
PERIODIC REVIEW REPORT
for the
SILOS AT ELK STREET SITE
(SITE NO. C915309)

50 ELK STREET
BUFFALO, NEW YORK

May 2022

B0381-020-001

Prepared for:

Silos at Elk Street, LLC
50 Elk Street
Buffalo, New York 14210

Prepared By:



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PERIODIC REVIEW REPORT

Silos at Elk Street Site

BCP Site No. C915309

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1.0 INTRODUCTION

Benchmark Civil/Environmental Engineering & Geology, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) on behalf of Silos at Elk Street, LLC to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC or the Department) Brownfield Cleanup Program (BCP) Site No. C915309 located in the City of Buffalo, Erie County, New York (see Figure 1).

This PRR and associated Institutional and Engineering Control (IC/EC) Certification Form (see Appendix A) have been prepared for the April 28, 2019 to April 28, 2022 reporting period in accordance with the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation (Ref. 1). This PRR has been based on the information contained within the December 2017 Site Management Plan (SMP; Ref. 2).

1.1 Site Background

The Site is located at 50 Elk Street in the City of Buffalo, Erie County, New York and identified as Section 122.42, Block 2, and Lot 63.11 on the City of Buffalo Tax Map. The 1.9-acre BCP property is bounded by Elk Street and Van Rensselaer Streets to the west; Fulton Street to the north; Elk Street to the south; and a former railroad corridor and vacant property to the east (see Figure 2).

The Site was vacant since the 1980s and historically used as a malting operation with coal areas, a kiln, and grain elevators/silos since about 1899. The Site is improved with a converted multi-story former industrial building into commercial space and adjacent asphalt parking lot. The northern portion of the Site remains undeveloped with the potential plan to construct residential buildings.

1.2 Compliance

No violations of the SMP or associated IC/EC requirements were identified during the monitoring period. Minor repairs to the grassed cover system were required following the snow melt. These repairs were completed in April 2022 prior to the end of the monitoring period.

2.0 SITE OVERVIEW

Silos at Elk Street, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC in February 2017 to investigate and remediate the 1.9-acre Site. The Site was investigated and remediated under the NYSDEC BCP in accordance with the approved February 2017 Remedial Investigation (RI) Work Plan (Ref. 3), June 2017 Remedial Investigation/Alternatives Analysis (RI/AA) Report (Ref. 4), and July 2017 Interim Remedial Measures (IRM) Work Plan (Ref. 5) prepared by Benchmark-TurnKey. The Site was remediated in 2017 to Part 375 restricted-residential and commercial soil cleanup objectives (RRSCOs and CSCOs) as described in the December 2017 Final Engineering Report (FER; Ref. 6). The remedy included in-situ stabilization of lead-impacted (hazardous) soil/fill and excavation and off-site disposal of arsenic- and lead-impacted soil/fill exceeding restricted-residential and commercial SCOs. The Site received a Certificate of Completion (COC) from NYSDEC on December 28, 2017.

2.1 Site Conditions

2.1.1 Post-COC Redevelopment Activities

On-site utility work was completed after submittal of the FER. On December 27 and 28, 2017, Tom Greenauer Development, Inc. (Greenauer) was on-site completing trenching starting at the road (Elk Street) and extending along the eastern side of the building. Trenching was conducted to install a gas line for National Fuel. Spoils generated during the trenching work were staged on-site. Cover soil at the east end of the northern parking area was pulled back and the spoils placed on existing geofabric. Once work was complete, geofabric was placed over the spoils pile the edges were tied into surrounding geofabric. Cover soil that was pulled back was regraded over this area.

National Grid was on-site February 6, 2018 to install utility poles along the northern boundary of the parking lot. Spoils generated during the auguring process were placed on and covered with polysheeting. These spoils were placed beneath cover during the work conducted in May 2018.

Greenauer was on-site May 21-24 and May 29-31, 2018 to install the sanitary sewer line, trench for electrical conduit to the building, install parking lot light posts and complete cover system repair. Work was completed within the commercial green space northeast of the

building and north of the parking lot. The May 2019 PRR includes photographs depicting the redevelopment work. Cover materials were cleared within the limits of the work areas of the prior to excavation. Demarcation fabric was pulled back in the work areas and spoils regraded beneath. New demarcation fabric was replaced in the work area and edges were tied into existing demarcation fabric. New subgrade and final grade elevation survey shots were taken by Greenauer's surveyor and revised cover thicknesses are included on Figure 3.

Benchmark was on-site during these redevelopment activities. Field notes and air monitoring results are included in the May 2019 PRR.

Final redevelopment of the Site included pouring concrete sidewalks along the northern, southern, and western sides of the building (previously 12-inches of stone cover). Figure 2 shows the current cover system layout and details.

2.1.2 Site Cover System

The Site cover system was inspected on April 15, 2020, April 27, 2021, and April 5, 2022 by Ms. Lori Riker, P.E. No evidence of erosion was observed on the soil covered areas and a good stand of grass was present across the Site except for several small bare areas located adjacent to Site sidewalks and asphalt cover northeast and west of the building. These areas were re-seeded in April 2022 (refer to photos 7, 9, 10, and 11 in Appendix B). Asphalt cover was intact, concrete sidewalks/curbs were in good condition, and crushed stone cover on the eastern side of the building was in good condition. Future Site inspections will continue to monitor the integrity of the asphalt, concrete, crushed stone, and vegetated cover systems.

2.2 Remedial Program Chronology

Prior to entry into the BCP in 2017, a Phase I Environmental Site Assessment (ESA) and Limited Phase II Environmental Site Investigation (ESI) by Benchmark Environmental Engineering and Science, PLLC (Benchmark) were completed for the Site. Upon entry into the BCP, a Remedial Investigation (RI) was performed in early 2017 and subsequent Interim Remedial Measures (IRMs) completed from August through September 2017.

2.2.1 Remedial Investigation

In 2016, a Limited Phase II Investigation (June) followed by a Supplemental Phase II Test Pit Investigation (July 2016) were completed by Benchmark. In 2017, a Remedial

Investigation (RI) was performed by Benchmark to characterize the nature and extent of soil and groundwater contamination at the Site. SMP Figure 2 shows the historic and RI sample locations. The field activities conducted by Benchmark during the 2016 investigations and 2017 RI included:

- Collection of surface soil samples from the blackish fine area identified in the Phase I ESA. Samples were analyzed for target compound list (TCL) semi-volatile organic compounds (SVOCs) and tentatively identified compounds (TICs), Resource Conservation and Recovery Act (RCRA) metals, and total organic carbon (TOC).
- Collection of soil samples from borings and test pit locations across unpaved, vegetated areas of the Site. Samples were analyzed for total lead, toxicity characteristic leaching procedure (TCLP) lead, TCL volatile organic compounds (VOCs), TCL SVOCs and TICs, total analyte list (TAL) metals, total cyanide, polychlorinated biphenyls (PCBs), pesticides, and herbicides.
- Collection of a water sample from a test pit location during the Phase II. The water sample was analyzed for TCL plus NYSDEC CP-51 VOCs.
- Installation of monitoring wells at five soil boring locations. Groundwater samples were collected at the five monitoring wells and analyzed for TCL, CP-51 and TICs for VOCs and SVOCs, TCL PCBs, herbicides, pesticides, TAL metals and total cyanide.

The results of the RI are presented in the RI Report (Ref. 4) prepared by Benchmark. The Site investigations revealed various types of industrial/urban type fill including cindery ash/fill intermingled with sandy lean clay, sandy silt, organic soil mixed with various fill materials including ash, cinders, glass, concrete, brick fragments, coal pieces, wood fragments, and asphalt present in the upper layer across the Site. The Site had visually exposed black cindery fill along the north side of the existing building and in the former loading dock area located west of the silos underneath the metal awning. The fill was underlain by olive gray to reddish brown, moist, medium plasticity Lean Clay and was identified from 2 to 5.5 feet below ground surface (fbgs).

RI results were consistent with the initial findings of the Phase II Investigations. RI soil/fill sample results exceeded RRSCOs for certain polycyclic aromatic hydrocarbons (PAHs), which are products of incomplete combustion typically found in ash, cinders, and asphalt materials such as pavement; however, total PAHs (plus TICs) for these locations did not exceed the CP-51 soil guidance level for total PAHs of 500 parts per million (ppm). Select metals detected in soil/fill at concentrations above RRSCOs at one or more locations include

arsenic, cadmium, copper, chromium, lead, manganese, and mercury; arsenic, copper, lead, and mercury concentrations exceeded CSCOs. Lead exceeded the TCLP regulatory limit at three locations (TP-30A, TP-31A, and BLACK SAND).

The parameters of concern in Site soils were SVOCs (specifically PAHs) and metals (specifically arsenic, lead, and mercury). Two areas of concern were identified and remediated in accordance with the 2017 IRM Work Plan described in Section 2.2.2.

Groundwater concentrations exceeded NYSDEC Class GA groundwater quality standards and guidance values (GWQS/GVs) for two SVOCs (benzo(a)anthracene and benzo(b)fluoranthene) and several metals (iron, magnesium, and sodium). Due to the depth of contamination and planned soil IRM activities, groundwater was determined not to be an environmental concern.

2.2.2 Remedial Action

The property was remediated in accordance with the July 2017 IRM Work Plan. Two areas of concern (AOC-1 and AOC-2) were stabilized in-situ with Portland cement to render the lead-impacted soil/fill non-hazardous. These areas as well as non-hazardous lead-impacted soil/fill (AOC-3 and AOC-4) and arsenic-impacted soil/fill (AOC-5) were excavated from the commercial use area, for a total of approximately 299 cubic yards. Approximately 30 cubic yards of non-hazardous lead-impacted soil/fill (AOC-6 and TP-20 area) were excavated from the restricted-residential use area. Excavation activities were conducted between August 7 and 29, 2017. The impacted soil/fill was transported off-site to the Chaffee Landfill in August and September 2017.

Backfilling of IRM excavations was not required as they were generally shallow (i.e., less than two feet deep). Redevelopment activities (e.g., storm water controls, utility trenches, parking area construction) generated excess cut materials that were beneficially reused to backfill IRM excavations and re-grade the Site. Soil from the restricted-residential use portion was used on the commercial use portion of the Site.

A cover system was required to allow for commercial and restricted-residential use of the Site, preventing human exposure to remaining contamination. The cover system consists of hardscape (asphalt and concrete, building), 12 inches of crushed stone, and 12 inches of vegetated cover on the commercial use portion and 24 inches of vegetated cover on the restricted-residential use portion of the Site. The asphalt cover includes a 12-inch base of

crushed stone overlain by 3 inches of blacktop material. The cover system was placed over a demarcation layer of Geotextile fabric to distinguish it from the industrial/urban fill or clean fill used to establish the required grade. All fill material brought to the Site met the requirements for restricted-residential use as set forth in 6NYCRR Part 375-6.7(d).

Figure 2 shows the cover system across the Site. Groundwater monitoring well MW-1 was decommissioned October 31, 2017 during remedial activities. Groundwater monitoring wells MW-2 through MW-5 remain.

Institutional and engineering controls (IC/ECs) have been incorporated into the Site remedy to control exposure to remaining contamination to ensure protection of public health and the environment. A Site Management Plan (SMP) was prepared to manage remaining contamination and addresses the means for implementing the IC/ECs that are required by the Environmental Easement for the Site.

3.0 SITE MANAGEMENT PLAN

The December 2017 SMP provides for long-term management of remaining contamination and includes requirements for IC/ECs, maintenance, and reporting.

3.1 IC/EC Compliance

Because remaining contaminated soil/fill exists at the Site, IC/ECs are required to protect human health and the environment.

3.1.1 Institutional Controls (ICs) Requirements

The Site is subject to the following ICs:

- Compliance with Department-approved SMP.
- The property may be used for restricted-residential use (northern portion) and commercial use (southern portion) as defined by Part 375-1.8(g), although land use is subject to local zoning laws.
- The use of groundwater underlying the property as a source of potable or process water is prohibited without necessary water quality treatment as determined by the NYSDOH or County DOH.
- Data and information pertinent to Site management must be reported at the frequency and in the manner defined in the SMP.
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP.
- Vegetable gardens and farming on the Site are prohibited.
- Access to the Site must be provided to agents, employees, or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.

ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement.

3.1.2 Engineering Controls (ECs) Requirements

A cover system has been installed at the Site to prevent exposure to remaining contamination above the commercial/restricted-residential SCOs in soil/fill. The cover system consists of the following:

Commercial Use Portion:

- Vegetated Cover: Minimum 12 inches of soil, between the parking lot and Elk Street and between the parking lot and the restricted-residential/commercial use boundary.
- New Crushed Stone Cover: Minimum 8 inches along the northern, east side of the building placed on existing asphalt and 12 inches in the chamber located approximately midway along the east side of the building.
- Existing Asphalt Cover: Minimum 3 inches of blacktop along and southeast of the building.
- New Asphalt Cover: Minimum 3 inches of blacktop over a minimum 12 inches of crushed stone for paved parking areas.
- New Concrete Cover: Minimum 4 inches (standard) or 6 inches (heavy duty) of concrete over 12 inches of crushed stone.

Restricted-Residential Use Portion:

- Vegetated Cover: Minimum of 24 inches of soil, between the restricted-residential/commercial use boundary and Fulton Street to the north.

The cover system was placed over a demarcation layer of Geotextile fabric to distinguish it from the industrial/urban fill or clean fill used to establish the required grade.

The Excavation Work Plan (EWP), included as Appendix B of the SMP, outlines the procedures required to be implemented in the event the cover system is breached, penetrated, or temporarily removed, and any underlying remaining contamination is disturbed. All material excavated and removed from the Site will be treated as contaminated and transported/disposed off-site in accordance with all local, State (including 6NYCRR Part 360) and Federal regulations. Any new excavations will be properly backfilled with clean, pre-tested off-site fill, cover material, and geotextile layers to delineate between existing on-site materials, clean fill, and cover material.

Procedures for the inspection of the cover systems are provided in the Monitoring and Sampling Plan included as Section 4.0 of the SMP. Any work conducted pursuant to the EWP

must also be conducted in accordance with the procedures defined in the Site Health and Safety Plan (HASP) and associated Community Air Monitoring Plan (CAMP) included as Appendix D of the SMP.

The elements of the Engineering Control for the Site include the following:

- The cover systems described above.
- The EWP that details provisions for management of future excavations in areas of remaining contamination.
- Provisions in the Environmental Easement (SMP Appendix A) regarding land use and groundwater use restrictions.
- Provisions for the management and inspection of the identified ECs.
- Maintaining Site access controls and Department notifications.
- Periodic review and certification of the IC/ECs.

3.1.3 Site Inspection & IC/EC Compliance

On April 15, 2020, April 27, 2021, and April 5, 2022, Benchmark's Certifying Professional Engineer performed a Site visit and assessment. During the visits, the Site covered by this PRR was found to be compliant with the IC/EC requirements. Appendix A includes the completed and P.E.-certified IC/EC Form for the Site as well as the 2020 and 2021 Annual Inspection Forms. Appendix B includes photographic logs of Site conditions at the time of the 2020, 2021, and 2022 inspections.

3.2 Monitoring and Sampling Plan Compliance

The Monitoring and Sampling Plan presented in the SMP describes the measures for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the Site, the soil cover system, and all affected site media presented below. Table 1 summarizes the schedule of inspections and reporting:

Table 1: Inspection & Reporting Schedule

Monitoring Program	Frequency*	Matrix	Analysis
Cover System	Annual Inspection and submittal of a Site Inspection Report	N/A	Visual only
Period Review Report	Triennially, after submittal of the initial PRR	N/A	N/A

* The frequency of events will be conducted as specified in the SMP until otherwise approved by NYSDEC and NYSDOH.

3.2.1 Cover System Monitoring

In accordance with the SMP, the cover system must be maintained and replaced in the event it is breached as described in the EWP (SMP Appendix B). The cover will be inspected on an annual basis and following severe storm events. If frequent areas of distress are noted, they will be repaired based on the following conditions.

- **Hardscape Cover Monitoring:** A summary of the key maintenance concerns and the respective corrective actions is provided below:
 - *Half-inch or greater cracks or potholes exposing the sub-base will be sealed or repaired to restore the hardscape cover.*
 - *Vegetation will be removed, and the associated impact, hole, or crack will be sealed or repaired to restore the asphalt cover.*
- **Vegetative Soil Cover Monitoring:** A summary of the key maintenance concerns and the respective corrective actions is provided below:
 - *Areas where erosion problems (i.e., rills or gullies) are observed will be repaired by re-grading the localized area, adding the required fill material and/ or topsoil, and reseeding/ replanting as necessary.*
 - *If burrowing animals are observed breaching the soil cover, as evidenced by exposed fill material, they will be eradicated by a licensed exterminator.*

Based on the Site inspections performed on April 15, 2020, April 27, 2021, and April 5, 2022, the asphalt and vegetative soil cover systems at the Site were compliant with the IC/EC requirements. Several small bare areas located adjacent to Site sidewalks and asphalt cover northeast and west of the building were noted during the April 5, 2022, inspection. These areas were re-seeded in April 2022 (refer to photos 7, 9, 10, and 11 in Appendix B).

3.3 O&M Compliance

The Site remedy does not rely on any mechanical systems (e.g., sub-slab depressurization systems, groundwater pump and treat, or soil vapor extraction systems) to protect public health and the environment; therefore, an Operation and Maintenance (O&M) Plan is not required for the Site.

4.0 CONCLUSIONS

Based on our observation during the April 15, 2020, April 27, 2021, and April 5, 2022 Site inspections, the Site covered by this PRR is fully compliant with the IC/EC requirements.

5.0 DECLARATION/LIMITATION

This report has been prepared for the exclusive use of Silos at Elk Street, LLC. The contents of this report are limited to information available at the time of the Site inspection. Data provided by others as referenced herein is assumed to be accurate and reliable. The findings herein may be relied upon only at the discretion of Silos at Elk Street, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Civil/Environmental Engineering & Geology, PLLC.

6.0 REFERENCES

1. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation*. May 2010.
2. Benchmark Environmental Engineering and Science, PLLC. *Site Management Plan, Silos at Elk Street Site, BCP Site No. C915309, Buffalo, New York*. December 2017.
3. Benchmark Environmental Engineering and Science, PLLC. *Remedial Investigation Work Plan, Silos at Elk Street Site, BCP Site No. C915309, Buffalo, New York*. February 2017.
4. Benchmark Environmental Engineering and Science, PLLC. *Remedial Investigation/Alternatives Analysis (RI/AA) Report, 50 Elk Street, Buffalo, New York*. June 2017.
5. Benchmark Environmental Engineering and Science, PLLC. *Interim Remedial Measures Work Plan, Silos at Elk Street Site, BCP Site No. C915309, Buffalo, New York*. July 2017.
6. Benchmark Environmental Engineering and Science, PLLC in association with TurnKey Environmental Restoration, LLC. *Final Engineering Report, Silos at Elk Street Site, BCP Site No. C915309, Buffalo, New York*. December 2017.

FIGURES

FIGURE 1



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

PROJECT NO.: 0381-020-001

DATE: MAY 2022

DRAFTED BY: CMC

SITE LOCATION & VICINITY MAP

PERIODIC REVIEW REPORT

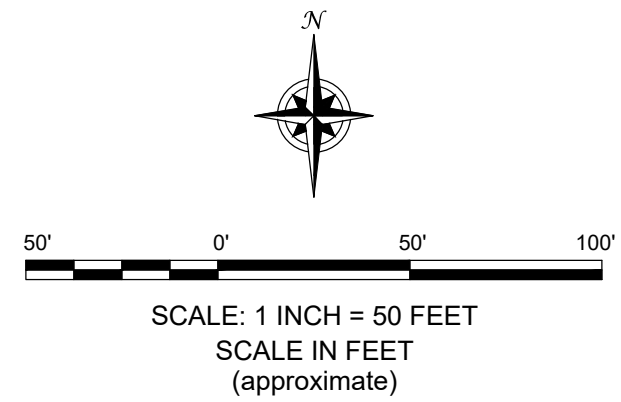
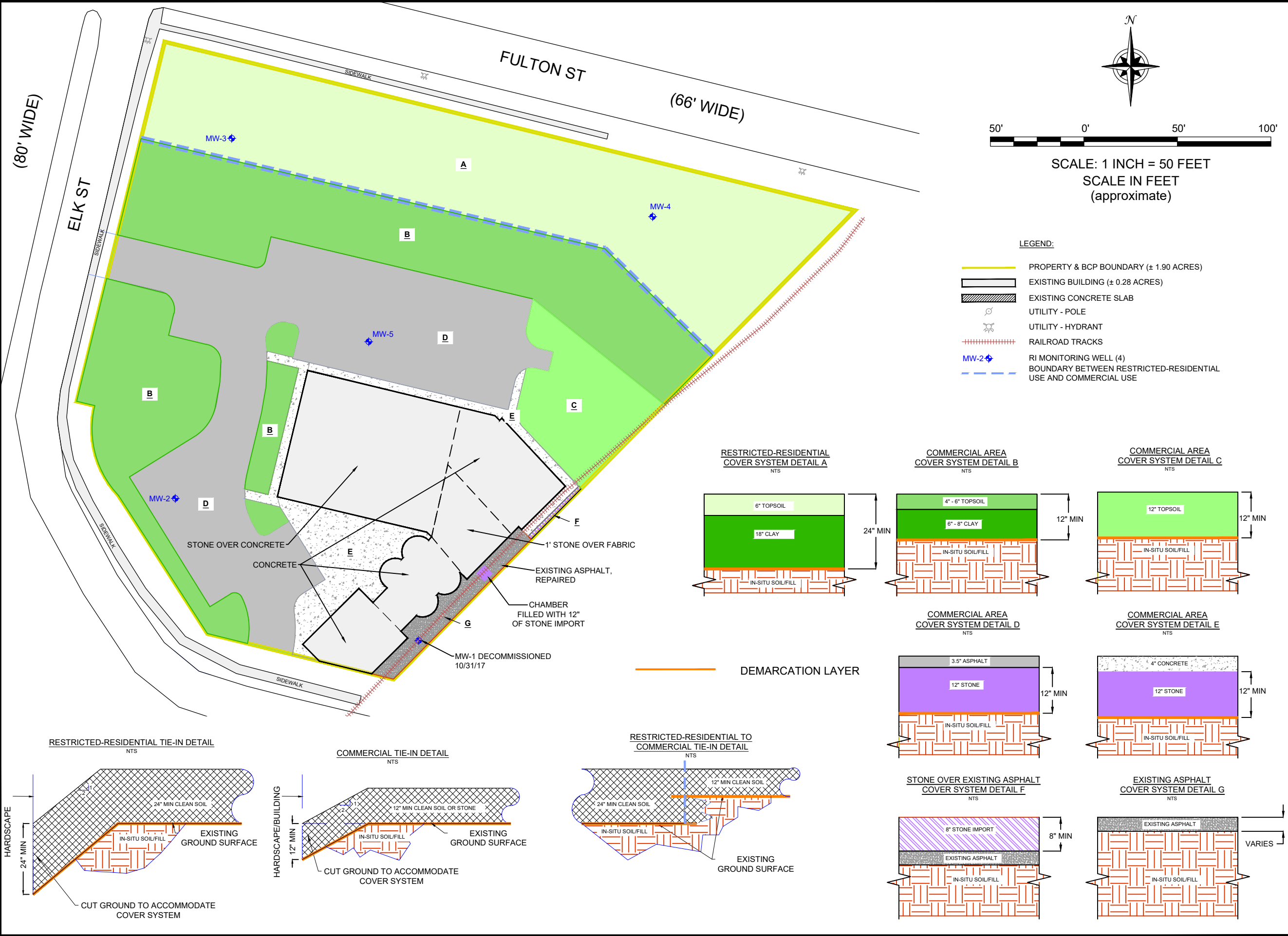
SILOS AT ELK STREET SITE
BUFFALO, NEW YORK

PREPARED FOR

SILOS AT ELK STREET, LLC

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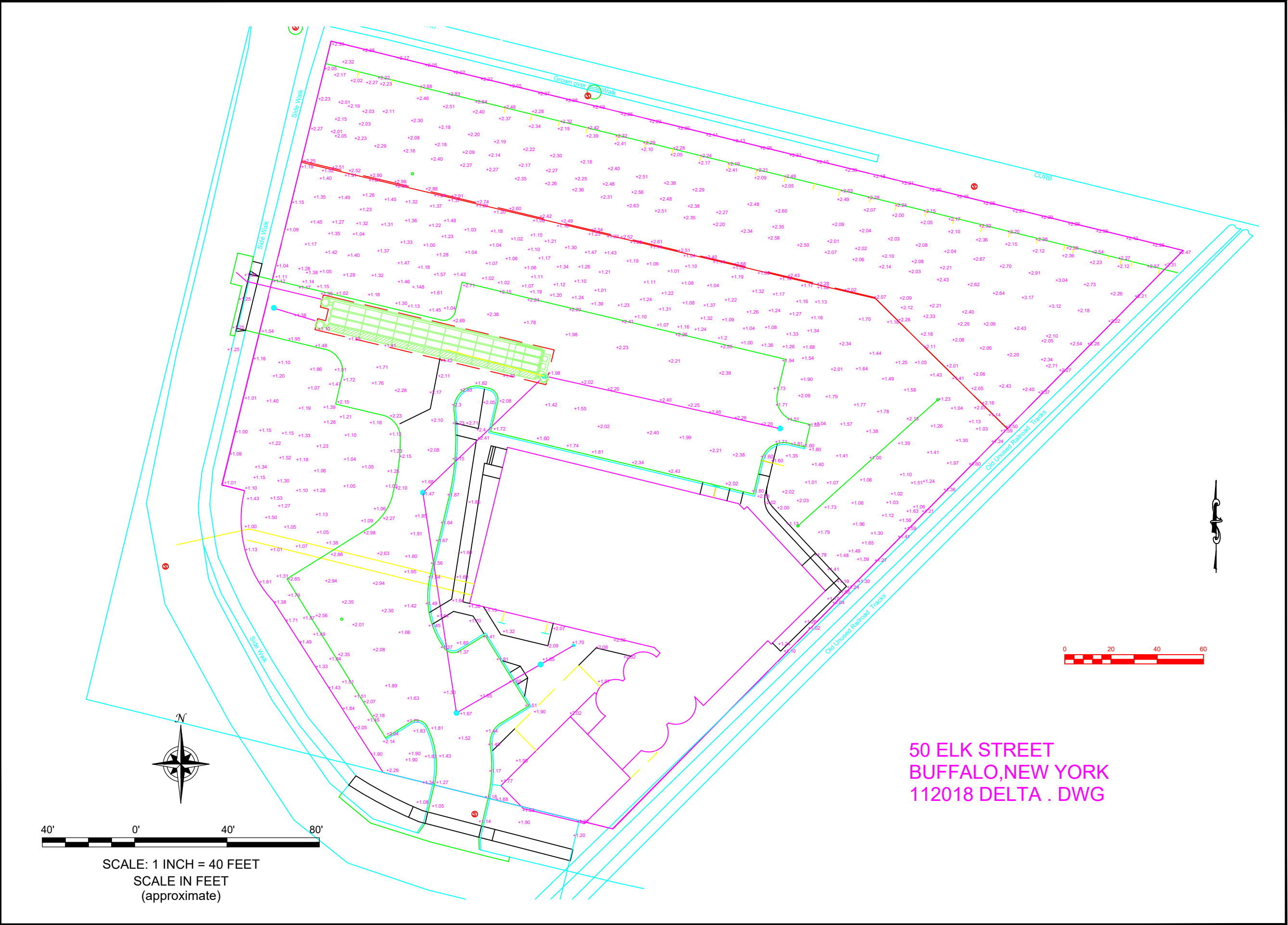
JOB NO.: 0381-020-001

COVER SYSTEM LAYOUT AND DETAILS
 PERIODIC REVIEW REPORT

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

FIGURE 2

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JOB NO.: 0381-020-001

**NOVEMBER 2018 COVER REPAIR
THICKNESS VERIFICATION**

PERIODIC REVIEW REPORT

SILOS AT ELK STREET SITE
BCP SITE NO. C915309
BUFFALO, NEW YORK

PREPARED FOR
YOUNG & WRIGHT ARCHITECTURAL

FIGURE 3

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APPENDIX A

INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM

ANNUAL INSPECTION FORMS



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



	Site Details	Box 1
Site No.	C915309	
Site Name Silos at Elk Street Site		
Site Address: 50 Elk Street Zip Code: 14210		
City/Town: Buffalo		
County: Erie		
Site Acreage: 1.900		
Reporting Period: April 28, 2019 to April 28, 2022		
		YES NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?		<input type="checkbox"/> <input checked="" type="checkbox"/>
		Box 2
		YES NO
6. Is the current site use consistent with the use(s) listed below?		<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs in place and functioning as designed?		<input checked="" type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.		
A Corrective Measures Work Plan must be submitted along with this form to address these issues.		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

Box 2A

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

YES NO

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

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

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

SITE NO. C915309

Box 3

Description of Institutional Controls

Parcel

122.42-2-63.11

Owner

~~Brookfield Interest, LLC~~

Silos at Elk Street LLC

Institutional Control

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

Soil Management Plan
Monitoring Plan

Groundwater use is prohibited

Landuse is restricted to Restricted Residential or Commercial in specific designated areas

Adherence to Site Management Plan

Implementation of an IC/EC Plan

Box 4

Description of Engineering Controls

Parcel

122.42-2-63.11

Engineering Control

Cover System

Cover System per 6NYCRR Part 375-6.7(d)

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

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

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

 Signature of Owner, Remedial Party or Designated Representative

 Date

IC CERTIFICATIONS
SITE NO. C915309

Box 6

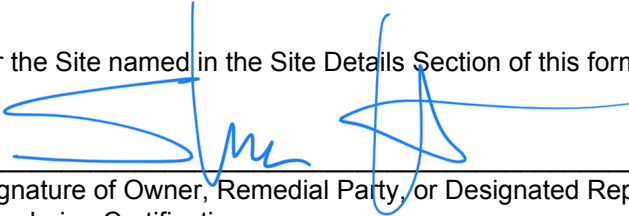
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I Shawn Wright, AIA at 50 Elk Street, Buffalo, NY 14210,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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


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

5/20/2022
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

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

Lori E. Riker, P.E. 2558 Hamburg Turnpike, Suite 300

_____ at _____
print name print business address

am certifying as a Qualified Environmental Professional for the _____ Owner
(Remedial Party)

Lori Riker

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification



Stamp (Required for PE)

5/23/22
Date

Periodic Review Report 2020 Annual Site Inspection

Property Name: Silos at Elk Street Site	Project No.: 0381-020-001
Client: Young + Wright Architectural	
Property Address: 50 Elk Street, Buffalo, NY	
BCP Site No.: C915309	PRR Due Date: 5/30/22
Preparer's Name: Lori E. Riker, P.E.	Date/Time: 4/15/20 12:30 PM

CERTIFICATION

The results of this inspection were discussed with the Site Manager. Any corrective actions required have been identified and noted in this report, and a supplemental Corrective Action Form has been completed. Proper implementation of these corrective actions have been discussed with the Site Manager, agreed upon, and scheduled.

Preparer / Inspector: Lori E. Riker, P.E.	Date: 4/15/20
--	----------------------

Signature: 

Next Scheduled Site Inspection Date: April 2021
--

Property Access

- | | | | |
|--|------------------------------|--|---|
| 1. Is the access road in need of repair? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 2. Sufficient signage posted (No Trespassing)? | <input type="checkbox"/> yes | <input type="checkbox"/> no | <input checked="" type="checkbox"/> N/A |
| 3. Has there been any noted or reported trespassing? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |

Please note any irregularities/ changes in site access and security: _____

Final Surface Cover / Vegetation

The integrity of the vegetative soil cover or other surface coverage (e.g., asphalt, concrete) over the entire Site must be maintained. The following documents the condition of the above.

- | | | | |
|---|---|-----------------------------|------------------------------|
| 1. Final Cover is in Place and in good condition? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> N/A |
|---|---|-----------------------------|------------------------------|

Cover consists of (mainly): Grass, asphalt and concrete

- | | | | |
|---|------------------------------|--|------------------------------|
| 2. Evidence of erosion? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 3. Cracks visible in pavement? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 4. Evidence of distressed vegetation/turf? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 5. Evidence of unintended traffic and/or rutting? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 6. Evidence of uneven settlement and/or ponding? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |

Periodic Review Report 2020 Annual Site Inspection

Final Surface Cover / Vegetation (continued)

7. Damage to any surface coverage? yes no N/A

If yes to any question above, please provide more information below.

Soil Vapor Extraction System (SVE)

Is the system(s) currently running? yes no N/A

Has regular maintenance and monitoring been documented and enclosed or referenced?
 yes no N/A

Active Sub-Slab Depressurization System (ASD)

Are there one or more ASD systems currently running at the Site? yes no N/A

System No. _____ Reading: _____
 System No. _____ Reading: _____

Has regular maintenance and monitoring been documented and enclosed or referenced?
 yes no N/A

Groundwater Monitoring

Is there a plan in place and currently being followed? yes no N/A

Are the wells currently intact and operational? yes no N/A

When was the most recent sampling event report and submittal? Date: _____

When is the next projected sampling event? Date: _____

Periodic Review Report 2020 Annual Site Inspection

Property Use Changes / Site Development

Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during the reporting period? yes no N/A

Has the property usage changed, or site been redeveloped since the last inspection? yes no N/A

If yes, please list with date: _____

New Information

Has any new information been brought to the owner/engineer's attention regarding any and/or all engineering and institutional controls and their operation and effectiveness? yes no N/A

Comments: _____

Notes and Comments:

Please attach the following, if applicable:

1. Site sketch
 2. Photographs
 3. Monitoring and maintenance records
 4. Corrective Action Form
-

Periodic Review Report 2021 Annual Site Inspection

Property Name: Silos at Elk Street Site	Project No.: 0381-020-001
Client: Young + Wright Architectural	
Property Address: 50 Elk Street, Buffalo, NY	
BCP Site No.: C915309	PRR Due Date: 5/30/22
Preparer's Name: Lori E. Riker, P.E.	Date/Time: 4/27/21 9:30 AM

CERTIFICATION

The results of this inspection were discussed with the Site Manager. Any corrective actions required have been identified and noted in this report, and a supplemental Corrective Action Form has been completed. Proper implementation of these corrective actions have been discussed with the Site Manager, agreed upon, and scheduled.

Preparer / Inspector: Lori E. Riker, P.E.	Date: 4/28/21
--	----------------------

Signature: 

Next Scheduled Site Inspection Date: April 2022

Property Access

- | | | | |
|--|------------------------------|--|---|
| 1. Is the access road in need of repair? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 2. Sufficient signage posted (No Trespassing)? | <input type="checkbox"/> yes | <input type="checkbox"/> no | <input checked="" type="checkbox"/> N/A |
| 3. Has there been any noted or reported trespassing? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |

Please note any irregularities/ changes in site access and security: _____

Final Surface Cover / Vegetation

The integrity of the vegetative soil cover or other surface coverage (e.g., asphalt, concrete) over the entire Site must be maintained. The following documents the condition of the above.

- | | | | |
|--|---|-----------------------------|------------------------------|
| 1. Final Cover is in Place and in good condition? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> N/A |
| Cover consists of (mainly): <u>Grass, asphalt and concrete</u> | | | |

- | | | | |
|---|------------------------------|--|------------------------------|
| 2. Evidence of erosion? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 3. Cracks visible in pavement? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 4. Evidence of distressed vegetation/turf? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 5. Evidence of unintended traffic and/or rutting? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |
| 6. Evidence of uneven settlement and/or ponding? | <input type="checkbox"/> yes | <input checked="" type="checkbox"/> no | <input type="checkbox"/> N/A |

Periodic Review Report 2021 Annual Site Inspection

Final Surface Cover / Vegetation (continued)

7. Damage to any surface coverage? yes no N/A

If yes to any question above, please provide more information below.

Soil Vapor Extraction System (SVE)

Is the system(s) currently running? yes no N/A

Has regular maintenance and monitoring been documented and enclosed or referenced?
 yes no N/A

Active Sub-Slab Depressurization System (ASD)

Are there one or more ASD systems currently running at the Site? yes no N/A

System No. _____ Reading: _____

System No. _____ Reading: _____

Has regular maintenance and monitoring been documented and enclosed or referenced?
 yes no N/A

Groundwater Monitoring

Is there a plan in place and currently being followed? yes no N/A

Are the wells currently intact and operational? yes no N/A

When was the most recent sampling event report and submittal? Date: _____

When is the next projected sampling event? Date: _____

Periodic Review Report 2021 Annual Site Inspection

Property Use Changes / Site Development

Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during the reporting period? yes no N/A

Has the property usage changed, or site been redeveloped since the last inspection? yes no N/A

If yes, please list with date: _____

New Information

Has any new information been brought to the owner/engineer's attention regarding any and/or all engineering and institutional controls and their operation and effectiveness? yes no N/A

Comments: _____

Notes and Comments:

Please attach the following, if applicable:

1. Site sketch
 2. Photographs
 3. Monitoring and maintenance records
 4. Corrective Action Form
-
-

APPENDIX B

SITE PHOTOGRAPHIC LOGS

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



TRACK 4 COMMERCIAL AREA

Photo 1: Asphalt parking and greenspace cover areas (looking east)

Photo 2: Asphalt parking and greenspace cover along southwest property boundary (looking northeast)

Photo 3: Asphalt parking and greenspace cover areas (looking east)

Photo 4: Asphalt cover and greenspace cover along the south property boundary (looking northeast)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



TRACK 4 COMMERCIAL AREA

Photo 5: Stone and hardscape cover along the eastern property boundary (looking southwest)

Photo 6: Hardscape and vegetative cover along northwest side of the building (looking northwest)

Photo 7: Asphalt parking lot cover area north of building (looking west)

Photo 8: Vegetative cover between the commercial and restricted-residential areas (looking west)

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



TRACK 4 RESTRICTED-RESIDENTIAL AREA

Photo 9: Vegetative cover on undeveloped restricted-residential area (looking southwest)

Photo 10: Vegetative cover on undeveloped restricted-residential area (looking south)

Photo 11: View of vegetative cover from the northwest corner of the site (looking east)

Photo 12: View of vegetative cover along the border between commercial and restricted-residential areas of the site (looking east)

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



TRACK 4 COMMERCIAL AREA

Photo 1: Asphalt parking and greenspace cover areas (looking east)

Photo 2: Asphalt parking and greenspace cover along southwest property boundary (looking northeast)

Photo 3: Asphalt parking and greenspace cover areas (looking east)

Photo 4: Asphalt cover and greenspace cover along the south property boundary (looking northeast)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



TRACK 4 COMMERCIAL AREA

Photo 5: Stone and hardscape cover along the eastern property boundary (looking southwest)

Photo 6: Hardscape and vegetative cover along northwest side of the building (looking northwest)

Photo 7: Asphalt parking lot cover area north of building (looking west)

Photo 8: Vegetative cover between the commercial and restricted-residential areas (looking west)

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



TRACK 4 RESTRICTED-RESIDENTIAL AREA

Photo 9: Vegetative cover on undeveloped restricted-residential area (looking southwest)

Photo 10: Vegetative cover on undeveloped restricted-residential area (looking south)

Photo 11: View of vegetative cover from the northwest corner of the site (looking east)

Photo 12: View of vegetative cover along the border between commercial and restricted-residential areas of the site (looking east)

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



TRACK 4 COMMERCIAL AREA

Photo 1: Asphalt parking and greenspace cover areas (looking east)

Photo 2: Asphalt parking and greenspace cover along southwest property boundary (looking northeast)

Photo 3: Asphalt parking and greenspace cover areas (looking southeast)

Photo 4: Asphalt cover and greenspace cover along the south property boundary (looking northeast)

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



TRACK 4 COMMERCIAL AREA

- Photo 5: Stone and hardscape cover along the eastern property boundary (looking southwest)
- Photo 6: Hardscape and vegetative cover along northeast side of the building (looking northwest)
- Photo 7: Re-seeded greenspace cover along northeast side of the building (looking southeast)
- Photo 8: Asphalt parking lot cover area north of building (looking west)

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 12:



TRACK 4 COMMERCIAL AREA

Photo 9: Re-seeded greenspace cover at east end of the asphalt parking lot area north of the building (looking north).

Photo 10: Re-seeded greenspace cover along the northern driveway entrance (looking west).

Photo 11: Re-seeded greenspace cover on west side of the building (looking north)

Photo 12: Vegetative cover between the commercial and restricted-residential areas (looking northwest)

SITE PHOTOGRAPHS

Photo 13:



Photo 14:



Photo 15:



Photo 16:



TRACK 4 RESTRICTED-RESIDENTIAL AREA

Photo 13: Vegetative cover on undeveloped restricted-residential area (looking southwest)

Photo 14: Vegetative cover on undeveloped restricted-residential area (looking south)

Photo 15: View of vegetative cover from the northwest corner of the site (looking east)

Photo 16: View of vegetative cover along the border between commercial and restricted-residential areas of the site (looking east)