HIGHLAND PLAZA

ERIE COUNTY, NEW YORK

Periodic Review Report

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 23, 2021 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 May 4, 2021 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:

- 1. 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.
- 4. 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 23, 2021 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 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 23, 2021.

There were no breaches of the soil cover along the east end of the building during the site visit on April 23, 2021.

There were no site intrusive activities into the two foot wide clay cap behind the building during this annual reporting period.

A Professional Engineer (PE) inspected the four SSDSs located in Buildings #1 and #2 on May 4, 2021. 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 D.

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

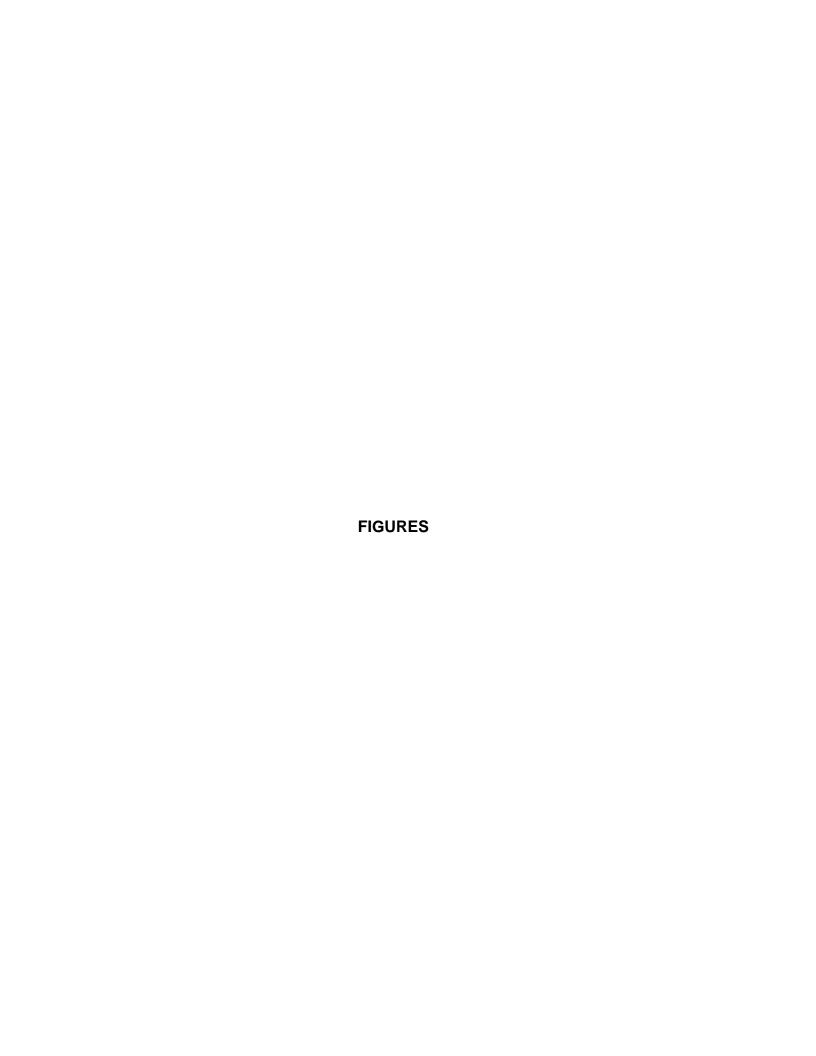
Highland Plaza has complied with all aspects of the SMP (IC/EC; O& M and Monitoring) for the period 2020 to 2021.

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.



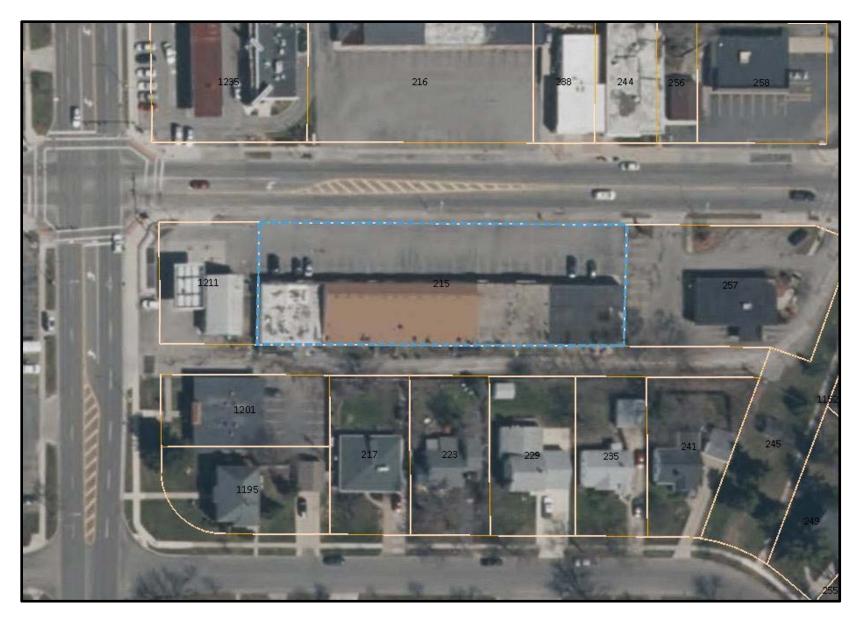
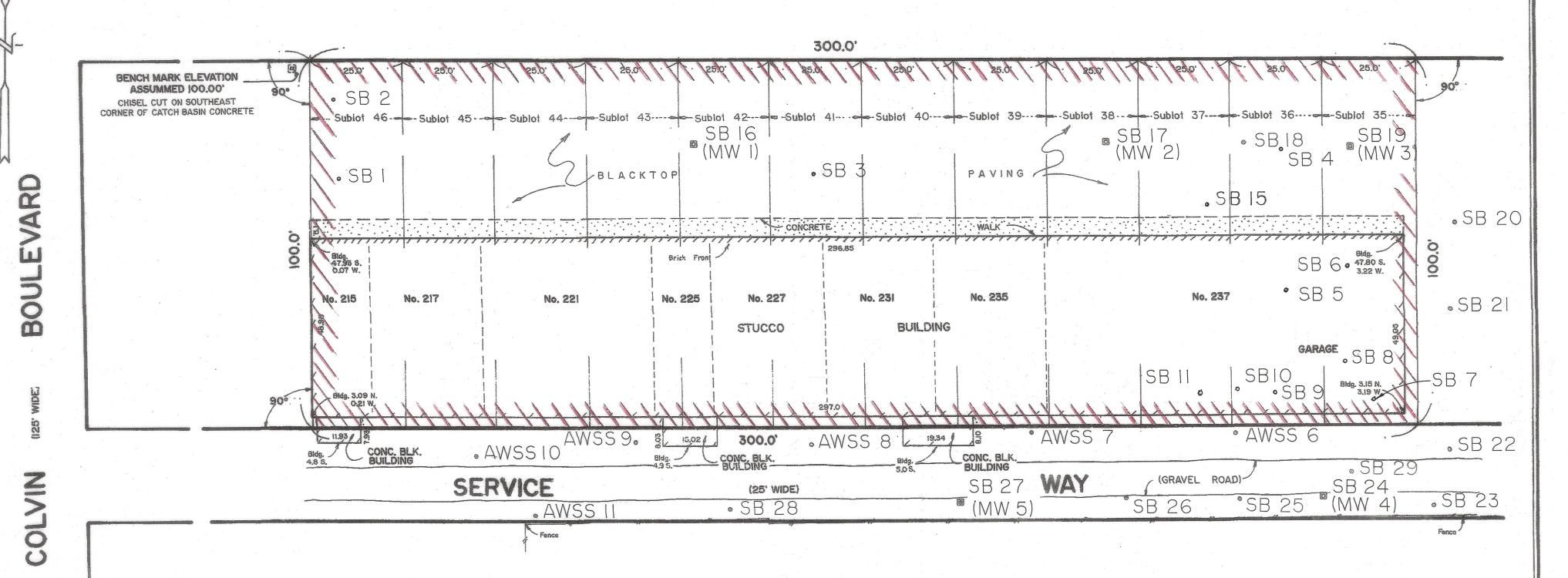


Figure 1. Location of the Highland Plaza BCP Site (Site No. C915293) in Tonawanda, Erie County, New York.

HIGHLAND

(66. MIDE)

PARKWAY



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

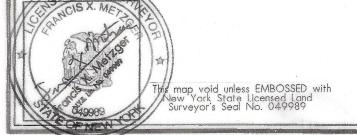
SOIL BORING SB 1 WAS NOT SAMPLED

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.



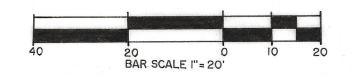
Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	Elevation (PVC Pipe)	
SB 16 (MW 1)	104.45	22.36	100.51	
SB 17 (MW 2)	216.22	22.43	100.18	
SB 19 (MW 3)	282.43	24.29	100.08	
SB 24 (MW 4)	274.59	119.19	101.45	
SB 27 (MW 5)	176.13	120.15	102.06	
SB 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'	

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 BORIN	NG LOCATIONS ARE ESTI	MATED		

FIGURE 2: SITE BASE MAP
HIGHLAND PLAZA
TONAWANDA, NEW YORK

SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 33, TOWNSHIP I2, RANGE 8
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK



SONNENBERGER LAND SURVEYING

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

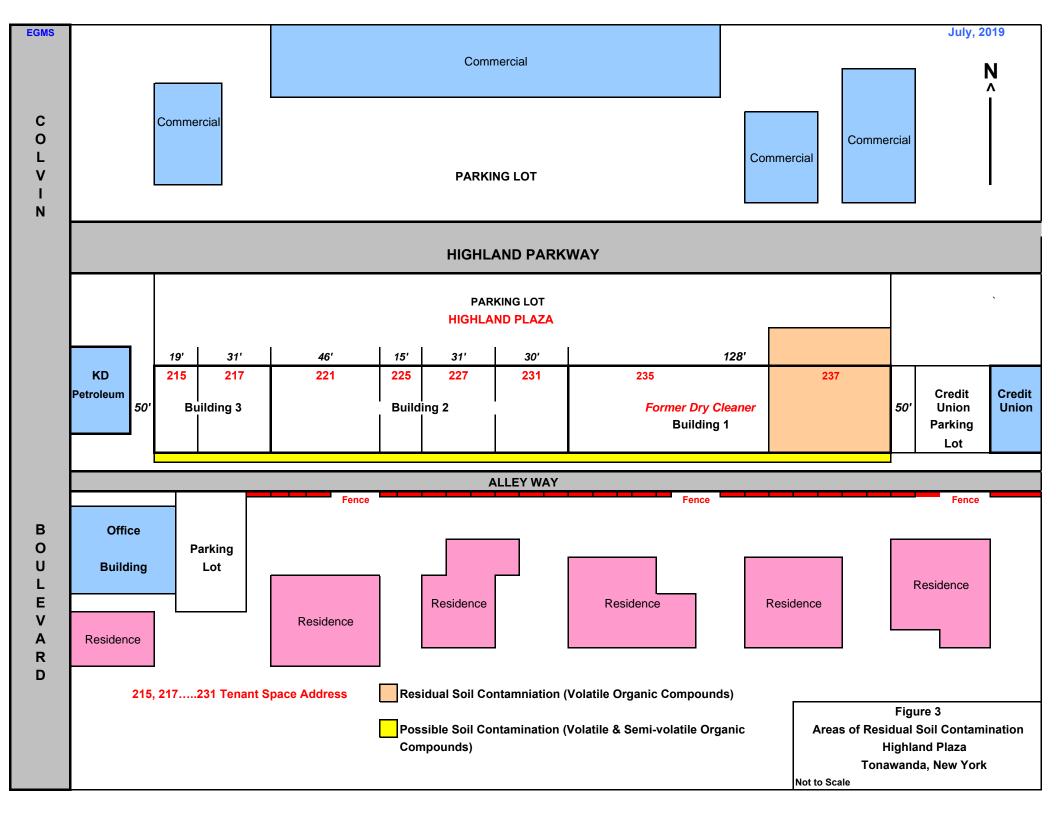
SCALE: 1" = 20"

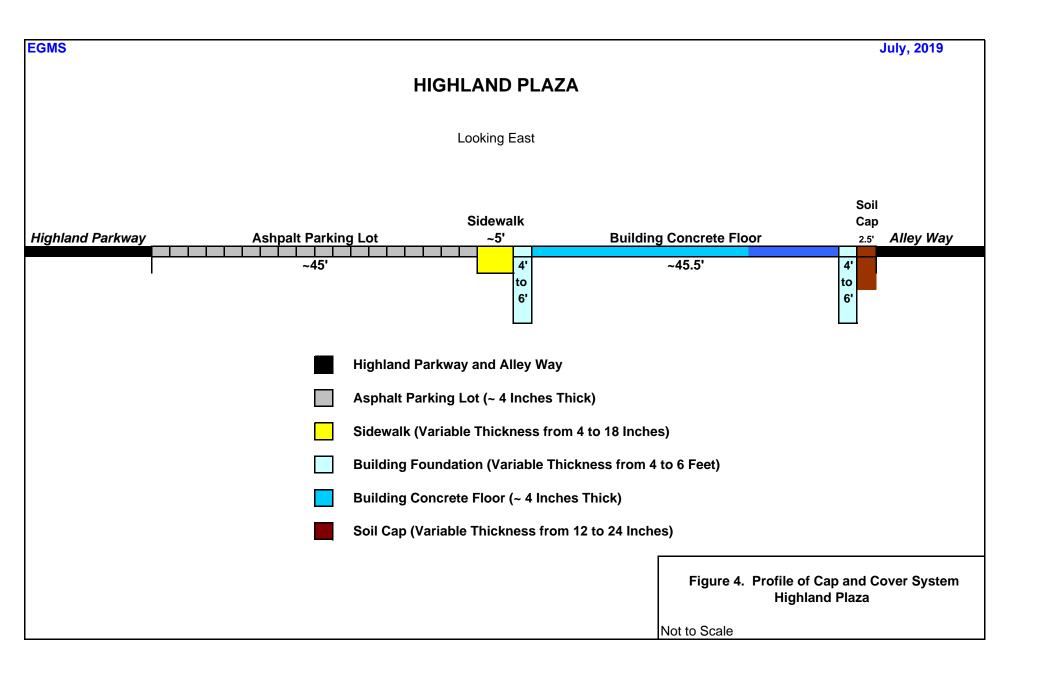
DATE: NOV. 10, 2015

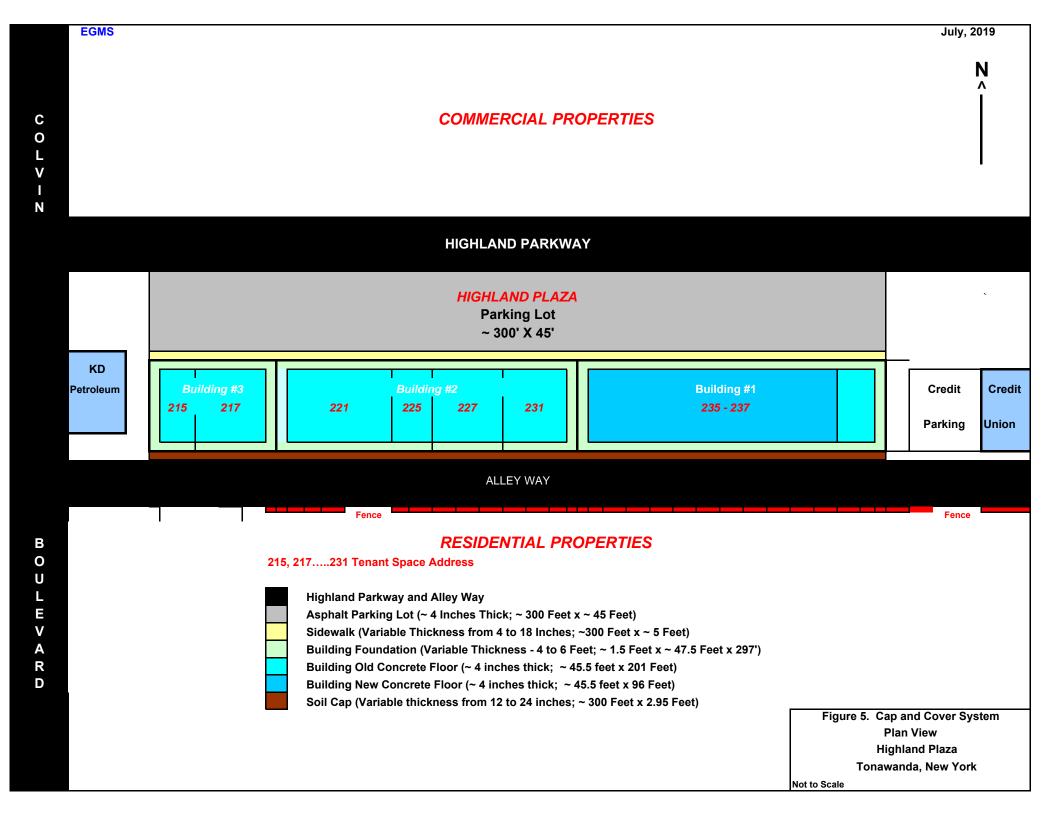
SHEET: 69621 REVISED 5/20/16 No. 15-221 ATS-1 REVISED 5/18/17

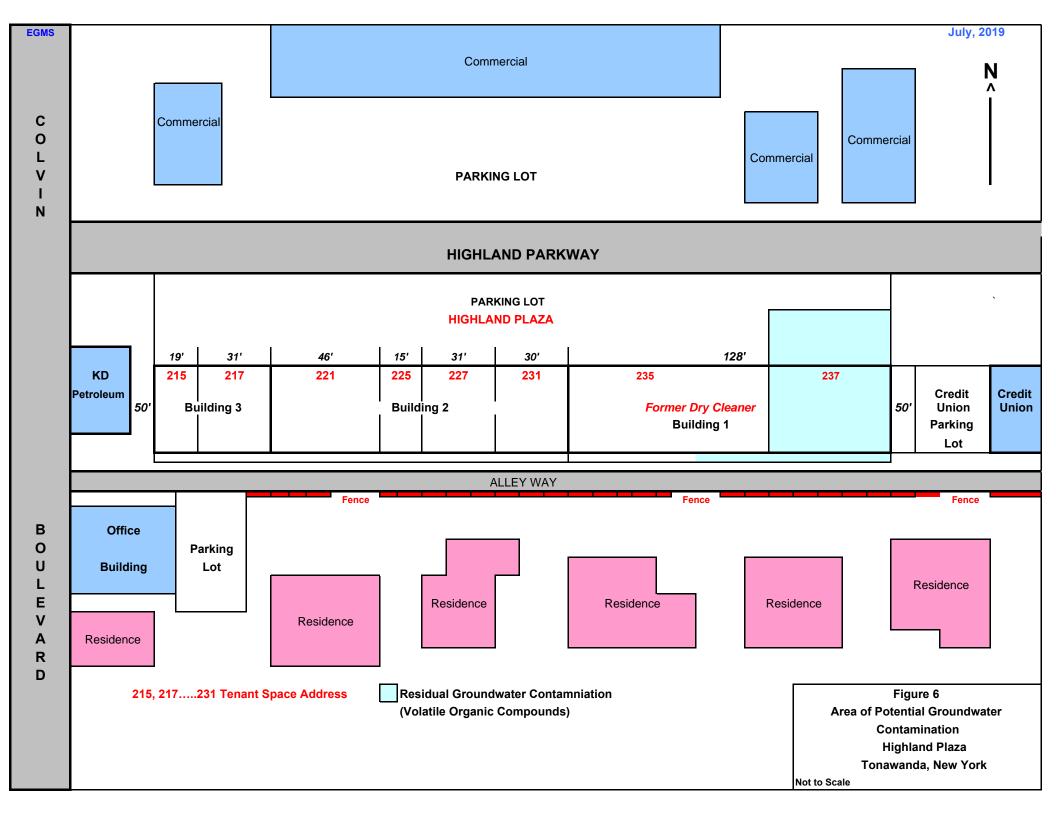
Aftering any item on this map is in violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law. This Survey was prepared without the benefit of a current full obstract of title and is subject to any state of facts that may be revealed by an examination of same

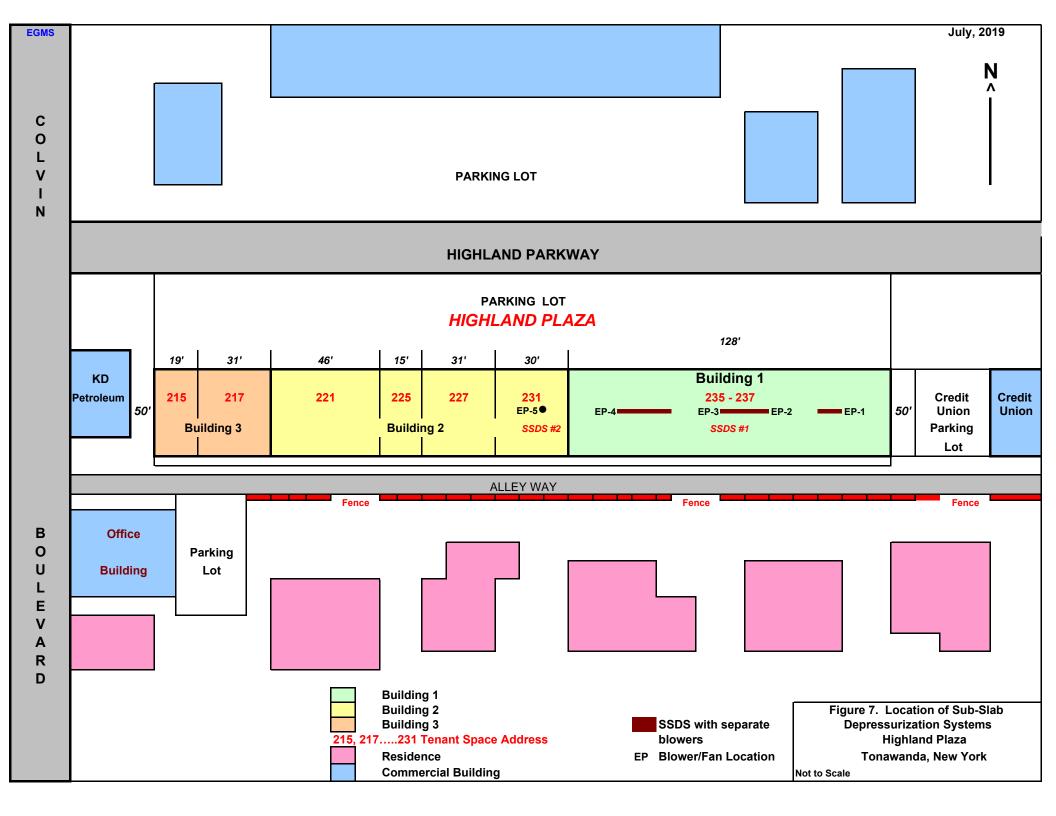
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APPENDIX A REPORT CERTIFICATION



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



				_					
	Site No.	C9	15293	S	ite Details			Box 1	
	Site Name	Highla	nd Plaza						
Site Address: 215 Highland Parkway City/Town: Tonawanda (T) County: Erie Site Acreage: 0.690									
	Reporting Period: April 29, 2020 to April 29, 2021								
								YES	NO
	1. Is the i	nformatio	on above correct	:?				X	
	If NO, i	nclude h	andwritten abov	e or on a	separate shee	t.			
2			of the site proper ment during this			ed, merged, or	undergone a		X
3			any change of ι 375-1.11(d))?	ise at the	site during this	Reporting Pe	eriod		X
4	1. Have a for or a	ny feder t the pro	al, state, and/or l perty during this	local perm Reporting	nits (e.g., buildi g Period?	ng, discharge) been issued	П	×
	If you a that do	answere cument	d YES to quest ation has been	ions 2 thi previous	ru 4, include o	locumentatio with this certi	n or evidence ification form		
5	5. Is the s	ite curre	ntly undergoing o	developm	ent?				X
			e en aba		4).	a		Box 2	
								YES	NO
6			e use consistent I Industrial	t with the	use(s) listed be	elow?		X	
7	. Are all I	Cs in pla	ace and functioni	ing as des	signed?	153	X	Ū	
	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.								
Α	A Corrective Measures Work Plan must be submitted along with this form to address these issues.								
-	ignature of	41.	Permodial Destruction	r Desieur 1	and Danser		4-12-8	2/	
J	ignature of	Pyvijei, i	medial Party or	r nesignat	.eu representa	IIVE	Date		

Box 2A

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

YES NO

X

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

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

X

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

SITE NO. C915293

Box 3

Description of Institutional Controls

<u>Parcel</u>

66.57-2-8.11

Owner

Gary Crewson

Institutional Control

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

O&M Plan

An Environmental Easement was filed with the Erie County Clerk's Office on August 22, 2017. The Controlled Property may be used for commercial and industrial use as long as the following long-term institutional controls are employed: (1) all Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP); (2) all Engineering Controls must be inspected at a frequency and in a manner defined in the SMP; (3) 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; (4) groundwater and other environmental or public health monitoring must be performed as defined in the SMP; (5) 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; (6) all future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP; (7) monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP; (8) operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP; and (9) 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.

Box 4

Description of Engineering Controls

Parcel

Engineering Control

66.57-2-8.11

Vapor Mitigation Cover System

- (1) A site cover currently exists and will be maintained to allow for commercial/industrial use of the site. Any site redevelopment will maintain the existing site cover, which consists of structures such as buildings, concrete sidewalks, an asphalt parking lot, and a clean soil cover over the southern portion of the site, adjacent to the alleyway.
- (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.

Periodic Review Report (PRR) Certification Statements

- I certify by checking "YES" below that:
 - a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
 - b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES NO



- 2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:
 - (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
 - (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
 - (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
 - (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
 - (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS SITE NO. 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.

1 Veffrey Crewson at 18	at 1800 Broadway Buffalo, NY 1421, print business address		
am certifying as	(Owner or Remedial Party)		
for the Site named in the Site Details Section of	this form.		
State of the state	4-12-21		
Signature of Owner, Remedial Party, or Design Rendering Certification	ated Representative Date		

EC CERTIFICATIONS

Signature

Box 7

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 name

print business address

am certifying as a for the Highland Party

(Owner or Remedial Party)

Signature of , for the Owner or Remedial Party, Rendering Certification

rty, Stamp (Required for PE)

APPENDIX B PHOTOGRAPHS OF CAP/COVER SYSTEM

PHOTOGRAPHS 1 & 2: FRONT PARKING LOT & SIDEWALK





PHOTOGRAPH OF CAP BEHIND BUILDING LOOKING WEST



PHOTOGRAPH OF THE EAST END OF THE SOIL CAP SYSTEM BEHIND BUILDING (LOOKING EAST)



PHOTOGRAPH OF THE CENTRAL PART OF THE SOIL CAP SYSTEM BEHIND THE BUILDING (LOOKING EAST)



PHOTOGRAPH OF THE WEST END OF THE SOIL CAP SYSTEM BEHIND THE BUILDING (LOOKING EAST)



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 4, 2021

Highland Plaza, LLC ATTN: Jeff 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 Tuesday, May 4, 2021. 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.

Andrew Terragnoli, P.E.

Andere Tonograli