PERIODIC REVIEW REPORT

APRIL 30, 2025, TO APRIL 30, 2026
NYSDEC SITE NO. C915298
837 BAILEY AVENUE
BUFFALO, NEW YORK 14206

Prepared for:

Jack & Maritza Ruh
Quaker Development, Inc.
124 Meadow Rd
Orchard Park, NY 14127

Prepared by:

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960 Busti Avenue Suite B-150
Buffalo, New York 14213

June 2026

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1.0 EXECUTIVE SUMMARY

This Periodic Review Report (PRR) has been prepared to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915298 located at 837 Bailey Avenue, Buffalo, New York 14206 (i.e., the "site"). Refer to **Figure A** (Site Location Map) for further information.

This PRR has been prepared in accordance with NYSDEC Department of Environmental Remediation (DER)-10 *Technical Guidance for Site Investigation and Remediation* (May 2010). The applicable NYSDEC Institutional and Engineering Controls (IC/EC) Certification Form has been completed and is provided in **Appendix A**.

This PRR describes any post-remedial activities conducted on-site during the April 30, 2025, through April 30, 2026, reporting period per the requirements stipulated in the December 2019 Site Management Plan (SMP).

1.1 SITE BACKGROUND

The 8.74-acre BCP site is a vacant commercial property located at 837 Bailey Avenue (SBL No. 112.80-1-12.1), Buffalo, New York. The site is currently undeveloped, consisting primarily of greenspace with a loose stone driveway extending east from the site entrance along Bailey Avenue. Residential housing is immediately adjacent to the site to the north and south-southwest. The Thruway Authority is located east of the site, and further east is Interstate-190. QTA Machining exists west-northwest across Bailey Avenue, and the remaining surrounding properties along Dingens Street are primarily industrial or commercial, including Aim Transportation Solutions, TJI Construction, and Laub International.

Commercial development began in 1940; the site was occupied as an auto salvage/wrecking facility, auto service station, filling station and tire recapping facility. Prior to remediation, the following investigations were performed to assess subsurface soil and groundwater quality:

- Phase I Environmental Site Assessment (ESA) *(LCS Inc., November 2014)*
- Geophysical Survey, Subsurface Soil/Fill and Groundwater Investigation Report *(LCS, Inc. February 2015)*
- Memorandum/Summary of Subsurface Investigation *(EnSol, Inc. April 2015)*
- Remedial Investigation/Alternative Analysis *(EnSol, Inc., July 2019)*

Prior investigations revealed the following contaminants of concern (COCs):

Soil

- Semi-volatile organic compounds (SVOCs) were detected in samples at concentration above the New York State Department of Environmental Conservation (NYSDEC) Part 375 Commercial and/or Industrial Soil Cleanup Objectives (SCOs).
- Metals were detected at concentration above the New York State Department of Environmental Conservation (NYSDEC) Part 375 Commercial and/or Industrial SCOs.

Groundwater

- Volatile organic compounds (VOCs) were detected at concentrations above the Class GA (Source of Drinking Water [groundwater]) Standard.
- SVOCs were detected at concentrations above the Class GA Standard.

Based on these prior investigations, an Interim Remedial Measures (IRM) Report was conducted by EnSol in July 2019. The following actions were completed:

- May-July 2016 – All existing on-site debris piles were removed and disposed of.
- January-March 2017 – Additional subsurface investigations were performed to delineate areas of soil impacts above specific SCOs in the vicinity of soil boring locations identified in the RI.
- August-December 2017 – IRM hot-spot excavations were completed to remove all impacted fill materials from the locations identified during the remedial investigation (RI).
- December 2018-April 2019 – Additional subsurface investigation, hot-spot excavation and material disposal activities were completed.
- A total of 1,238 tons of contaminated fill materials were removed from the site during the IRM.
- All excavations were backfilled with clean clay obtained from the Town of Tonawanda general fill stockpile with approval from the NYSDEC.

Demolition of the former concrete block building associated with the former site scrap yard operations was completed in January 2019. The building demolition was subsequently completed under a permit from the City of Buffalo by Empire Building Diagnostics, Inc. In July 2019, The Environmental Service Group, Inc., (ESG) conducted grubbing of the site, construction of the stabilized construction entrance and installation of the erosion and sedimentation controls. Installation of the relocated fence along residences located along Dingens Street and Peru Place, removal of debris and preparation of the site sub-grade activities were completed during August 2019.

Between August and November 2019, a minimum twelve-inch thick soil cover system was installed over the entire property to prevent public exposure to soil and surface soil contaminants remaining onsite. Based on the selected remedy, the cover system consists of a minimum six-inch thick general fill soil layer overlain by a minimum six-inch thick topsoil layer. Generally, the soil cover system is fifteen-inches thick over the site interior, with the bottom nine inches consisting of clayey soil and the top six-inches consisting of topsoil. Final hydro-seeding to establish a vegetative cover was completed by applying a seed/fertilizer/mulch mixture sourced from Preferred Seed. All site soils that were disturbed during installation of the soil cover system (i.e., installation of the perimeter drainage ditch, regrading of the subgrade, etc.) were regraded into other areas of the site prior to placement of the cover. No soils were removed from the site during construction of the cover. General soil cover system installation quality control was conducted by EnSol and consisted of daily engineering inspections.

1.2 Compliance/Recommendations

The site inspection conducted on April 8, 2026, identified no compliance violations regarding the April 30, 2025, through April 30, 2026, reporting period. No excavation into the cover system occurred and no substantial ruts, bare spots or erosion rills were noted. The associated Site Wide Inspection Form and Site Photograph Log are contained in **Appendix B**.

2.0 SITE OVERVIEW AND REMEDIATION

2.1 Description of Final Selected Remedy

The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The site was remediated in accordance with a Track 4 cleanup as selected by the NYSDEC in the July 2019 Decision Document (DD). The components of the selected remedy are as follows:

- Construction and maintenance of a cover system to prevent human exposure to remaining contaminated soil/fill remaining at the site. The cover system is composed of a geotextile fabric demarcation layer, a minimum of six (6) inches of barrier soil and a minimum of six (6) inches of clean topsoil of sufficient quality that ensures the maintenance of vegetation. See **Figure 10** for cover system details.
- Execution of an Environmental Easement (EE) to restrict land use and prevent future exposure to remaining contamination. This was completed by the Department in November 2019 and subsequently filed with the Erie County Clerk.
- Development and implementation of an SMP for long term management of remaining contamination as required under the Environmental Easement which includes plans for ICs and ECs and reporting.
- Periodic inspection and certification of the ICs and ECs.

NYSDEC DER-31 Green Remediation requires that green remediation concepts and techniques be considered during all stages of the remedial program including site management in order to improve the sustainability of the cleanup. As the only EC implemented at the site is the soil cover system, the site with not generate additional waste, use energy, produce emissions, or encroach on any ecosystems.

2021 Supplemental Excavation Program

At the request of NYSDEC, additional fill removal activities were completed at specific locations along the shared property boundaries between the site and residential properties to the north along Dingens Street and to the south along Peru Place. This was completed to ensure that no potentially contaminated historic fill materials remained in contact with clean backfill materials placed on the residential properties during a separate off-site cleanup conducted by the NYSDEC. This additional work was completed in accordance with the DEC-approved Work Plan prepared by EnSol, Inc. in 2021. In December 2021, documentation of the completed work was provided to the Department by EnSol. In January 2022, the NYSDEC provided approval of all work conducted and concluded no changes to the December 2019 COC are necessary.

2.2 Nature and Extent of Contamination Remaining at Site

Refer to the Final Engineering Report (FER) and SMP for all analytical results and sampling locations.

2.2.1 Soil

The following describes remaining soil contamination after the completion of all remedial activities:

- Surface soils and shallow C&D and deeper ash and cinder backfill layers contain various SVOCs and metals at concentrations exceeding Unrestricted and Commercial Use SCOs.
- Assuming remaining fill materials at the site exhibit contamination exceeding SCOs, there is approximately 186,000 cubic yards of contaminated material remaining below the cover system.

2.2.2 Groundwater

Site groundwater contains concentrations of various SVOCs and metals above GWQS standards.

2.2.3 Soil Vapor

The levels for methyl ethyl ketone were elevated with a peak value of 1500 micrograms per cubic meters (ug/m^3).

3.0 ENGINEERING AND INSTITUTIONAL CONTROLS

3.1 General

Since remaining contamination exists at the site, ICs and ECs are required to protect human health and the environment. The IC/EC Plan is one component of the SMP/EE and is subject to revision by NYSDEC.

3.2 Institutional Controls

A series of ICs are required under the DD to (1) implement, maintain and monitor EC systems; (2) prevent future exposure to remaining contamination; and (3) limit the use and development of the site to commercial and industrial uses only. Adherence to these ICs on the site is required by the EE and implemented under the SMP. ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the EE. The following ICs were implemented:

- The 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).
- All ECs must be operated and maintained as specified in the SMP.
- All ECs must be inspected at a frequency and in a manner defined in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYS Department of Health (DOH) or the Erie County DOH 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.
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP.
- 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.
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.
- Operation, maintenance, monitoring, inspection and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.
- 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 the EE.

3.3 ENGINEERING CONTROLS

3.3.1 Cover System

The cover system is the only EC required under the remedy. Exposure to remaining contamination at the site is prevented by a cover system placed over the site which consists of a geotextile fabric demarcation layer, a minimum of six (6) inches of barrier soil and a minimum of six (6) inches of clean topsoil of sufficient quality to maintain vegetation. Some small areas composing the site cover system consist of DEC approved stone/gravel.

4.0 SITE EVALUATION

4.1 SITE WIDE INSPECTION

A Site Wide Inspection was completed by BE3 on April 8, 2026, to evaluate the IC/ECs outlined in the SMP. The only EC associated with the site is the cover system which is in good condition. Vegetative growth is evident in areas where crusher run stone was placed during previous reporting periods. The perimeter fencing and stone entry pathway along Bailey Avenue appeared to be in good condition. Minor, scattered debris remains along the southeastern and northwestern site boundary. No change of use or groundwater use occurred during the Certifying Period. No excavation into the cover system or importation of material occurred during the certifying period. No substantial ruts, bare spots or erosion rills were noted.

The results of the inspection are reiterated in BE3's Site Wide Inspection Form and site photographs are provided in **Appendix B**. The inspection concluded that the site is in compliance with all IC/ECs.

5.0 CONCLUSIONS

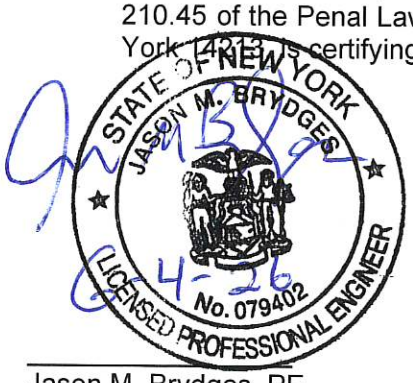
During the April 30, 2025, through April 30, 2026, reporting period, all remedial objectives have been met. All components of the SMP (IC/EC) are in compliance.

6.0 CERTIFICATION OF ENGINEERING AND INSTITUTIONAL CONTROLS

Below is the signed certification as required by section 7.2 of the SMP.

For each institutional or engineering control identified for the site, I certify that all the following statements are true:

- The inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under my direction;
- The institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;
- 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;
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;
- Use of the site is compliant with the environmental easement;
- The engineering control systems are performing as designed and are effective;
- 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 in this report is accurate and complete.
- I certify that all information and statements in this certification form 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, Jason M. Brydges, PE of BE3 Corp 960 Busti Avenue, Buffalo New York 14213, is certifying as Owner's Designated Site Representative for the site.



Jason M. Brydges, PE

FIGURES

Figure A: Site Location Map

Site Boundary

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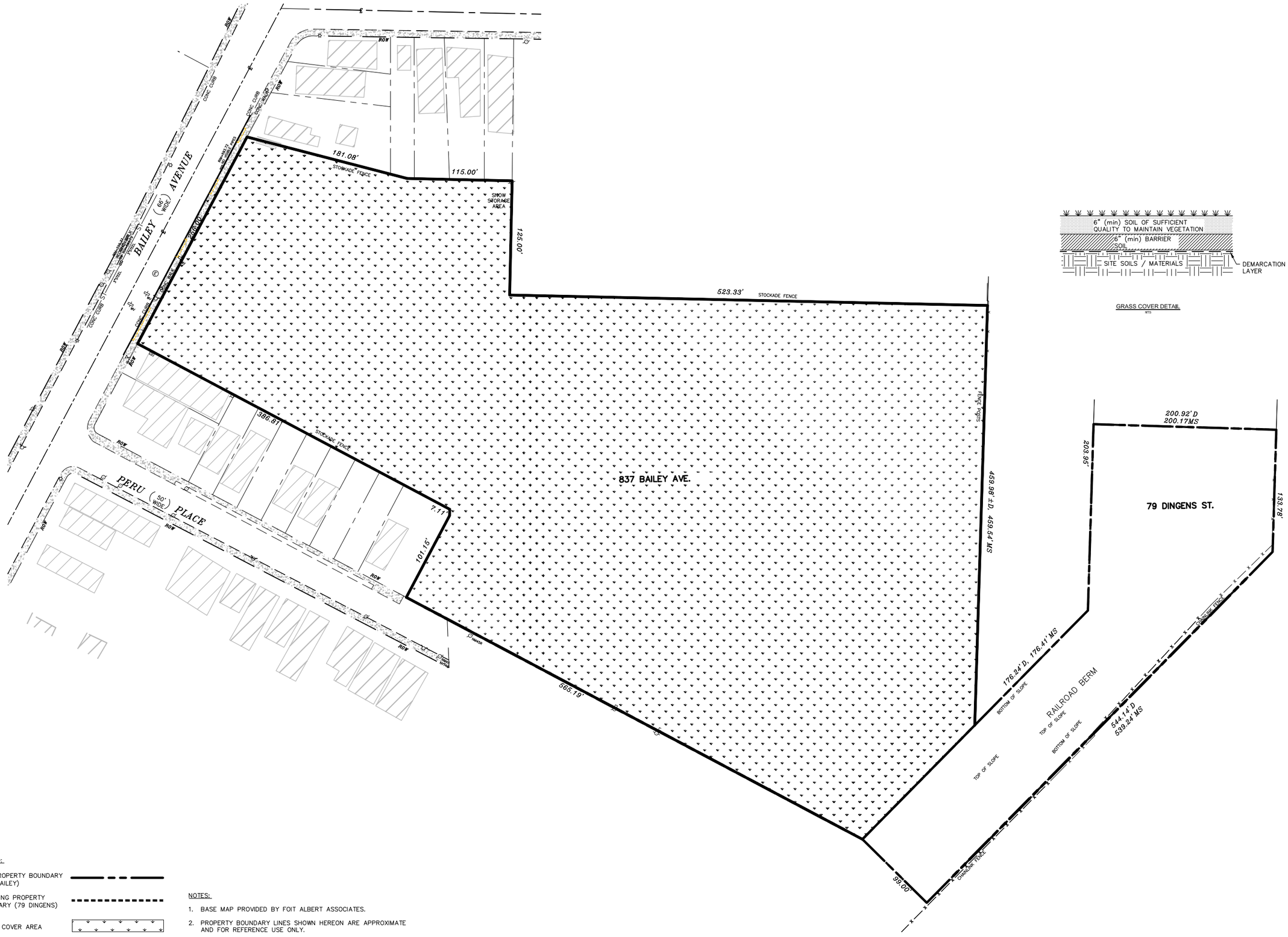
Figure A: Site Location Map	
837 Bailey Avenue	06/16/2023
Buffalo, New York	Jack Ruh



GRASS COVER DETAIL
NTS

LEGEND:

BCP PROPERTY BOUNDARY (837 BAILEY)

ADJOINING PROPERTY BOUNDARY (79 DINGENS)

GRASS COVER AREA

NOTES:

1. BASE MAP PROVIDED BY FOIT ALBERT ASSOCIATES.
2. PROPERTY BOUNDARY LINES SHOWN HEREON ARE APPROXIMATE AND FOR REFERENCE USE ONLY.

EnSol, Inc.
Environmental Solutions
661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3920
FAX (716) 285-3928

CLIENT:
NEAR DINGENS, LLC

SITE:
837 BAILEY AVE

CITY OF	BUFFALO
COUNTY OF	ERIE
STATE OF	NEW YORK

PROJECT:
SITE MANAGEMENT PLAN

TITLE:
COVER SYSTEM DETAILS

ISSUED FOR:
REVIEW

DES:	DRN:	CHK:
KFP	KFP	JBB

PROJECT NO:	DATE:
15-0027-6	JULY 2019

GRAPHIC SCALE:
0' 40' 80'

FILE:
Fig10 - Cover System.dwg

REV NO:	FIGURE NO:
2	10

APPENDIX A

NYSDEC SMP PRR CERTIFICATION FORM

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

Site Details **Box 1**

Site No. C915298

Site Name 837 Bailey Ave.

Site Address: 837 Bailey Ave. Zip Code: 14206
City/Town: Buffalo
County: Erie
Site Acreage: 8.740

Reporting Period: April 30, 2025 to April 30, 2026

	YES	NO
1. Is the information above correct?	X	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	X
3. Has there been any change of use at the site during this Reporting Period (see 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?	☐	X
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	X

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	X	☐
7. Are all ICs in place and functioning as designed?	X	☐

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

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

Signature of Owner, Remedial Party or Designated Representative Date

Box 2A

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

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

	YES	NO
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. C915298 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
112.80-1-12.1	837 Bailey LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan

. Prohibition of use of groundwater.
. Soil Vapor Intrusion Evaluation for any future structures.
. Soil Management or Excavation Work Plan for any future intrusive work.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
112.80-1-12.1	Cover System

. Maintenance of the cover system

Box 5

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

   a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

   b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES	NO
X	☐

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
X	☐

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. C915298

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 John F. Ruh at 124 Meadow Rd Orchard Park, NY 14127
print name print business address

am certifying as (Owner or Remedial Party)

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

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

5-27-26
Date

EC CERTIFICATIONS

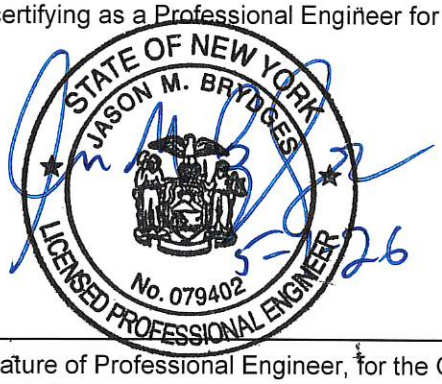
Box 7

Professional Engineer Signature

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

I Jason M. Brydges at 960 Busti Ave., Suite B-150, Buffalo, Ny 14213
print name print business address

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



5-26

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification	Stamp (Required for PE)	Date

APPENDIX B

SITE WIDE INSPECTION FORMS AND SITE PHOTOS

BE3 Corp.
960 Busti Ave. Suite B-150
Buffalo, New York

SITE WIDE INSPECTION FORM

Date: 4/8/2026

Site Name: 837 Bailey Avenue (BCP Site No.C915298)

Location: 837 Bailey Avenue, Buffalo, NY 14206

General Site Conditions:
The Site cover system remains in good condition. Continued vegetative growth is apparent in areas previously filled with crusher run stone. The approved crusher run stone surrounding the new electric poles installed during the previous reporting period remains intact. No areas were disturbed during this reporting period. The Site remains vacant/undeveloped and otherwise unchanged since the previous reporting period.

Weather Conditions: 51°F, fair, N 7 MPH

Compliance/Evaluation ICs and ECs:
The Site remains in compliance with all ICs and ECs. The only EC is the cover system. There are no substantial ruts, bare spots, or erosion rills in greenspace areas. No excavation into the cover system has occurred. Property uses are consistent with that allowable under the SMP. The previously identified vegetative staining and sheen in the eastern drainage ditch was observed with no notable differences from previous observations.

Site Management Activities (Sampling, H & S Inspection, etc.):
All areas of the cover system (i.e., greenspace and approved crusher run stone) are in good condition. Contaminated soils removed during replacement and installation of utility poles was sampled and properly disposed of off-site. All intrusive work was monitored by BE3 and air monitoring as specified in the SMP was conducted and no exceedances were noted.

Compliance with Permits and O&M Plan:
The site remedy does not rely on any mechanical systems to protect public health and the environment. Therefore, the operation and maintenance of such components is not included in the SMP. No permits were required during the reporting period.

Records Compliance:
No Site work was performed during this certification period therefore record compliance was not required/relevant.

General Comments:
The Site remains in compliance with all ICs and ECs. No corrective measures are warranted.

Inspector: APC

1. SW corner of site along Bailey Avenue, facing E.

2. SW corner of site along Bailey Avenue, facing N.

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3. NW corner of site, facing E.

4. NW corner of site, facing S.

5. View of well-maintained gravel/clean corridor surrounding previously installed electrical pole.

6. Another well-maintained gravel/clean corridor.

7. Central N corner of site, facing SW.

8. Central S corner, facing N.

9. Central stone fill from previous reporting period demonstrating continued vegetative growth.

10. Center of site, facing S.

11. Center of site, facing E.

12. Center of site, facing N.

13. Center of site, facing W.

14. SE corner of site, facing NW.

15. SE corner of site, facing NE.

16. NE corner of site, facing W.

17. NE corner of site, facing S.

18. E drainage ditch.