

March 17, 2025

Ms. Megan Kuczka
Environmental Program Specialist – 1
NYSDEC Region 9 – Division of Environmental Remediation
700 Delaware Avenue
Buffalo, New York 14209

Re: Silos at Elk Street Site, Buffalo, New York
BCP Site No. C915309
Site Management Plan Errata Sheet

Dear Ms. Kuczka:

Roux Environmental Engineering and Geology, D.P.C. (Roux) has prepared this Errata Sheet to document changes to the December 2017 Site Management Plan (SMP). Per the New York State Department of Environmental Conservation (NYSDEC) January 7, 2025 email, we are herein submitting an SMP Errata Sheet per DER-10 Section 6.3(a)5.iii to formalize the SMP changes. This Errata Sheet documents the change in use of the existing building from commercial to restricted-residential, the cover system changes following installation of an outdoor walk-in cooler, and decommissioning of the groundwater monitoring wells. The changes described herein supersede those in the December 2017 SMP. Once approved by NYSDEC, this Errata Sheet will be appended to the client's and document repository's copy of the December 2017 SMP and noted on the SMP cover page as Revision No. 1.

Roux herein updates the following components of the NYSDEC-approved December 2017 SMP for the Silos at Elk Street Site:

Cover Page and List of Appendices

The attached revised cover page provides a log of this Revision #1. The updated list of appendices is attached.

Executive Summary

Institutional Controls: 1. The northern portion of the property and the building may be used for restricted-residential use while the remainder may be used for commercial and industrial use as described in 6NYCRR Part 375-1.8(g), although land is subject to local zoning laws;

Section 1.1 General

The following sentence is added to the end of the first paragraph:

An Amendment to the Environmental Easement was filed on December 23, 2024 and is included in Appendix A.

Section 1.3 Notifications

The address for the owner of the Site is revised to 50 Elk Street, Buffalo, NY 14210.

Table 1: Notifications (attached) is revised to provide updated NYSDEC contact information for notifications.

The following language is added after Table 1: Notifications:

As part of the environmental easement, current and future lessees of the apartments will be notified of the no-dig requirement and the NYSDEC will be provided with proof of these notifications. The no-dig requirement is discussed in Section 3.3.1 Cover System. A copy of the Tenant Notification is included as Appendix H.

Section 2.2.1 Land Use

Paragraph 1 is updated as follows:

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 (Ref. 2). The Site was improved by converting a multi-story former industrial building into a Track 4 Restricted-Residential space with offices, commercial businesses, and two apartments with adjacent asphalt parking lots and driveways and maintained ornamental landscaping. The northern portion of the Site remains undeveloped with the potential plan to construct residential buildings.

Paragraph 3 is removed.

Section 2.6.2 Groundwater

The following language is added as Paragraph 2:

On June 7, 2023, the four remaining groundwater monitoring wells identified as MW-2 through MW-5 were decommissioned in accordance with NYSDEC Commissioner's Policy CP-43: Groundwater Monitoring Well Decommissioning Policy. Appendix G includes the Groundwater Monitoring Well Decommissioning Logs.

Section 3.2 Institutional Controls

Paragraph 1, Bullet 1 is revised as follows:

The property may be used for restricted-residential use (northern portion & existing building) and commercial use (southern portion) as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

Section 3.3.1 Cover System

Paragraph 1, Sentence 2 is revised as follows:

This cover system is comprised of a minimum of 12 inches (commercial use area) and 24 inches (restricted-residential use area) of DER-10 compliant soil/stone material over demarcation layer, and hardscape elements of the redevelopment, including asphalt, concrete-covered sidewalks, concrete building slabs, and a concrete pad associated with an exterior walk-in cooler.

The following language is added as Paragraph 3:

On September 27, 2023, the NYSDEC approved the reclassification of the existing building footprint to a Track 4 Restricted-Residential Area with restrictions consisting of no digging allowed within the 12-inch soil cover system area, notifying future lessees of the apartments of the no-dig requirement, and providing NYSDEC with written proof of these notifications. On September 26, 2023, Tenant Notifications were provided to NYSDEC. A change in the Site use, including Restricted Residential development, may require evaluation of Site engineering controls including cover systems to ensure the use is protective of public health.

Section 7.2 Periodic Review Report

Sentences 1 and 2 are revised as follows:

March 17, 2025

Page 3

The first Periodic Review Report (PRR) was submitted to the Department on May 28, 2019, which was 17 months after the Certificate of Completion was issued. After submittal of the initial PRR, subsequent PRRs have been submitted triennially (every third year) to the Department.

Figure 6

The attached revised Figure 6 depicts the reclassification of the existing building from commercial to restricted-residential use and updated cover system details.

Appendix A Environmental Easement

The Environmental Easement is revised to allow the existing building to be used for restricted-residential use and references the new address of the owner as 50 Elk Street, Buffalo, NY. An Amendment to the Environmental Easement was filed on December 23, 2024 and is included in Appendix A.

Appendix B Excavation Work Plan

Attached Table 1 is revised to provide updated NYSDEC contact information for notifications.

Appendix F Owner and Remedial Party Responsibilities

Section F-1, Owner/Remedial Party Address: Silos at Elk Street, LLC (BCP Site No. C915309), 50 Elk Street, Buffalo, New York, 14210.

Appendix G Groundwater Monitoring Well Decommissioning Logs

Appendix G is revised to contain the groundwater monitoring decommissioning logs.

Appendix H Tenant Notification

Appendix H contains the Tenant Notification for current and future lessees of the on-site apartments.

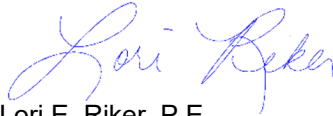
Appendix I Electronic Copy

Appendix I contains an electronic copy of the December 2017 SMP and this Errata Sheet.

Please contact me with questions or if you require additional information.

Sincerely,

ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.



Lori E. Riker, P.E.
Principal Engineer

Att.

ec: Andrea Caprio (NYSDEC)
Gregory Scholand, Esq. (NYSDEC)
Steven Berninger (NYSDOH)
Charlotte Bethoney (NYSDOH)
Shawn Wright (Silos at Elk Street, LLC)
Thomas Forbes (Roux)

BROWNFIELD CLEANUP PROGRAM

SITE MANAGEMENT PLAN

SILOS AT ELK STREET SITE
BCP SITE NUMBER: C915309
BUFFALO, NEW YORK

December 2017
Revised March 2025

4412.0004B000

Prepared for:

Silos at Elk Street, LLC

December 2017 SMP Prepared by:



March 2025 SMP Errata Sheet Prepared By:



Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date
1	2/11/2025	Reclassification of existing building from commercial to restricted-residential, cover system modifications, and groundwater monitoring well decommissioning	
2	3/17/2025	Added sentence to Section 3.3.1	

SITE MANAGEMENT PLAN SILOS AT ELK STREET SITE

Table of Contents

APPENDICES

Appendix A	Environmental Easement
Appendix B	Excavation Work Plan
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Appendix D	Health and Safety Plan and CAMP
Appendix E	Site Management Forms
Appendix F	Owner and Remedial Party Responsibilities
Appendix G	Groundwater Monitoring Well Decommissioning Logs
Appendix H	Tenant Notification
Appendix I	Electronic Copy

**SITE MANAGEMENT PLAN
SILOS AT ELK STREET SITE**

Certification Statement

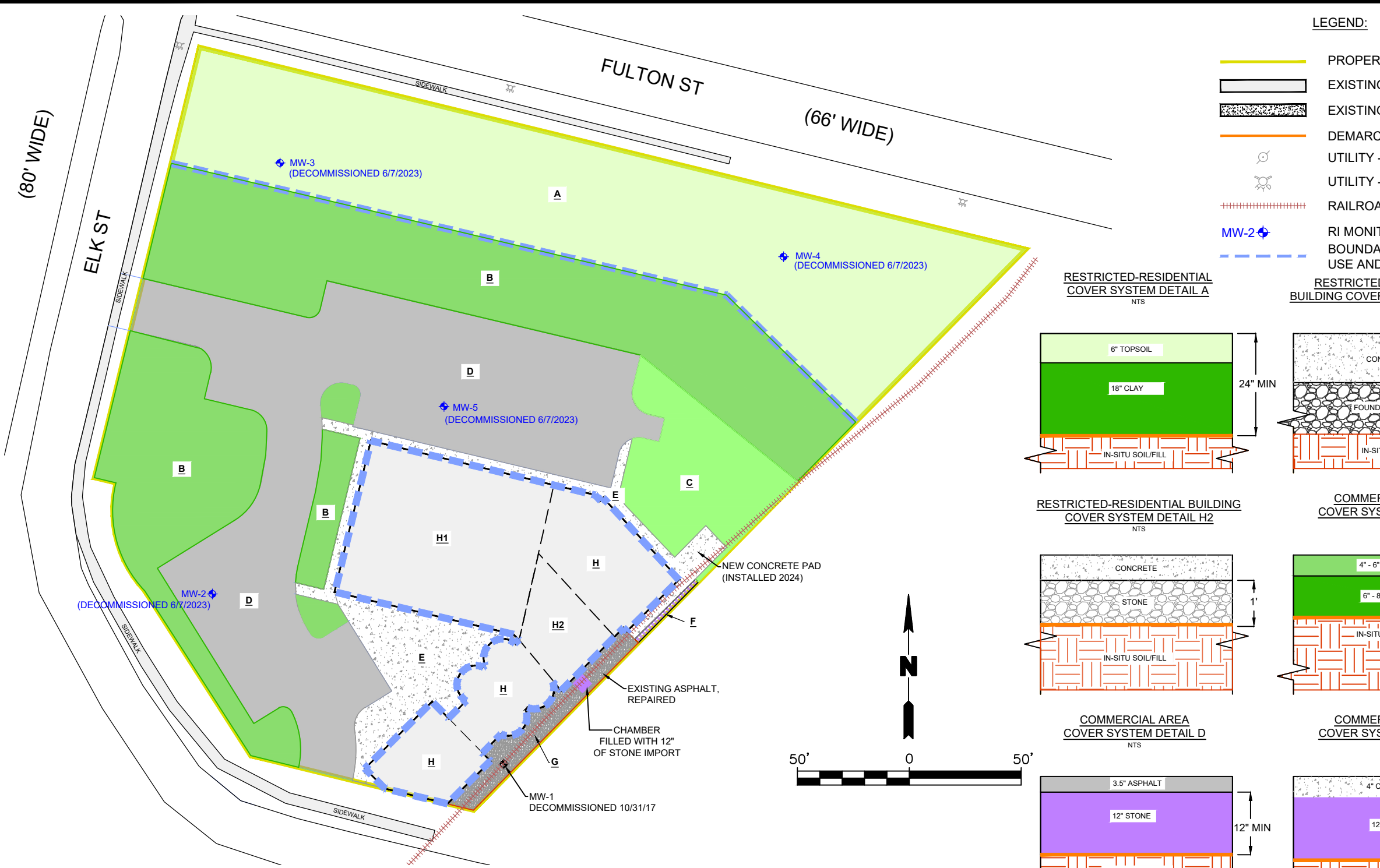
I, Lori E. Riker, P.E. of Roux Environmental Engineering and Geology, D.P.C. certify that I am currently a NYS registered professional engineer and that the March 2025 Errata Sheet and the December 2017 Site Management Plan (SMP) for the Silos at Elk Street Site (BCP Site No. C915309) were prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

DATE: 3/17/2025

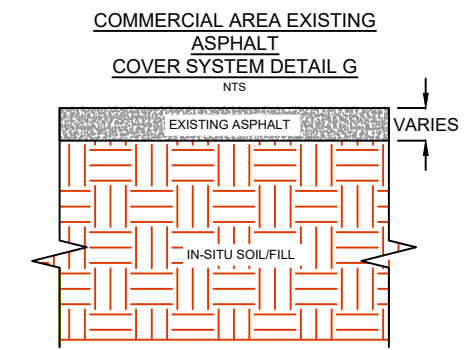
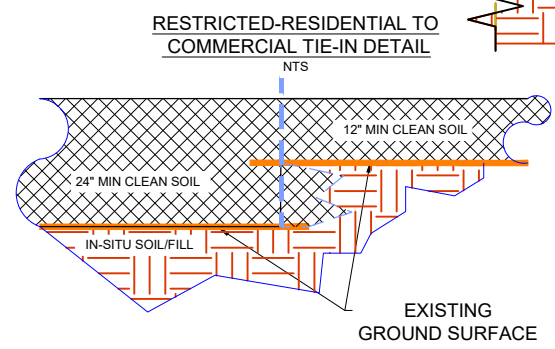
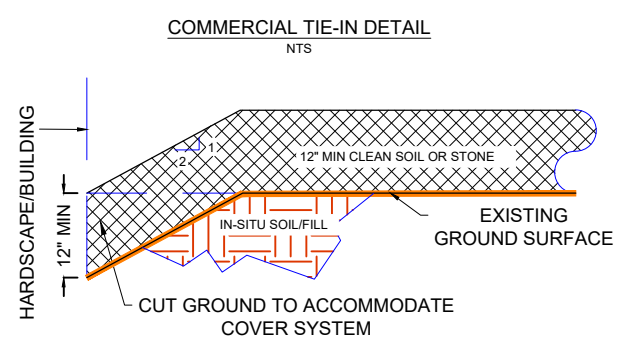
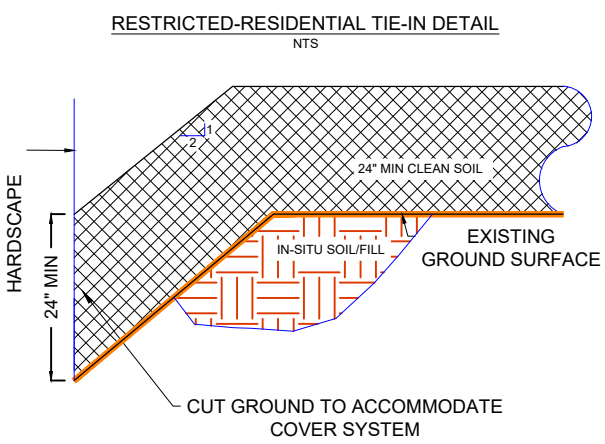
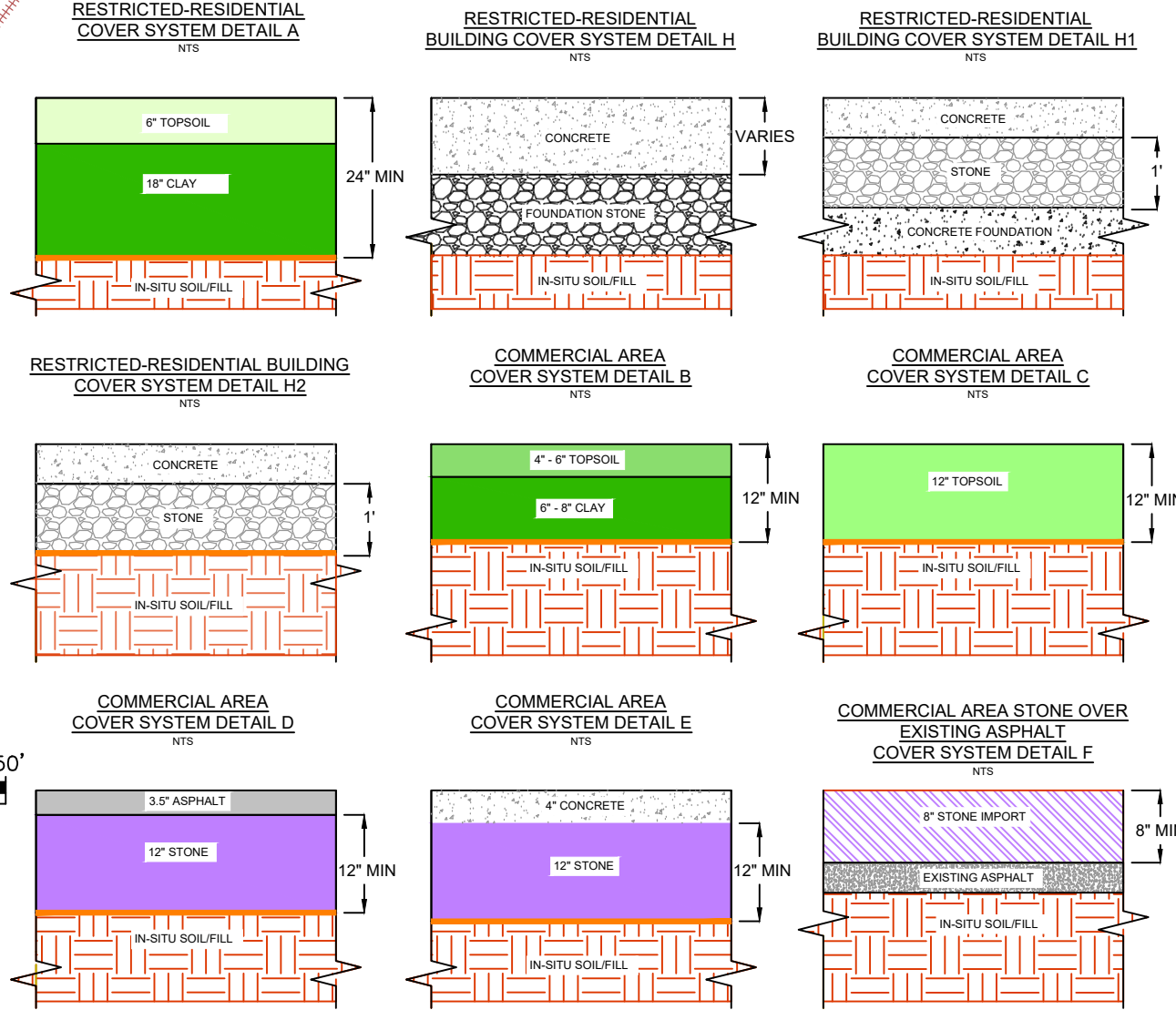
STAMP:



FIGURE



- LEGEND:**
- PROPERTY & BCP BOUNDARY (± 1.90 ACRES)
 - EXISTING BUILDING (± 0.28 ACRES)
 - EXISTING CONCRETE SLAB
 - DEMARCATION LAYER
 - UTILITY - POLE
 - UTILITY - HYDRANT
 - RAILROAD TRACKS
 - ◆ MW-2 (DECOMMISSIONED 6/7/2023)
 - ◆ MW-3 (DECOMMISSIONED 6/7/2023)
 - ◆ MW-4 (DECOMMISSIONED 6/7/2023)
 - ◆ MW-5 (DECOMMISSIONED 6/7/2023)
 - ◆ MW-1 (DECOMMISSIONED 10/31/17)
 - BOUNDARY BETWEEN RESTRICTED-RESIDENTIAL USE AND COMMERCIAL USE



COVER SYSTEM LAYOUT AND DETAILS		
SITE MANAGEMENT PLAN		
SILOS AT ELK STREET SITE BUFFALO, NEW YORK		
Prepared for: SILOS AT ELK STREET, LLC		
ROUX	Compiled by: CMC Prepared by: CMC/CNK Project Mgr: LER	Date: JANUARY 2025 Scale: AS SHOWN Project: B0381-023-002
		FIGURE 6

TABLE

Table 1: Notifications*

Name	Contact Information
NYSDEC Project Manager Ms. Megan Kuczka	716-851-7220 Megan.Kuczka@dec.ny.gov
NYSDEC Regional Remediation Engineer Ms. Andrea Caprio, P.E.	716-851-7220 Andrea.Caprio@dec.ny.gov
NYSDEC Site Control Ms. Kelly Lewandowski, P.E.	518-402-9543 Kelly.Lewandowski@dec.ny.gov

* Note: Notifications are subject to change and will be updated as necessary.

APPENDIX A

ENVIRONMENTAL EASEMENT

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE:12/23/2024

TIME:2:18:00 PM

RECEIPT: 24202569 - DUPLICATE -

HODGSON RUSS LLP BOX 74 - INTERNET
ACCOUNT #: 1915

DUPLICATE RECEIPT

ITEM - 01 MTP

RECD: 12/23/2024 2:20:38 PM

FILE: 2024222042 BK/PG D 11440/2952

Deed Sequence: TT2024010191

SILOS AT ELK STREET LLC

PEOPLE OF THE STATE OF NEW YORK (THE)

Recording Fees	60.50
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TP584	10.00
-------	-------

Subtotal	70.50
----------	-------

TOTAL DUE	\$70.50
-----------	---------

PAID TOTAL	\$70.50
------------	---------

PAID ESCROW	\$70.50
-------------	---------

REC BY: Sharon B
COUNTY RECORDER

xx 74
JCS

county: Erie

Site No: C 915309

Index: C915309-01-17

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 13th day of December 2024, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation (“NYSDEC” or the “Department”), with its headquarters located at 625 Broadway, Albany, New York 12233, and Silos at Elk Street, LLC (the “Grantor”), having an office at 740 Seneca Street, Buffalo, New York 14210.

RECITALS

1. Grantor is the owner of real property located at the address of 50 Elk Street in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie County as tax map parcel number: Section 122.42, Block 2, Lot 63.11, being the same as that property conveyed to Grantor by deed dated September 20, 2016 and recorded in the Erie County Clerk’s office in Liber 11303, Page 986.
2. The Department and Grantor entered into that certain Environmental Easement (the “Environmental Easement”) dated as of January 22, 2018 and recorded in the Erie County Clerk’s Office on February 7, 2018 in Liber 11325, Page 3114. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement. The real property controlled by the Environmental Easement is defined therein as the “Controlled Property.”
3. Pursuant to the Environmental Easement, Grantor granted to the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for certain uses while ensuring the performance of certain maintenance, monitoring and/or operation requirements, and to ensure the restriction of future uses of the land that are inconsistent with the stated purpose.
4. The Environmental Easement contains use restrictions that apply to the Controlled Property. This Amendment to Environmental Easement is made and recorded in order to modify the use restrictions applicable to the Controlled Property, because the Department has determined that, in addition to the uses currently allowed under the Environmental Easement, the building currently existing on the Controlled Property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), while the allowed uses on the remainder of the Controlled Property will remain unchanged.
5. Pursuant to Section 8 of the Environmental Easement, the Department is using this Amendment to Environmental Easement to amend the Environmental Easement in the manner prescribed by Article 9 of the Real Property Law.

FILED
DEC 23 2024
ERIE COUNTY
CLERK'S OFFICE

AMENDMENT TO ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment to Environmental Easement.
- B. The Department and Grantor agree that paragraph 2.A(1) of the Environmental Easement is hereby amended so that it reads as follows:

The portion of the Controlled Property identified in Schedule A as “Track 4 Commercial Area” may be used for Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv), and the portion of the Controlled Property described in

Schedule A as "Track 4 Restricted-Residential Area" may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv). In addition to the foregoing, and notwithstanding the contents of Schedule A hereof, the +/- 0.28-acre building that exists on the Controlled Property as of the date of this Environmental Easement may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(ii).

The Department and Grantor further agree that paragraph 2.B of the Environmental Easement is hereby amended so that it reads as follows:

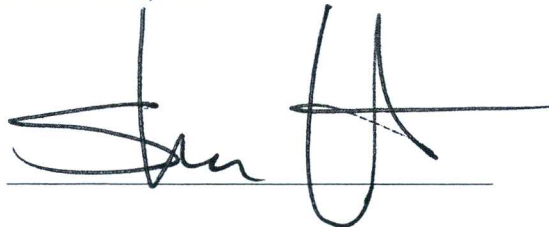
The portion of the Controlled Property identified in Schedule A as "Track 4 Commercial Area" shall not be used for Residential or Restricted Residential purposes as defined in 6 NYCRR 375-1.8(g)(2)(i) and (ii), the portion of the Controlled Property identified in Schedule A herein as "Track 4 Restricted-Residential Area" shall not be used for Residential purposes as defined in 6 NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement. Notwithstanding the foregoing sentence or the contents of Schedule A hereof, the +/- 0.28 acre building that exists on the Controlled Property as of the date of this Environmental Easement may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(ii).

The purpose of these amendments to paragraphs 2.A(1) and 2.B of the Environmental Easement is to add Restricted Residential as an allowed use category for the existing on-site building, in addition to the already-allowed uses, while leaving the allowed use categories unchanged on the remainder of the Controlled Property.

- C. All other terms of the Environmental Easement shall remain in effect.
- D. This Amendment to Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- E. This Amendment to Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

Silos at Elk Street, LLC:

By: 

Print Name: SHAWN WRIGHT

Title: PARTNER Date: 11/25/24

STATE OF NEW YORK)
) ss:
COUNTY OF Erie)

On the 25th day of November in the year 20 24 before me, the undersigned, personally appeared Shawn Wright, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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 behalf of which the individual(s) acted, executed the instrument.

Erin E. Galloway
Notary Public - State of New York

ERIN E. GALLOWAY
Notary Public in the State of New York
ERIE MONROE COUNTY
Commission Expires May 31, 2027

THIS AMENDMENT TO ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew Guglielmi
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 13th day of December, in the year 2024 before me, the undersigned, personally appeared Andrew O. Guglielmi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheryl A. Salem
Notary Public - State of New York

Cheryl A. Salem
Notary Public State of New York
Registration No. 01SA0002177
Qualified in Albany County
My Commission Expires March 3, 2027



Recording Office Time Stamp

**Real Estate Transfer Tax Return
For Public Utility Companies'
and Governmental Agencies'
Easements and Licenses**

This form may only be used by public utility companies regulated by the Public Service Commission and governmental agencies for the recording of easements and licenses where the consideration for the grant of such easement or license is \$500.00 or less.

Name of grantee (public utility company or governmental agency)
New York State Department of Environmental Conservation

Federal employer identification number
(if applicable) 14-6013200

Address of grantee
625 Broadway, Albany, New York, 12233

Name and telephone number of person to contact
Gregory Scholand, 716-851-7236

Name(s) of Grantor Of Easement or License	Address of Property	Consideration Given For Easement or License
1. Silos at Elk Street, LLC	50 Elk Street, Buffalo, NY	\$0
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

If more than fifteen conveyances are to be recorded, attach a schedule of such other conveyances.

Signature of Grantee

I certify that the grantee is a public utility regulated by the Public Service Commission or is a governmental agency and the grantee of the easements and/or licenses above; that it is true to the best knowledge of the grantee that the granting of each such easement and/or license is exempt from Real Estate Transfer Tax imposed by Article 31 of the Tax Law by reason that each such conveyance is for a consideration of five hundred dollars or less and/or the conveyance is being made to a governmental agency.

New York State Department of Environmental Conservation

Name of grantee

Andrew Scholand

Signature of partner, officer of corporation, governmental official, etc.

Director of Environmental Remediation

Title

APPENDIX G

GROUNDWATER MONITORING WELL DECOMMISSIONING LOGS

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

PROJECT INFORMATION	WELL INFORMATION
PROJECT/SITE NAME: <i>Silos @ Elk Street Site</i>	WELL I.D.: <i>MW-2</i>
Client: <i>Young + Wright</i>	Stick-up (feet): <i>—</i>
Project Job Number:	Screen Interval (ftgs): <i>12-22'</i>
Date: <i>6/7/23</i>	Drilling Company: <i>NA</i>
Weather: <i>Overcast 60s</i>	Drill Rig Type: <i>NA</i>
Prepared by: <i>RWW</i>	Drilling Company Personnel: <i>NA</i>

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10)

	YES	NO
Well visible? (If not, provide directions below)	<input checked="" type="checkbox"/>	
Well I.D. visible?	<input checked="" type="checkbox"/>	
Well location matches site map? (If not, sketch actual location on back)	<input checked="" type="checkbox"/>	
Well I.D. as it appears on protective casing or well:		
Surface seal present?	<input checked="" type="checkbox"/>	
Surface seal competent? (If cracked, heaved, etc., describe below)	<input checked="" type="checkbox"/>	
Protective casing in good condition? (If damaged, describe below)	<input checked="" type="checkbox"/>	
Headspace reading (ppm) and instrument used:	<i>0.0 PPM</i>	
Type of protective casing and height of stickup in feet (if applicable):	<i>Flush mount road box</i>	
Protective casing material type:	<i>Steel</i>	
Measure protective casing inside diameter (inches):	<i>8"</i>	
Lock present?	<input type="checkbox"/>	<input type="checkbox"/>
Lock functional?	<input type="checkbox"/>	<input type="checkbox"/>
Did you replace the lock?	<input type="checkbox"/>	<input type="checkbox"/>
Is there evidence that the well is double cased? (If yes, describe below)	<input type="checkbox"/>	<input type="checkbox"/>
Well measuring point visible?	<input type="checkbox"/>	<input type="checkbox"/>
Measure depth to water from measuring point (feet):		
Measure well depth from measuring point (feet):		
Measure well diameter (inches):	<i>2"</i>	
Well casing material:	<i>PVC</i>	
Physical condition of visible well casing:	<i>good</i>	
Attach I.D. marker (if well I.D. is confirmed) and identify marker type:		
Proximity to underground or overhead utilities:	<i>N/A</i>	
Describe access to well: (Include accessibility to truck mounted rig, natural obstructions, overhead utilities, proximity to permanent structures, etc.); Add sketch of location on back, if necessary.		
<i>Accessible, parking lot</i>		
Describe well setting (for example, located in a field, in a playground, on pavement, in a garden, etc.) and assess the type of restoration required.		
<i>located in pavement in parking lot</i>		
Identify any nearby potential sources of contamination, if present (e.g., gas station, salt pile, etc.)		
<i>N/A</i>		
Remarks:		

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10) - continued

PROJECT/SITE NAME:

Silos @ Elk Street Site

WELL I.D.:

MW-2

**Decommissioning Data
 (Fill in all that apply)**

Well Schematic*

Overdrilling

Interval Drilled

N/A

Drilling Method(s)

Borehole Diameter (in.)

Temp. Casing Installed? (Y/N)

Depth temp. casing installed

Casing type/diam. (in.)

Method of Installation

Casing Pulling

Method employed

N/A

Casing retrieved (feet)

Casing type/diam. (in.)

Casing Perforating

Equipment used

N/A

Number of perforations/foot

Size of perforations

Interval perforated

Grouting

Interval grouted (fbgs)

4-12'

No. of batches prepared

1

For each batch record:

Quantity of water used (gal.)

~ 7 gal

Quantity of cement used (lbs.)

94

Cement type

Portland

Quantity of bentonite used (lbs.)

5

Quantity of calcium chloride used (lbs.)

N/A

Volume of grout prepared (gal.)

~ 8

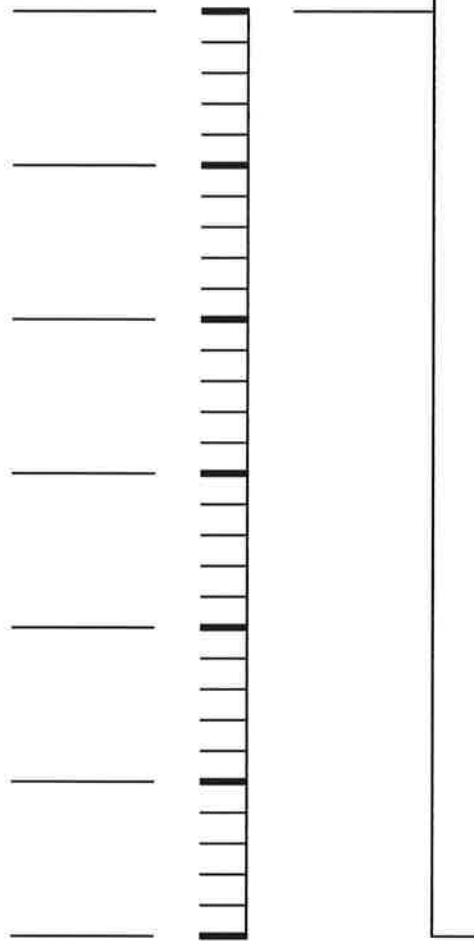
Volume of grout used (gal.)

~ 8

Comments

well was decommissioned in-place

Depth
(feet)



* Sketch in all relevant decommissioning data, including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.

Drilling Contractor:

Department Rep.:

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

PROJECT INFORMATION	WELL INFORMATION
PROJECT/SITE NAME: <i>Silos @ Elk Street Site</i>	WELL I.D.: <i>MW-3</i>
Client: <i>Young + Wright Architectural</i>	Stick-up (feet): <i>6"</i>
Project Job Number:	Screen Interval (fbs): <i>12-22'</i>
Date: <i>6/7/23</i>	Drilling Company: <i>NA</i>
Weather: <i>Overcast 60's</i>	Drill Rig Type: <i>NA</i>
Prepared by: <i>PWW</i>	Drilling Company Personnel: <i>NA</i>

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10)

	YES	NO
Well visible? (If not, provide directions below)	<input checked="" type="checkbox"/>	
Well I.D. visible?	<input checked="" type="checkbox"/>	
Well location matches site map? (If not, sketch actual location on back)	<input checked="" type="checkbox"/>	
Well I.D. as it appears on protective casing or well:		
Surface seal present?	<input checked="" type="checkbox"/>	
Surface seal competent? (If cracked, heaved, etc., describe below)	<input checked="" type="checkbox"/>	
Protective casing in good condition? (If damaged, describe below)	<input checked="" type="checkbox"/>	
Headspace reading (ppm) and instrument used:		
Type of protective casing and height of stickup in feet (if applicable):	<i>0.0</i>	
Protective casing material type:	<i>Processing Steel</i>	
Measure protective casing inside diameter (inches):	<i>3"</i>	
Lock present?		<input checked="" type="checkbox"/>
Lock functional?		<input checked="" type="checkbox"/>
Did you replace the lock?		<input checked="" type="checkbox"/>
Is there evidence that the well is double cased? (If yes, describe below)		<input checked="" type="checkbox"/>
Well measuring point visible?	<input checked="" type="checkbox"/>	
Measure depth to water from measuring point (feet):		
Measure well depth from measuring point (feet):		
Measure well diameter (inches):		
Well casing material:	<i>2" PVC</i>	
Physical condition of visible well casing:	<i>good</i>	
Attach I.D. marker (if well I.D. is confirmed) and identify marker type:	<i>N/A</i>	
Proximity to underground or overhead utilities:		
Describe access to well: (Include accessibility to truck mounted rig, natural obstructions, overhead utilities, proximity to permanent structures, etc.); Add sketch of location on back, if necessary.		
<i>Accessible in lawn along Fulton</i>		
Describe well setting (for example, located in a field, in a playground, on pavement, in a garden, etc.) and assess the type of restoration required.		
<i>grass area along Fulton</i>		
Identify any nearby potential sources of contamination, if present (e.g., gas station, salt pile, etc.)		
<i>None</i>		
Remarks:		

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10) - continued	
PROJECT/SITE NAME: Silos @ Elk Street Site	WELL I.D.: MW-3
Decommissioning Data (Fill in all that apply)	Well Schematic*
<p><u>Overdrilling</u></p> <p>Interval Drilled NA</p> <p>Drilling Method(s) _____</p> <p>Borehole Diameter (in.) _____</p> <p>Temp. Casing Installed? (Y/N) _____</p> <p>Depth temp. casing installed _____</p> <p>Casing type/diam (in.) _____</p> <p>Method of Installation _____</p> <p><u>Casing Pulling</u></p> <p>Method employed N/A</p> <p>Casing retrieved (feet) _____</p> <p>Casing type/diam. (in.) _____</p> <p><u>Casing Perforating</u></p> <p>Equipment used N/A</p> <p>Number of perforations/foot _____</p> <p>Size of perforations _____</p> <p>Interval perforated _____</p> <p><u>Grouting</u></p> <p>Interval grouted (fbgs) 4'-22'</p> <p>No. of batches prepared 1</p> <p>For each batch record:</p> <p>Quantity of water used (gal.) ~7 gallons</p> <p>Quantity of cement used (lbs.) 94 lbs</p> <p>Cement type portland Portland + bentonite mix</p> <p>Quantity of bentonite used (lbs.) 5 lbs</p> <p>Quantity of calcium chloride used (lbs.) NA</p> <p>Volume of grout prepared (gal.) ~8 gal</p> <p>Volume of grout used (gal.) ~8 gal</p> <p><u>Comments</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<div style="text-align: center;"> <p>Depth (feet)</p> </div> <p style="font-size: 0.8em; margin-top: 20px;">* Sketch in all relevant decommissioning data, including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.</p>

Drilling Contractor: _____ Department Rep.: _____

**WELL ABANDONMENT/
DECOMMISSIONING LOG**

PROJECT INFORMATION	WELL INFORMATION
PROJECT/SITE NAME: <i>Silos @ Elk Street Site</i>	WELL I.D.: <i>MW-4</i>
Client: <i>Young + Wright</i>	Stick-up (feet): <i>6"</i>
Project Job Number:	Screen Interval (fbgs): <i>12-22'</i>
Date: <i>6/7/23</i>	Drilling Company: <i>NA</i>
Weather: <i>overcast 60's</i>	Drill Rig Type: <i>NA</i>
Prepared by: <i>PWW</i>	Drilling Company Personnel: <i>NA</i>

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10)

	YES	NO
Well visible? (If not, provide directions below)	<input checked="" type="checkbox"/>	
Well I.D. visible?	<input checked="" type="checkbox"/>	
Well location matches site map? (If not, sketch actual location on back)	<input checked="" type="checkbox"/>	
Well I.D. as it appears on protective casing or well:		
Surface seal present?	<input checked="" type="checkbox"/>	
Surface seal competent? (If cracked, heaved, etc., describe below)	<input checked="" type="checkbox"/>	
Protective casing in good condition? (If damaged, describe below)	<input checked="" type="checkbox"/>	
Headspace reading (ppm) and instrument used:	<i>0.0 PPM</i>	
Type of protective casing and height of stickup in feet (if applicable):	<i>Protective casing 6"</i>	
Protective casing material type:	<i>Steel</i>	
Measure protective casing inside diameter (inches):	<i>3"</i>	
Lock present?		<input checked="" type="checkbox"/>
Lock functional?		<input checked="" type="checkbox"/>
Did you replace the lock?		<input checked="" type="checkbox"/>
Is there evidence that the well is double cased? (If yes, describe below)		<input checked="" type="checkbox"/>
Well measuring point visible?	<input checked="" type="checkbox"/>	
Measure depth to water from measuring point (feet):		
Measure well depth from measuring point (feet):	<i>2"</i>	
Measure well diameter (inches):	<i>PVC</i>	
Well casing material:	<i>Good</i>	
Physical condition of visible well casing:		
Attach I.D. marker (if well I.D. is confirmed) and identify marker type:	<i>NA</i>	
Proximity to underground or overhead utilities:	<i>N/A</i>	
Describe access to well: (Include accessibility to truck mounted rig, natural obstructions, overhead utilities, proximity to permanent structures, etc.); Add sketch of location on back, if necessary.		
Describe well setting (for example, located in a field, in a playground, on pavement, in a garden, etc.) and assess the type of restoration required.		
<i>Accessible, in lawn near gutter</i>		
Identify any nearby potential sources of contamination, if present (e.g., gas station, salt pile, etc.)		
<i>in lawn near gutter</i>		
Remarks:		

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10) - continued

PROJECT/SITE NAME:

Silos @ Elk Street Site

WELL I.D.:

MW-4

**Decommissioning Data
(Fill in all that apply)**

Well Schematic*

Overdrilling

Interval Drilled *N/A*
Drilling Method(s)
Borehole Diameter (in.)
Temp. Casing Installed? (Y/N)
Depth temp. casing installed
Casing type/diam (in.)
Method of Installation

Casing Pulling

Method employed *N/A*
Casing retrieved (feet)
Casing type/diam. (in.)

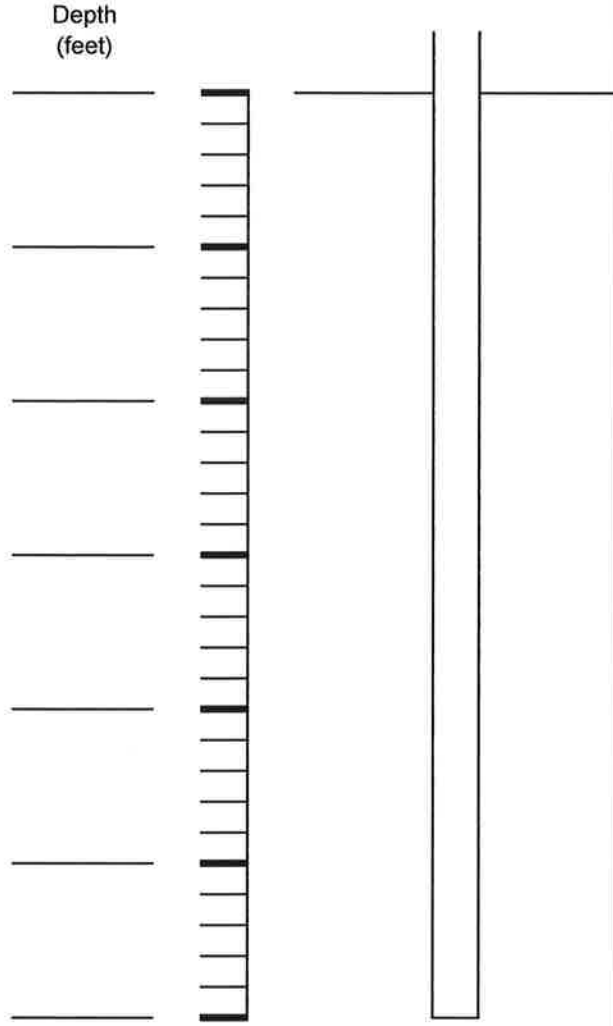
Casing Perforating

Equipment used *N/A*
Number of perforations/foot
Size of perforations
Interval perforated

Grouting

Interval grouted (fbgs) *4-22'*
No. of batches prepared *1*
For each batch record:
Quantity of water used (gal.) *~ 7 gal*
Quantity of cement used (lbs.) *94*
Cement type *Portland*
Quantity of bentonite used (lbs.) *5*
Quantity of calcium chloride used (lbs.) *—*
Volume of grout prepared (gal.) *~ 8 gal*
Volume of grout used (gal.) *~ 8 gal*

Comments



* Sketch in all relevant decommissioning data, including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.

Drilling Contractor:

Department Rep.:

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

PROJECT INFORMATION	WELL INFORMATION
PROJECT/SITE NAME: <i>Silos @ Elk Street Site</i>	WELL I.D.: <i>MW-5</i>
Client: <i>Young & Wright</i>	Stick-up (feet): <i>—</i>
Project Job Number:	Screen Interval (fbgs): <i>12-12'</i>
Date: <i>6/7/23</i>	Drilling Company: <i>—</i>
Weather: <i>overcast</i>	Drill Rig Type: <i>—</i>
Prepared by: <i>PWW</i>	Drilling Company Personnel: <i>—</i>

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10)

	YES	NO
Well visible? (If not, provide directions below)	<input checked="" type="checkbox"/>	
Well I.D. visible?	<input checked="" type="checkbox"/>	
Well location matches site map? (If not, sketch actual location on back)	<input checked="" type="checkbox"/>	
Well I.D. as it appears on protective casing or well:		
Surface seal present?	<input checked="" type="checkbox"/>	
Surface seal competent? (If cracked, heaved, etc., describe below)	<input checked="" type="checkbox"/>	
Protective casing in good condition? (If damaged, describe below)	<input checked="" type="checkbox"/>	
Headspace reading (ppm) and instrument used:	<i>0.0 PPM</i>	
Type of protective casing and height of stickup in feet (if applicable):	<i>NA</i>	
Protective casing material type:	<i>Steel cover (Flush mount)</i>	
Measure protective casing inside diameter (inches):	<i>8"</i>	
Lock present?		<input checked="" type="checkbox"/>
Lock functional?		<input checked="" type="checkbox"/>
Did you replace the lock?		<input checked="" type="checkbox"/>
Is there evidence that the well is double cased? (If yes, describe below)		<input checked="" type="checkbox"/>
Well measuring point visible?	<input checked="" type="checkbox"/>	
Measure depth to water from measuring point (feet):		
Measure well depth from measuring point (feet):		
Measure well diameter (inches):		
Well casing material:	<i>2"</i>	
Physical condition of visible well casing:	<i>PVC</i>	
Attach I.D. marker (if well I.D. is confirmed) and identify marker type:	<i>good</i>	
Proximity to underground or overhead utilities:		
Describe access to well: (Include accessibility to truck mounted rig, natural obstructions, overhead utilities, proximity to permanent structures, etc.); Add sketch of location on back, if necessary.		
<i>Accessible in parking lot near electrical charge station</i>		
Describe well setting (for example, located in a field, in a playground, on pavement, in a garden, etc.) and assess the type of restoration required.		
<i>located in pavement</i>		
Identify any nearby potential sources of contamination, if present (e.g., gas station, salt pile, etc.)		
<i>N/A</i>		
Remarks:		

**WELL ABANDONMENT/
 DECOMMISSIONING LOG**

DECOMMISSIONING PROCEDURES (per NYSDEC DER-10) - continued

PROJECT/SITE NAME:	WELL I.D.:
Decommissioning Data (Fill in all that apply)	Well Schematic*
<p><u>Overdrilling</u></p> <p>Interval Drilled <u>N/A</u></p> <p>Drilling Method(s) _____</p> <p>Borehole Diameter (in.) _____</p> <p>Temp. Casing Installed? (Y/N) _____</p> <p>Depth temp. casing installed _____</p> <p>Casing type/diam (in.) _____</p> <p>Method of Installation _____</p> <p><u>Casing Pulling</u> <u>N/A</u></p> <p>Method employed _____</p> <p>Casing retrieved (feet) _____</p> <p>Casing type/diam. (in.) _____</p> <p><u>Casing Perforating</u> <u>N/A</u></p> <p>Equipment used _____</p> <p>Number of perforations/foot _____</p> <p>Size of perforations _____</p> <p>Interval perforated _____</p> <p><u>Grouting</u></p> <p>Interval grouted (fbgs) <u>4-22' fbgs</u></p> <p>No. of batches prepared <u>1</u></p> <p>For each batch record:</p> <p>Quantity of water used (gal.) <u>~ 7 gallons</u></p> <p>Quantity of cement used (lbs.) <u>94</u></p> <p>Cement type <u>Portland</u></p> <p>Quantity of bentonite used (lbs.) <u>5#</u></p> <p>Quantity of calcium chloride used (lbs.) <u>NA</u></p> <p>Volume of grout prepared (gal.) <u>~ 8 gal</u></p> <p>Volume of grout used (gal.) <u>~ 8 gal</u></p> <p><u>Comments</u></p> <p><u>Well was decommissioned in place</u></p>	<p>Depth (feet)</p>
	* Sketch in all relevant decommissioning data, including: interval overdrilled, interval grouted, casing left in hole, well stickup, etc.

Drilling Contractor:

Department Rep.:

APPENDIX H

TENANT NOTIFICATION

TENANT NOTIFICATION

As a condition of the Lease Agreement for 50 Elk Street, Suite _____, Buffalo, New York 14210 between Silos at Elk Street, LLC [Owner] and _____ [Tenant], no digging is allowed anywhere on the property for any reason. The property has been remediated through the New York State Brownfield Cleanup Program and is subject to an Environmental Easement held by the New York State Department of Environmental Conservation, which is recorded in the Erie County Clerk's office at Book of Deeds 11325, Page 3114. This easement is hereby incorporated by reference in the Lease Agreement between the Owner and Tenant.

Please indicate your receipt of this Notification and acceptance of these conditions by signing below:

Tenant Signature

Tenant Name (printed)

Date Signed

Owner Signature

Date Signed