HIGHLAND PLAZA

ERIE COUNTY, NEW YORK

Periodic Review Report

April 29, 2019-April 29, 2020

NYSDEC Site Number: C915293

Prepared for:

Highland Plaza 215 Highland Parkway Tonawanda, New York

Prepared by:

Highland Plaza

215 Highland Plaza Tonawanda, New York

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I. Introduction

A Site Background and Remedial History

Highland Plaza entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) in April, 2015 to investigate and remediate a 0.69-acre property located in the Town of Tonawanda, New York. The property was remediated to commercial use, and will be used for commercial use only (Figure 1).

The site is located in the County of Erie, New York and is identified as Lot #33, Township 12 Range 6 of the Holland land Company's Survey and being Sublots #35 to 46 inclusive on the Tonawanda, Erie County Tax Map (Figure 2). The site is situated on an approximately 0.69-acre area bounded by Highland Parkway to the north, an alley way followed by residential properties to the south, a parking lot and credit union to the east, and a gasoline station and Colvin Boulevard to the west (see Figures 1 and 2).

The site remedial technologies are comprised of the following:

- A cap and cover system; and
- A sub-slab depressurization system.

Site monitoring requirements include the annual inspection and certification of the cap and cover system and the sub-slab depressurization system; as well as annual sampling of onsite groundwater monitoring wells to evaluate potential changes in groundwater quality.

B. Effectiveness of the Remedial Program

The cap and cover system is effectively preventing ingestion/direct contact with contaminated soil and is also preventing inhalation of, or exposure from contaminants volatilizing from contaminated onsite soil. In addition, the cap and cover system is preventing migration of contaminants that could result in groundwater or surface water contamination.

Four sub-slab depressurization systems (SSDSs) are mitigating impacts to public health from existing, or the potential for, soil vapor intrusion into onsite buildings.

There are no groundwater remedial activities onsite.

C. Compliance

The cap and cover system was inspected on April 27, 2020 and was observed to have all elements of the system in place and was adequately maintained as described in the Site Management Plan (SMP).

The SSDSs were inspected on April 27, 2020 and were certified to be operating as designed and described in the SMP.

D. Recommendations

At this time, no changes to the SMP are recommended. The requirements for discontinuing the SMP have not been met.

II. Site Overview

A Site Description

The site is situated on an approximately 0.69-acre area bounded by Highland Parkway to the north, an alley way followed by residential properties to the south, a parking lot and credit union to the east, and a gasoline station and Colvin Boulevard to the west (see Figures 1 and 2).

B Remedial Action Objectives

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site.

Soil RAOs for Public Health Protection are as follows:

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

Soils RAOs for Environmental Protection are as follows:

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

Groundwater RAOs for Public Health Protection are as follows:

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

Groundwater RAOs for Environmental Protection are as follows:

• Restore groundwater aquifer to pre-disposal/pre-release conditions, to the extent practicable.

• Remove the source of ground or surface water contamination.

Soil Vapor RAOs for Public Health Protection are as follows:

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

III. DESCRIPTION OF SELECTED REMEDY

The site was remediated in accordance with the remedy selected by the NYSDEC in the Decision Document dated December, 2017. The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

- Maintenance of the existing cover system consisting of the asphalt parking lot covering approximately 50% of the site; the building slab on grade concrete floor and foundation covering approximately 47% of the site; and a clean soil cover behind the building covering approximately 3% of the site to prevent human exposure to remaining contaminated soil/fill remaining at the site (Figures 1, 2, 3, 4 and 5);
- 2. Four (SSDSs) located in Buildings #1 (235 to 237 Highland Parkway); and Building #2 (231 Highland Parkway (Figure 7);
- 3. Execution and recording of an Environmental Easement to restrict land use and prevent future exposure to any contamination remaining at the site.
- Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting;
- 5. Periodic certification of the institutional and engineering controls listed above.

IV. Remedy Performance, Effectiveness, and Protectiveness

The inspection of the cap and cover system on April 27, 2020 showed that the existing cap and cover system consisting of the asphalt parking lot, the building slab on grade concrete floor and foundation, and the clean soil cover behind the building has been properly maintained to prevent human exposure to remaining contaminated soil/fill remaining at the site.

There were no breaches of the asphalt parking lot and concrete sidewalk directly in front of the buildings observed during the site visit on April 27, 2020.

There were no breaches of the soil cover along the east end of the building during the site visit on April 27, 2020.

There were two different site intrusive activities into the two foot wide clay cap behind the building during this annual reporting period:

- 1. The man door behind the easternmost building was blocked in, and the small concrete pad in front of the door was removed. The area was then backfilled with clean fill soil.
- 2. The four inch sewer line from the easternmost building unit collapsed underground, and was replaced with a six foot long run of four inch PVC pipe into the off-site sewer line located behind the building. Excavation activities were to approximately 36 inches. Crushed stone was placed around the PVC pipe and the trench was filled in with the excavated soil material. PVC clean out port is now visible behind the building (Photos 3 and 4).

A Professional Engineer (PE) inspected the four SSDSs located in Buildings #1 and #2 on April 27, 2020. The PE has certified that they are operating as designed to mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the Site.

V. Institutional Controls/Engineering Controls Plan Compliance (IC/EC Plan)

a. IC/EC Requirements and Compliance

Highland Plaza has both engineering controls (cap and cover system, and SSDS's) and institutional controls (Environmental Easement) in place.

Institutional Controls - The site continues to be owned and managed by Highland Plaza. No sale of the property has been made or is currently contemplated. ICs are noted on survey maps of the area are subject to the Environmental Easement.

Engineering Controls – Highland Plaza continues to maintain the cap and cover system as well as operation of onsite SSDSs.

Corrective Measures – There were no corrective measures implemented during the annual reporting period

No changes to EC/IC Plan are recommended at this time. The IC/EC certification is provided in Appendix A.

VI. Monitoring Plan Compliance Report

a. Monitoring Plan Requirements

The monitoring plan requires that wells MW-1, MW-2 and MW-3 are sampled annually and analyzed for volatile organic compounds (VOCs). Because the Highland Plaza Off-Site Area (Site No. C915293A) is the source of the groundwater contamination, groundwater sampling will be completed periodically by a NYSDEC subcontractor as part of the off-site investigation. Groundwater samples were not collected during this reporting period.

b. Summary of Monitoring Completed during Reporting Period

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period.

c. Comparisons with NYSDEC Standards

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period; therefore there is no comparison to NYSDEC standards.

d. Monitoring Deficiencies:

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period. There were no other monitoring deficiencies during this period.

e. Conclusions and Recommendations

No changes to the monitoring program are recommended at this time. NYSDEC will continue to monitor groundwater contamination as part of the Highland Plaza Off-Site Area Site.

VII. Operation & Maintenance (O & M) Plan Compliance Report

a. Components of O&M Plan

Inspections and data recording are being conducted as required. Deficiencies are corrected and corrective actions are documented.

b. Summary of O & M Completed During Reporting Period

O&M activities are summarized and details of O & M actions are recorded in the monthly inspection reports and are kept onsite. The SSDSs were recently inspected during this reporting period. This certified inspection form is attached as Appendix c.

c. Evaluation of Remedial Systems

The remedial systems (cap and cover system; SSDSs) have been inspected and are operating as designed. Maintenance performed is routine and not unusual (ex. blower failure). No changes to the remedial systems are recommended at this time.

d. O & M Deficiencies

There are no operational or maintenance deficiencies at this time.

e. Conclusions and Recommendations for Improvements

The remedial systems as designed and operated are functioning properly. There are no recommendations for improvement to the remedial systems, and no changes to the O & M plan are recommended.

VIII. Overall Conclusions and Recommendations

a. Compliance with SMP

Highland Plaza has complied with all aspects of the SMP (IC/EC; O& M and Monitoring) for the period 2019 to 2020.

b. Performance and Effectiveness of the Remedy

The remedy has been effective in containing soil contamination and preventing contamination from leaving the site.

c. Future Submittals

Frequency of reporting should remain as currently required.

FIGURES

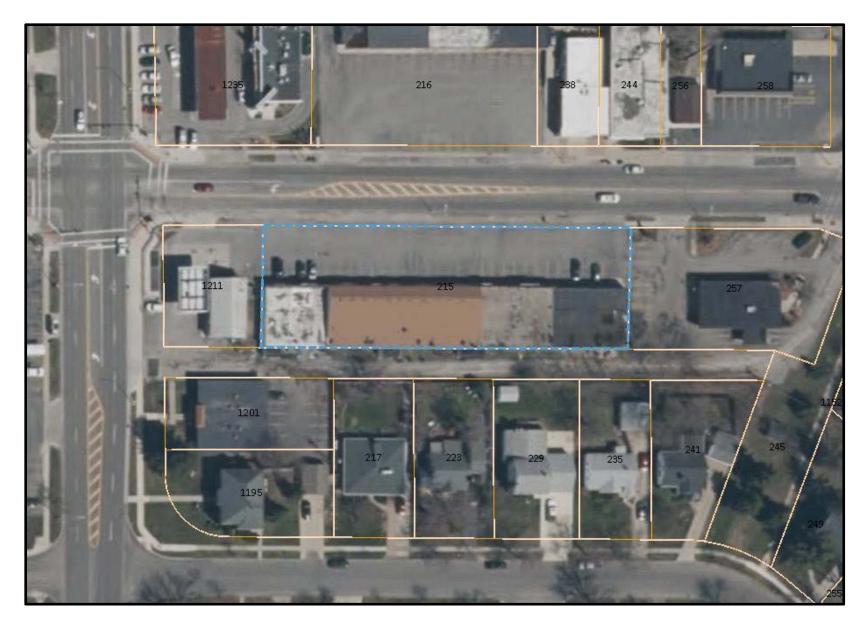
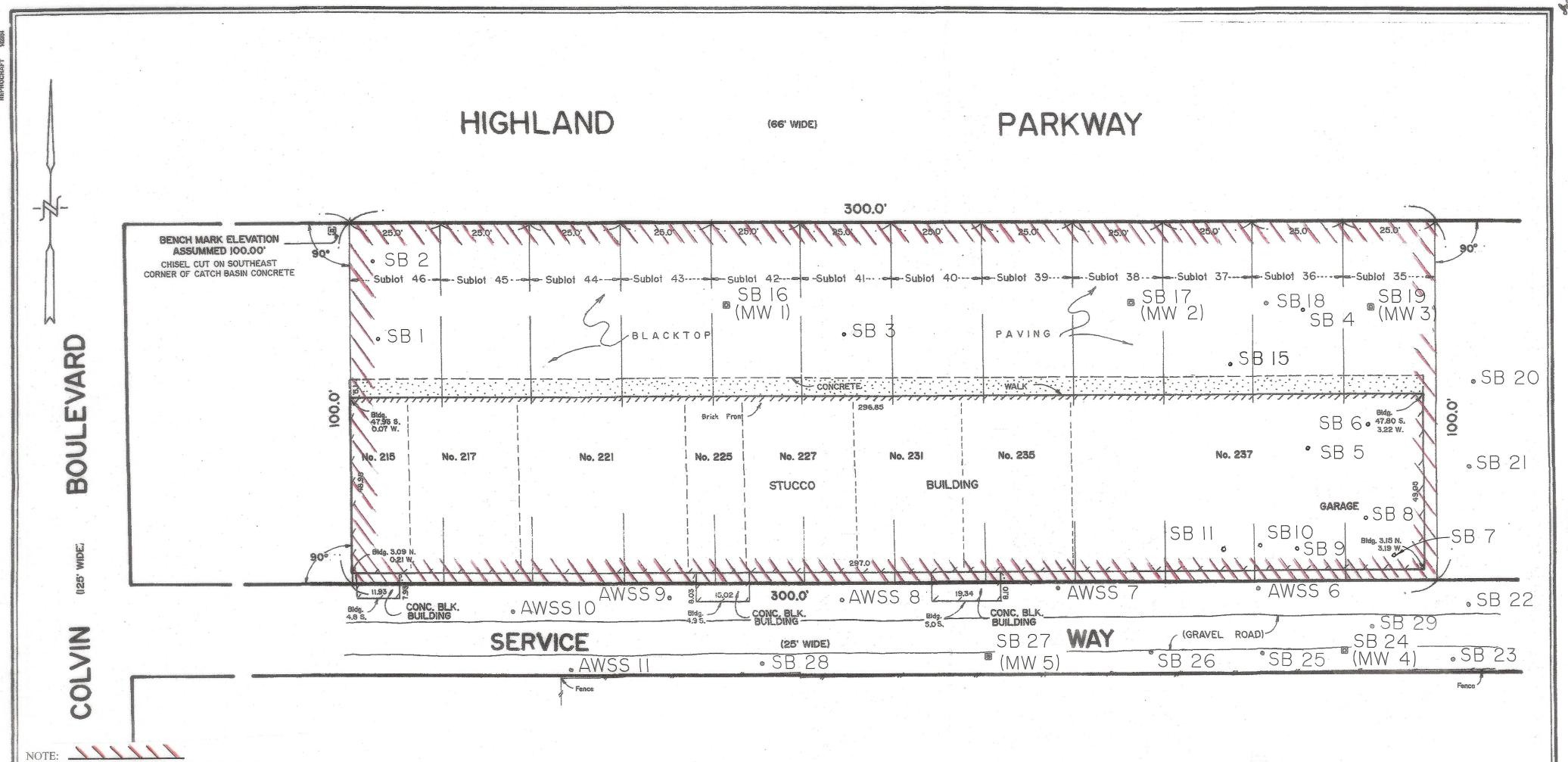


Figure 1. Location of the Highland Plaza BCP Site (Site No. C915293) in Tonawanda, Erie County, New York.



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.



map void unless EMBOSSED with w York State Licensed Land urveyor'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.

Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	Elevation (PVC Pipe)	Point Descriptio
SB 16 (MW 1)	104.45	22.36	100.51	SB 1
SB 17 (MW 2)	216.22	22.43	100.18	SB 2
SB 19 (MW 3)	282.43	24.29	100.08	SB 3
SB 24 (MW 4)	274.59	119.19	101.45	SB 15
SB 27 (MW 5)	176.13	120.15	102.06	SB 4
SB 18	253.63	22.88		SOIL
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		Point Descript
SB 26	221.32	118.93		
SB 28	113.74	121.41		
SB 29	282.23	112.08		SB 5
AWSS 6	251.01	101.56		SB 6
AWSS 7	195.55	101.02		SB 7
AWSS 8	136.09	104.20		SB 8
AWSS 9	88.35	102.98		SB 9
AWSS 10	45.14	106.68		SB 10
AWSS 11	61.17	122.98		SB 11
				SOI

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 some

Point Descrip SB 5 SB 6 SB 7 SB 8 SB 9 SB 10 SB 11

Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	
8'	32.5'	
6.5'	10'	a contraction
136'	31'	
242'	39.5'	
262'	24'	
	Northwest Property Corner 8' 6.5' 136' 242'	Northwest Property CornerNorthwest Property Corner8'32.5'6.5'10'136'31'242'39.5'

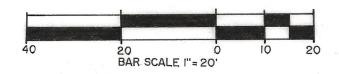
SOIL BORING LOCATIONS ARE APPROXIMATE

escription	Distance West of Northeast Building Corner	Distance South of Northeast Building Corner
	32'	15'
	15'	8'
	8'	44'
	16'	34'
	35'	43'
)	45'	42'
	55'	43'
SOIL BORT	NG LOCATIONS ARE ESTI	MATED

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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



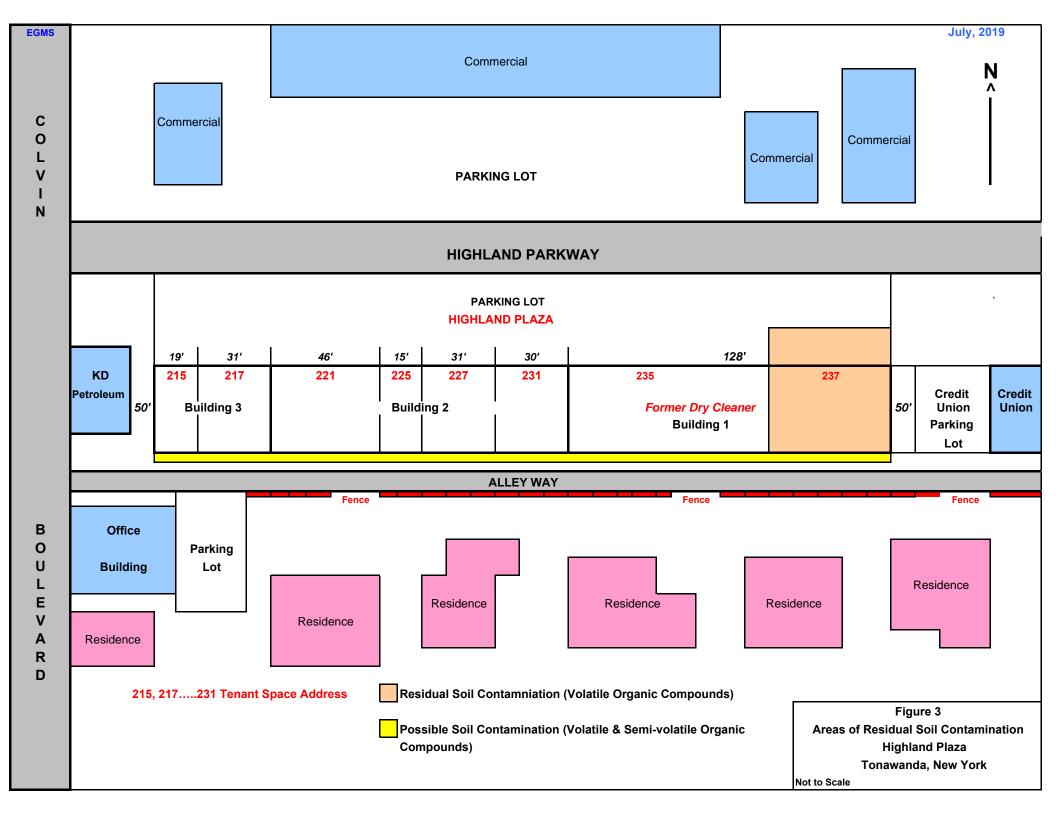
SONNENBERGER LAND SURVEYING 60 NIAGARA STREET BUFFALO, NEW YORK 14202 (716) 854-0159 SonnenbergerLandSurveying.com

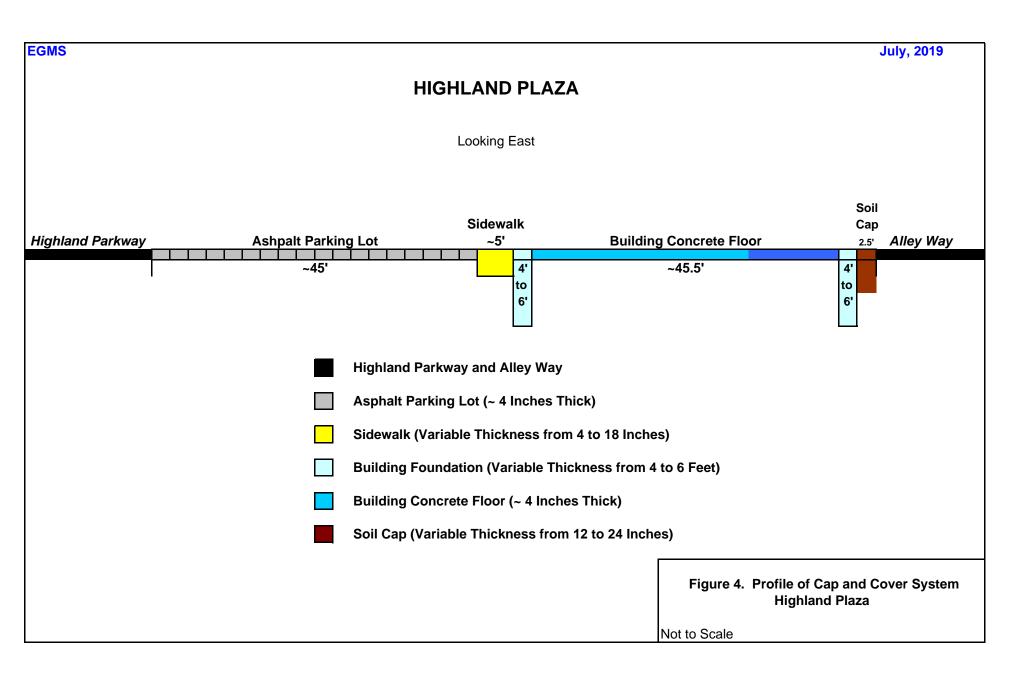
SCALE: 1" = 20'

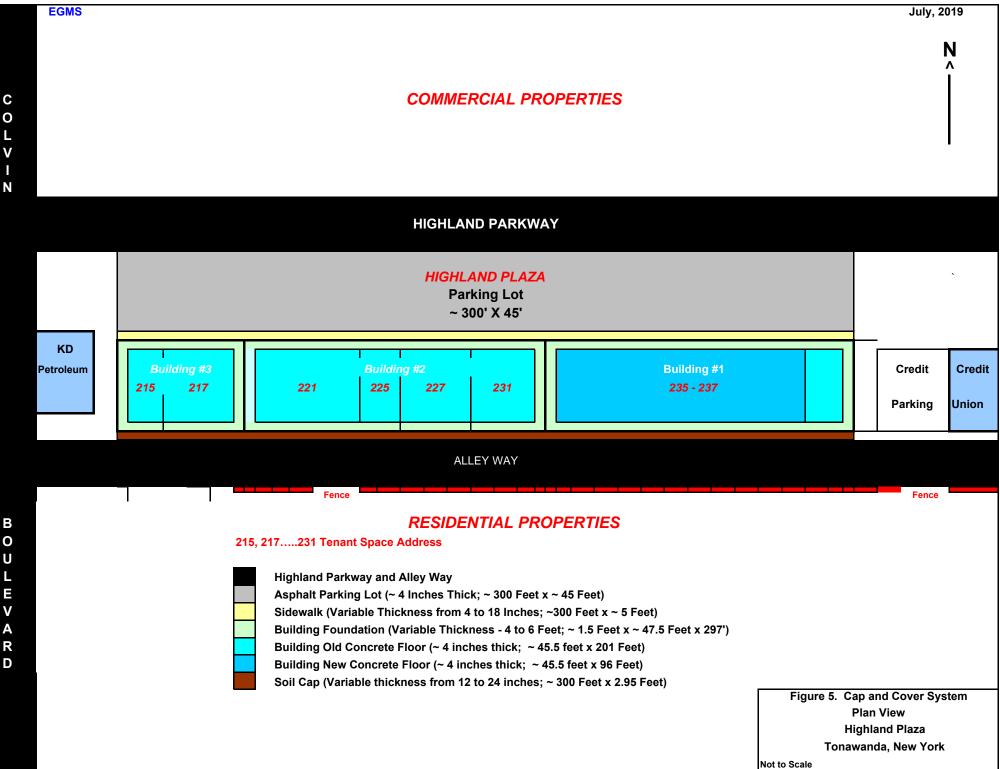
DATE: NOV. 10, 2015

SHEET: 69621 REVISED 5/20/16

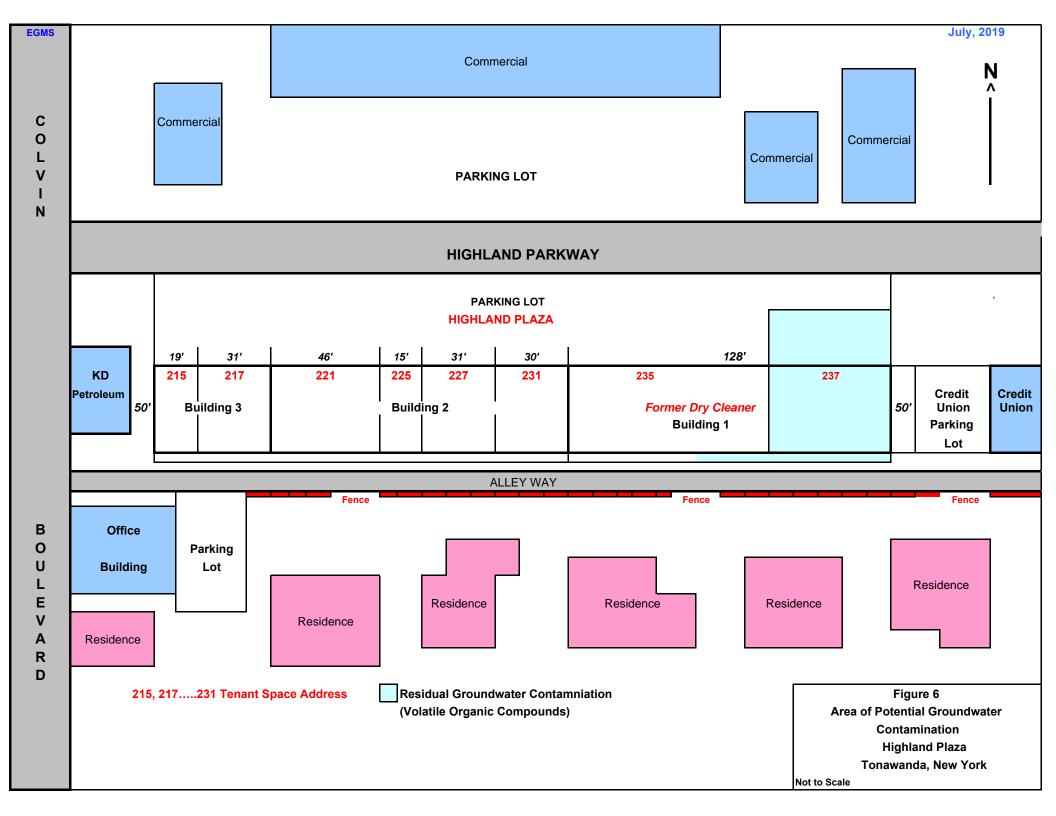
No. 15-221 ATS-1 REVISED 5/18/17

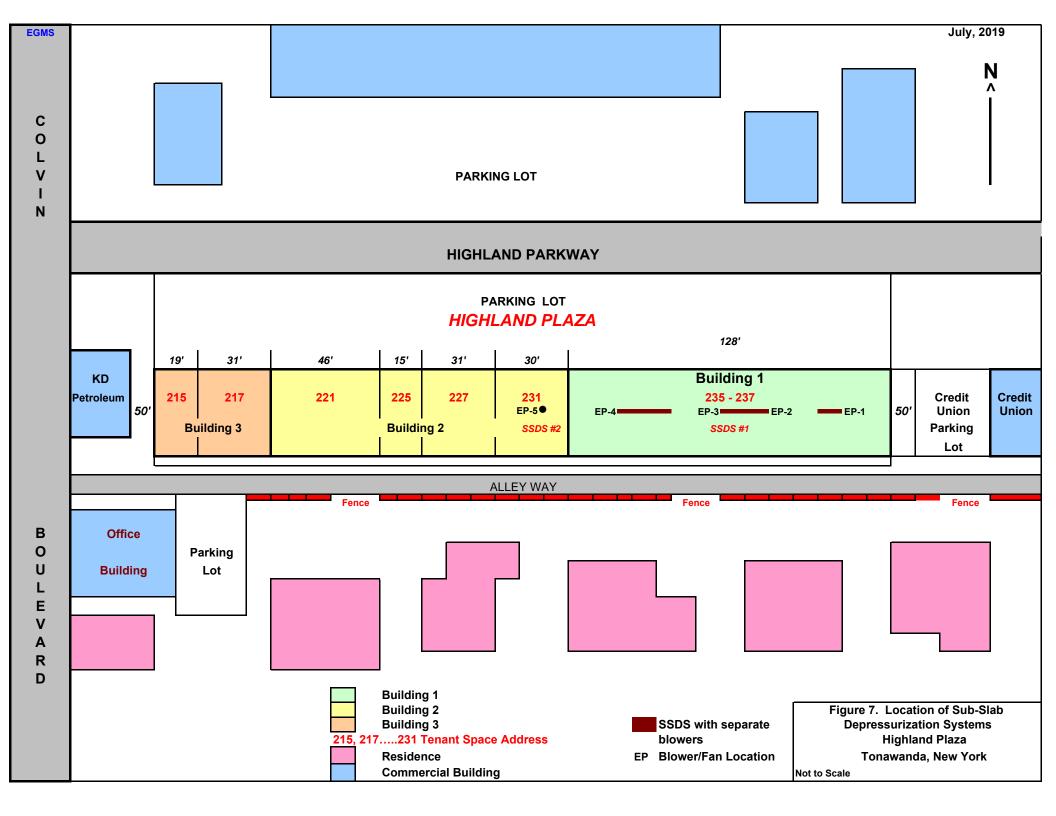






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APPENDICES

APPENDIX A

REPORT CERTIFICATIONS



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



Site No	Site Details te No. C915293				
Site Na	ne Highland Plaza				
City/Tov County:	ress: 215 Highland Parkway Zip Code: 14223 m: Tonawanda (T) Erie eage: 0.690				
Reportir	g Period: April 29, 2019 to April 29, 2020				
		YES	NO		
1. Is th	e information above correct?	×			
If N), include handwritten above or on a separate sheet.				
	some or all of the site property been sold, subdivided, merged, or undergone a nap amendment during this Reporting Period?		X		
	there been any change of use at the site during this Reporting Period 6NYCRR 375-1.11(d))?		X		
	4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?				
	u answered YES to questions 2 thru 4, include documentation or evidence documentation has been previously submitted with this certification form.				
5. Is th	e site currently undergoing development?		Æ		
		Box 2			
		YES	NO		
	e current site use consistent with the use(s) listed below? mercial and Industrial	Ø			
7. Are	all ICs/ECs in place and functioning as designed?	K			
	IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.				
A Corre	tive Measures Work Plan must be submitted along with this form to address th	nese iss	ues.		
Signatur	of Owner, Remedial Party or Designated Representative Date				

		Box 2	Box 2A	
		YES	NO	
	ny new information revealed that assumptions made in the Qualitative Exposi sment regarding offsite contamination are no longer valid?		X	
	answered YES to question 8, include documentation or evidence ocumentation has been previously submitted with this certification form	ı.		
	e assumptions in the Qualitative Exposure Assessment still valid? Qualitative Exposure Assessment must be certified every five years)	×		
	answered NO to question 9, the Periodic Review Report must include a ed Qualitative Exposure Assessment based on the new assumptions.	n ^s		
SITE NO. C	915293	Во	x 3	
Descrip	tion of Institutional Controls			
Parcel	Owner Institutional C	ontrol		
66.57-2-8.11	Gary Crewson Ground Water Soil Manager Landuse Rest Monitoring Pla Site Manager IC/EC Plan	ent Plan riction in	tion	
Controlled Pro institutional co specified in the frequency and prohibited with Department of first notify and environmenta performed as Property must the property the SMP; (7) mon defined in the physical comp must be provise	O&M Plan antal Easement was filed with the Erie County Clerk's Office on August 22, 20 operty may be used for commercial and industrial use as long as the following ontrols are employed: (1) all Engineering Controls must be operated and mai be Site Management Plan (SMP); (2) all Engineering Controls must be inspect d in a manner defined in the SMP; (3) the use of groundwater underlying the hout necessary water quality treatment as determined by the NYSDOH or the of Health to render it safe for use as drinking water or for industrial purposes, d obtain written approval to do so from the Department; (4) groundwater and d or public health monitoring must be s defined in the SMP; (5) data and information pertinent to Site Management t be reported at the frequency and in a manner defined in the SMP; (6) all fut hat will disturb remaining contaminated material must be conducted in accorditoring to assess the performance and effectiveness of the remedy must be SMP; (8) operation, maintenance, monitoring, inspection, and reporting of an openents of the remedy shall be performed as defined in the SMP; and (9) accord ded to agents, employees or other representatives of the State of New York of the property owner to assure compliance with the restrictions identified by the state of the state of New York of the property owner to assure compliance with the restrictions identified by the state of the property owner to assure compliance with the restrictions identified by the state of New York of the property owner to assure compliance with the restrictions identified by the state of New York of the property owner to assure compliance with the restrictions identified by the state of New York of the property owner to assure compliance with the restrictions identified by the state of New York of the property owner to assure compliance with the restrictions identified by the state of the property owner to assure compliance with th	g long-term ntained as sted at a property is e Erie Count and the user other of the Contra ure activities dance with the performed as ny mechanic cess to the s with reasonant is Environm	olled s on ne sal or ite able ental	
		Во	x 4	
Descrip	tion of Engineering Controls			
<u>Parcel</u> 66.57-2-8.11	Engineering Control			
00.37-2-0.11	Vapor Mitigation Cover System			
site. Any site as buildings, c	er currently exists and will be maintained to allow for commercial/industrial us redevelopment will maintain the existing site cover, which consists of structu concrete sidewalks, an asphalt parking lot, and a clean soil cover over the so site, adjacent to the alleyway.	res such		

(2) Sub-slab depressurization systems exist in Buildings 1 and 2. These systems will continue to operate to prevent the migration of sub-slab soil vapor from soil and groundwater into these buildings.

Box 5

Periodic Review Report (PRR) Certification Statemen	its
1. I certify by checking "YES" below that:	
 a) the Periodic Review report and all attachments were prep reviewed by, the party making the certification; 	ared under the direction of, and
 b) to the best of my knowledge and belief, the work and con are in accordance with the requirements of the site remedial engineering practices; and the information presented is accurate 	program, and generally accepted
engineering practices, and the information presented is accurate	YES NO
	X
 If this site has an IC/EC Plan (or equivalent as required in the Decisor Engineering control listed in Boxes 3 and/or 4, I certify by checking following statements are true: 	
(a) the Institutional Control and/or Engineering Control(s) en since the date that the Control was put in-place, or was last a	
(b) nothing has occurred that would impair the ability of such the environment;	n Control, to protect public health a
(c) access to the site will continue to be provided to the Dep remedy, including access to evaluate the continued maintenation	
(d) nothing has occurred that would constitute a violation or Site Management Plan for this Control; and	failure to comply with the
(e) if a financial assurance mechanism is required by the over mechanism remains valid and sufficient for its intended purper	
	YES NO
	⊻ □
IF THE ANSWER TO QUESTION 2 IS NO, sign an DO NOT COMPLETE THE REST OF THIS FORM. C	
A Corrective Measures Work Plan must be submitted along with thi	s form to address these issues.
Signature of Owner, Remedial Party or Designated Representative	Date

IC CERTIFICATIONS SITE NO. C915293

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I Jeffrey Crewson print name	at 1800 Broadway Ave Biffalo NY 14212 print business address
am certifying as	(Owner or Remedial Party)
for the Site named in the Site Details Se Signature of Owner, Remedial Party, or Rendering Certification	5/27/2020

IC/EC CERTIFICATIONS	Box 7				
Signature					
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.					
print name print business address	VIEWay				
	/				
am certifying as a for the <u>Highland Maza</u>					
(Owner or Remedial	Party)				
MK Wollaband	5/26/20				
Signature of , for the Owner or Remedial Party, Stamp Rendering Certification (Required for PE)	Date /				

:

PHOTOGRAPHS OF CAP/COVER

SYSTEM

PHOTOGRAPHS 1 & 2: FRONT PARKING LOT & SIDEWALK





PHOTOGRAPH OF CAP ON EAST END OF BUILDING #1



PHOTOGRAPHS OF SOIL CAP SYSTEM BEHIND BUILDING







APPENDIX C

CERTIFICATION OF SUB-SLAB DEPRESSURIZATION SYSTEMS



studio T3

2495 Main Street, Suite 301 Buffalo, NY 14214 phone: (716) 803-6400 fax: (716) 810-9504

May 6, 2020

Highland Plaza, LLC ATTN: Gary Crewson 1800 Broadway Buffalo, New York 14212 Reference: **SSDS System Site Inspections**

Dear Mr. Crewson,

I completed an inspection of all four (4) sub-slab depressurization systems (SSDS) at the Highland Plaza in Tonawanda, New York on Monday, April 27, 2020. The inspection results are summarized in the table below:

HIGHLAND PLAZA SSDS						
ADDRESS	REFERENCE #	VACUUM	ELECTRIC POWER	PIPING	DRAW	SUCTION
231 HIGHLAND PARKWAY	B-1	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
235 HIGHLAND PARKWAY	B-2	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
237 HIGHLAND PARKWAY	B-3	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
237 HIGHLAND PARKWAY	B-4	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE

Based on the results all four of the soil vapor extraction systems are functional and operating optimally.

Please do not hesitate to contact me with any questions regarding the above.

Andere Tenograli

Andrew Terragnoli, P.E.

