map issued by the Town of Tonawanda Assessor's Office. I expect to be able to forward that tomorrow.

Thank you for your attention.

Very truly yours,

THOMAS WHISSEL

TW/lms
Enc.

Box 178

CORPORATE WARRANTY DEED

THIS INDENTURE, made the 18th day of December, Two Thousand Fourteen

BETWEEN, HIGHLAND PLAZA MANAGEMENT, INC., a corporation organized under the Laws of the State of New York, and having its place of business at 215 Highland Parkway, Tonawanda, County of Erie and State of New York,

party of the first part, and

GARY CREWSON, residing at 5387 Oakridge Drive, Hamburg, New York 14075

party of the second part.

WITNESSETH that the party of the first part, in consideration of ----One and More---Dollars ($1.00 & more), lawful money of the United State, paid by the party of the second part, does hereby grant and release unto the said party of the second part,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 8 of the Holland Land Company's Survey and according to a map of Highland Park filed in Erie County Clerk's Office under Cover No. 1400 and known and distinguished as Subdivision Lots Nos. 35 through 46, inclusive.

TOGETHER with the appurtenances and all the estate and rights of the said party of the first part in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said party of the second part, and assigns forever.

AND the said party of the first part does covenant with the said party of the second part as follows:

FIRST. - That the party of the second part shall quietly enjoy the said premises.

SECOND. - That the said party of the first part will forever **WARRANT** the title to said premises.

THIRD. - Subject to the trust fund provisions of section thirteen of the lien law.

THAT THIS CONVEYANCE is not of all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

IN WITNESS WHEREOF, The said party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

IN PRESENCE OF

HIGHLAND PLAZA MANAGEMENT INC.

By: J Lachut VP (L.S.)
JANET LACHUT, Vice-President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 18 day of December, in the year 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared JANET LACHUT, Vice-President of Highland Plaza Management, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Karl Patrick Bridge
NOTARY PUBLIC

CHARLES PATRICK BRIDGE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/31/20 17

METES AND BOUNDS DESCRIPTION
215 – 237 HIGHLAND PARKWAY
TONAWANDA, NEW YORK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot No.s 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of one hundred (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point:

Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre

NOTICE TO MUNICIPALITY

Marguerite Greco, Town Clerk
Town of Tonawanda
2910 Delaware Avenue
Kenmore, New York 14217

Re: Environmental Easement

Dear Sir or Madam:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("Department")

on _____,
by _____,
for property at 215 Highland Parkway,
Tax Map No. _____,
DEC Site No. _____.

This environmental easement restricts future use of the above-referenced property to restricted (residential, commercial or industrial) _____ uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.

2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: http://www.dec.ny.gov/chemical/36045.html. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

ENVIRONMENTAL EASEMENT CHECKLIST/CERTIFICATION

SITE No. C915293

The following requirements and attachments must be included as part of the submission to the Department for an Environmental Easement. Upon completion of the review, an attorney must sign the checklist indicating that they have fully completed the checklist. The Department will not accept submissions which have not been signed as being accurate and complete by both the Remedial Party and Attorney. Where the property owner is not the Remedial Party, the Department also requires the Owner to sign the checklist.

1) Special Circumstances

The last owner search was completed and the deed transfer is by Quit Claim or other restricted transfer deed ☐Yes ☒No

The property in the Brownfield Cleanup Agreement includes lands under water ☐Yes ☒No

The property has multiple owners ☐Yes ☒No

If you answered "Yes" to any of these items, contact the Department's Environmental Easement contact person for a determination as to whether further title work is necessary.

2) Verification of ownership of the property

- ☐ Submit documentation (such as a corporate resolution) that the signatory on the easement has authority to sign the Easement
- ☒ Ownership of the property matches the current deed.
- ☒ Verification reviewed and included for authority to sign Easement.
- ☐ Updated copies of legal organizational documents have been reviewed and are included. Examples of the appropriate documentation will include, for:
  - corporations: articles of incorporation, organizational agreements, minutes of annual meetings, resolutions, authorities for signature;
  - partnerships: a copy of the partnership agreement; verification that necessary parties are participating in the Easement;
  - trusts: trust agreement, affidavit of no change in the trust; and
  - estates: estate letters, powers of attorney.

3) Verification of Property Subject to Easement

- ☒ Description of the property for the Easement and DEC Agreement/Order/SAC matches description of property in the deed (Separate submittal must be included to explain to the satisfaction of the Department why there is any discrepancy).
- ☒ The Tax Map identifier (SBL) matches on all documents.

4) Survey Review

- [x] Survey includes metes and bounds description.
- [x] Survey includes a graphic scale.
- [ ] Survey includes Tax Map Section, Block and Lot.
- [x] Survey includes physical address and is consistent with the DEC Agreement/Order/SAC.
- [x] The survey must bear the name, address, telephone number, signature and certification of the professional land surveyor who performed the survey, his or her official seal and registration number, the date the survey was completed, the dates of all of the surveyor's revisions.
- [x] The survey boundaries must be drawn to a convenient scale, with that scale clearly indicated. A graphic scale, shown in feet and meters, must be included.
- [ ] The symbols and abbreviations that are used on the survey must be identified by the use of a legend.
- [ ] Diagrams must be accurately presented.
- [x] The point of beginning of the legal description must be shown.
- [x] The legal description must be correct.
- [ ] The legal description must state the acreage.
- [ ] If the deed(s) description differs from the measured bearings/angles/distances, both must be indicated on the survey.
- [x] The survey must show the location of all buildings/monuments/overlaps/encroachments upon the surveyed property with their locations defined by measurement perpendicular to the nearest perimeter boundaries.
- [x] The survey must depict the location of visible improvements within five feet of each side of boundary lines.
- [ ] The survey must show ponds, lakes, springs, rivers or a natural water boundary bordering on or running through the surveyed property; the survey must measure the location of the natural water boundary and note on the survey the date of the measurement.
- [ ] The survey must correctly depict the environmental easement area with corresponding metes & bounds description and acreage, and include the following sentence: "*This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov*". This reference must be located on the face of the survey and be in at least 15-point type.
- [x] If the survey consists of more than one sheet, sheets must be numbered and the total number of sheets must be indicated on each sheet.

☐ In addition to county-specific requirements, submittal of the approved survey to the Department must include the following:

- A "D" sized copy (24" x 36") of the final signed, stamped map
- A 600 DPI scan of the final signed, stamped map
- An Autocad .dwg or exported .dxf file of the polyline (at a minimum) of the final survey

5) Submissions

☐ The Environmental Easement Package being submitted to the Department includes the applicable documents set forth in Attachment A.

PLEASE READ THE FOLLOWING CAREFULLY

The Remedial Party and the Remedial Party's attorney understand and acknowledge that the New York State Department of Environmental Conservation will rely on each and every answer in this statement: (1) to determine whether the Easement Package can be reviewed in a timely fashion; and (2) to determine whether the Easement Package should be approved. The Remedial Party and the Remedial Party's attorney understand and acknowledge that any false statement or misrepresentation herein will constitute cause for the revocation of the Certificate of Completion issued in reliance on this checklist and accompanying documentation. The Remedial Party and the Remedial Party's attorney further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

Statement of Certification and Signatures

I have reviewed the information being submitted in relation to this Environmental Easement and this information, to the best of my knowledge and belief, is accurate and correct. I further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

1) By Remedial Party:
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

Date: July 13, 2016 Signature: Gary Crewson

Print Name: GARY CREWSON

2) By Remedial Party's Attorney:
I hereby affirm that I am the attorney for GARY CREWSON (entity); that I am authorized by that entity to make this certification; that this certification was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief.

Date: JULY 13, 2016 Signature: Thomas Whissel

Print Name: THOMAS WHISSEL

Attachment

Attachment A

Documents required to be sent in hard copy with electronic formats copied to the Project Manager and Project Attorney for a complete Environmental Easement package:

1) Copy(ies) of current deed(s) and supporting title documentation (see Department Title Requirements).

2) Copy of tax map.

3) Proof of authority to obligate owner of property as set forth in "Verification of ownership of property" on the Easement checklist.

4) Legal description of the easement area, electronic copy to be in an electronic text format (i.e., MS Word or Rich Text Format).

5) One full-sized, signed Survey and an electronic Survey submitted as a fully rendered PDF (not scanned).

6) A draft Notice to Municipality, with appropriate site-specific provisions.

7) Easement Checklist with certification signed by Remedial Party and Remedial Party's attorney.

8) Signed transfer tax forms (TP-584 or ACRIS Forms).

Hard copy submission shall be sent to:

Bradford Burns, Esq.
New York State Department of Environmental Conservation
Office of General Counsel
625 Broadway
Albany, NY 12233-1500

TP-584 (4/13)

New York State Department of Taxation and Finance

Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, *before completing this form. Print or type.*

Schedule A — Information relating to conveyance

Grantor/Transferor

☒ Individual
☐ Corporation
☐ Partnership
☐ Estate/Trust
☐ Single member LLC
☐ Other

Name *(if individual, last, first, middle initial)* (☐ *check if more than one grantor*): Gary Crewson

Social security number

Mailing address: 1800 Broadway Suite 1D

Social security number

City: Buffalo | State: NY | ZIP code: 14212

Federal EIN

Single member's name if grantor is a single member LLC *(see instructions)*

Single member EIN or SSN

Grantee/Transferee

☐ Individual
☐ Corporation
☐ Partnership
☐ Estate/Trust
☐ Single member LLC
☐ Other

Name *(if individual, last, first, middle initial)* (☐ *check if more than one grantee*)

Social security number

Mailing address

Social security number

City | State | ZIP code

Federal EIN

Single member's name if grantee is a single member LLC *(see instructions)*

Single member EIN or SSN

Location and description of property conveyed

Tax map designation – Section, block & lot *(include dots and dashes)*	SWIS code (six digits)	Street address	City, town, or village	County
66.57-2-8.11	146489	215 Highland Parkway	Tonawanda	Erie

Type of property conveyed *(check applicable box)*

1 ☐ One- to three-family house
2 ☐ Residential cooperative
3 ☐ Residential condominium
4 ☐ Vacant land
5 ☐ Commercial/Industrial
6 ☐ Apartment building
7 ☐ Office building
8 ☒ Other retail

Date of conveyance: ____ (month) ____ (day) ____ (year)

Percentage of real property conveyed which is residential real property _____ % *(see instructions)*

Condition of conveyance *(check all that apply)*

a. ☐ Conveyance of fee interest
b. ☐ Acquisition of a controlling interest (state percentage acquired _____ %)
c. ☐ Transfer of a controlling interest (state percentage transferred _____ %)
d. ☐ Conveyance to cooperative housing corporation
e. ☐ Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest *(attach Form TP-584.1, Schedule E)*
f. ☐ Conveyance which consists of a mere change of identity or form of ownership or organization *(attach Form TP-584.1, Schedule F)*
g. ☐ Conveyance for which credit for tax previously paid will be claimed *(attach Form TP-584.1, Schedule G)*
h. ☐ Conveyance of cooperative apartment(s)
i. ☐ Syndication
j. ☐ Conveyance of air rights or development rights
k. ☐ Contract assignment
l. ☐ Option assignment or surrender
m. ☐ Leasehold assignment or surrender
n. ☐ Leasehold grant
o. ☒ Conveyance of an easement
p. ☐ Conveyance for which exemption from transfer tax claimed *(complete Schedule B, Part III)*
q. ☐ Conveyance of property partly within and partly outside the state
r. ☐ Conveyance pursuant to divorce or separation
s. ☐ Other *(describe)* _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I $ _____ Schedule B., Part II $		

Schedule B — Real estate transfer tax return (Tax Law, Article 31)

Part I – Computation of tax due

1	Enter amount of consideration for the conveyance *(if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III)* ☐ **Exemption claimed**	1.	
2	Continuing lien deduction *(see instructions if property is taken subject to mortgage or lien)*	2.	
3	Taxable consideration *(subtract line 2 from line 1)*	3.	0
4	Tax: $2 for each $500, or fractional part thereof, of consideration on line 3	4.	
5	Amount of credit claimed for tax previously paid *(see instructions and attach Form TP-584.1,* Schedule G*)*	5.	
6	Total tax due* *(subtract line 5 from line 4)*	6.	0

Part II – Computation of additional tax due on the conveyance of residential real property for $1 million or more

1	Enter amount of consideration for conveyance *(from* Part I*, line 1)*	1.	
2	Taxable consideration *(multiply line 1 by the percentage of the premises which is residential real property, as shown in* Schedule A*)*	2.	
3	Total additional transfer tax due* *(multiply line 2 by 1% (.01))*	3.	

Part III – Explanation of exemption claimed on Part I, line 1 *(check any boxes that apply)*

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a ☐

b. Conveyance is to secure a debt or other obligation ..... b ☐

c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ..... c ☐

d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d ☐

e. Conveyance is given in connection with a tax sale ..... e ☐

f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ..... f ☐

g. Conveyance consists of deed of partition ..... g ☐

h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h ☐

i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i ☐

j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than $200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment ..... j ☐

k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) *(attach documents supporting such claim)* ..... k ☐

*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the ***NYC Department of Finance.*** If a recording is not required, send this return and your check(s) made payable to the ***NYS Department of Taxation and Finance,*** directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.
I (we) certify that: *(check the appropriate box)*

1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.

2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
   - ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
   - ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
   - ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
   - ☐ The maximum principal amount secured by the credit line mortgage is $3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

     Please note: for purposes of determining whether the maximum principal amount secured is $3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.
   - ☐ Other *(attach detailed explanation)*.

3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
   - ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
   - ☐ A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.

4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. *(Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance.**)*

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Grantor signature	Title	Grantee signature	Title
Grantor signature	Title	Grantee signature	Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked *e*, *f*, or *g* in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the ***NYC Department of Finance***? If no recording is required, send your check(s), made payable to the ***Department of Taxation and Finance,*** directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	GARY CREWSON	
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form.* For more information, see *Payment of estimated personal income tax,* on page 1 of Form TP-584-I.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ (Date) to _____ (Date) *(see instructions).*

☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.

☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

<u>DESCRIPTION</u>

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot No.s 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

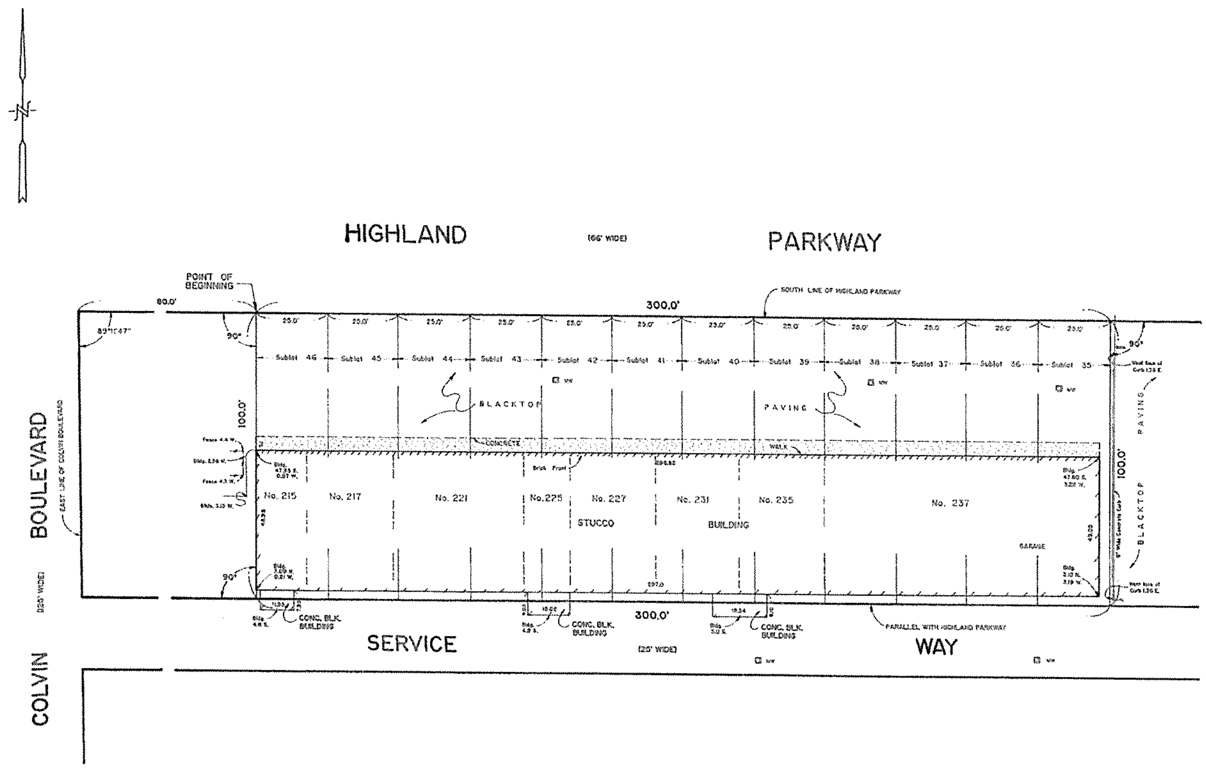
Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of one hundred (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre



LEGEND

CONCRETE		CONC.
BLACKTOP		BLKTP.
FENCE		
BUILDING	Bldg.	
NORTH	N.	
SOUTH	S.	
EAST	E.	
WEST	W.	
MONITORING WELL		MW

SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 33, TOWNSHIP 12, RANGE 8
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK

BAR SCALE 1" = 20'
1 METER = 3.281 FEET

I HEREBY CERTIFY

THAT THIS REPORT OF SURVEY, OF THAT PARCEL OF LAND DEPICTED HEREON, DATED, APRIL 14, 2017 AND NUMBERED 17-69

HAS BEEN PREPARED UNDER MY DIRECTION/SUPERVISION FROM DESCRIPTIONS FURNISHED THIS OFFICE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS IN ACCORDANCE WITH THE STANDARDS FOR LAND TITLE SURVEYS AS JOINTLY ADOPTED BY THE NIAGARA FRONTIER LAND SURVEYORS ASSOCIATION AND ERIE COUNTY BAR ASSOCIATION (NEW YORK)

THIS CERTIFICATION DOES NOT EXTEND TO SUBSEQUENT OWNERS, LENDING INSTITUTIONS OR TITLE INSURERS.

Francis X. Metzger
N.Y.S. License No. 049989

This map void unless EMBOSSED with New York State Licensed Land Surveyor's Seal No. 049989

Altering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law

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SonnenbergerLandSurveying.com

SCALE: 1" = 20' DATE: APRIL 14, 2017
SHEET: 69621 No.: 17-69