NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "*BCA*" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ **Yes** ☑ **No** **If yes, provide existing site number:** _____

PART A (note: application is separated into Parts A and B for DEC review purposes) ***BCP App Rev 5***

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME Silos at Elk Street, LLC

ADDRESS 740 Seneca Street

CITY/TOWN Buffalo ZIP CODE 14210

PHONE 716-842-1800 | FAX 716-842-1807 | E-MAIL shawnw@youngandwright.com

Is the requestor authorized to conduct business in New York State (NYS)? ☑ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

See Attachment 1

Do all individuals that will be certifying documents meet the requirements detailed below? ☑ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of *DER-10: Technical Guidance for Site Investigation and Remediation* and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP**.

Section II. Project Description

1. What stage is the project starting at? ☑ Investigation ☐ Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see *DER-10 / Technical Guidance for Site Investigation and Remediation* for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

4. Please attach a short description of the overall development project, including:

See Attachment 2

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History See Attachment 3

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	PAHs		
Metals	Barium, Lead, Cadmium		
Pesticides			
PCBs			
Other*			

***Please describe:** PAHs and Lead above Restricted Residential SCOs, TCLP lead > 5 mg/L

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* ☑ **Yes** ☐ **No** See Figure 5

(*answering No will result in an incomplete application)

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

☐ Coal Gas Manufacturing	☑ Manufacturing	☐ Agricultural Co-op	☐ Dry Cleaner
☐ Salvage Yard	☐ Bulk Plant	☐ Pipeline	☐ Service Station
☐ Landfill	☐ Tannery	☐ Electroplating	☐ Unknown

Other: Industrial Malting operation

Section IV. Property Information - See Instructions for Further Guidance See Attachment 4

PROPOSED SITE NAME Silos at Elk Street Site

ADDRESS/LOCATION 50 Elk Street

CITY/TOWN Buffalo ZIP CODE 14210

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo

COUNTY Erie SITE SIZE (ACRES) 1.9

LATITUDE (degrees/minutes/seconds)	LONGITUDE (degrees/minutes/seconds)
42 ° 52 ‘ 12.23 “	78 ° 51 ‘ 05.13 “

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
50 Elk Street	122.42	2	63.11	1.9

1. Do the proposed site boundaries correspond to tax map metes and bounds? ☑ Yes ☐ No
   If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? ☑ Yes ☐ No
   (application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? Yes ☑ No ☐
   (See DEC's website for more information)

   See Figure 9

   If yes, identify census tract : 164

   Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☑ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☑ No

   If yes, identify name of properties (and site numbers if available) in related BCP applications:_____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☑ No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☑ No
   If yes, attach relevant supporting documentation.

7. Are there any lands under water? ☐ Yes ☑ No
   If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued) See Attachment 4

8. Are there any easements or existing rights of way that would preclude remediation in these areas? If yes, identify here and attach appropriate information. ☐ Yes ☑ No

Easement/Right-of-way Holder	Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description
None/ Unknown		

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Attachment 4

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? ☑ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☐ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

13. If you have answered *Yes* to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____ _____ _____ _____ _____ _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information
See Instructions for Further Guidance

DEC USE ONLY
BCP SITE NAME: _____
BCP SITE #:_____

NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Shawn Wright		See Attachment 1
ADDRESS 740 Seneca Street		
CITY/TOWN Buffalo		ZIP CODE 14210
PHONE 716-842-1800	FAX 716-842-1807	E-MAIL shawnw@youngandwright.com
NAME OF REQUESTOR'S CONSULTANT Mr. Thomas H. Forbes, P.E.		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo, New York		ZIP CODE 14218
PHONE (716) 856-0599	FAX (716)856-0583	E-MAIL tforbes@benchmarkturnkey.com
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq (The Slater Law Firm, PLLC)		
ADDRESS 500 Seneca Street, Suite 504		
CITY/TOWN Buffalo, New York		ZIP CODE 14204
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL cslater@cslaterlaw.com

Section VI. Current Property Owner/Operator Information – if not a Requestor See Attachment 3

CURRENT OWNER'S NAME Brookfield Interest, LLC		OWNERSHIP START DATE: October 2015
ADDRESS 740 Seneca Street		
CITY/TOWN Buffalo		ZIP CODE 14210
PHONE (716) 842-1800	FAX (716) 842-1807	E-MAIL shawnw@youngandwright.com
CURRENT OPERATOR'S NAME Property is vacant - no current operations		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Attachment 2

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☑ No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? ☐ Yes ☑ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. ☐ Yes ☑ No

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☑ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☑ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☑ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☑ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☑ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☑ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☑ No
11. Are there any unregistered bulk storage tanks on-site? ☐ Yes ☑ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☑ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):
☐ Previous Owner ☐ Current Owner ☑ Potential /Future Purchaser ☐ Other_____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

☑ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

See Attachment 2

1. Is / was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment. ☐ Yes ☑ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☑ No
   If yes, please provide: Site #_____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☑ No
   If yes, please provide: Permit type:_____ EPA ID Number:_____
   Date permit issued:_____ Permit expiration date:_____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order #_____ ☐ Yes ☑ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment. ☐ Yes ☑ No

Section IX. Contact List Information

See Attachment 5

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23 / Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.

See Attachment 6

8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

See Attachment 7

1. What is the current zoning for the site? What uses are allowed by the current zoning?
   ☐ Residential ☑ Commercial ☑ Industrial
   If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☑ Vacant ☐ Recreational (check all that apply)
   Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☑ Residential ☑ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

   If residential, does it qualify as single family housing? ☐ Yes ☑ No

4. Do current historical and/or recent development patterns support the proposed use?	☑ Yes ☐ No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	☑ Yes ☐ No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	☑ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am PARTNER (title) of Silos at Elk Street, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/21/16 Signature: _____

Print Name: Shawn Wright

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
    - Chief, Site Control Section
    - New York State Department of Environmental Conservation
    - Division of Environmental Remediation
    - 625 Broadway
    - Albany, NY 12233-7020

FOR DEC USE ONLY
BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 5

Property is in Bronx, Kings, New York, Queens, or Richmond counties. ☐ Yes ☐ No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. ☐ Yes ☐ No
Please answer questions below and provide documentation necessary to support answers.
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information. ☐ Yes ☐ No
2. Is the property upside down or underutilized as defined below? Upside Down? ☐ Yes ☐ No Underutilized? ☐ Yes ☐ No **From ECL 27-1405(31):** "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated. **From 6 NYCRR 375-3.2(l) as of July 1, 2015:** (Please note: Eligibility determination for the underutilized category can only be made at the time of application) (l) "Underutilized" means, as of the date of application, real property: (1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years; (2) at which the proposed development is solely for a use other than residential or restricted residential; (3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and (4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located: (i) property tax payments have been in arrears for at least five years immediately prior to the application; (ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (iii) the proposed use is in whole or in substantial part for industrial uses. "Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. Is the project an affordable housing project as defined below? ☐ Yes ☐ No

From 6 NYCRR 375- 3.2(a) as of July 1, 2015:

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that sets affordable units aside for tenants at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: Silos at Elk Street Site **Site Address:** 50 Elk Street
City: Buffalo **County:** Erie **Zip:** 14210

Tax Block & Lot
Section (if applicable): 122.42 **Block:** 2 **Lot:** 63.11

Requestor Name: Silos at Elk Street, LLC **Requestor Address:** 740 Seneca Street
City: Buffalo **Zip:** 14210 **Email:** shawnw@youngandwright.com

Requestor's Representative (for billing purposes)
Name: Shawn Wright **Address:** 740 Seneca Street
City: Buffalo **Zip:** 14210 **Email:** shawnw@youngandwright.com

Requestor's Attorney
Name: Mr. Craig Slater, Esq (The Slater Law Firm, PLLC) **Address:** 500 Seneca Street, Suite 504
City: Buffalo, New York **Zip:** 14204 **Email:** cslater@cslaterlaw.com

Requestor's Consultant
Name: Mr. Thomas H. Forbes, P.E. **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo, New York **Zip:** 14218 **Email:** tforbes@benchmarkturnkey.com

Percentage of site within an En-Zone: ☐ **0%** ☐ **<50%** ☐ **50-99%** ☑ **100%**

Requestor's Requested Status: ☑ **Volunteer** ☐ **Participant**

TABLES

TABLE 1A

LIMITED PHASE II INVESTIGATION SURFACE SOIL ANALYTICAL RESULTS vs. USCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Parameter	Part 375 USCO	Sample Location, Sample Date, & Depth Interval (fbgs)
		COMP-1 (SS-1 & SS-2) 06/09/16 0.0 - 0.2
OVM Measurement (ppm)		
OVM Measurement	--	0.2 / 1.4
SEMIVOLATILE ORGANICS (SVOCs, mg/Kg)		
Acenaphthene	20	0.26 J
Antrhacene	100	0.58 J
Benzo(a)anthracene	1	**1.4**
Benzo(a)pyrene	1	**1.2**
Benzo(b)fluoranthene	1	**1.9**
Benzo(ghi)perylene	100	0.78 J
Benzo(k)fluoranthene	0.8	0.62 J
Chrysene	1	**1.6**
Fluoranthene	100	3.1
Fluorene	30	0.32 J
Indeno(1,2,3-cd)pyrene	0.5	**0.69 J**
Naphthalene	12	0.14 J
Phenanthrene	100	2.5
Pyrene	100	2.3
RCRA Metals (mg/kg)		
Arsenic	13	**15.8**
Barium	350	**2370**
Cadmium	2.5	**8.5**
Chromium	30	18.6
Lead	63	**4970**
Mercury	0.18	**0.24**
Selenium	3.9	ND
Silver	2	ND
General Chemistry (mg/kg)		
Total Organic Carbon	--	70400
TCLP (mg/L)		
Lead	5	**26.5**

Notes:

1. ND = Not Detected.
2. J = The analyte was positively identified; the associated numerical value is an approx. concentration of the analyte in the sample.
3. Only those SVOCs detected at a minimum of one location are presented.
4. Values exceeding Part 375 Unrestricted Soil Cleanup Objectives (USCOs) are highlighted in orange.

TABLE 1B

LIMITED PHASE II INVESTIGATION SURFACE SOIL ANALYTICAL RESULTS vs. PGWSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Parameter	Part 375 PGWSCO	Sample Location, Sample Date, & Depth Interval (fbgs)
		COMP-1 (SS-1 & SS-2) 06/09/16 0.0 - 0.2
OVM Measurement (ppm)		
OVM Measurement	--	0.2 / 1.4
SEMIVOLATILE ORGANICS (SVOCs, mg/Kg)		
Acenaphthene	98	0.26 J
Antrhacene	1000	0.58 J
Benzo(a)anthracene	1	**1.4**
Benzo(a)pyrene	22	1.2
Benzo(b)fluoranthene	1.7	**1.9**
Benzo(ghi)perylene	1000	0.78 J
Benzo(k)fluoranthene	1.7	0.62 J
Chrysene	1	**1.6**
Fluoranthene	1000	3.1
Fluorene	386	0.32 J
Indeno(1,2,3-cd)pyrene	8.2	0.69 J
Naphthalene	12	0.14 J
Phenanthrene	1000	2.5
Pyrene	1000	2.3
RCRA Metals (mg/kg)		
Arsenic	16	15.8
Barium	820	**2370**
Cadmium	7.5	**8.5**
Chromium	--	18.6
Lead	450	**4970**
Mercury	0.73	0.24
Selenium	4	ND
Silver	8.3	ND
General Chemistry (mg/kg)		
Total Organic Carbon	--	70400
TCLP (mg/L)		
Lead	5	**26.5**

Notes:

1. ND = Not Detected.
2. J = The analyte was positively identified; the associated numerical value is an approx. concentration of the analyte in the sample.
3. Only those SVOCs detected at a minimum of one location are presented.
4. Values exceeding Part 375 Protection of Groundwater Soil Cleanup Objectives (PGWSCOs) are highlighted in blue.

TABLE 1C

LIMITED PHASE II INVESTIGATION SURFACE SOIL ANALYTICAL RESULTS vs. RRSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Parameter	Part 375 RRSCO	Sample Location, Sample Date, & Depth Interval (fbgs)
		COMP-1 (SS-1 & SS-2) 06/09/16 0.0 - 0.2
OVM Measurement (ppm)		
OVM Measurement	--	0.2 / 1.4
SEMIVOLATILE ORGANICS (SVOCs, mg/Kg)		
Acenaphthene	100	0.26 J
Antrhacene	100	0.58 J
Benzo(a)anthracene	1	**1.4**
Benzo(a)pyrene	1	**1.2**
Benzo(b)fluoranthene	1	**1.9**
Benzo(ghi)perylene	100	0.78 J
Benzo(k)fluoranthene	3.9	0.62 J
Chrysene	3.9	1.6
Fluoranthene	100	3.1
Fluorene	100	0.32 J
Indeno(1,2,3-cd)pyrene	0.5	**0.69 J**
Naphthalene	100	0.14 J
Phenanthrene	100	2.5
Pyrene	100	2.3
RCRA Metals (mg/kg)		
Arsenic	16	15.8
Barium	400	**2370**
Cadmium	4.3	**8.5**
Chromium	180	18.6
Lead	400	**4970**
Mercury	0.81	0.24
Selenium	180	ND
Silver	180	ND
General Chemistry (mg/kg)		
Total Organic Carbon	--	70400
TCLP (mg/L)		
Lead	5	**26.5**

Notes:

1. ND = Not Detected.
2. J = The analyte was positively identified; the associated numerical value is an approx. concentration of the analyte in the sample.
3. Only those SVOCs detected at a minimum of one location are presented.
4. Values exceeding Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) are highlighted in yellow.

TABLE 1D

LIMITED PHASE II INVESTIGATION SURFACE SOIL ANALYTICAL RESULTS vs. CSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Parameter	Part 375 CSCO	Sample Location, Sample Date, & Depth Interval (fbgs)
		COMP-1 (SS-1 & SS-2) 06/09/16 0.0 - 0.2
OVM Measurement (ppm)		
OVM Measurement	--	0.2 / 1.4
SEMIVOLATILE ORGANICS (SVOCs, mg/Kg)		
Acenaphthene	500	0.26 J
Antrhacene	500	0.58 J
Benzo(a)anthracene	5.6	1.4
Benzo(a)pyrene	1	**1.2**
Benzo(b)fluoranthene	5.6	1.9
Benzo(ghi)perylene	500	0.78 J
Benzo(k)fluoranthene	56	0.62 J
Chrysene	56	1.6
Fluoranthene	500	3.1
Fluorene	500	0.32 J
Indeno(1,2,3-cd)pyrene	5.6	0.69 J
Naphthalene	500	0.14 J
Phenanthrene	500	2.5
Pyrene	500	2.3
RCRA Metals (mg/kg)		
Arsenic	16	15.8
Barium	400	**2370**
Cadmium	9.3	8.5
Chromium	1500	18.6
Lead	1000	**4970**
Mercury	2.8	0.24
Selenium	1500	ND
Silver	1500	ND
General Chemistry (mg/kg)		
Total Organic Carbon	--	70400
TCLP (mg/L)		
Lead	5	**26.5**

Notes:

1. ND = Not Detected.
2. J = The analyte was positively identified; the associated numerical value is an approx. concentration of the analyte in the sample.
3. Only those SVOCs detected at a minimum of one location are presented.
4. Values exceeding Part 375 Commercial Soil Cleanup Objectives (CSCOs) are highlighted in green.

TABLE 1E

LIMITED PHASE II INVESTIGATION SURFACE SOIL ANALYTICAL RESULTS vs. ISCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Parameter	Part 375 ISCO	Sample Location, Sample Date, & Depth Interval (fbgs)
		COMP-1 (SS-1 & SS-2) 06/09/16 0.0 - 0.2
OVM Measurement (ppm)		
OVM Measurement	--	0.2 / 1.4
SEMIVOLATILE ORGANICS (SVOCs, mg/Kg)		
Acenaphthene	1000	0.26 J
Antrhacene	1000	0.58 J
Benzo(a)anthracene	11	1.4
Benzo(a)pyrene	1.1	**1.2**
Benzo(b)fluoranthene	11	1.9
Benzo(ghi)perylene	1000	0.78 J
Benzo(k)fluoranthene	110	0.62 J
Chrysene	110	1.6
Fluoranthene	1000	3.1
Fluorene	1000	0.32 J
Indeno(1,2,3-cd)pyrene	11	0.69 J
Naphthalene	1000	0.14 J
Phenanthrene	1000	2.5
Pyrene	1000	2.3
RCRA Metals (mg/kg)		
Arsenic	16	15.8
Barium	10000	2370
Cadmium	60	8.5
Chromium	6800	18.6
Lead	3900	**4970**
Mercury	5.7	0.24
Selenium	6800	ND
Silver	6800	ND
General Chemistry (mg/kg)		
Total Organic Carbon	--	70400
TCLP (mg/L)		
Lead	5	**26.5**

Notes:

1. ND = Not Detected.
2. J = The analyte was positively identified; the associated numerical value is an approx. concentration of the analyte in the sample.
3. Only those SVOCs detected at a minimum of one location are presented.
4. Values exceeding Part 375 Industrial Soil Cleanup Objectives (ISCOs) are highlighted in purple.

TABLE 2

TEST PIT SUMMARY

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Location	Date	Total Depth (fbgs)	Length (feet)	Width (feet)	Fill/Ash Thickness (fbgs)	Sample Depths (fbgs)	Description (ASTM D2488: Visual-Manual Procedure)	PID Readings (ppm)
TP-1	07/21/2016	3.0	7.0	2.5	(0.0 - 1.0)	(0.0 - 1.0)	(0.0 -1.0) ASHY FILL - Dark Grey/Grey, Dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel, coal pieces, orange brick, glass, broken ceramic pieces, loose. (1.0 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, limestone block, clay tile, medium toughness, medium dry strength, stiff.	0.0
TP-2	07/21/2016	2.5	7.0	2.5	(0.5 - 1.0)	(0.0-1.0)	(0.0 - 0.5) LEAN CLAY with SAND and ASH Fill - Brown/Dark Grey, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, glass fragments, loose. (0.5 - 1.0) ASHY FILL - Dark Grey/black, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, (1.0 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, limestone block, clay tile, medium toughness, medium dry strength, stiff.	0.0
TP-3	07/21/2016	3.0	6.0	2.5	(0.0 - 1.5)	(0.0 - 1.5)	(0.0 - 1.5) ASHY FILL - Black, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, loose. (1.5 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff	0.0
TP-4	07/21/2016	3.0	7.5	2.5	(0.0 - 0.7)	NA	(0.0 - 0.7) ASHY FILL - Black/dark grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), trace cobbles, cinders, orange brick, loose. (0.7 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, limestone block, clay tile, medium toughness, medium dry strength, stiff	0.0
TP-5	07/21/2016	3.0	7.5	2.5	(0.5 - 1.0)	(0.0 - 0.5) (0.5 - 1.5)	(0.0 - 0.5) LEAN CLAY with SAND - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, glass fragments. (0.5 - 1.0) ASHY FILL - Dark Grey/black, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange bricks, loose. (1.0 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0
TP-6	07/21/2016	4.5	7.0	2.5	(2.5-4.0)	(4.0-4.5)	(0.0 - 2.5) LEAN CLAY with SAND - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, orange brick, coal pieces. (2.5 - 4.0) ASHY FILL - Dark Grey/black, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange bricks, wire, loose. (1.0 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0
TP-7	07/21/2016	3.5	7.0	2.5	(0.5 - 2.5)	(0.0 - 0.5)	(0.0 - 0.5) LEAN CLAY with SAND - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, orange brick, coal pieces. (0.5 - 2.5) ASHY FILL - Dark Grey/black, dry, mostly non-plastic fines, little fine sand, little fine to coarse gravel (angular), limestone block, cinders, orange bricks, loose. (2.5 - 3.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0

TABLE 2

TEST PIT SUMMARY

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Location	Date	Total Depth (fbgs)	Length (feet)	Width (feet)	Fill/Ash Thickness (fbgs)	Sample Depths (fbgs)	Description (ASTM D2488: Visual-Manual Procedure)	PID Readings (ppm)
TP-8	07/21/2016	3.5	7.5	2.5	(0.0 - 1.5)	(0.0 - 1.5)	(0.0 - 0.7) ASHY FILL - Grey/dark grey, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragments, loose. (0.7 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-9	07/21/2016	3.5	7.5	2.5	(0.0 - 2.5)	NA	(0.0 - 2.5) ASHY FILL - Dark grey, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragment, calk or glue tubes, burlap, loose. (2.5 - 3.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-10	07/21/2016	3.5	7.5	2.5	(0.0-3.0)	(0.0 - 3.0)	(0.0 - 3.0) ASHY FILL - Dark grey/grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragments, loose. (2.5 - 3.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-11	07/21/2016	4.0	7.5	2.5	(0.0 - 0.5)	(0.0 - 0.5)	(0.0 - 0.5) ASHY FILL - Black, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragments, loose. (0.5 - 4.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-12	07/21/2016	4.0	7.0	2.5	(0.0 - 2.5)	NA	(0.0 - 2.5) ASHY FILL - Reddish brown/dark grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragments, loose. (2.5 - 4.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-13	07/21/2016	4.5	8.0	2.5	(0.5 - 2.5)	(0.5 - 2.5)	(0.0 - 0.5) LEAN CLAY with SAND - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, orange brick. (0.5 - 2.5) ASHY FILL - Light grey/white, dry, mostly non-plastic fines, little fine sand, little fine to coarse gravel (angular), limestone block, cinders, orange bricks, ceramic pieces, loose. (2.5 - 3.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0
TP-14	07/21/2016	3.5	7.5	2.5	(0.0 - 1.5)	(0.0 - 1.5)	(0.0 - 1.5) ASHY FILL - Brown/light grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), cinders, orange brick, glass, ceramic fragments, loose. (1.5 - 3.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0

TABLE 2

TEST PIT SUMMARY

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Location	Date	Total Depth (fbgs)	Length (feet)	Width (feet)	Fill/Ash Thickness (fbgs)	Sample Depths (fbgs)	Description (ASTM D2488: Visual-Manual Procedure)	PID Readings (ppm)
TP-15	07/21/2016	4.0	7.5	2.5	(0.0 - 2.5)	(0.0 - 2.5) (2.5 - 4.0)	(0.0 - 2.5) ASHY FILL - White/light grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), coal fragments, orange brick, glass bottle, ceramic fragments, loose. (2.5 - 4.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-16	07/21/2016	3.5	8.0	2.5	(0.0 - 2.5)	NA	(0.0 - 0.5) LEAN CLAY with SAND and Fill - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, rail road ties, orange brick. (0.5 - 2.5) ASHY FILL - Light grey/white, dry, mostly non-plastic fines, little fine sand, little fine to coarse gravel (angular), limestone block, cinders, glass, orange bricks, ceramic pieces, loose. (2.5 - 3.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0
TP-17	07/21/2016	2.5	5.5	2.5	(0.0 - 1.0)	(0.0 - 1.0)	(0.0 - 1.0) ASHY FILL - White/light grey, dry, mostly non-plastic fines, some fine sand, little fine to coarse gravel (angular), coal fragments, orange brick, glass bottle, ceramic fragments, loose. (1.0 - 2.5) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick wood, medium toughness, medium dry strength, stiff	0.0
TP-18	07/21/2016	4.0	8.0	2.5	(0.0 - 1.0)	NA	(0.0 - 0.5) ASHY FILL - Dark grey/black, dry, mostly non-plastic fines, little fine sand, few fine to coarse gravel (angular), cinders, glass, ceramic pieces, loose. (0.5 - 1.0) ASHY FILL - Light grey/white, dry, mostly non-plastic fines, little fine sand, little fine to coarse gravel (angular), cinders, glass, orange bricks fragments, ceramic pieces, loose. (1.0 - 4.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0
TP-19	07/21/2016	5.0	7.5	2.5	(0.5 - 3.0)	NA	(0.0 - 0.5) LEAN CLAY with SAND and Fill - Light brown, dry, mostly, low plasticity fines, little fine sand, little fine gravel (angular), few non-plastic fines, roots, orange brick. (0.5 - 3.0) ASHY FILL - Light grey/white, dry, mostly non-plastic fines, little fine sand, little fine to coarse gravel (angular), limestone block, cinders, glass, orange bricks, ceramic pieces, metal loose. (3.0 - 5.0) LEAN CLAY with Fill - Brown, moist, mostly low plasticity fines, few fine sand, orange brick, wood, medium toughness, medium dry strength, stiff.	0.0

TABLE 3A

SUMMARY OF SURFACE SOIL/FILL RESULTS vs. USCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Test Pit Location	Sample Depth (fbgs)	Part 375 USCO	
		63	5
		Total Lead (mg/kg)	TCLP Lead (mg/L)
TP-1	0.0 - 1.0	**838**	--
TP-2	0.0 - 1.0	**556**	0.13
TP-3	0.0 - 1.5	**1620**	--
TP-5	0.0 - 0.5	**184**	--
TP-5	0.5 - 1.5	**994**	0.59
TP-6	4.0 - 4.5	**1370**	--
TP-7	0.0 - 0.5	**574**	--
TP-8	0.0 - 1.5	**512**	--
TP-10	0.0 - 3.0	**1090**	0.38
TP-11	0.0 - 0.5	**930**	0.31
TP-13	0.5 - 2.5	**3070**	1.7
TP-14	0.0 - 1.5	**728**	0.047
TP-15	0.0 - 2.5	**620**	--
TP-15	2.5 - 4.0	45.2	--
TP-17	0.0 - 1.0	**334**	--

Notes:
1. ND = Not Detected.
2. Only those SVOCs detected at a minimum of one location are presented.
3. Values exceeding Part 375 Unrestricted Soil Cleanup Objectives (USCOs) and USEPA Maximum Concentration for Toxicity Characteristic are highlighted in orange.

TABLE 3B

SUMMARY OF SURFACE SOIL/FILL RESULTS vs. PGWSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Test Pit Location	Sample Depth (fbgs)	Part 375 PGWSCO	
		450	5
		Total Lead (mg/kg)	TCLP Lead (mg/L)
TP-1	0.0 - 1.0	**838**	--
TP-2	0.0 - 1.0	**556**	0.13
TP-3	0.0 - 1.5	**1620**	--
TP-5	0.0 - 0.5	184	--
TP-5	0.5 - 1.5	**994**	0.59
TP-6	4.0 - 4.5	**1370**	--
TP-7	0.0 - 0.5	**574**	--
TP-8	0.0 - 1.5	**512**	--
TP-10	0.0 - 3.0	**1090**	0.38
TP-11	0.0 - 0.5	**930**	0.31
TP-13	0.5 - 2.5	**3070**	1.7
TP-14	0.0 - 1.5	**728**	0.047
TP-15	0.0 - 2.5	**620**	--
TP-15	2.5 - 4.0	45.2	--
TP-17	0.0 - 1.0	334	--

Notes:
1. ND = Not Detected.
2. Only those SVOCs detected at a minimum of one location are presented.
3. Values exceeding Part 375 Protection of Groundwater Soil Cleanup Objectives (PGWSCOs) and USEPA Maximum Concentration for Toxicity Characteristic are highlighted in blue.

TABLE 3C

SUMMARY OF SURFACE SOIL/FILL RESULTS vs. RRSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Test Pit Location	Sample Depth (fbgs)	Part 375 RRSCO	
		400	5
		Total Lead (mg/kg)	TCLP Lead (mg/L)
TP-1	0.0 - 1.0	**838**	--
TP-2	0.0 - 1.0	**556**	0.13
TP-3	0.0 - 1.5	**1620**	--
TP-5	0.0 - 0.5	184	--
TP-5	0.5 - 1.5	**994**	0.59
TP-6	4.0 - 4.5	**1370**	--
TP-7	0.0 - 0.5	**574**	--
TP-8	0.0 - 1.5	**512**	--
TP-10	0.0 - 3.0	**1090**	0.38
TP-11	0.0 - 0.5	**930**	0.31
TP-13	0.5 - 2.5	**3070**	1.7
TP-14	0.0 - 1.5	**728**	0.047
TP-15	0.0 - 2.5	**620**	--
TP-15	2.5 - 4.0	45.2	--
TP-17	0.0 - 1.0	334	--

Notes:
1. ND = Not Detected.
2. Only those SVOCs detected at a minimum of one location are presented.
3. Values exceeding Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) and USEPA Maximum Concentration for Toxicity Characteristic are highlighted in yellow.

TABLE 3D

SUMMARY OF SURFACE SOIL/FILL RESULTS vs. CSCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Test Pit Location	Sample Depth (fbgs)	Part 375 CSCO	
		1000	5
		Total Lead (mg/kg)	TCLP Lead (mg/L)
TP-1	0.0 - 1.0	838	--
TP-2	0.0 - 1.0	556	0.13
TP-3	0.0 - 1.5	**1620**	--
TP-5	0.0 - 0.5	184	--
TP-5	0.5 - 1.5	994	0.59
TP-6	4.0 - 4.5	**1370**	--
TP-7	0.0 - 0.5	574	--
TP-8	0.0 - 1.5	512	--
TP-10	0.0 - 3.0	**1090**	0.38
TP-11	0.0 - 0.5	930	0.31
TP-13	0.5 - 2.5	**3070**	1.7
TP-14	0.0 - 1.5	728	0.047
TP-15	0.0 - 2.5	620	--
TP-15	2.5 - 4.0	45.2	--
TP-17	0.0 - 1.0	334	--

Notes:
1. ND = Not Detected.
2. Only those SVOCs detected at a minimum of one location are presented.
3. Values exceeding Part 375 Commercial Soil Cleanup Objectives (CCSCOs) and USEPA Maximum Concentration for Toxicity Characteristic are highlighted in green.

TABLE 3E

SUMMARY OF SURFACE SOIL/FILL RESULTS vs. ISCOs

Brownfield Cleanup Program Application
50 Elk Street
Buffalo, New York

Test Pit Location	Sample Depth (fbgs)	Part 375 ISCO	
		3900	5
		Total Lead (mg/kg)	TCLP Lead (mg/L)
TP-1	0.0 - 1.0	838	--
TP-2	0.0 - 1.0	556	0.13
TP-3	0.0 - 1.5	1620	--
TP-5	0.0 - 0.5	184	--
TP-5	0.5 - 1.5	994	0.59
TP-6	4.0 - 4.5	1370	--
TP-7	0.0 - 0.5	574	--
TP-8	0.0 - 1.5	512	--
TP-10	0.0 - 3.0	1090	0.38
TP-11	0.0 - 0.5	930	0.31
TP-13	0.5 - 2.5	3070	1.7
TP-14	0.0 - 1.5	728	0.047
TP-15	0.0 - 2.5	620	--
TP-15	2.5 - 4.0	45.2	--
TP-17	0.0 - 1.0	334	--

Notes:
1. ND = Not Detected.
2. Only those SVOCs detected at a minimum of one location are presented.
3. Values exceeding Part 375 Industrial Soil Cleanup Objectives (ISCOs) and USEPA Maximum Concentration for Toxicity Characteristic are highlighted in purple.

FIGURES

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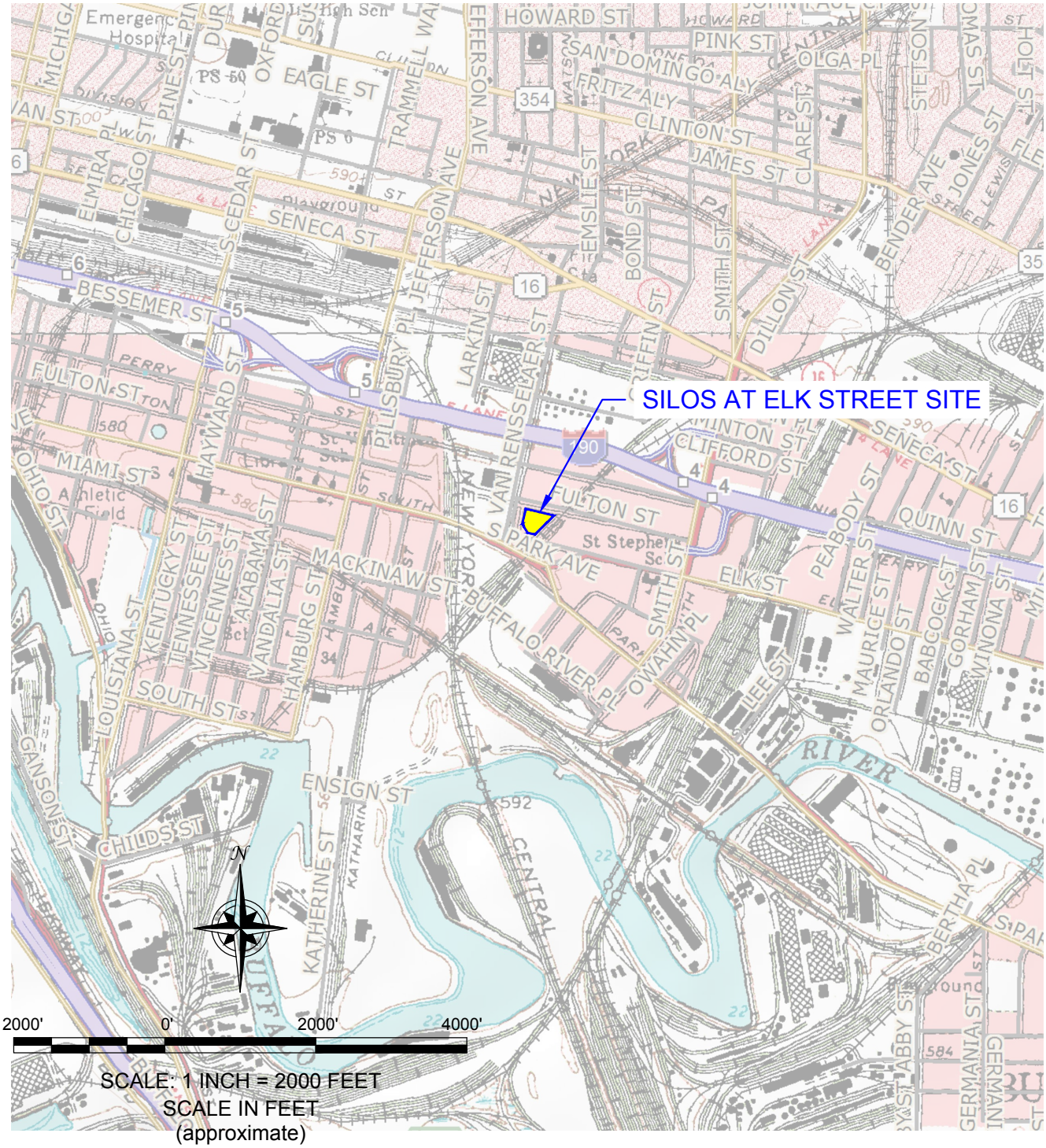
F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 1; Site Location & Vicinity Map.dwg

FIGURE 1



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

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PROJECT NO.: 0381-016-002

DATE: AUGUST 2016

DRAFTED BY: BCH

SITE LOCATION & VICINITY MAP

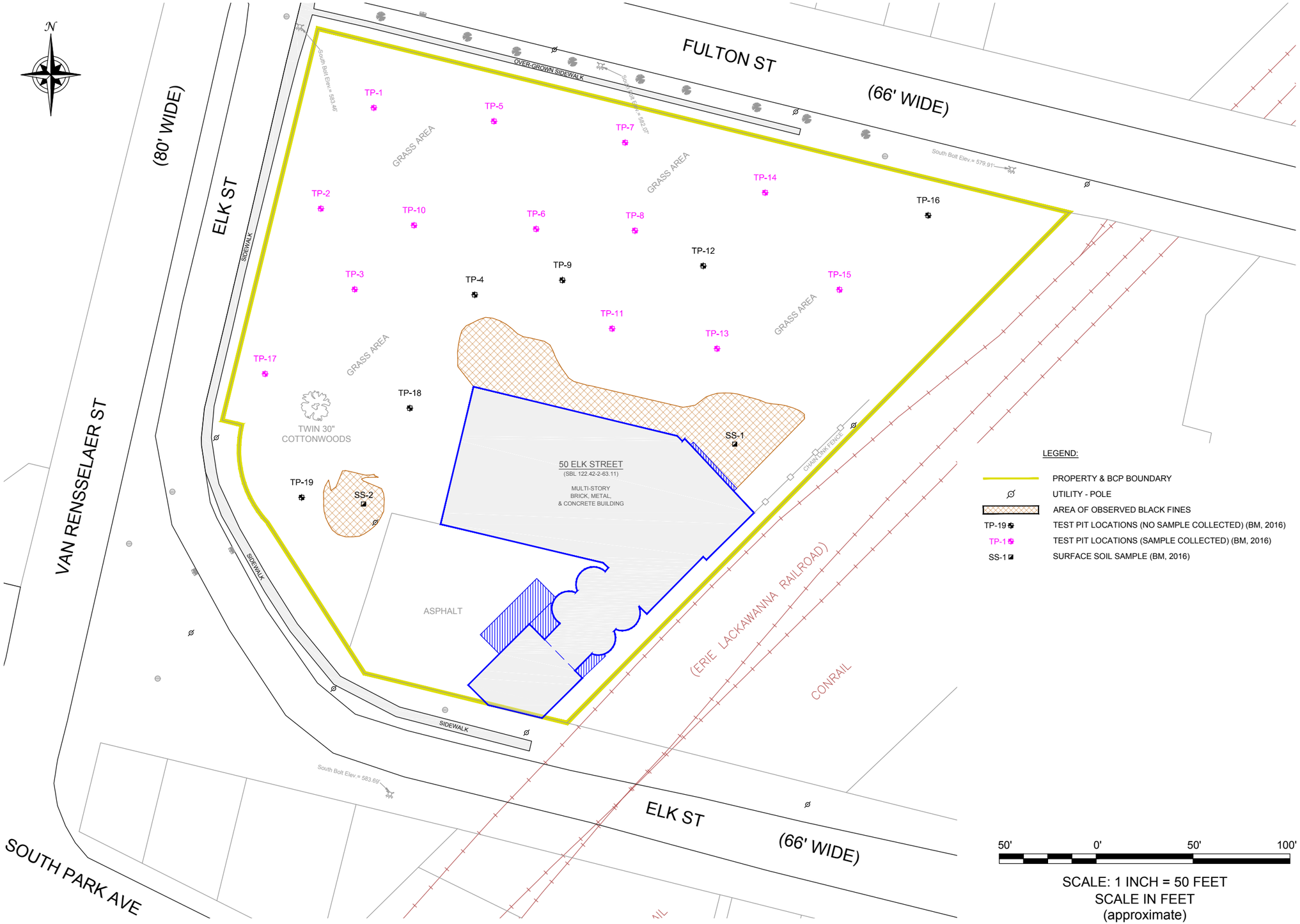
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

SILOS AT ELK STREET, LLC

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 2; Site Plan.dwg



DATE: AUGUST 2016
DRAFTED BY: BCH

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0381-016-002

SITE PLAN

BROWNFIELD CLEANUP PROGRAM APPLICATION

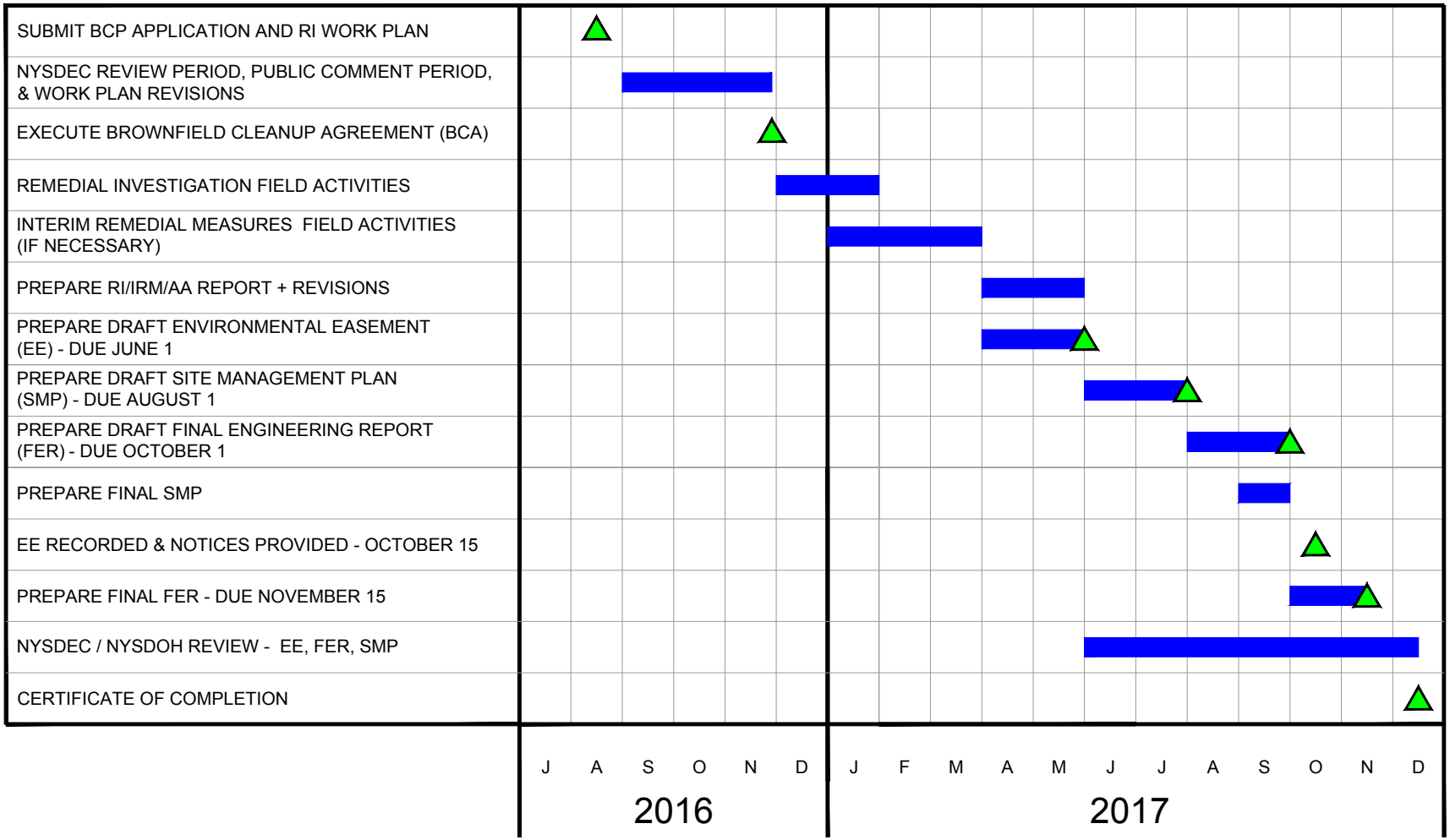
SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS ELK STREET, LLC

FIGURE 2

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 4; Preliminary Project Schedule.dwg

PROJECT TASKS:



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PRELIMINARY PROJECT SCHEDULE

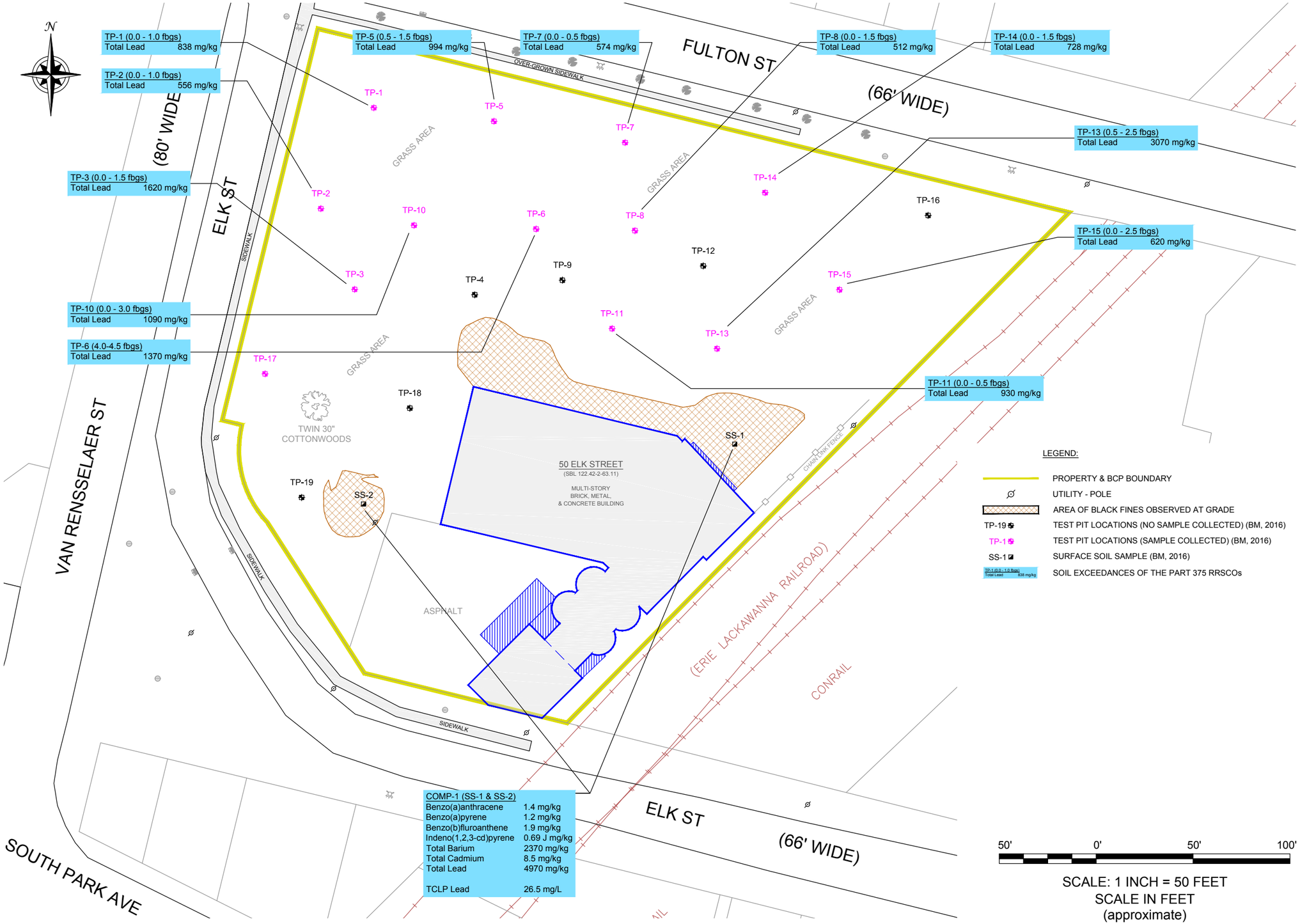
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 4

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 5; Soil Exceedances of the RRSCOs.dwg



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TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0381-016-002

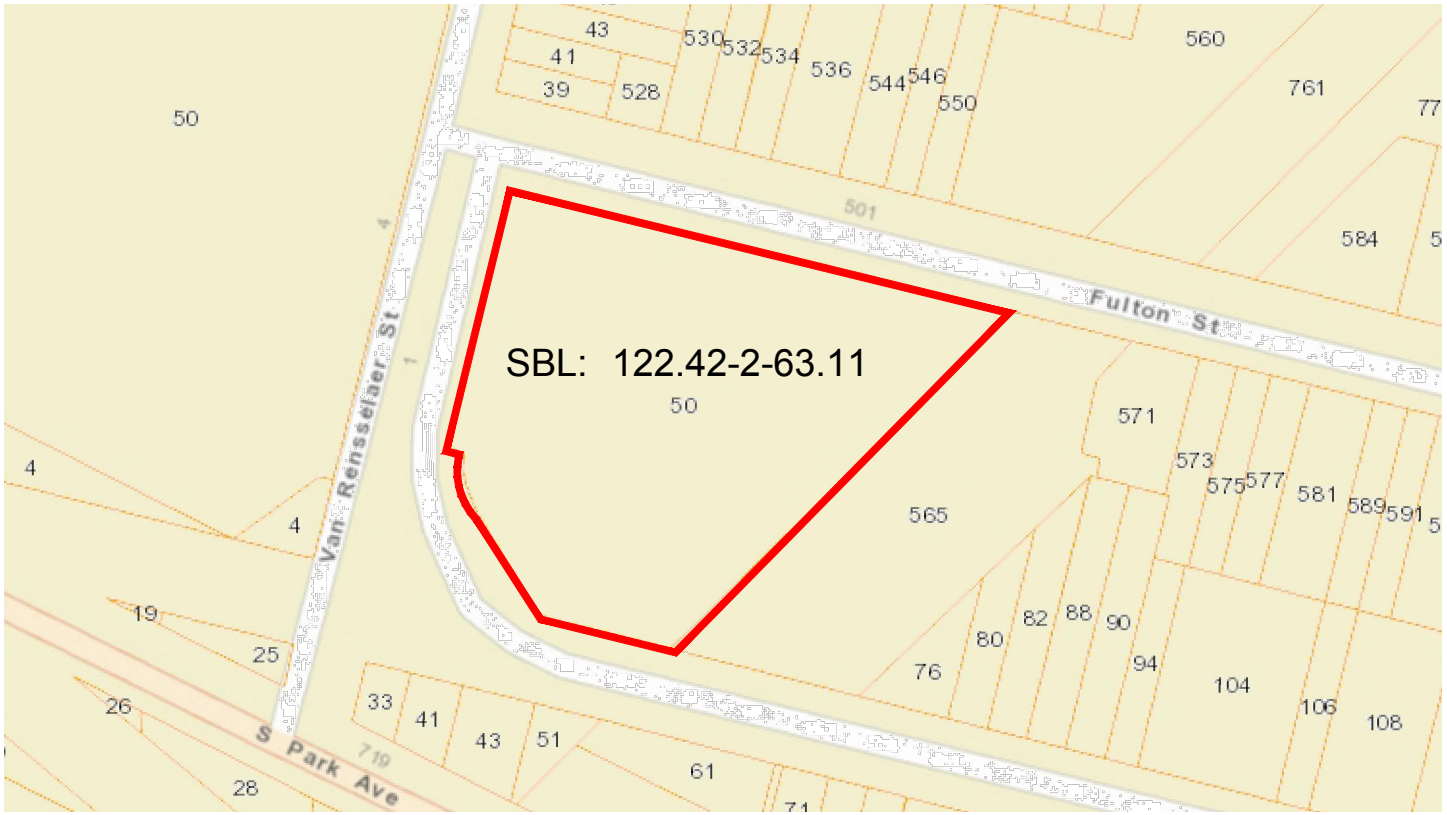
SOIL EXCEEDANCES OF THE RRSCOs
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK
PREPARED FOR
SILOS ELK STREET, LLC

FIGURE 5

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 6; Parcel Map.dwg

Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries

N

0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0381-016-002

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PARCEL MAP

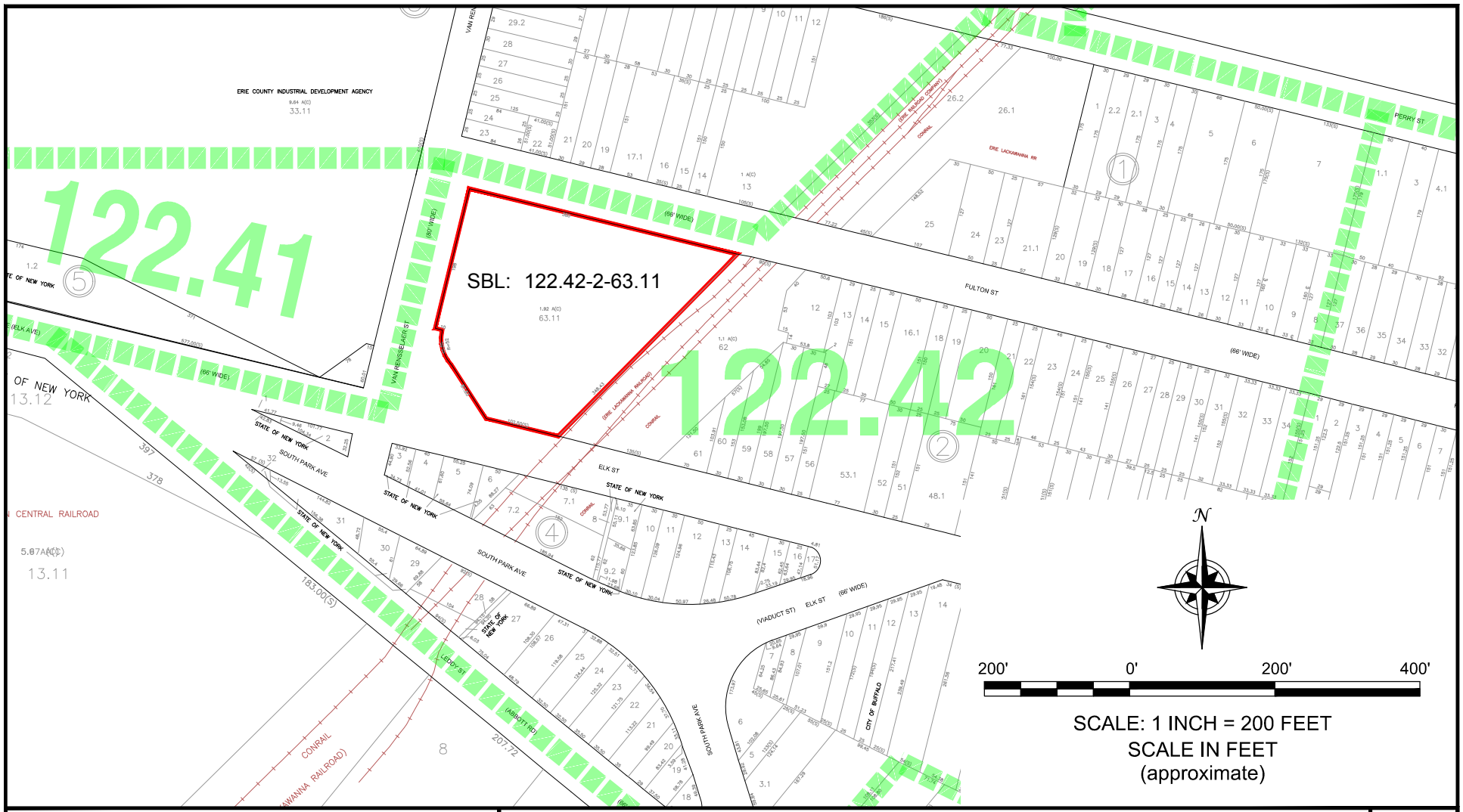
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 6

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 7 - Tax Map.dwg



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TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0381-016-002

DATE: AUGUST 2016

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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

SILOS AT ELK STREET, LLC

FIGURE 7

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 8; Property Basemap (1,000' Setback).dwg

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FIGURE 8

PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0381-016-002

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 9; En-Zone Map.dwg

DATE: AUGUST 2016
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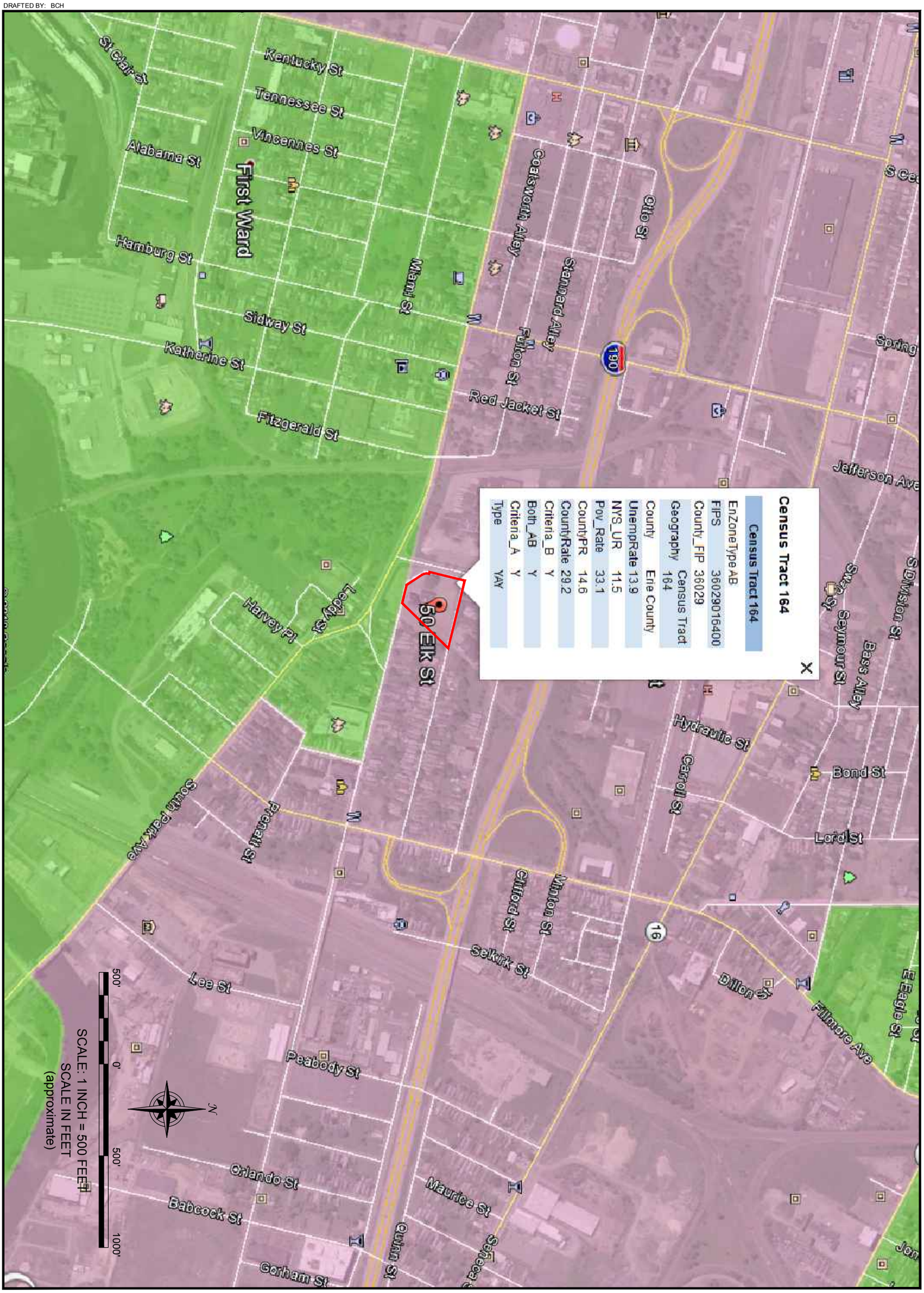

FIGURE 9

EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0381-016-002

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 10; Nearby Land Use Map.dwg

Residential
Commercial
Industrial
Vacant
Community Service
Parks/Recreation

N

500' 0' 500' 1000'

SCALE: 1 INCH = 500 FEET
SCALE IN FEET
(approximate)

Note: Land-use image from Map 3.15 of City of Buffalo Land-Use Plan (October 2015).

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PROJECT NO.: 0381-016-002

DATE: AUGUST 2016

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NEARBY LAND-USE MAP

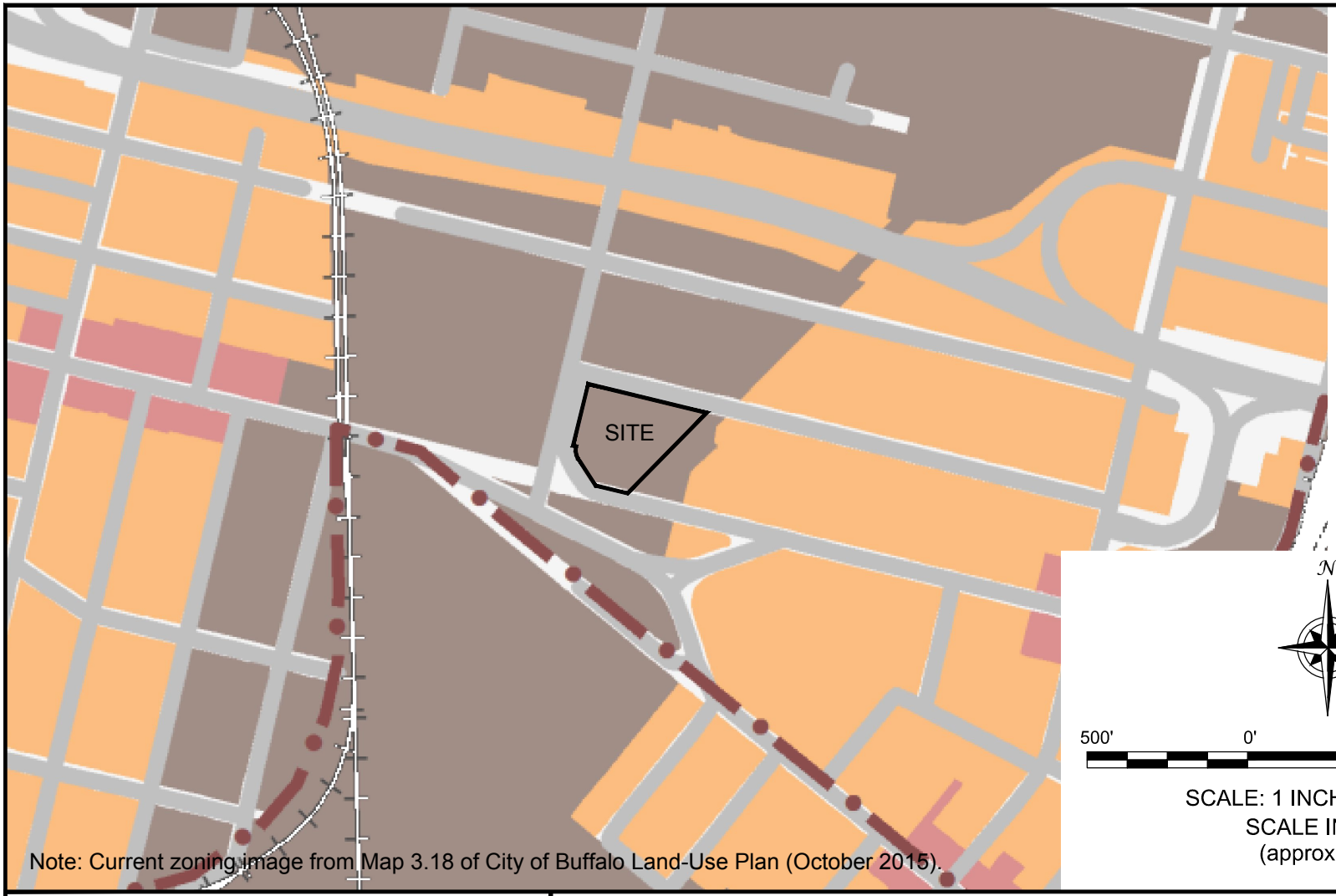
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 10

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 11; Current Zoning Map.dwg



Residential
Commercial
Industrial

N

500' 0' 500' 1000'

SCALE: 1 INCH = 500 FEET
SCALE IN FEET
(approximate)

Note: Current zoning image from Map 3.18 of City of Buffalo Land-Use Plan (October 2015).

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TURNKEY ENVIRONMENTAL RESTORATION, LLC
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PROJECT NO.: 0381-016-002

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CURRENT ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 11

SBL	ADDRESS	PROP_TYPE	PROP_DESC	OWNER	STREET	CITY	ZIP
122.42-4-2	25 ELK	B	Vacant indus	STATE OF N.Y.	25 ELK	BUFFALO NY	14210
122.42-4-3	33 ELK	B	Vacant indus	PEOPLE OF THE STATE OF NY	33 ELK	BUFFALO NY	14210
122.42-4-4	41 ELK	B	Vacant indus	PEOPLE OF THE STATE OF NY	41 ELK	BUFFALO NY	14210
122.42-4-5	43 ELK	B	Vacant indus	STATE OF NEW YORK	43 ELK	BUFFALO NY	14210
122.42-4-6	51 ELK	B	Vacant indus	STATE OF NEW YORK	51 ELK	BUFFALO NY	14210
122.42-4-7.1	61 ELK	B	Vacant indus	R R PERRY CORP	PO BOX 902	BUFFALO NY	14225
122.34-3-33.11	50 VAN RENSSELAER	C	Manufacture	ZEMCO INDUSTRIES INC C/O TAX DEPT	PO BOX 2020	SPRINGDALE AR	72765
122.34-3-22	528 FULTON	R	1 Family Res	THANT MYO & ANIELA M (BAJ)	530 FULTON ST	BUFFALO NY	14210
122.34-3-21	530 FULTON	R	1 Family Res	BAJ ANIELA M	530 FULTON ST	BUFFALO NY	14210
122.34-3-20	532 FULTON	R	2 Family Res	FEIDT JOHN M & W	532 FULTON	BUFFALO NY	14210
122.34-3-19	534 FULTON	R	1 Family Res	SMYNTEK MICHAEL R & JUDITH R	534 FULTON ST	BUFFALO NY	14210
122.34-3-17.1	536 FULTON	R	1 Family Res	SMYNTEK CHRISTINE & JAMES	536 FULTON	BUFFALO NY	14210
122.34-3-16	544 FULTON	R	2 Family Res	PIETRASZEWSKI FLORENCE & ANNETTE BURKE	544 FULTON ST	BUFFALO NY	14210
122.34-3-15	546 FULTON	R	1 Family Res	KULCYZK KENNETH B & CEENA J	10500 PLEASANT VALLEY RD	DELAVAN NY	14042
122.34-3-14	550 FULTON	R	1 Family Res	TARALLO TAMMY NICOLE	550 FULTON ST	BUFFALO NY	14210
122.34-3-13	560 FULTON	C	Warehouse	FULTON CORPORATION	PO BOX 902	BUFFALO NY	14225
122.42-2-62	565 FULTON	B	Vacant comm	R R PERRY CORP	PO BOX 902	BUFFALO NY	14225
122.42-1-26.2	761 PERRY	B	Vacant comm	R R PERRY CORP	PO BOX 902	BUFFALO NY	14225
122.34-3-23	39 VAN RENSSELAER	C	Det row bldg	VU BRYAN	76 WARREN AVE	BUFFALO NY	14212
122.41-5-1.2	4 VAN RENSSELAER	C	Road/str/hwy	THE PEOPLE OF THE STATE OF NY	4 VAN RENSSELAER	BUFFALO NY	14210

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

39 528 530 532 534 536 544 546 550 560 761

(66' WIDE)

(66' WIDE)

(80' WIDE)

50

50 ELK STREET

565

FULTON ST

VAN RENSSELAER ST

4

(66' WIDE)

(ELK AVE)

OF NEW YORK

STATE OF NEW YORK

25

SOUTH PARK AVE

33 41 43 51 61

ELK ST

STATE OF NEW YORK

STATE OF NEW YORK

STATE OF NEW YORK

N

100' 0' 100' 200'

SCALE: 1 INCH = 100 FEET
SCALE IN FEET
(approximate)

DATE: AUGUST 2016
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JOB NO.: 0381-016-002

ADJACENT PROPERTY OWNERS

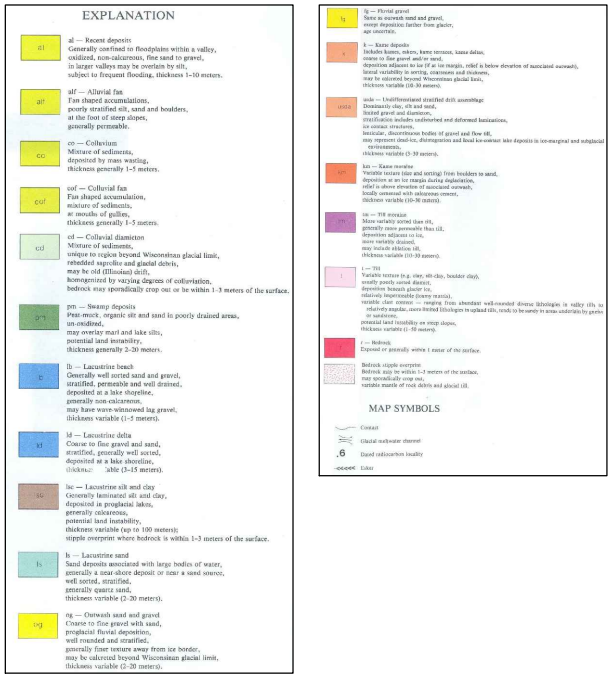
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

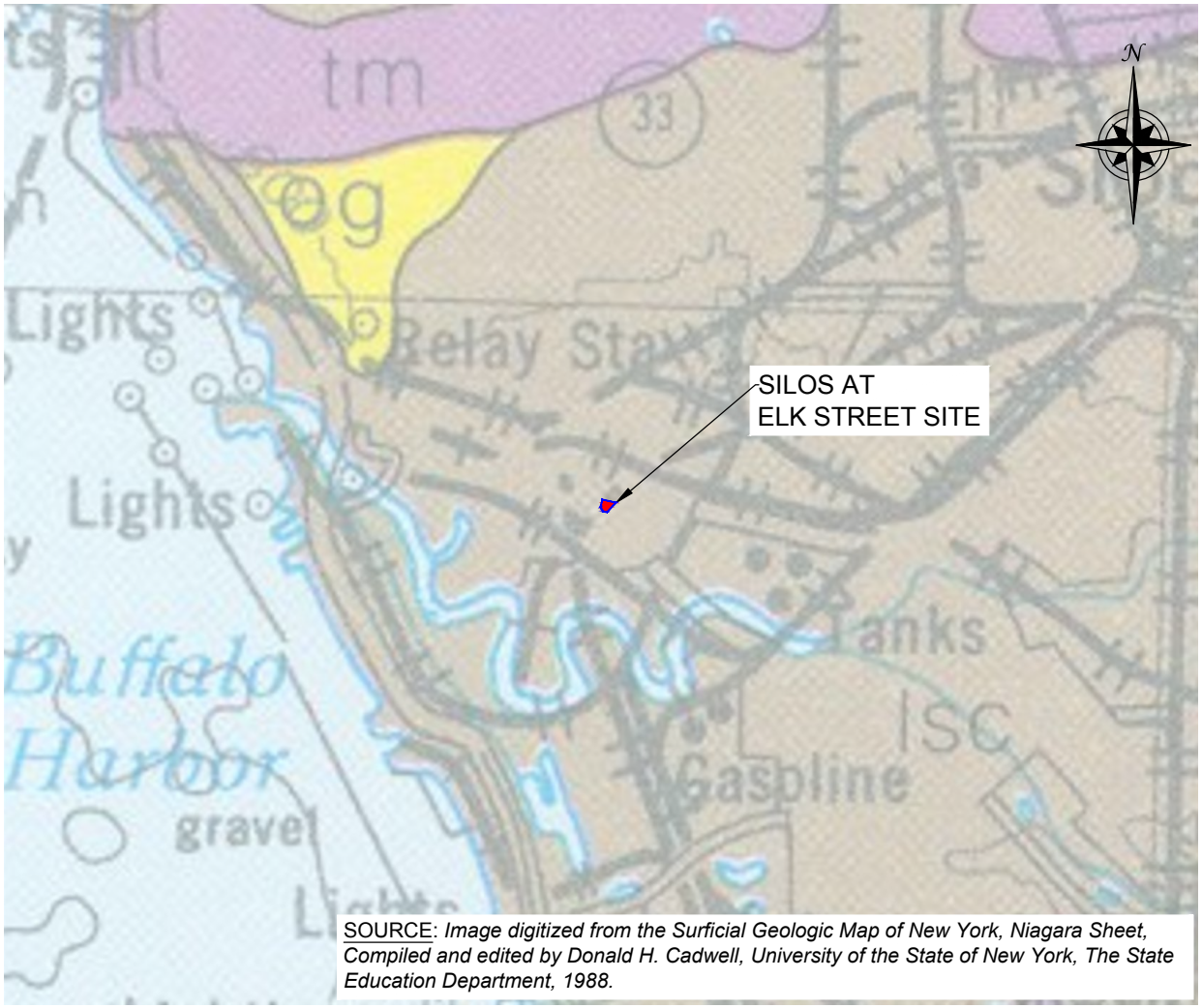
PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 12

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 13; Surficial Geologic Map.dwg



SCALE: 1 INCH = 5000 FEET
SCALE IN FEET
(approximate)



SOURCE: *Image digitized from the Surficial Geologic Map of New York, Niagara Sheet, Compiled and edited by Donald H. Cadwell, University of the State of New York, The State Education Department, 1988.*

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TURNKEY ENVIRONMENTAL RESTORATION, LLC

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PROJECT NO.: 0381-016-002

DATE: AUGUST 2016

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SURFICIAL GEOLOGIC MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 13

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 14; USDA Soil Type Map.dwg

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PROJECT NO.: 0381-016-002

DATE: AUGUST 2016

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USDA SOIL TYPE MAP

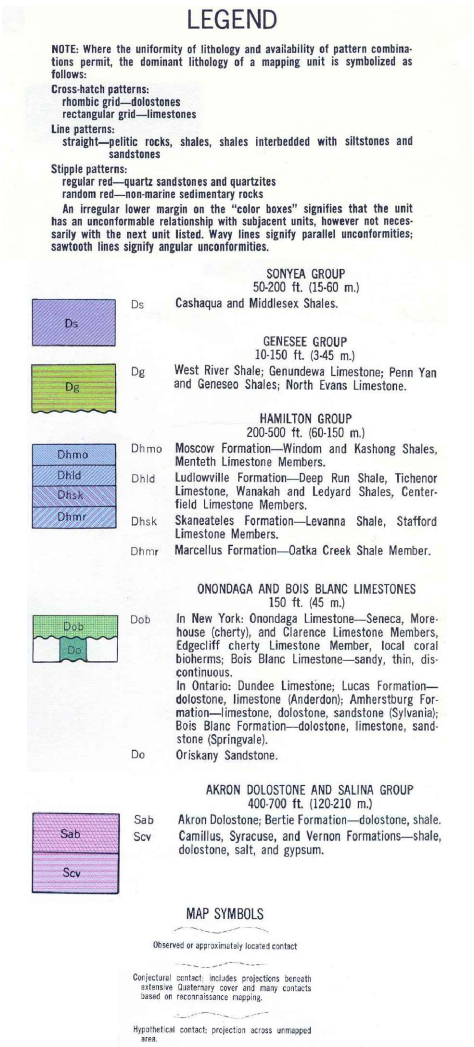
BROWNFIELD CLEANUP PROGRAM APPLICATION

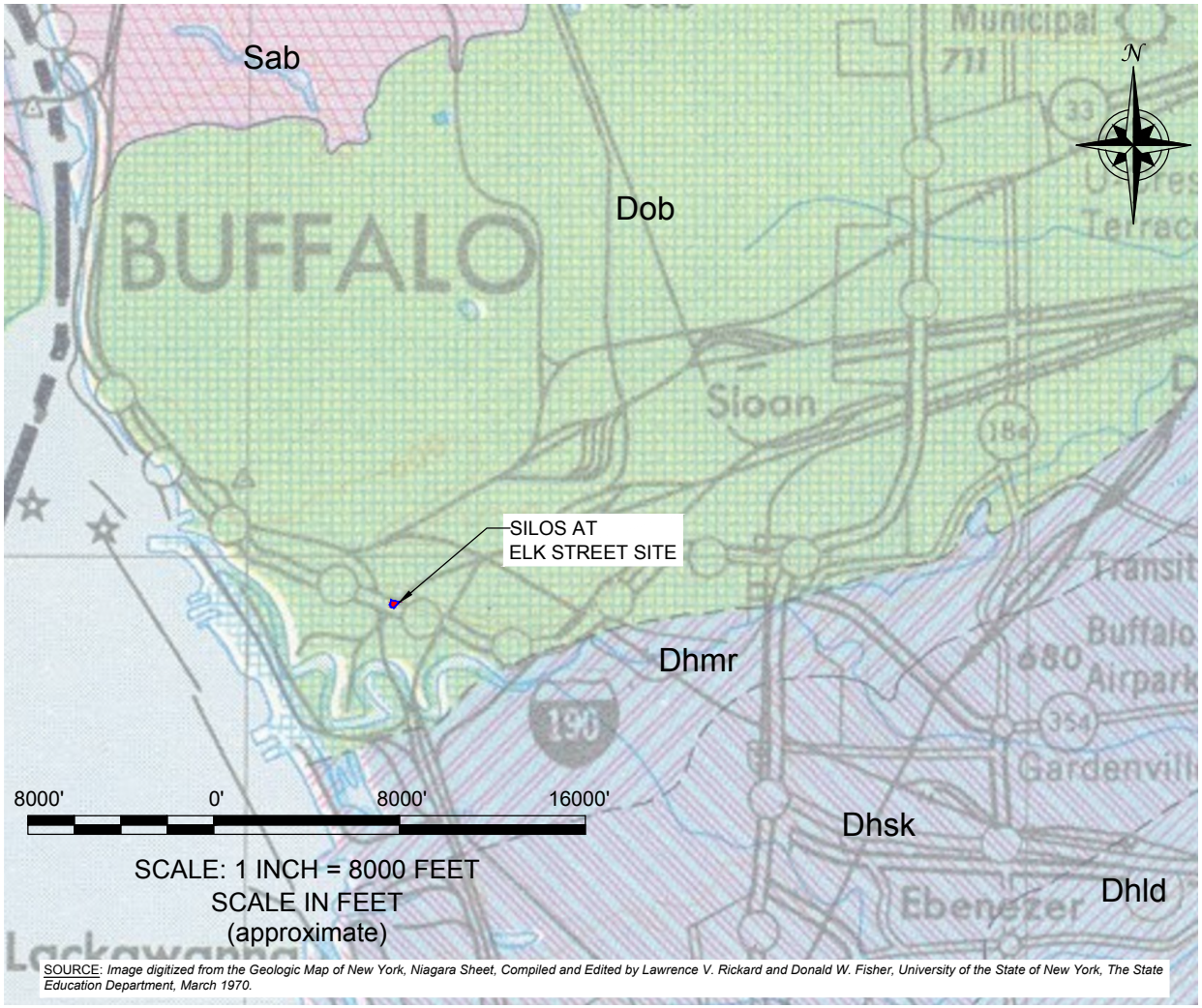
SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 14

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 15; Bedrock Geologic Map.dwg





SOURCE: *Image digitized from the Geologic Map of New York, Niagara Sheet, Compiled and Edited by Lawrence V. Rickard and Donald W. Fisher, University of the State of New York, The State Education Department, March 1970.*

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BEDROCK GEOLOGIC MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 15

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 16; Potential Environmental Justice Areas.dwg

Legend

- Potential EJ Areas
- County Boundary
- Waterbodies

For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us

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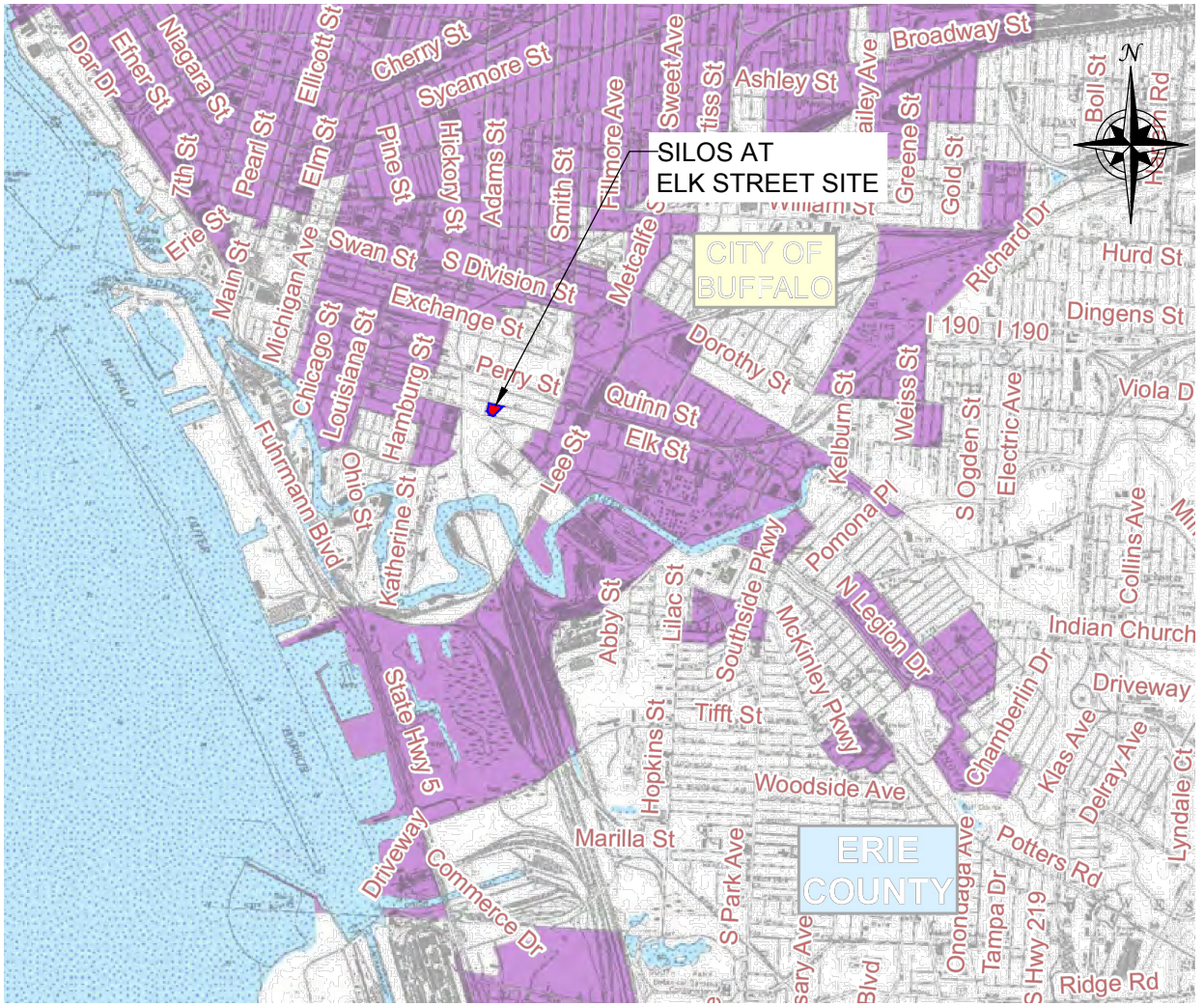
NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

5000' 0' 5000' 10000'

SCALE: 1 INCH = 5000 FEET
SCALE IN FEET
(approximate)



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PROJECT NO.: 0381-016-002

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POTENTIAL ENVIRONMENTAL JUSTICE AREAS

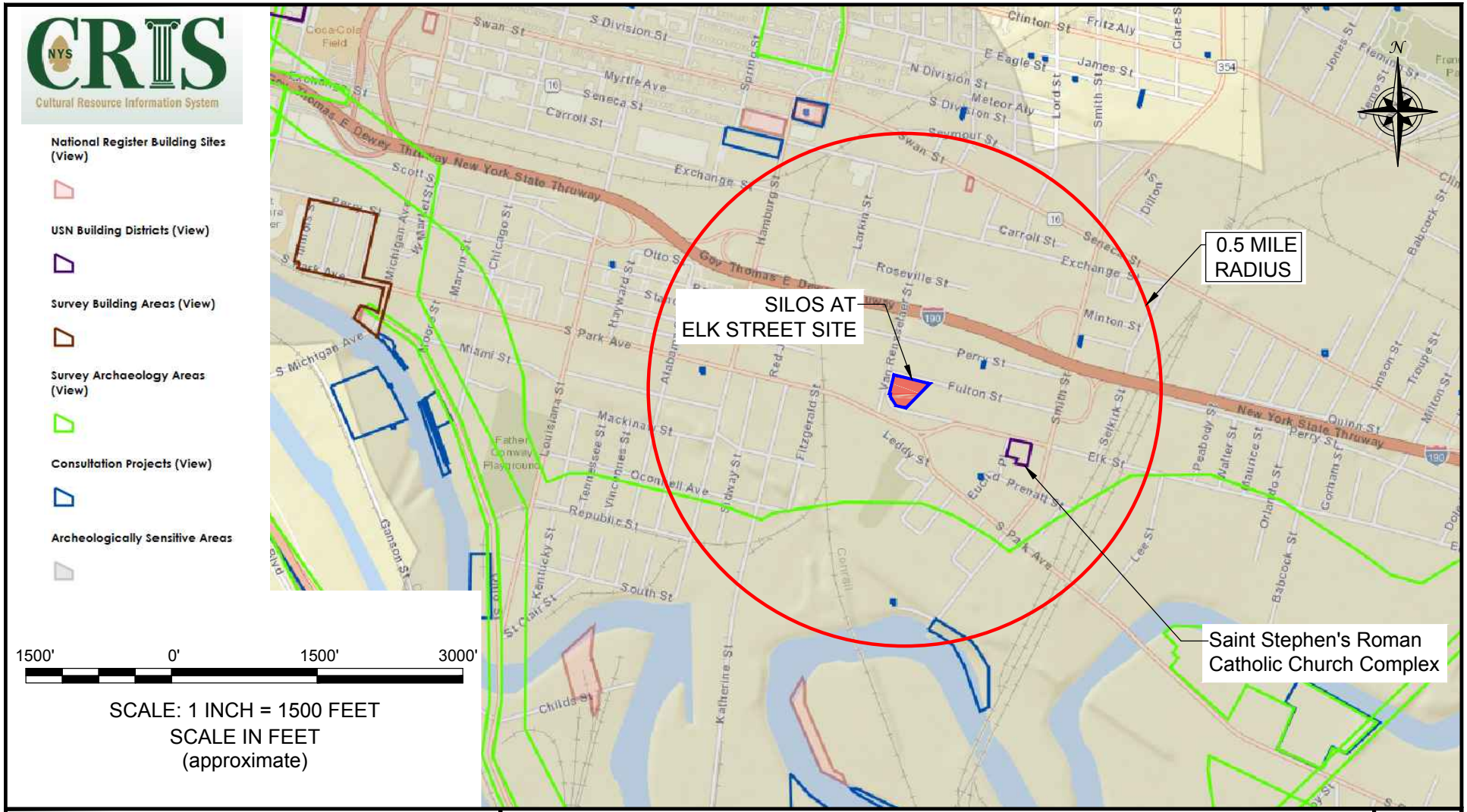
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 16

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 17; Cultural Resources.dwg



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TURNKEY ENVIRONMENTAL RESTORATION, LLC
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0381-016-002

DATE: SEPTEMBER 2016

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CULTURAL RESOURCES MAP

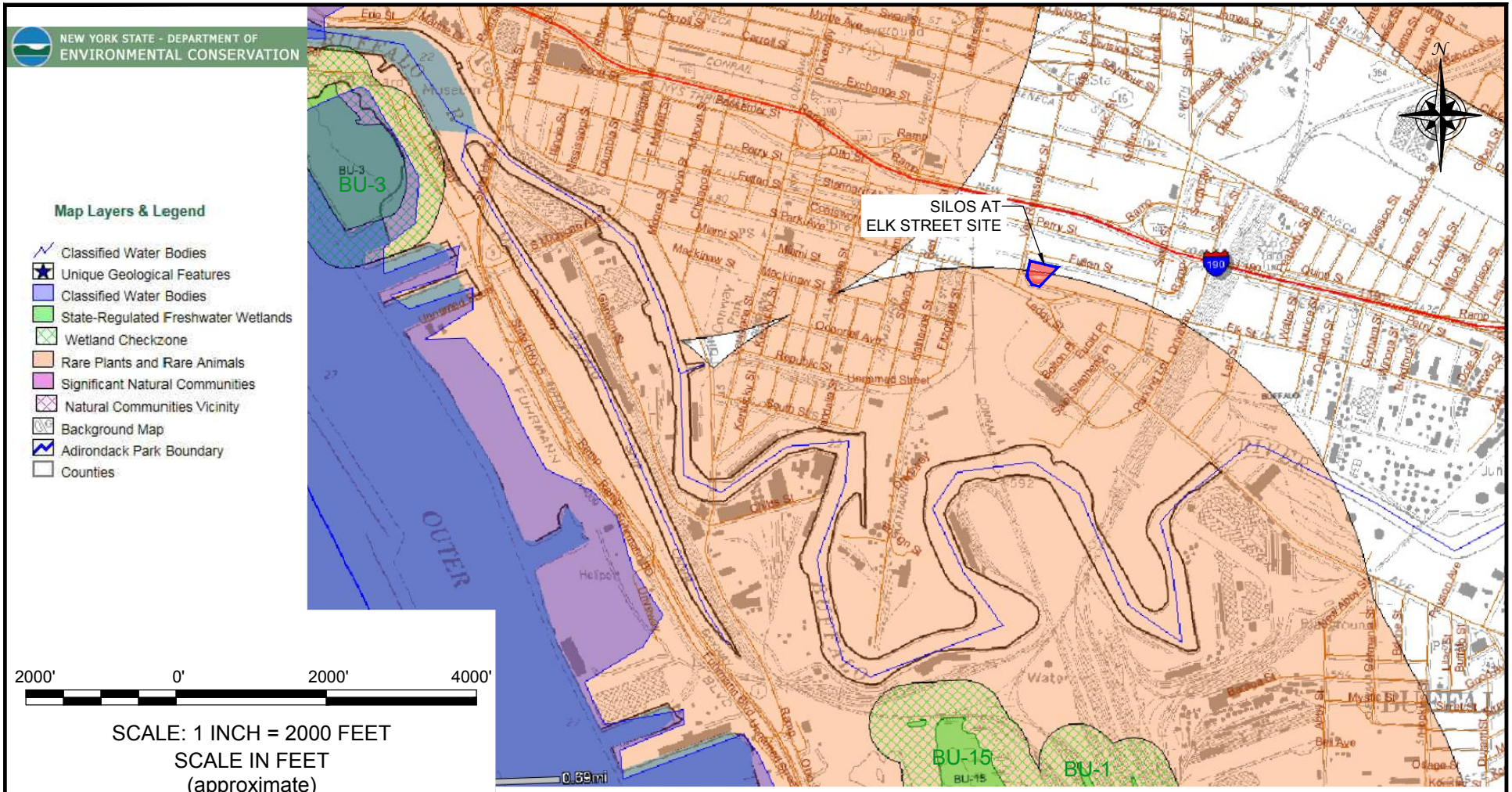
BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SILOS AT ELK STREET, LLC

FIGURE 17

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 18; Natural Resources Map.dwg



DISCLAIMER: *This map does not show all natural resources regulated by NYSDEC, or for which permits from NYSDEC may be required. Please contact your DEC Regional office for more information.*

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TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0381-016-002

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NATURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

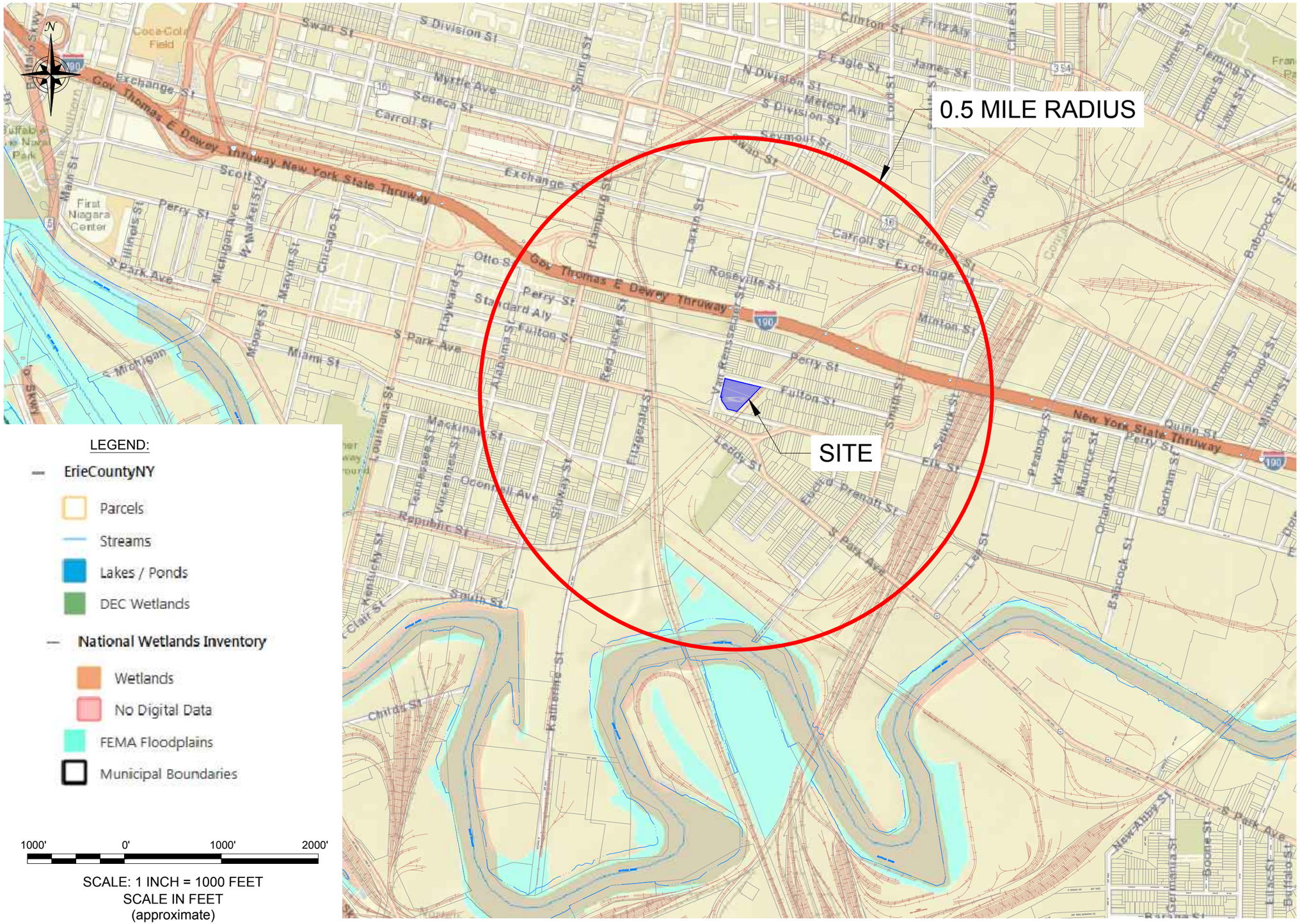
SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

SILOS AT ELK STREET, LLC

FIGURE 18

F:\CAD\Benchmark\Young and Wright Architectural\50 Elk Street\02 - BCP Application\Figure 19- Wetland and Floodplain Map.dwg



LEGEND:

- ErieCountyNY
- Parcels
- Streams
- Lakes / Ponds
- DEC Wetlands
- National Wetlands Inventory
  - Wetlands
  - No Digital Data
- FEMA Floodplains
- Municipal Boundaries

1000' 0' 1000' 2000'

SCALE: 1 INCH = 1000 FEET
SCALE IN FEET
(approximate)

DATE: SEPTEMBER 2016
DRAFTED BY: BCH

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0381-016-002

REGIONAL WETLANDS & FLOODPLAINS

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

SILOS AT ELK STREET, LLC

FIGURE 19

LIST OF ATTACHMENTS

ATTACHMENT 1

BCP APPLICATION – SECTIONS I & V

REQUESTER INFORMATION

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY DATABASE

SIGNATURE RESOLUTION

SITE ACCESS / CLOSING LETTER

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 26, 2016.

Selected Entity Name: SILOS AT ELK STREET, LLC
Selected Entity Status Information

Current Entity Name:	SILOS AT ELK STREET, LLC
DOS ID #:	4999270
Initial DOS Filing Date:	AUGUST 25, 2016
County:	ERIE
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

SILOS AT ELK STREET, LLC
740 SENECA STREET
BUFFALO, NEW YORK, 14210

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 25, 2016	Actual	SILOS AT ELK STREET, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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RESOLVED, that SHAWN WRIGHT Managing Member of Silos at Elk Street, LLC (Company) be hereby authorized and empowered to sign a Brownfield Cleanup Agreement (BCA) for property referred to as the 50 Elk Street Site with New York State Department of Environmental Conservation (NYSDEC), in the name of and on behalf of this Company.

The undersigned hereby certify that he is the duly qualified Managing Member and custodian of the books and records of Silos at Elk Street, LLC, a corporation duly formed pursuant to the laws of the State of New York, and that the foregoing is a true record of a resolution duly adopted by the Members at a meeting of Silos at Elk Street, LLC and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on SEPT 12, 2016, and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as Member of the above-named Company this 15 day of SEPT, 2016.

(Signature)	SHAWN WRIGHT (Print Name)	Managing Member (Title)
(Signature)	(Print Name)	Member (Title)
(Signature)	JERRY YOUNG (Print Name)	Member (Title)
(Signature)	(Print Name)	Member (Title)

ACKNOWLEDGMENT

(STATE OF NEW YORK)

(COUNTY OF ERIE)

On the 15th day of September in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry Young + Shawn Wright, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon the behalf of which the individual(s) acted, executed the instrument.

KRISTEN M. ZDROJEWSKI
No. 01ZD6090623
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 04/14/2019

Notary Public

September 21, 2016

Mr. Chad Staniszewski
New York State Division of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

Re: Silos at Elk Street Site
50 Elk Street
Buffalo, New York

Dear Mr. Staniszewski:

Please be advised that the property located at 50 Elk Street is currently owned by Brookfield Interest, LLC. As such, Brookfield Interest, LLC is granting Silos at Elk Street, LLC, affiliated entities, and its agents full right of access to the property to undertake investigation, remediation and redevelopment of the property under the New York Brownfield Cleanup Program.

If you have any questions whatsoever, please do not hesitate to call me.

Regards,

Shawn Wright
Partner

ATTACHMENT 2

BCP APPLICATION – SECTIONS II, VII, & VIII

PROPERTY ELIGIBILITY & DESCRIPTION

PROJECT DESCRIPTION
REQUESTOR AS A VOLUNTEER
PROJECT ELIGIBILITY INFORMATION
THE CONTAMINATION ELEMENT
THE COMPLICATION ELEMENT
ELIGIBILITY STATEMENT

ATTACHMENT 2

BCP Application - Sections II, VII, & VIII

PROPERTY DESCRIPTION & ELIGIBILITY

Silos at Elk Street Site

SECTION II – PROJECT DESCRIPTION

Project Description & Schedule

The subject property (hereinafter, the "Project Site" or the "Site") subject to the BCP application is one parcel approximately 1.9 acres, located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2).

The Applicant plans to rehabilitate the existing silo and associated building to serve as the home office for Young & Wright Architectural along with potential for other leasable space and possible future residential space. Young & Wright's offices will be constructed to support a total of 50 employees. The Applicant, upon acceptance into the BCP, is willing to complete the required investigation and remediation, and redevelop the contaminated parcel. The preliminary Site Redevelopment Plan estimates capital investments of approximately $1.6 MM to $2.5 MM to investigate, remediate, and redevelop the Site. A preliminary project rendering is included as Figure 3. A Preliminary Project Schedule is presented on Figure 4.

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Requestor as a Volunteer

A BCP applicant may be either a "Participant" or a "Volunteer."

A "Participant" is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person's liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge. NY ECL 27-1405(1)(a). This definition is repeated verbatim at 6NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

A "Volunteer" is an applicant other than a participant, including a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person

exercises appropriate care with respect to the contamination. NY ECL 27-1405(1)(b). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, it is entitled to Volunteer status under NY ECL27-1405(1)(b).

SECTION VIII – PROPERTY ELIGIBILITY INFORMATION

Property Eligibility Information

The Site meets the definition of a "Brownfield site" as set forth in New York State Environmental Conservation Law (the "ECL"). The ECL Section 27-1405(2) defines a "Brownfield site" as "any real property, the development, or reuse of which may be complicated by the presence or potential presence of a contaminant." The regulations in 6NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a "reasonable basis" test to each:

(1) A brownfield site has two elements:
  (i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the "Contamination Element"); and,
  (ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use, or re-use of the property (the "Complication Element")

Moreover, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005, which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

The Contamination Element

The Department considers the following factors with respect to the Contamination Element, to the extent they are relevant to the proposed Site:

(A) The nature and extent of known or suspected contamination;

(B) Whether contaminants are present at levels that exceed standards, criteria, or guidance;

(C) Whether contamination on the proposed site is historic fill material or exceeds background levels;

(D) Whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,

(E) Whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

(A) The previous investigations have established that on-site soils have been impacted by contaminants that will require remediation.

(B) PAH and lead contaminated soils, evidenced by analytical sample results present on-Site exceeding Part 375 Protection of Groundwater SCO, are complicating redevelopment efforts.

(C) The Site has not previously been subject to cleanup activities by or under the oversight of State or Federal agencies.

The Complication Element

The Department considers the following factors with respect to the Complication Element; to the extent they are relevant to the proposed Site:

(A) Whether the proposed site is idled, abandoned or underutilized;

(B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;

(C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,

(D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the proposed Site is unattractive for redevelopment or reuse due to the presence of contamination. This factor is clearly established by the following:

(A) The Site has been vacant and underutilized since 1980 (36 years).

(B) The Site is currently unattractive for redevelopment or reuse due to the known presence of significant contamination that will require remediation.

(C) The estimated cost of a proposed remedial program with regard to the Site is significant in comparison to the value of the Site (i.e., estimated at approximately 75-100% of the value of the Site if it were not environmentally impaired).

ELIGIBILITY STATEMENT

Based on the foregoing and as further set forth in this BCP application, the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because (A) there is confirmed contamination at the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site.

November 8, 2016

Ms. Bernadette Anderson
NYSDEC – DER/BTS
625 Broadway, 11th Floor
Albany, NY 12233-7020

Re: Silos at Elk Street Site
50 Elk Street
Buffalo, New York

Dear Mr. Staniszewski:

Please be advised that the property located at 50 Elk Street is currently owned by Brookfield, LLC. As such, Brookfield Interest, LLC is granting Silos at Elk Street, LLC, affiliated entities, and its agents full right of access to the property to undertake investigation, remediation and redevelopment of the property under the New York Brownfield Cleanup Program.

If you have any questions whatsoever, please do not hesitate to call me.

Regards,

Shawn Wright
Partner

ATTACHMENT 3

BCP APPLICATION – SECTIONS III & VI

PROPERTY ENVIRONMENTAL HISTORY

ENVIRONMENTAL HISTORY

PREVIOUS ENVIRONMENTAL INVESTIGATIONS (*PROVIDED ELECTRONICALLY*)

PAST LAND USES

PREVIOUS /CURRENT PROPERTY OWNERS /OPERATORS

ATTACHMENT 3

BCP Application – Sections III & VI

PROPERTY'S ENVIRONMENTAL HISTORY

Silos at Elk Street Site

SECTION III – ENVIRONMENTAL HISTORY

Property's Environmental History

A Phase I Environmental Site Assessment, a Limited Phase II Investigation, and a Supplemental Test Pit Investigation have been performed on the subject property. Copies of the following referenced environmental reports are provided electronically to this Attachment. Documented exceedances of the Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) are presented on Figure 5.

Previous Environmental Investigations

A brief summary of previous environmental findings completed for the Site are presented below. The actual reports are provided electronically on the attached CD.

- ***Phase I Environmental Site Assessment Report (ASTM E1527-13), 50 Elk Street, Buffalo, NY, May 2016***

  Benchmark completed a Phase I Environmental Site Assessment (ESA) on the subject property in May 2016. The Phase I ESA report identified the following Recognized Environmental Conditions (RECs):

  - The long history of on-Site malting operations with various associated equipment, water-filled pits, and railroad tracks, along with the reasonably anticipated historic use of hazardous/regulated materials, is considered a REC due to the potential for impacts to the environment.
  - The black fine ash/coal-like material with limited vegetation observed in exterior areas west and north of the building is considered a REC as the exact nature of the material is unknown.
  - The Site is located in a mixed-use area with proximate current/historic industrial operations, including railroad tracks/yards.

  Per ASTM E1527-13, non-scope considerations are described as ancillary observations during performance of the on-site investigation. Non-scope considerations are not considered RECs under ASTM E1527, but may represent health or environmental issues impacting the Site and/or property value. Based on the ages of the existing buildings, Benchmark identified the potential for suspect ACMs and lead exists.

The report recommended a Phase II Investigation to characterize the blackish materials and water-filled pits observed during the Phase I site visit. Benchmark also recommended that asbestos, lead, and/or PCBs, if present, should also be properly handled as part of future site renovation/demolition activities.

- ***Limited Phase II Investigation, 50 Elk Street, Buffalo, NY, June 2016***
  Based on the findings of the Phase I ESA, a Limited Phase II Site Investigation was performed on June 9, 2016, to assess RECs identified by the Phase I. The specific RECs assessed included water-filled pits (suspected to be in contact with groundwater) in the lower areas of the building likely associated with former milling operations, and exterior areas where the presence of surficial blackish fines (potentially coal) with limited vegetation were observed in distinct locations west and north of the building (see Figure 2). One pit water sample (PIT-1) was collected and analyzed for USEPA Target Compound List (TCL) plus NYSDEC CP-51 volatile organic compounds (VOCs) (Method 8260). Two surface soil grab samples (SS-1 and SS-2) were collected from the blackish fines area, composited (COMP-1), and analyzed for polyaromatic hydrocarbons (PAHs) (Method 8270), RCRA metals (Method 6010/7471), and Total Organic Carbon (TOC) (Lloyd Kahn).

  The analytical results of the water-filled pits were non-detect for VOCs. The black fines composite sample (COMP-1) showed elevated PAHs and heavy metals, some at concentrations above Part 375 RRSCOs. The black fines composite sample showed elevated PAHs (benzo(a)anthracene, benzo(a)pyrene, benzo(ghi)perylene, and indeno(1,2,3-cd)pyrene) and heavy metals at concentrations above Part 375 restricted residential soil cleanup objectives (RRSCOs). The concentration of barium was 2,370 mg/kg (versus 400 mg/kg RRSCO), cadmium was 8.5 mg/kg (versus 4.3 mg/kg RRSCO), and lead was 4,970 mg/kg (versus 400 mg/kg RRSCO). Total organic carbon was 70,400 ppm. TCLP lead was reported at a concentration of 26.5 mg/L, which exceeds the TCLP regulatory level of 5 mg/L Sample locations are shown on Figure 2 and analytical results are summarized in Table 1. Sample results exceeding RRSCOs are shown on Figure 5 by location.

- ***Supplemental Test Pit Investigation, 50 Elk Street, Buffalo, NY, July 2016***
  Based on the results of the June 2016 Limited Phase II Investigation, a site-wide supplemental test pit investigation was performed on July 21, 2016. Nineteen shallow test pits (TP-1 thru TP-19) were excavated equidistantly across the Site to further characterize overburden soils (see Figure 2). Each test pit was advanced through unconsolidated soil/fill to native soils approximately 2.5 to 5.0 feet below ground

surface. Non-native soils were targeted and fifteen soil/fill samples were submitted for total lead (Method 6010), six of which were submitted for TCLP lead analysis.

In general, the shallow overburden was characterized from grade as a vegetated lean clay with sand (suspected topsoil) above a greyish white to black anthropogenic ashy-fill unit (mostly non-plastic fines, coal fragments, orange brick, glass, ceramic fragments, etc.) underlain by a stiff lacustrine clay unit (suspected native soil). Surficial blackish fines (potentially coal) were observed in areas west and north of the building (see Figure 2). The topsoil unit was absent in these two areas of the Site. Test pit dimensions, observations, and sample depths are summarized in Table 2.

None of the excavated test pit spoils exhibited photoionization detector (PID) scans above background concentrations (i.e., 0.0 ppm). Olfactory evidence of impact was not identified at any test pit location, however anthropogenic fill material was visually observed in the upper 1 to 4 feet at each location. Analytical results of test pit soil/fill samples from that general interval showed elevated lead at concentrations well above the Part 375 RRSCO at 12 of the 15 sample submitted. Total lead concentrations ranged from 45.2 mg/kg (TP-15) to 3,070 mg/kg (TP-13) compared to the RRSCO of 400 mg/kg. TCLP lead was analyzed at six test pit locations with concentrations ranging from 0.047 mg/L (TP-14) to 1.7 mg/L (TP-13), which are below the TCLP regulatory level of 5 mg/L. Test pit locations are shown on Figure 2 and analytical results are summarized in Table 3. Sample results exceeding RRSCOs are shown on Figure 5 by location.

SECTION VI – PREVIOUS USES & OWNERS/OPERATORS

Past Land Uses

In May 2016, Benchmark completed a Phase I ESA for the Silos at Elk Street Site. Historic maps, historic aerial photographs, municipal records, city directories, and/or other reasonably obtainable documents were used by Benchmark to determine the historical use of the Site. The Phase I reported the following regarding Site history:

- From 1889 to about 1899, the Site was developed with numerous former residential and commercial buildings in addition to railroad tracks along the eastern portion of the Site. Commercial operations included storefronts and taverns.

- From about 1899 to the 1980s, the Site-use was generally consistent with historic uses in addition to malting operations with storage areas, malting floors, a kiln, coal areas, engine rooms, offices, a transformer room, cleaning areas, and grain elevators/silos.

- From the 1980s to 2016, the Site has been vacant.

Additional information gathered during the Phase I identified three recognized environmental conditions (RECs) warranting intrusive investigation of the Site discussed in the previous section. The three RECs included:

- The long history of on-Site malting operations with various associated equipment, water-filled pits, and railroad tracks, along with the reasonably anticipated historic use of hazardous/regulated materials, is considered a REC due to the potential for impacts to the environment.

- The black fine ash/coal-like material with limited vegetation observed in exterior areas west and north of the building is considered a REC as the exact nature of the material is unknown.

- The Site is located in a mixed-use area with proximate current/historic industrial operations, including railroad tracks/yards.

Per ASTM E1527-13, non-scope considerations are described as ancillary observations during performance of the on-site investigation. Non-scope considerations are not considered RECs under ASTM E1527, but may represent health or environmental issues impacting the Site and/or property value. Based on the ages of the existing buildings, Benchmark identified the potential for suspect asbestos containing material (ACM) and lead exists.

The report recommended a Phase II Investigation to characterize the blackish materials and water-filled pits observed during the Phase I site visit. Benchmark also recommended that asbestos, lead, and/or PCBs, if present, should also be properly handled as part of future site renovation/demolition activities.

ATTACHMENT 3

BCP Application – Sections III & VI

PROPERTY'S ENVIRONMENTAL HISTORY

Silos at Elk Street Site

Previous/Current Property Owners/Operators

According to the Phase I ESA, from about 1899 to the 1980s, the Site-use was generally consistent with historic commercial uses in addition to malting operations with storage areas, malting floors, a kiln, coal areas, engine rooms, offices, a transformer room, cleaning areas, and grain elevators/silos. The Site has been vacant since the 1980s. As such, reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Based on available records contact information for the previous and current owners/operators has been provided, as available.

The following table lists the current and previous property owners/operators:

Owner/Operator	Date(s)	Relationship to Applicant
Current Owner/Operator		
Brookfield Interest, LLC Shawn Wright & Jerry Young	October 2015 ~ current	Same
Previous Owners/Operators		
Wm Kreiner and Sons, Inc. Kreiner Malting Corp. Wm E. Kreiner Kreiner and Lehr Eastern Grain Elevator Buffalo Malting Corporation	1899 ~ 2015	None
Individual owners/occupants F.A Dole Maltster	1889 ~ 1899	None

ATTACHMENT 4

BCP APPLICATION – SECTION IV

PROPERTY INFORMATION

PARCEL DESCRIPTION

EASEMENTS & PERMITS

PROPERTY DESCRIPTION NARRATIVE

ATTACHMENT 4

BCP Application – Section IV

PROPERTY INFORMATION

Silos at Elk Street Site

SECTION IV – QUESTIONS 1-4

Parcel Description

The subject property (hereinafter, the "Project Site" or the "Site") subject to the BCP application is one parcel approximately 1.9 acres, located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2), and is further identified as:

- **50 Elk Street, S.B.L. # 122.42-2-63.11, 1.9 acres**

The Erie County Real Property parcel boundaries are presented on Figure 6 and a formal tax map of the Site is provided as Figure 7.

The Site is located in the southern portion of the City of Buffalo, and is bound by Fulton Street to the north, Elk Street to the west and south, and a former rail spur and vacant land to the east. Beyond the streets, the Site is bounded by mixed-use to the north and south (residential, commercial, and industrial), residential to the east, and vacant industrial to the west (see Figure 8).

The Site is located in US Census Tract 164 and is a NYS designated environmental zone (or EN-Zone) Type A and B (see Figure 9), which is indicative of the economic conditions of the surrounding area. Type A EN-Zones include a poverty rate of at least 20% and unemployment of at 125% of the State average and Type B EN-Zones include a poverty rate of at least double the Erie County poverty rate.

SECTION IV – QUESTIONS 8 AND 9

Easements and Permits

Utilities are located in the right-of-ways along Elk and Fulton Streets. Natural gas easements may also be located along the eastern and western boundary of the Site; this will need to be confirmed. However, these easements are not expected to impede remedial activities. No other on-Site easements were identified; however historic easements may be present and will be researched during the completion of the ALTA Survey for the Certificate of Completion (COC).

ATTACHMENT 4

BCP Application – Section IV

PROPERTY INFORMATION

Silos at Elk Street Site

Based on review of the on-line NYSDEC Environmental Site Database and United States Environmental Protection Agency (USEPA) Enforcement and Compliance History Online (ECHO) database, no permits have been issued for the Site.

SECTION IV – QUESTION 10

Property Description Narrative

Location

The 50 Elk Street Site is located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figure 1). The Site sits at the corner of Elk and Fulton Streets. Elk Street wraps around the western and southern portion of the Site (see Figure 2). The Buffalo River is approximately 0.6 miles south of the Site.

Site Features

The Site is improved with a vacant multi-story former industrial building and adjacent asphalt parking lot. The abandoned building is constructed of brick, metal, and concrete. The remainder of the Site is mowed vegetative cover (e.g., grass) with two twin 30-inch cottonwood trees west of the building and scrub brush along the eastern property boundary.

Current Zoning and Land Use

The Site is currently vacant and zoned industrial. Land-use surrounding the Site includes residential, commercial, and vacant industrial properties (see Figure 10). Upon comparison, significant differences exist between land-use and zoning of surrounding properties. The current zoning map indicates primarily industrial to the north, west, and south, and residential to the east (see Figure 11). Adjacent property owners are identified on Figure 12. The planned future commercial use of the Site is consistent with City zoning.

Past Use of the Site

From 1889 to about 1899, the Site was developed with numerous former residential and commercial buildings in addition to railroad tracks along the eastern portion of the Site. Commercial operations include storefronts and taverns. From about 1899 to the 1980's, the

Site-use was generally consistent with historic uses in addition to malting operations with storage areas, malting floors, a kiln, coal areas, engine rooms, offices, a transformer room, cleaning areas, and grain elevators/silos. From the 1980s to 2016, the Site has been vacant.

The following Recognized Environmental Conditions (RECs) are associated with the Site:

- The long history of on-Site malting operations with various associated equipment, water-filled pits, and railroad tracks, along with the reasonably anticipated historic use of hazardous/regulated materials, is considered a REC due to the potential for impacts to the environment.
- The black fine ash/coal-like material with limited vegetation observed in exterior areas west and north of the building is considered a REC as the exact nature of the material is unknown (see Figure 2).
- The Site is located in a mixed-use area with proximate current/historic industrial operations, including railroad tracks/yards.

Other issues that are not RECs, but may represent health or environmental issues impacting the Site and/or property value include suspected asbestos containing materials (ACMs), historic PCB-containing light ballasts and/or transformers, and lead paint due mainly to the age of the on-site abandoned building.

The black fine ash/coal-like material showed elevated PAHs and heavy metals, some at concentrations above Part 375 industrial soil cleanup objectives (ISCOs). Soil/fill also was characteristically hazardous for lead via Toxicity Characteristic Leaching Procedure (TCLP).

As clearly evidenced by the known contamination associated with the historic Site use, and the known contamination identified on-Site, as well as the potential for additional impacts associated with historic on-Site operations, environmental contamination at the Site complicates use and future redevelopment/reuse of the Project Site. Additional details regarding the findings of the previous investigation are presented in Attachment 3.

Site Geology and Hydrogeology

The Site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity

of major drainage ways. The surficial geology of the Lake Erie Plain consists of a thin glacial till (if present), glaciolacustrine deposits, recent alluvium, and the soils derived from these deposits. Based on the New York State Surficial Geologic Map of New York[1] (see Figure 13), surficial soil at the Site is described as a lacustrine silt and clay. However, due to a heavy urbanization and industrial past, surface soils within the City of Buffalo are characterized as urban land (Ud) with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Erie County indicates the majority of the Site consists of urban land Niagara complex (Us) soils and to a lesser extent the previously described Urban Land (Ud). The urban land Niagara complex (Us) material is characterized by nearly level areas of urban land and somewhat poorly drained Niagara soils (e.g., lacustrine) with a slope ranging from 0 to 3 percent. Figure 14 presents the USDA soil type map for the Site.

Currently, the majority of the Site is vegetated with small asphalt drive/parking area and a multi-story building. The overburden material from grade is a vegetated lean clay with sand (topsoil) above a greyish white to black anthropogenic ashy-fill unit (mostly non-plastic fines, coal fragments, orange brick, glass, ceramic fragments, etc.) underlain by a stiff lacustrine clay unit (suspected native soil). The topsoil unit is absent in the stressed vegetative black fine ash/coal-like areas previously described (see Figure 2).

Based on the New York State Geologic Map of New York[2], the Site is situated over the Onondaga Formation of the Middle Devonian Series. The Onondaga Formation is comprised of varying texture bedrock from coarse to very finely crystalline with a dark gray to tan color and chert and fossils within. The Onondaga has an approximated thickness of 110 to 160 feet.

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[1] Surficial Geologic Map of New York, Niagara Sheet, Compiled and edited by Donald H. Cadwell, University of the State of New York, The State Education Department, 1988.
[2] Geologic Map of New York, Niagara Sheet, Compiled and Edited by Lawrence V. Rickard and Donald W. Fisher, University of the State of New York, The State Education Department, March 1970.

Structurally, the bedrock formations strike in an east-west direction and exhibit a regional dip that approximates 40 feet per mile (3 to 5 degrees) toward the south and southwest. An intersecting, orthogonal pattern of fractures and joint sets are common throughout the bedrock strata. The depth to and type of bedrock below the Site has not been determined. Figure 15 presents the bedrock geology map for the Site.

The Site is located in the Erie-Niagara River Basin. In the Erie-Niagara Basin, the major areas of groundwater are within coarser overburden deposits and limestone and shale bedrock. Regional groundwater appears to flow south and west towards the Buffalo River and Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. On-Site groundwater flow patterns and quality will be determined during the Remedial Investigation (RI).

Environmental Assessment

Previous investigations completed on the Site (see Attachment 3) included a Limited Phase II Investigation (Benchmark, June 2016) and a Supplemental Test Pit Investigation (Benchmark, July 2016). Both investigations were based on the previously discussed RECs identified during the Phase I ESA (Benchmark, May 2016). The specific RECs assessed during the Limited Phase II included water-filled pits (suspected to be in contact with groundwater) in the lower areas of the building likely associated with former milling operations, and exterior areas where the presence of surficial blackish fines (potentially coal) with limited vegetation were observed in distinct locations west and north of the building (see Figure 2). The analytical results of the water-filled pits were non-detect for VOCs. The black fines composite sample showed elevated PAHs (benzo(a)anthracene, benzo(a)pyrene, benzo(ghi)perylene, and indeno(1,2,3-cd)pyrene) and heavy metals at concentrations above Part 375 restricted residential soil cleanup objectives (RRSCOs). The concentration of barium was 2,370 mg/kg (versus 400 mg/kg RRSCO), cadmium was 8.5 mg/kg (versus 4.3 mg/kg RRSCO), and lead was 4,970 mg/kg (versus 400 mg/kg RRSCO). Total organic carbon was 70,400 ppm. TCLP lead was reported at a concentration of 26.5 mg/L, which exceeds the TCLP regulatory level of 5 mg/L.

ATTACHMENT 4

BCP Application – Section IV

PROPERTY INFORMATION

Silos at Elk Street Site

Based on the results of the June 2016 Limited Phase II Investigation, a site-wide supplemental test pit investigation was performed in July 2016. Nineteen shallow test pits (TP-1 thru TP-19) were excavated equidistantly across the Site to further characterize overburden soils (see Figure 2). Each test pit was advanced through unconsolidated soil/fill to native soils approximately 2.5 to 5.0 feet below ground surface. Non-native soils were targeted and fifteen soil/fill samples were submitted for total lead (Method 6010), six of which were submitted for TCLP lead analysis.

None of the excavated test pit spoils exhibited photoionization detector (PID) scans above background concentrations (i.e., 0.0 ppm). Olfactory evidence of impact was not identified at any test pit location, however visually impacted soil/fill was observed in the upper 1 to 4 feet at each location. Analytical results of test pit soil/fill samples from that general interval showed elevated lead at concentrations well above the Part 375 RRSCO at 12 of the 15 sample submitted. Total lead concentrations ranged from 45.2 mg/kg (TP-15) to 3,070 mg/kg (TP-13) compared to the RRSCO of 400 mg/kg. TCLP lead was analyzed at six test pit locations with concentrations ranging from 0.047 mg/L (TP-14) to 1.7 mg/L (TP-13), which are below the TCLP regulatory level of 5 mg/L. Test pit locations are shown on Figure 2.

Based on findings to date, the Constituents of Potential Concern (COPCs) are presented by media below:

- ***Surface Soil/Fill:*** PAHs and metals (barium, cadmium, lead) and TCLP lead
- ***Subsurface Soil/Fill:*** PAHs and metals
- ***Groundwater:*** *To be determined during the RI*
- ***Soil Vapor:*** *Not likely based on preliminary data, however it will be considered during pending results of the RI*

Additional details regarding the findings of the previous investigation is presented in Attachment 3.

ATTACHMENT 5

BCP APPLICATION – SECTION IX

CONTACT LIST INFORMATION

SITE CONTACT LIST

ADJACENT PROPERTY OWNERS LIST

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

Silos at Elk Street Site

SITE CONTACT LIST

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project's duration.

Erie County Contacts:

Honorable Mark Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Erie County Legislator Barbara Miller-Williams
District 1
427 William Street
Buffalo, NY 14204

Commissioner Thomas R. Hersey, Jr.
Erie Co. Environment & Planning
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Kranz
Associate Engineer
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Ms. Karen M. McCarthy
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

Ms. Bonnie Lawrence
Deputy Commissioner
Erie Co. Environment & Planning
95 Franklin Street
Buffalo, NY 14202

Commissioner Gale Burstein, MD
Erie County Health Department
95 Franklin Street, Room 931
Buffalo, NY 14202

Erie County Local Emergency
45 Elm Street
Buffalo, NY 14203

David Stebbins
ECIDA
95 Perry Street, Suite 403
Buffalo, NY 14203

Christopher Pawenski
Erie County DEP
95 Franklin St.
Buffalo, NY 14202

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

Silos at Elk Street Site

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Sq
Buffalo, NY 14219

David A. Franczyk, Councilman
City of Buffalo
1315 City Hall
Buffalo, NY 14219

James K. Morrell, Chairman
City of Buffalo
Planning Board
901 City Hall
Buffalo, NY 14219

Supplier of Potable Water:

Erie County Water Authority
295 Main Street #350
Buffalo, NY 14203

Local News Media:

Buffalo News
ATTN: Ms. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

Alternate Press
ATTN: Mr. Joe Schmidbauer
P.O. Box 729, Washington Station
Buffalo, NY 14205

Business First
ATTN: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

Silos at Elk Street Site

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Pkwy
Suite 200
Buffalo, NY 14226

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools:

Ms. June Clark, Principal
Community School #53 At #4
425 South Park Avenue
Buffalo, NY 14204

Mr. Miguel Medina
PS 33 Bilingual Center
157 Elk Street
Buffalo, NY 14210

Nearby Day Care Centers:

Ms. Margaret Overdorf
Valley Child Care LCO
726 Exchange Street
Buffalo, NY 14210

Ms. Margaret Overdorf
Valley Child Care Center
93 Leddy Street
Buffalo, NY 14210

Other Interested Parties:

WNY Director
Citizens Environmental Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

Mary Jean Jakubowski
Deputy Director
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

ATTACHMENT 5

BCP Application - Section VIII
Adjacent Property Owners List
Silos at 50 Elk Street Site

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
39	Van Rensselaer	Residential	Bryan Vu 76 Warren Avenue Buffalo, NY 14212
528	Fulton	Residential	Myo & Aniela (Baj) Thant 530 Fulton Street Buffalo, NY 14210
530	Fulton	Residential	Aniela Baj 530 Fulton Street Buffalo, NY 14210
532	Fulton	Residential	John Feidt 532 Fulton Street Buffalo, NY 14210
534	Fulton	Residential	Michael & Judith Smyntek 534 Fulton Street Buffalo, NY 14210
536	Fulton	Residential	James & Christine Smyntek 536 Fulton Street Buffalo, NY 14210
544	Fulton	Residential	Florence Pietraszewski & Annette Burke 544 Fulton Street Buffalo, NY 14210
546	Fulton	Residential	Kenneth & Ceena Kulczyk 10500 Pleasant Valley Road Delavan, NY 14042
550	Fulton	Residential	Tammy Tarallo 550 Fulton Street Buffalo, NY 14210
560	Fulton	Commercial (Warehouse)	Fulton Corporation PO Box 902 Buffalo, NY 14225
761	Perry	Commercial (Vacant)	RR Perry Corp PO Box 902 Buffalo, NY 14225
565	Fulton	Commercial (Vacant)	RR Perry Corp PO Box 902 Buffalo, NY 14225

ATTACHMENT 5

BCP Application - Section VIII
Adjacent Property Owners List
Silos at 50 Elk Street Site

Adjacent Property Address			Property Owner
No.	**Street**	**Property Use**	**Mailing Address**
61	Elk	Industrial (Vacant)	RR Perry Corp PO Box 902 Buffalo, NY 14225
51	Elk	Industrial (Vacant)	State of New York 51 Elk Street Buffalo, NY 14210
43	Elk	Industrial (Vacant)	State of New York 43 Elk Street Buffalo, NY 14210
41	Elk	Industrial (Vacant)	State of New York 41 Elk Street Buffalo, NY 14210
33	Elk	Industrial (Vacant)	State of New York 33 Elk Street Buffalo, NY 14210
25	Elk	Industrial (Vacant)	State of New York 25 Elk Street Buffalo, NY 14210
4	Van Rensselaer	Road/Street/Highway ROW	State of New York 4 Van Rensselaer Street Buffalo, NY 14210
50	Van Rensselaer	Industrial (manufacture)	ZEMCO Industries Inc. c/o Tax Department PO Box 2020 Springdale, AZ 72765

ATTACHMENT 6

BCP APPLICATION – SECTION IX

DOCUMENT REPOSITORY

DOCUMENT REPOSITORY CONFIRMATION LETTER

Bryan C. Hann

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Wednesday, October 26, 2016 12:01 PM
To: Bryan C. Hann
Subject: Repository Document

Good afternoon Brian,

Per our phone conversation, this is to inform you and confirm that the Buffalo and Erie County Public Library will be the repository for your Brownfield Cleanup Program document(s) and it/they will be made available for public review. ***Also, this serves as permission to submit future document and updates.***

Please keep the following in mind:

- Documents (including updates) for public review should be sent or brought in person to the Central Library to the attention of Carol Batt, of whom I assist. Documents sent via e-mail will not be accepted. The mailing address is:

  Attention: Carol Ann Batt
  Chief Operating Officer
  Buffalo and Erie County Public Library
  1 Lafayette Square
  Buffalo, NY 14203

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.

- If you would like the document(s) distributed at libraries other than Central, you will need to send the appropriate quantity of copies with labels regarding their destinations. We will distribution accordingly. We do not make copies for distribution.

- It's your choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,
April Tompkins, Sr. Library Clerk
Office of Chief Operating Officer & Information Technology
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-858-6211
E-mail: tompkinsa@buffalolib.org

to any of the 37- local public libraries for processing. A valid form of identification and proof of address is necessary. For more information call 716-858-8900 or visit http://www.BuffaloLib.org. Follow the library on Facebook https://www.facebook.com/buffalolibrary.central?ref=ts , Twitter http://twitter.com/buffalolibrary , Pinterest http://www.buffalolib.org/sites/default/files/images/pinterest.png , Instagram http://instagram.com/buffalolibrary and Flickr http://www.buffalolib.org/sites/default/files/images/flickr.png

September 20, 2016

Mary Jean Jakubowski
Director
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program
Silos at 50 Elk Street Site
Buffalo, New York

Dear Ms. Jakubowski:

Per my discussion with your librarian, thank you for agreeing to the Buffalo & Erie County Public Library acting as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Bryan Hann
Project Manager

cc: File: 0381-016-002

ATTACHMENT 7

BCP APPLICATION – SECTION X

LAND-USE FACTORS

SITE SUMMARY
ADJACENT LAND USE, DEVELOPMENT PATTERNS, & ZONING
NATURAL & CULTURAL RESOURCES
GROUNDWATER VULNERABILITY ASSESSMENT
GEOGRAPHY / TOPOGRAPHY
GEOLOGY / HYDROGEOLOGY

ATTACHEMENT 7

BCP Application – Section X

LAND USE FACTORS

Silos at Elk Street Site

SECTION X – LAND-USE FACTORS

Site Summary

The following provides a brief summary of the Site:

- The Site is located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York.
- The Site includes a vacant multi-story former industrial building and adjacent asphalt parking lot. The abandoned building is constructed of brick, metal, and concrete. The remainder of the Site is mowed vegetative cover (e.g., grass) with two twin 30-inch cottonwood trees west of the building and scrub brush along the eastern property boundary.
- The planned future commercial use of the Site is consistent with the local zoning plan (see Attachment 4).
- In accordance with §27-1415(3)(p), there are no environmental justice concerns associated with this project. The Site is not located within a NYSDEC Potential Environmental Justice (EJ) Area (see Figure 16).
- There are no State or Federal land use designations related to the property.
- Population in Erie county has increased by 3,538 (0.4%) over the period of April 2010 to July 2015 (per US Census Bureau).
- The Site has access to municipal utilities including: natural-gas, municipal sewer, electric, and public water.
- There are no known Institutional Controls (ICs) for the Site.

Adjacent Land Use, Development Patterns, & Zoning

The Site is located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York. The Site is bound by Fulton Street to the north, Elk Street to the west and south, and a former rail spur and vacant land to the east. Beyond the streets, the Site is bounded by mixed-use to the north and south (residential, commercial, and industrial), residential to the east, and vacant industrial to the west (see Attachment 4).

ATTACHEMENT 7

BCP Application – Section X

LAND USE FACTORS

Silos at Elk Street Site

The Site is currently vacant and zoned industrial. Land-use surrounding the Site includes residential, commercial, and vacant industrial properties. Upon comparison, significant differences exist between land-use and zoning of surrounding properties. The current zoning map indicates primarily industrial to the north, west, and south, and residential to the east. Land-use, zoning, and adjacent property owners are discussed in Attachment 4.

The Green Code is a place-based development strategy that builds on the City of Buffalo's award-winning comprehensive plan, Queen City in the 21st Century[1]. The Comprehensive Plan set the agenda for the city's future by outlining four fundamental principles: fix the basics; build on assets; implement smart growth; and embrace sustainability. The Green Code follows up on this effort by translating the Comprehensive Plan's principles into a Land Use Plan[2] that will guide the city's physical development over the next 20 years. The Land Use Plan is further informed by specific plans for the waterfront and brownfield areas. The culmination of the Green Code is an update of the city's 60-year old zoning code with a new form-based code that will implement these plans. The Green Code also reforms the city's outdated set of Urban Renewal Plans (URPs) by incorporating their relevant provisions into the new code and creating one citywide URP for the city's Homestead Program.

Project Description and Planned Redevelopment

The Site subject to the BCP application is one parcel approximately 1.9 acres, located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2).

The Applicant plans to rehabilitate the existing silo and associated building to serve as the home office for Young & Wright Architectural along with potential for other leasable space and possible future residential space. Young & Wright's offices will be constructed to support a total of 50 employees. The Applicant, upon acceptance into the BCP, is willing to complete

[1] Queen City in the 21st Century. Buffalo's Comprehensive Plan. Adopted February 7, 2006.

[2] City of Buffalo Land Use Plan. October 2015.

the required investigation and remediation, and redevelop the contaminated parcel. The preliminary Site Redevelopment Plan estimates capital investments of approximately $1.6 MM to $2.5 MM to investigate, remediate, and redevelop the Site. A preliminary project rendering is included as Figure 3.

Planned reuse of the site as a commercial/residential development is consistent with current and contemplated future zoning as an Employment Area presented in the City's Green Code.

Natural and Cultural Resources

- Per the New York State Historical Preservation Office, there are two National Register listed historical sites located within 0.5 miles of the subject Site. The two sites are shown on Figure 17 and include:

  1. **Kreiner Malting Elevator (USN No. 02940.006771)**. The subject property, also known as the Kreiner Malting Elevator, is identified as eligible for the National Register of Historic Places according to the criteria outlined in the Historic & Architectural Resources of the Buffalo Grain & Materials Elevator Multiple Property Submission. The on-site building retains a high degree of integrity from its 1920 and 1936 construction dates and exemplifies the exposed reinforced concrete multiple silo elevator style. Furthermore, the Kreiner Malting Elevator is located on an inland railroad line, which facilitated easy access. The Kreiner Malting Elevator consists of interconnected buildings and structures relating to the production and storage of malt. Though much of the original equipment is gone, the spaces are still delineated, with enough of the historic equipment (including conveyor belts, soaking tanks, tracked-augers, and multi-floor drying-technology) to clearly read as a malting facility. The building was built in two phases, with the original 1925 facility comprising a four-story kiln and malt house, a two-story cleaning and germination house, and four 123 foot silos, interconnected by a two-story steel and concrete circulation system and public space (including bathrooms). In 1936, a 115 foot rectangular addition containing six square silos was added to the building. The Kreiner Malting Elevator is locally significant under Criterion A in the area of Industry as a concrete grain elevator and malting facility that stored 280,000 bushels of grain in two elevators. A house, kiln house, and malt house are all interconnected to the elevators. William E. Kreiner, Sr. and his sons participated in the bustling grain and malting economy of Buffalo for almost a century, from Kreiner's

initial foray into the industry in 1878 until Howard Kreiner retired in 1971. The building is also locally significant under Criterion C in the area of Architecture as a concrete grain elevator using slip poured construction, a building methodology developed in Buffalo to handle the high volume of grain the city's harbor received through the Great Lakes trade.

2. **Saint Stephen's Roman Catholic Church Complex (USN No. 02940.028067)**. According to NYS, the complex appears eligible for the State and National Registers of Historic Places and consists of what appears to be two contributing buildings: a Church (1886, architect Frederick W. Humble) with an interconnected Rectory (1882, front addition ca. 1930s) and attached garage building (post-1951), and a School (1896).

- According to the NYSDEC's Environmental Resource Mapper (ERM) there are no important plant habitats, and endangered species listed for the area encompassing the Site (see Figure 18).
- There are no State wetlands or floodplains located on Site (see Figure 19). The nearest NYSDEC regulated freshwater wetland (BU-15) is located approximately 1.0 mile to the southwest of the site (see Figure 18).

Groundwater Vulnerability Assessment

Although groundwater was not sampled during previous investigations, the presence of leachable lead poses a threat to on-site groundwater quality. TCLP lead was reported at a concentration of 26.5 mg/L, which exceeds the TCLP regulatory level of 5 mg/L. Total lead was also detected in Site soil/fill at a concentration above the Part 375 Protection of Groundwater Soil Cleanup Objective (SCO).

Currently, there are no known deed restrictions on the use of groundwater at the Site. Municipal water is available to the Site and all surrounding properties. The municipal water is supplied by the Erie County Water Authority.

Based on the location and topography of the Site, groundwater would appear to flow southwest towards the Buffalo River and Lake Erie. Groundwater flow was not determined during previous investigations. As such, actual groundwater flow patterns at the Site will be confirmed during the Remedial Investigation. Additional work is required to investigate

groundwater quality. Monitoring wells to assess and characterize groundwater flow patterns and quality are planned during the Remedial Investigation.

Geography/Topography

The Site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity of major drainage ways (USDA, 1986). The Site is topographically flat at an approximate elevation of 581 feet mean sea level. The surface of the Site is primarily vegetation (i.e., grass) with a small asphalt covered entrance/parking area along Elk Street (southern portion). The vegetative cover is stressed and absent in several small patches across the Site. Precipitation (i.e., rain or melting snow) that does not otherwise infiltrate, appears to discharge toward the southeast then southwest along the former railroad bed to the Buffalo River.

Geology/Hydrogeology

The surficial geology of the Lake Erie Plain consists of a thin glacial till (if present), glaciolacustrine deposits, recent alluvium, and the soils derived from these deposits. Based on the New York State Surficial Geologic Map of New York[3] (see Figure 13), surficial soil at the Site is described as a lacustrine silt and clay. However, due to a heavy urbanization and industrial past, surface soils within the City of Buffalo are characterized as urban land (Ud) with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Erie County indicates the majority of the Site consists of urban land Niagara complex (Us) soils and to a lesser extent the previously described Urban Land (Ud). The urban land Niagara complex (Us) material is characterized by nearly level areas of urban land and somewhat poorly

[3] Surficial Geologic Map of New York, Niagara Sheet, Compiled and edited by Donald H. Cadwell, University of the State of New York, The State Education Department, 1988.

drained Niagara soils (e.g., lacustrine) with a slope ranging from 0 to 3 percent. Figure 14 presents the USDA soil type map for the Site.

Currently, the majority of the Site is vegetated with small asphalt drive/parking area and a multi-story building. The overburden material from grade is a vegetated lean clay with sand (topsoil) above a greyish white to black anthropogenic ashy-fill unit (mostly non-plastic fines, coal fragments, orange brick, glass, ceramic fragments, etc.) underlain by a stiff lacustrine clay unit (suspected native soil). The topsoil unit is absent in the stressed vegetative black fine ash/coal-like areas previously described (see Figure 2).

Based on the New York State Geologic Map of New York[4], the Site is situated over the Onondaga Formation of the Middle Devonian Series. The Onondaga Formation is comprised of varying texture bedrock from coarse to very finely crystalline with a dark gray to tan color and chert and fossils within. The Onondaga has an approximated thickness of 110 to 160 feet. Structurally, the bedrock formations strike in an east-west direction and exhibit a regional dip that approximates 40 feet per mile (3 to 5 degrees) toward the south and southwest. An intersecting, orthogonal pattern of fractures and joint sets are common throughout the bedrock strata. The depth to and type of bedrock below the Site has not been determined. Figure 15 presents the bedrock geology map for the Site.

The Site is located in the Erie-Niagara River Basin. In the Erie-Niagara Basin, the major areas of groundwater are within coarser overburden deposits and limestone and shale bedrock. Regional groundwater appears to flow south and west towards the Buffalo River and Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. On-Site groundwater flow patterns and quality will be determined during the Remedial Investigation (RI).

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[4] Geologic Map of New York, Niagara Sheet, Compiled and Edited by Lawrence V. Rickard and Donald W. Fisher, University of the State of New York, The State Education Department, March 1970.