NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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June 11, 2018

Mr. Robert Beck
John W. Danforth, LLC
300 Colvin Woods Parkway
Tonawanda, New York 14150
rbeck@jwdanforth.com

RE: 1176 South Park Avenue Site 3
Site ID No. C915301, Buffalo(c), Erie County
Remedial Work Plan & Decision Document

Dear Mr. Beck:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) for the 1176 South Park Avenue Site 3 site dated February 2016, revised March 2017 and prepared by Benchmark Environmental Engineering and Science, PLLC on behalf of the John W. Danforth Construction LLC. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repository. The draft plan should be removed.

Enclosed is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Maurice Moore, at (716) 851-7220 or maurice.moore@dec.ny.gov at your earliest convenience to discuss next steps. Please recall the Department requires, 30 days, notice prior to the start of field work.

Sincerely,

Michael J. Cruden, P.E.
Director
Remedial Bureau E
Division of Environmental Remediation

Enclosure
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DECISION DOCUMENT

1176 South Park Avenue Site 3
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915301
May 2018

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

1176 South Park Avenue Site 3
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915301
May 2018

Statement of Purpose and Basis

This document presents the remedy for the 1176 South Park Avenue Site 3 site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 1176 South Park Avenue Site 3 site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;

- Reducing direct and indirect greenhouse gas and other emissions;

- Increasing energy efficiency and minimizing use of non-renewable energy;

- Conserving and efficiently managing resources and materials;

- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste.

- Maximizing habitat value and creating habitat when possible;

• Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and

• Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation and off-site disposal of contaminant source areas, including:

• grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u); and,

• removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination; and non-aqueous phase liquids.

3. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable commercial soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

4. Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of radon/soil vapors into the building.

5. Imposition of an institutional control in the form of an environmental easement is required for the controlled property that:

• allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

• restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;

• requires compliance with the Department approved Site Management Plan; and

• requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3.)

6. A Site Management Plan is required, which includes, but not limited to, the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary

to ensure the following institutional and/or engineering controls remain in place and effective

Institutional Controls: The Environmental Easement discussed in element 5 above.

Engineering Controls: The soil cover discussed in element 3 and radon/soil vapor mitigation discussed in element 4 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;

- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;

- provisions for the management and inspection of the identified engineering controls;

- a provision for mitigation of the potential for radon gas intrusion for any occupied buildings on the site;

- maintaining site access controls and Department notification; and

- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy; and

- a schedule of monitoring and frequency of submittals to the Department.

c: an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, inspection, and reporting of any mechanical or physical components of the active radon/vapor mitigation system(s). The plan includes, but is not limited to:

- procedures for operating and maintaining the system(s); and

- compliance inspection of the system(s) to ensure proper O&M as well as providing the data for any necessary reporting.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protected of public health and the environment.

Michael J Cruden

Digitally signed by Michael J Cruden
DN: cn=Michael J Cruden, o=DER, ou=RBE, email=mjcruden@gw.dec.state.ny.us, c=US
Date: 2018.05.31 12:55:37 -04'00'

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

1176 South Park Avenue Site 3
Buffalo, Erie County
Site No. C915301
May 2018

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

Buffalo & Erie County Public Library - Dudley Branch
2010 South Park Avenue
Buffalo, NY 14220
Phone: 716-823-1854

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs.

Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
1176 South Park Avenue Site 3(site) consists of lands associated with four, separate, City tax parcels located along the 1100 block of South Park Avenue in the City of Buffalo. The site is located north of South Park Avenue and is bordered to the north by the Buffalo River.

Site Features:
The 9.04 acre site is largely vacant except for a newly constructed commercial-use building. The site is flat with two large berms (one in the north area of the site and one in the south) that were created with on-site soil/fill from past development activities. Surface cover consists of crushed stone, field grass and brush. In the eastern portion of the site there are remains of former concrete building slabs and asphalt paving from a former hydroponic tomato operation.

Current Zoning and Land Use:
The site is zoned M3 - Heavy Industrial District and subject to the newly adopted Buffalo Green Code. Surrounding land use to the west includes Parker's Pork Pie Company (a bakery facility that produces frozen, baked products), Parker's Pitch Bar and an active soccer pitch. To the south is the Buffalo High-tech Manufacturing Innovation Hub at RiverBend.

Past Use of the Site:
The site has been used for industrial purposes since 1919 when it was developed as part of the Ferguson Steel and Iron Company. Several commercial/industrial operations existed prior to the parcel being acquired by the Republic Steel Corporation/LTV Steel Company who owned the parcels from 1940 to 1981. Vacant until 1999, a hydroponic tomato manufacturing facility was in operation from 1999 to 2003. The parcel has been vacant since that time.

Site Geology and Hydrogeology
The surficial geology consists of lacustrine silts and clays overlain by urban fill. Fill material containing slag, brick, concrete and a mix of sand and gravel is found from approximately 1 to 6 feet below ground surface (fbgs). Beneath the fill material is brown/gray sand, clay and silt material to about 10 fbgs and under this material is grey sand generally encountered from 10 to 16 fbgs.

Bedrock beneath the site is approximately 47 feet deep and identified as Middle Devonian age bedrock that consists mostly of dark gray/black shales and limestones.

Groundwater was encountered at 8 to 12 fbgs and is influenced by the location and flow of the adjacent Buffalo River.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives that restrict the use of the site to commercial use (which allows for industrial use) as described in Part 375-1.8(g) were evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

arsenic	manganese
cadmium	chlorobenzene
polychlorinated biphenyls (PCB)	petroleum products
benzo(a)pyrene	1,4-dichlorobenzene

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

The following IRM has been completed at this site based on conditions observed during the RI.

IRM - Soil Removal with Cover

1176 South Park Site 3 was separated into two working areas called Parcel #1 and Parcel #2 to expedite remediation. Parcel #2 is a 1.4-acre, portion of the larger site. To facilitate site redevelopment in conjunction with the remedial program, the Volunteer proposed an IRM. The IRM, beginning in April 2017, removed soil from within a proposed building footprint. Soils containing PCBs as high as 1.3 parts per million (ppm) and cadmium as high as 8.6 ppm, exceeding

respective commercial re-use soil cleanup objectives (CSCOs) of 1 ppm and 2.5 ppm, were removed and properly disposed off-site. Remaining contaminant concentrations below the building were below CSCOs. Following removal of the soils a two-story commercial use building with street access and parking lots was constructed.

The former use of this property as a steel manufacturing facility resulted in the generation and land placement of significant amounts of slag. Slag is the material left over when iron is removed from iron ore. It is known that processing some iron ores may result in slag material that contains concentrated naturally occurring radioactive material. In place, these materials generally do not pose a concern relative to public health or the environment. However, the presence of this material, through normal degradation, releases radon gas which can accumulate beneath building slabs. Because slag materials remain in the ground at the site following the IRM, as a precaution, the new building and any future buildings was/will be constructed with a vapor/radon mitigation system to prevent the buildup of radon gas.

The IRM was completed in May 2017 and documentation of the work is included in the RI/IRM/AAR Report dated September 2017.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination:

Preliminary information available prior to entry into the BCP noted the primary contaminants of concern for the site exceeding soil cleanup objectives (SCOs) included semi-volatile organic compounds (SVOCs), mainly, polycyclic aromatic hydrocarbons (PAHs) and metals.

Information obtained during the remedial investigation supported the previous investigations including, surface soils and surface fill, (0 to 2 inches below ground surface (bgs)) at the site are impacted with metals and pesticides. Metals, including, arsenic as high as 20 parts per million (ppm) exceed the unrestricted soil cleanup objectives, (USCOs) of 13 ppm and the commercial/industrial SCO of 16 ppm, other metals of concern, such as chromium, as high as 650 ppm and lead, as high as 88 ppm, exceed their respective USCOs of 30 ppm and 63 ppm but do not exceed the CSCOs of 1,500 ppm and 1,000 ppm, respectively.

Also exceeding the USCOs in surface soils are low levels of pesticides including, 4,4'-DDE as high as 0.0045 and 4,4'-DDT as high as 0.009 ppm exceeding the USCOs of 0.0033 ppm, but no pesticides exceeded commercial SCOs.

Volatile organic compounds (VOCs) and polychlorinated bi-phenyls (PCBs) were not detected above USCOs in surface soils.

Sub-surface soils contained benzene, a VOC, in one sample at 0.071 ppm exceeding the USCO of 0.06 ppm but did not exceed the CSCO of 44 ppm. SVOCs detected were mainly PAHs including, benzo(a)pyrene as high as 3.3 ppm exceeding the commercial SCO of 1 ppm. Other SVOCs exceeding their unrestricted SCOs of 1 ppm were, benzo(a)anthracene, as high as 3 ppm, benzo(b)fluoranthene, as high as 3.9 ppm and chrysene as high as 2.9 ppm. Benzo(k)fluoranthene as high as 1.3 ppm exceeded the USCO of 0.8 ppm, dibenzo(a,h)anthracene as high as 0.38 ppm exceeded the USCO of 0.33 ppm and indeno(1,2,3-cd)pyrene as high as 1.5 ppm exceeded the USCO of 0.5 ppm however, other than benzo(a)pyrene, no SVOC exceeded the CSCO.

Arsenic in sub-surface soil exceeded the commercial SCO of 16 ppm in two samples at 18 ppm and 26 ppm, respectively, but did not exceed USCOs in any other samples. Manganese exceeds the USCO of 1,600 ppm in 14 samples and exceeds the CSCOs of 10,000 ppm in one sample from 2 inches to 1 foot. Other metals of concern include chromium, as high as 160 ppm, exceeds the USCO of 30 ppm, lead as high as 380 ppm exceeds the USCO of 63 ppm and mercury as high as 1 ppm exceeds the USCO of 0.18 ppm.

PCBs were found in subsurface soil in one, onsite, berm at concentrations as high as 3.41 ppm which exceeds the CSCO of 1 ppm. Other samples collected from subsurface soils contained PCBs as high as 0.307 ppm exceeding the USCO of 0.1 ppm but no other samples exceeded the commercial SCO.

Pesticides were found in subsurface soils including 4,4'-DDE as high as 0.0103 ppm and 4,4' DDT as high as 0.0289 ppm exceeding the USCOs of 0.0033 ppm, but do not exceed the respective CSCOs of 62 ppm and 47 ppm.

Slag material at the site was screened and sampled as technologically enhanced naturally occurring radioactive material (TENORM). The results from the radiological screening, in conjunction with the analytical results for the slag materials, indicates no remedial action is necessary other than to address the increased potential for radon gas.

Visual and olfactory evidence of weathered petroleum products were noted in subsurface soils and groundwater surfaces in the north-central portion of the site when test pits were advanced into the groundwater.

Groundwater in one bedrock monitoring well contained chlorobenzene at 12 parts per billion (ppb), exceeding groundwater quality standards (GwQS) of 5 ppb and 1,4-dichlorobenzene at 3.7 ppb exceeds the GwQS of 3 ppb. However, visible floating product is noted on groundwater in the north-central portion of the site.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

People will not contact contaminated soils unless they dig below the surface. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. The potential for radon gas vapor intrusion exists on-site. In addition, volatile organic compounds in the groundwater and soil may move into the soil vapor (air space within the soil), which in turn may move into overlying buildings and affect the indoor air quality. The process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. People are not breathing indoor air contaminated by volatile organic compounds or radon since measures are in place to minimize vapor intrusion at the affected on-site building. However, the potential exists for inhalation of site contaminants due to soil vapor intrusion for any future on-site development. Environmental sampling indicates site-related soil vapor intrusion is not a concern for off-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial 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 remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

RAOs for Environmental Protection

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

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 a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is referred to as the Soil Excavation with Site Cover remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. A remedial design program will be implemented to provide the details necessary for the construction, operation, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows;

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;

- Reducing direct and indirect greenhouse gas and other emissions;

- Increasing energy efficiency and minimizing use of non-renewable energy;

- Conserving and efficiently managing resources and materials;

- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste.

- Maximizing habitat value and creating habitat when possible;

- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and

- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation and off-site disposal of contaminant source areas, including:

- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u); and,

- removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination; and non-aqueous phase liquids.

3. A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable commercial soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of one foot of soil placed over a

demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

4. Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of radon/soil vapors into the building.

5. Imposition of an institutional control in the form of an environmental easement is required for the controlled property that:

- allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

- restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH;

- requires compliance with the Department approved Site Management Plan; and

- requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3.)

5. A Site Management Plan is required, which includes, but not limited to, the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective

Institutional Controls: The Environmental Easement discussed in element 5 above.

Engineering Controls: The soil cover discussed in element 3 and radon/soil vapor mitigation discussed in element 4 above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;

- descriptions of the provisions of the environmental easement including any land use and groundwater use restrictions;

- provisions for the management and inspection of the identified engineering controls;

- a provision for mitigation of the potential for radon gas intrusion for any occupied buildings on the site;

- maintaining site access controls and Department notification; and

- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- monitoring of groundwater to assess the performance and effectiveness of the remedy; and

- a schedule of monitoring and frequency of submittals to the Department.

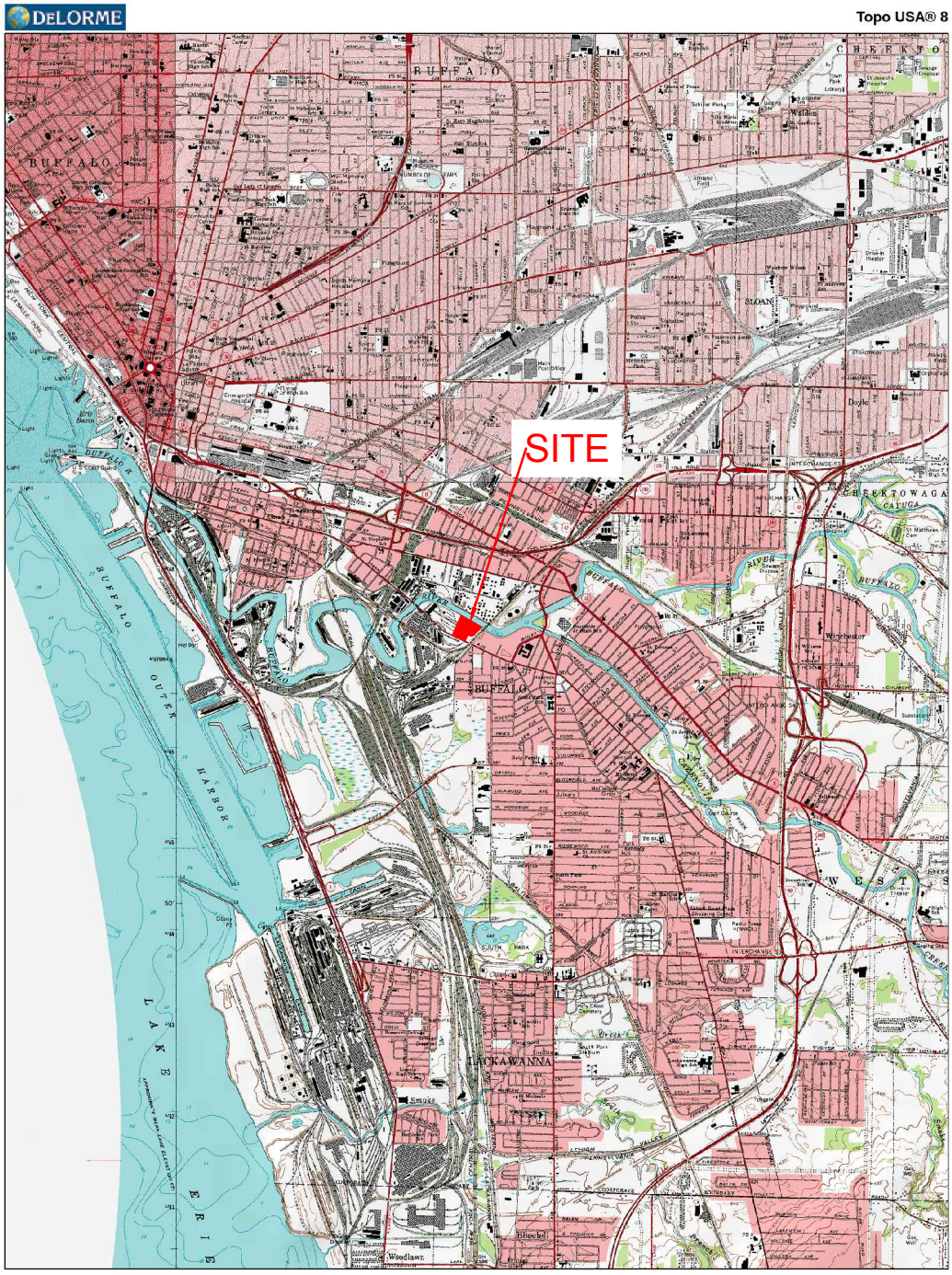
c: an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, inspection, and reporting of any mechanical or physical components of the active radon/vapor mitigation system(s). The plan includes, but is not limited to:

- procedures for operating and maintaining the system(s); and

- compliance inspection of the system(s) to ensure proper O&M as well as providing the data for any necessary reporting.

F:\CAD\Benchmark\JT Vaeth, LLC\1176 South Park Site\Remedial Investigation\Figure 1 - Site Location and Vicinity Map.dwg

FIGURE 1



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

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PROJECT NO.: B0350-015-001

DATE: JUNE 2017

DRAFTED BY: RFL

SITE LOCATION & VICINITY MAP

BROWNFIELD CLEANUP PROGRAM

RI-IRM-AA REPORT
1176 SOUTH PARK AVENUE SITE 3
BCP SITE NO. C915301
BUFFALO, NEW YORK

PREPARED FOR

JOHN W. DANFORTH CONSTRUCTION, LLC

F:\CAD\Benchmark\JT Vaeth, LLC\1176 South Park Site\Remedial Investigation\Figure 13; Track 4 CSCO Cleanup.dwg

Figure 2
Elements of the Remedy

LEGEND:

- BCP SITE 3 BOUNDARY
- PROPERTY BOUNDARIES
- PARCEL 2 BOUNDARY
- TP-D — JULY 2016 LIMITED INVESTIGATION TEST PIT
- TP-2 — RI TEST PIT COMPLETED JULY 2016
- RI-TP-23 — RI TEST PIT
- RI-TP-23 — RI TEST PIT - NO SAMPLES COLLECTED
- RI-SS-1 — SURFACE SOIL SAMPLE LOCATIONS
- 1 — 2009 LIMITED PHASE II TEST PIT
- APPROXIMATE TRACK 4 EXCAVATION AREA
- AREA OF GROSSLY IMPACTED SOILS/FILLS

One foot of cover

Excavate/dispose impacted soils

IRM Area - Completed 11/17
Excavated /disposed 290 yards soil. New commercial building with cover and radon/vapor mitigation system

RI-SS-1, RI-MW-3, RI-MW-5, RI-TP-11, RI-SS-2, RI-TP-17, RI-SS-3, RI-TP-18, RI-SS-4, RI-MW-4, RI-TP-16, RI-TP-9, RI-TP-19, RI-TP-10, RI-TP-14, RI-TP-8, RI-TP-28, RI-TP-20, RI-SS-5, RI-TP-4, RI-MW-2, RI-TP-6, RI-TP-21, RI-TP-5, RI-SS-6, RI-TP-27, TP-2, RI-TP-3, RI-SS-10, TP-C, TP-A, TP-3, RI-TP-23, TP-B, RI-TP-22, TP-D, RI-TP-12, RI-MW-1, TP-1, RI-SS-9, RI-SS-8, RI-SS-7

150' 0' 150' 300'

SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)

DATE: JUNE 2017
DRAFTED BY: RFL

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JOB NO.: B0350-015-001

TRACK 4 COMMERCIAL SCO CLEANUP

BROWNFIELD CLEANUP PROGRAM
RI-IRM-AA REPORT
1176 SOUTH PARK AVENUE SITE 3
BCP SITE NO. C915301
BUFFALO, NEW YORK

PREPARED FOR
JOHN W. DANFORTH CONSTRUCTION, LLC

FIGURE 2