NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E
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July 12, 2019

Mr. Roger Trettel
990 Niagara LLC
285 Ellicott Street
Buffalo, New York 14203
rogertrettel@gmail.com

RE: 990 Niagara Street Site
Site ID No. C915313
Buffalo, Erie County
Remedial Work Plan & Decision Document

Dear Mr. Trettel:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) also referred to as the Remedial Investigation/Alternative Analysis Report (RI/AAR) for the 990 Niagara Street site dated February 2019 and prepared by Benchmark Environmental Engineering & Science, PLLC on behalf of 990 Niagara LLC. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repository. The draft plan should be removed.

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

Please contact the Department's Project Manager, Damianos T. Skaros, at 716-851-7220 or Damianos.Skaros@dec.ny.gov at your earliest convenience to discuss next steps. Please recall the Department requires seven days' notice prior to the start of field work.

Sincerely,

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

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Enclosure

ec: Chad Staniszewski, Region 9, NYSDEC
Stanley Radon, Region 9, NYSDEC
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DECISION DOCUMENT

990 Niagara Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915313
June 2019

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

DECLARATION STATEMENT - DECISION DOCUMENT

990 Niagara Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915313
June 2019

Statement of Purpose and Basis

This document presents the remedy for the 990 Niagara Street site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 990 Niagara Street site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design:

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

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a

minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation:

Excavation and off-site disposal of all on-site soils which exceed unrestricted SCOs, as defined by 6 NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

Approximately 6,060 tons of contaminated fill/soil will be removed from the site.

Due to the ubiquitous nature of the constituents observed in the site soil/fill and the extent to which they exceed the unrestricted SCOs, the entire northern vacant portion of the site, the western vacant portion of the site and certain areas below the slab of the existing building will require excavation. The depth of excavation will vary throughout these areas due to the variability of fill and SCO exceedances. Additional sampling below the building slab will be required to further define the extent of unrestricted SCO exceedances.

Additionally, groundwater monitoring for polychlorinated biphenyls (PCBs) will be performed following excavation of impacted materials to confirm the discrete low-level PCB impacts observed in groundwater are mitigated via excavation of soil exceeding unrestricted SCOs.

3. Backfill:

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace excavated soil/fill and establish the designed grades at the site.

4. Removal of PCB Transformer Units:

Removal and offsite disposal of the capacitor and four inactive transformers from the northern portion of the existing building.

5. Contingent Track 1

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 4 restricted residential cleanup.

A Track 4 restricted residential cleanup will require:

a. Cover System:

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material

for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

b. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

c. Site Management Plan

A Site Management Plan is required, which includes the following:

- an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
    - Institutional Controls: The Environmental Easement discussed in Paragraph 5b above.
    - Engineering Controls: The site cover discussed in Paragraph 5a above.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use or groundwater use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 4a above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable soil cleanup objectives (SCOs)
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and

- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes but not be limited to:
    - Monitoring of groundwater to assess the performance and effectiveness of the remedy;
    - A schedule of monitoring and frequency of submittals to the Department.

Declaration

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

07/11/2019 

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

990 Niagara Street
Buffalo, Erie County
Site No. C915313
June 2019

SECTION 1: SUMMARY AND PURPOSE

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

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

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

SECTION 2: CITIZEN PARTICIPATION

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

Buffalo & Erie County Public Library
230 Porter Avenue
Buffalo, NY 14201
Phone: (716)882-1537

Receive Site Citizen Participation Information By Email

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

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

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
The site is located in an urban area on Niagara Street in a highly developed mixed-use commercial, industrial and residential area of the City of Buffalo. The site is bordered by Niagara Street to the east, commercial/industrial properties to the north, Niagara Mohawk Power Corp. electrical substation to the south and railroad tracks to the west.

Site Features:
The 1.05-acre site is currently improved with a two-story commercial building, with asphalt, concrete and gravel covered areas to the north and vegetated areas to the east and west. The site is currently vacant.

Zoning and Land Use:
The current zoning for the site is classified as M1 - Light Industrial District. The City of Buffalo is in the process of revising the building and zoning ordinances into the Buffalo Development Framework. The anticipated zoning for the site is primarily classified as Urban Core (N-1). Urban Core areas are described as mixed-use centers of high intensity in strategic locations on the edges of downtown or proximate light rail, and often featuring mid-rise buildings. The site is identified as N-1C - Mixed Use Core.

Past Use of the Site
Former site occupants include Hewitt Rubber, Buffalo Niagara Hudson Company, Buffalo General Electric Company, International Railway Co., Power House and Converter Station, Merchandising Export and Distributors, and Multiform Dessicants, as well as Trico Products Corp. Former site uses include manufacturing and automotive garage and repair.

Site Geology and Hydrogeology:
The geology of the site is typified by 0 to 6.5 feet of urban fill consisting of brick and glass fragments, sand and gravel, overlying native clay soils. Native soils located across the site consist of very tight sandy lean clay. Depth to bedrock ranged from 24 to 27 feet below ground surface (bgs). Depth to groundwater ranges between 7 and 22 feet bgs and flows in a westerly direction towards the Niagara River located approximately 150 feet west of the site.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative which allows for unrestricted use of the site was evaluated.

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

SECTION 5: ENFORCEMENT STATUS

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

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

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

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

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

The analytical data collected on this site includes data for:

- groundwater
- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

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

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs

for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

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

acenaphthene
anthracene
benzo(a)anthracene
benzo[k]fluoranthene
chrysene
dibenz[a,h]anthracene
fluoranthene
indeno(1,2,3-CD)pyrene
naphthalene
polychlorinated biphenyls
phenanthrene
pyrene
arsenic
cadmium
lead
mercury
zinc

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

6.2: Interim Remedial Measures

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

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

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

Several site investigations were conducted on this site. A Phase I investigation was performed in 1997 and a Phase II investigation was performed in 2016.

Under the BCP, a Remedial Investigation (RI) was conducted in 2018. The RI consisted of surface soil, subsurface soil/fill, and groundwater sampling. The data collected during prior site

investigations and the RI identified contamination by metals, semi-volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) above unrestricted soil clean up objects (USCOs).

Nature and Extent of Contamination:

Soil
Surface Soils:
Subsurface soils were sampled from 0-6 inches bgs and analyzed for SVOCs, PCBs, metals, herbicides and pesticides. Herbicides, pesticides, and PCBs were either not detected or detected at concentrations below the unrestricted use soil cleanup objectives (USCOs).

The concentrations of metals were up to: 14 parts per million (ppm) arsenic (USCO: 13 ppm); 53 ppm cadmium (USCO: 2.5); 1.2 ppm mercury (USCO: 0.18); 560 ppm lead (USCO: 63 ppm); 144 ppm zinc (USCO: 109 ppm).

The concentrations of SVOCs were up to: 100 ppm acenaphthene (USCO: 20 ppm); anthracene 240 ppm (USCO: 100 ppm); 260 ppm benzo(a)anthracene (USCO: 1 ppm); 230 ppm benzo(a)pyrene (USCO: 1.0 ppm); 280 benzo(b)fluoranthene (USCO: 1.0 ppm); 120 ppm benzo(ghi)perylene (USCO: 100 ppm); 61 ppm benzo(k)fluoranthene (USCO: 0.8 ppm); 240 ppm chrysene (USCO: 1.0 ppm); 26 ppm dibenzo(a,h)furan (USCO: 0.33 ppm); 620 ppm fluoranthene (USCO: 100 ppm); 120 ppm fluorene (USCO: 30 ppm); 140 ppm indeno(1,2,3-cd)pyrene (USCO: 0.5ppm); 74 ppm naphthalene (USCO: 12 ppm); 690 ppm phenanthrene (USCO: 100 ppm); 500 ppm pyrene (USCO: 100 ppm).

Based upon the distribution of contaminants in surface soil, no off-site migration of contaminants from the site is likely.

Subsurface Soils:
Subsurface soils were sampled from 0-22 feet bgs and analyzed for VOCs, SVOCs, PCBs, metals, herbicides, and pesticides. VOCs, herbicides, and pesticides were either not detected or detected at concentrations below the unrestricted use SCOs. While no PCBs were detected during the RI, a Phase II Investigation performed in 2016 detected PCBs up to 0.282 ppm (USCO: 0.1 ppm).

The concentrations of metals were up to: 45 ppm arsenic (USCO: 13 ppm); 3.8 ppm cadmium (USCO: 2.5 ppm) 0.31 ppm mercury (USCO: 0.18 ppm); 150 ppm lead (USCO: 63 ppm); 1020 ppm zinc (USCO: 109 ppm).

The concentrations of SVOCs were up to: 28 ppm benzo(a)anthracene (USCO: 1 ppm); 24 ppm benzo(a)pyrene (USCO: 1.0 ppm); 29 benzo(b)fluoranthene (USCO: 1.0 ppm); 11 ppm benzo(k)fluoranthene (USCO: 0.8 ppm); 25 ppm chrysene (USCO: 1.0 ppm); 3.6 ppm dibenzo(a,h)furan (USCO: 0.33 ppm); 14 ppm fluorene (USCO: 30/100 ppm); 32 ppm indeno(1,2,3-cd)pyrene (USCO: 0.5 ppm).

Based upon the distribution of contaminants in subsurface soil no off-site migration of contaminants from subsurface soil is likely.

Transformer Oil Sampling:
A transformer room at the site contained a capacitator and four transformers. As part of the site's Phase II Investigation performed in 2016, the transformer oil was analyzed and found to contain a PCB concentration of 8.46 ppm.

Groundwater:
Groundwater samples were analyzed for VOCs, SVOCs, metals, PCBs, herbicides, and pesticides. VOCs, SVOCs, metals, herbicides, and pesticides were either not detected in the groundwater samples or detected at concentrations below their respective Ground Water Quality Standards (GWQS). Groundwater monitoring identified low level PCBs which were present within the vicinity of the transformer room and above their respective GWQS. The concentration of total PCBs in groundwater were up to: 0.67 parts per billion (ppb) PCB (GWQS: 0.09 ppb).

Based upon the distribution of contaminants in groundwater, no off-site migration of contaminants in groundwater is likely.

6.4: Summary of Human Exposure Pathways

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

Access is restricted by a fence. People who enter the site may come into contact with site-related soil and groundwater contamination if they dig below the surface. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

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

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface

water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

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

The elements of the selected remedy are as follows:

1. Remedial Design:

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

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation:

Excavation and off-site disposal of all on-site soils which exceed unrestricted SCOs, as defined by 6 NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

Approximately 6,060 tons of contaminated fill/soil will be removed from the site.

Due to the ubiquitous nature of the constituents observed in the site soil/fill and the extent to which they exceed the unrestricted SCOs, the entire northern vacant portion of the site, the western vacant portion of the site and certain areas below the slab of the existing building will require excavation. The depth of excavation will vary throughout these areas due to the variability of fill and SCO exceedances. Additional sampling below the building slab will be required to further define the extent of unrestricted SCO exceedances.

Additionally, groundwater monitoring for polychlorinated biphenyls (PCBs) will be performed following excavation of impacted materials to confirm the discrete low-level PCB impacts observed in groundwater are mitigated via excavation of soil exceeding unrestricted SCOs.

3. Backfill:

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace excavated soil/fill and establish the designed grades at the site.

4. Removal of PCB Transformer Units:

Removal and offsite disposal of the capacitor and four inactive transformers from the northern portion of the existing building.

5. Contingent Track 1

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve a Track 4 restricted residential cleanup.

A Track 4 restricted residential cleanup will require:

a. Cover System:

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

b. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- require compliance with the Department approved Site Management Plan.

c. Site Management Plan

A Site Management Plan is required, which includes the following:

- an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
    - Institutional Controls: The Environmental Easement discussed in Paragraph 5b above.
    - Engineering Controls: The site cover discussed in Paragraph 5a above.

This plan includes, but may not be limited to:

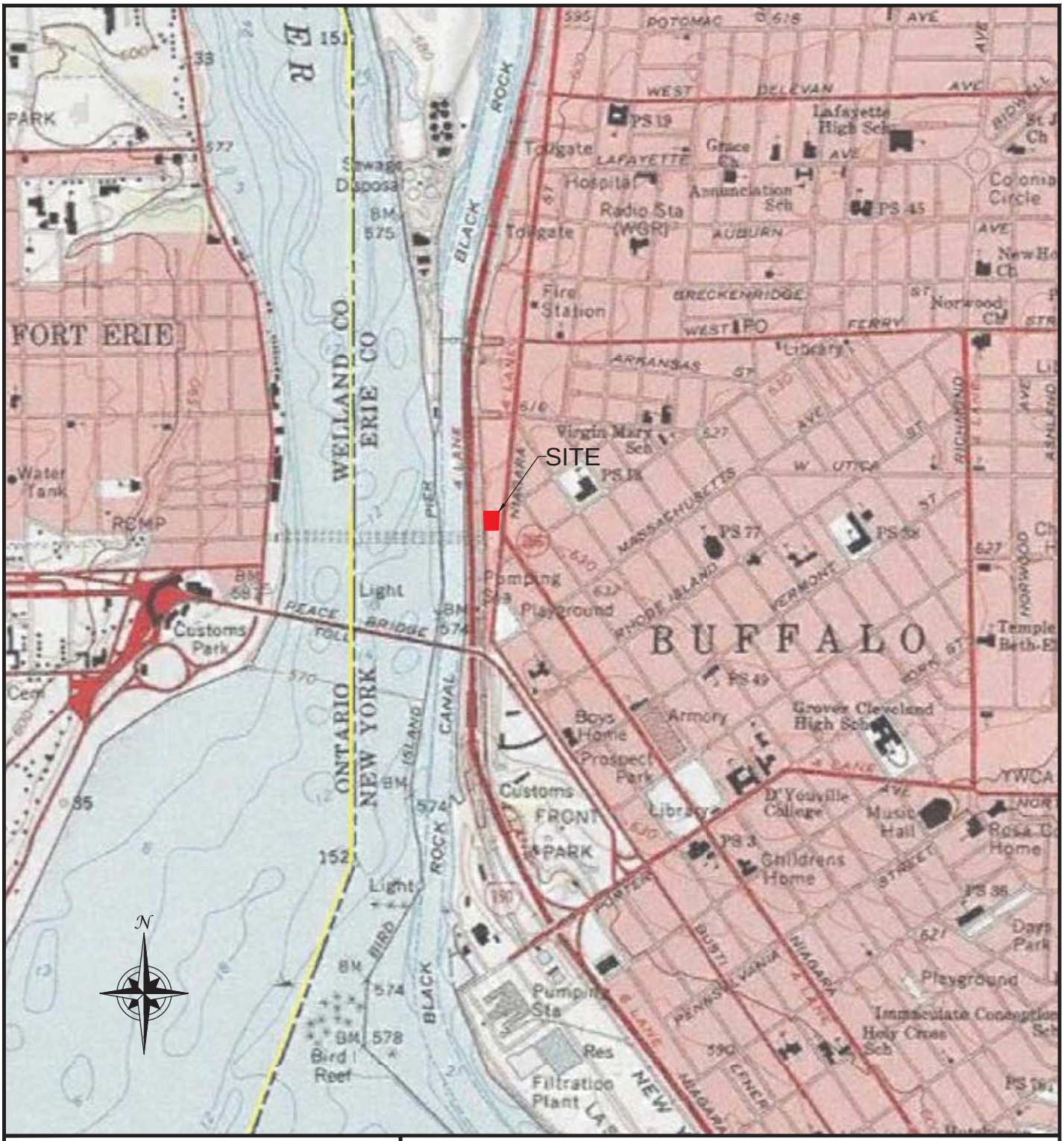
- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use or groundwater use restrictions;
- a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Paragraph 4a above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable soil cleanup objectives (SCOs)
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes but not be limited to:
    - Monitoring of groundwater to assess the performance and effectiveness of the

remedy;

- A schedule of monitoring and frequency of submittals to the Department;

F:\CAD\Benchmark\990 Niagara LLC\990 Niagara Street\RI\Figure 1; Site Location and Vicinity Map.dwg, DWG To PDF.pc3

FIGURE 1



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

PROJECT NO.: 0395-016-002

DATE: DECEMBER 2018

DRAFTED BY: RFL/CCB

SITE LOCATION AND VICINITY MAP

REMEDIAL INVESTIGATION/ALTERNATIVE ANALYSIS REPORT

990 NIAGARA STREET

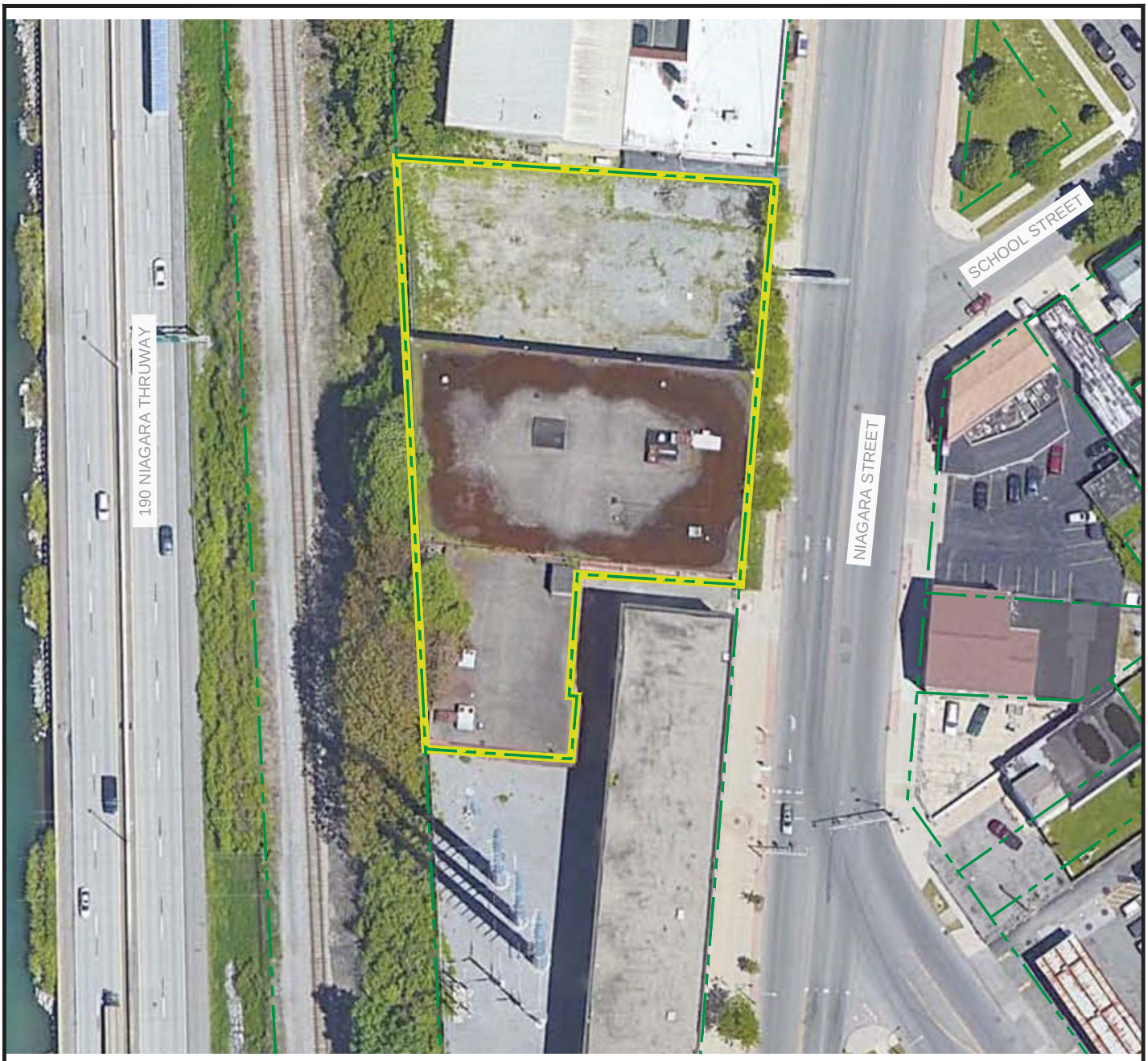
BUFFALO, NEW YORK

PREPARED FOR

990 NIAGARA LLC

F:\CAD\Benchmark\990 Niagara LLC\990 Niagara Street\RI\Figure 2; Site Plan Aerial.dwg

FIGURE 2



LEGEND:

BCP SITE BOUNDARY

PARCEL BOUNDARY

80' 0' 80' 160'

N

SCALE: 1 INCH = 80 FEET
SCALE IN FEET
(approximate)

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

PROJECT NO.: 0395-016-002

DATE: DECEMBER 2018

DRAFTED BY: RFL/CCB

SITE PLAN (AERIAL)

REMEDIAL INVESTIGATION/ALTERNATIVE ANALYSIS REPORT

990 NIAGARA STREET
BUFFALO, NEW YORK

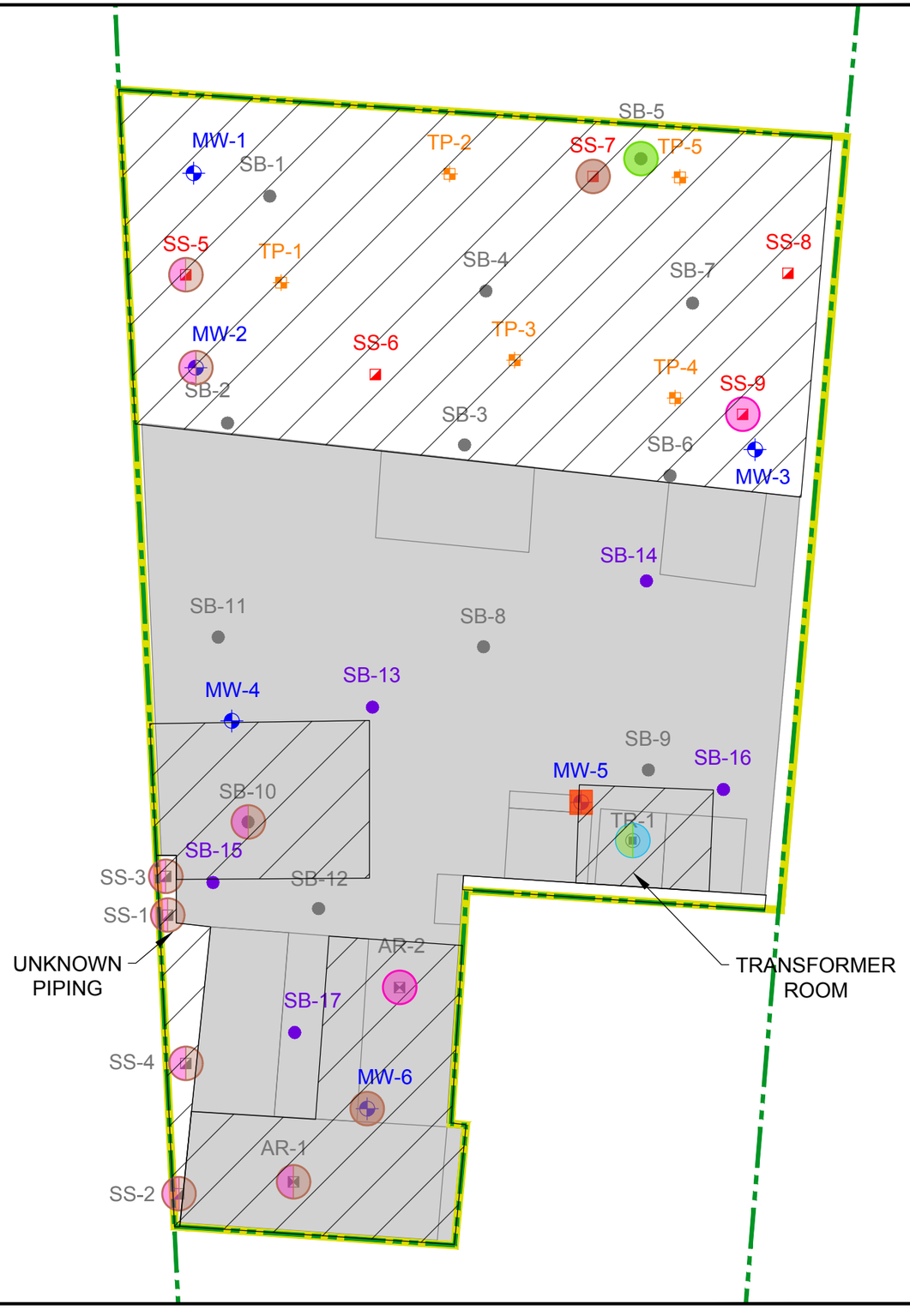
PREPARED FOR
990 NIAGARA LLC

F:\CAD\Benchmark\990 Niagara LLC\990 Niagara Street\R\Figure 5; Preferred Alter UR rev.dwg

LEGEND:

- BCP SITE AND PROPERTY BOUNDARY
- PARCEL BOUNDARY
- EXISTING BUILDING
- TR-1 HISTORIC TRANSFORMER ROOM SOIL SAMPLE LOCATION
- AR-1 HISTORIC AUTO REPAIR AREA SOIL SAMPLE LOCATION
- SS-1 HISTORIC SURFACE SOIL SAMPLE LOCATION
- SB-1 HISTORIC SOIL BORING LOCATION
- TP-1 TEST PIT LOCATION
- MW-1 MONITORING WELL LOCATION
- SB-13 SOIL BORING LOCATION
- SS-5 SURFACE SOIL SAMPLE LOCATION
- GROUNDWATER QUALITY EXCEEDANCE - PCBs ONLY
- ELEVATED PID READINGS IN SOIL
- PCBS EXCEEDING USCO AND GCS
- METALS EXCEEDING USCO
- SVOCs EXCEEDING USCOS
- SVOCs AND METALS EXCEEDING USCOS
- PROPOSED REMEDIAL EXCAVATION AREA

NOTES:
1. USCOs MEANS NYSDEC PART 375 UNRESTRICTED SOIL CLEANUP OBJECTIVE.
2. SVOCs MEANS SEMIVOLATILE ORGANIC COMPOUNDS.
3. PID MEANS PHOTOIONIZATION DETECTOR READING FROM FIELD SCREENING OF SOIL SAMPLES.



N

35' 0' 35' 70'

SCALE: 1 INCH = 35 FEET
SCALE IN FEET
(approximate)

DATE: DECEMBER 2018
DRAFTED BY: RFL

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IN ASSOCIATION WITH
BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
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JOB NO.: 0395-016-001

PREFERRED REMEDY ALTERNATIVE 3
UNRESTRICTED USE (TRACK 1) CLEANUP
REMEDIAL INVESTIGATION/ ALTERNATIVE ANALYSIS REPORT

990 NIAGARA STREET
BUFFALO, NEW YORK

PREPARED FOR
990 NIAGARA LLC

FIGURE 5