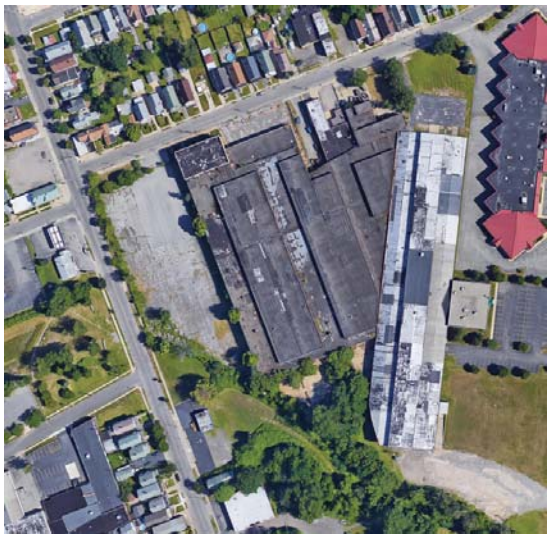
Brownfield Cleanup Program Application

25 Rano Street Site
Buffalo, New York

July 2017 0418-017-001

Prepared For:

Rano Development, LLC



Prepared By:

2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0599 | fax: (716) 856-0583

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

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

PART A (note: application is separated into Parts A and B for DEC review purposes) ***BCP App Rev 9***

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME Rano Development, LLC

ADDRESS 434 Delaware Avenue

CITY/TOWN Buffalo ZIP CODE 14202

PHONE (716) 445-9473 | FAX | E-MAIL aria3907@aol.com

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

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS. See Attachment 1

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

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

Section II. Project Description

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

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

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

4. Please attach a short description of the overall development project, including: See Attachment 2

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated. See Figure 4

Section III. Property's Environmental History See Attachment 3

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

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). See Attachment 3

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X		
Chlorinated Solvents			
Other VOCs	X		
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

***Please describe:** _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* ■ **Yes** ☐ **No** See Figure 5
(*answering No will result in an incomplete application)

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

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

Other: Industrial plating facility, Planing Mill, and plastic injection/molding company

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

PROPOSED SITE NAME 25 Rano Street Site

ADDRESS/LOCATION 25 Rano Street

CITY/TOWN Buffalo ZIP CODE 14207

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

COUNTY Erie SITE SIZE (ACRES) 7.63

LATITUDE (degrees/minutes/seconds)	LONGITUDE (degrees/minutes/seconds)
42 ° 56 ‘ 47.48 “	78 ° 54 ‘ 02.3 “

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

Parcel Address	Section No.	Block No.	Lot No.	Acreage
25 Rano Street	77.73	5	1	7.63

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

2. Is the required property map attached to the application? ■ Yes ☐ No
   (application will not be processed without map) See Figures 2, 7 & 8

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

   See Figure 10

   If yes, identify census tract : 57

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

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

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

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

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

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

Section IV. Property Information (continued) See Attachment 4

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

Easement/Right-of-way Holder	Description

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

Type	Issuing Agency	Description
PBS Registration	NYSDEC	PBS No. 9-221449

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

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

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

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

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

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, <u>except</u> for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: _____ _____ _____ _____ _____ _____

See Attachment 1

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

Section V. Additional Requestor Information
See Instructions for Further Guidance

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

NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE James Jerge		
ADDRESS 434 Delaware Avenue		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE (716) 445-9473	FAX	E-MAIL aria3907@aol.com
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science, PLLC		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo, New York		ZIP CODE 14218
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL lriker@benchmarkees.com
NAME OF REQUESTOR'S ATTORNEY The Knoer Group, PLLC		
ADDRESS 424 Main Street, Suite 1820		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE (716) 332-0032	FAX	E-MAIL rknoer@knoergroup.com

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

CURRENT OWNER'S NAME Same as Requestor		OWNERSHIP START DATE:
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
CURRENT OPERATOR'S NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

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

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

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

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ■ No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? * Consent Order File No. 17-15: R9-20170303-25 ☐ Yes ■ No *
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. ☐ Yes ■ No

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

■ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

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

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

☐ Yes ☐ No

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

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

See Attachment 2

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
   If yes, please provide relevant information as an attachment. ☐ Yes ■ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ■ No
   If yes, please provide: Site #_____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ■ No
   If yes, please provide: Permit type:_____ EPA ID Number:_____
   Date permit issued:_____ Permit expiration date:_____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
   If yes, please provide: Order # R9-20170303-25 ■ Yes ☐ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
   If yes, please provide explanation as an attachment. ☐ Yes ■ No

Section IX. Contact List Information

See Attachment 5

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

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

See Attachment 6

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

Section X. Land Use Factors

See Attachment 7

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

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

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

   See Attachment 4

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

4. Do current historical and/or recent development patterns support the proposed use? ■ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. ■ Yes ☐ No

   Currently the property is zoned for light industrial. Current redevelopment plans are for commercial or restricted-residential use. Re-zoning will not be required but the project will require Site Plan Review.

   See Attachment 7

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. ■ Yes ☐ No

   Based on the newly ratified Buffalo Green Code Unified Development Ordinance Plan, the proposed use is consistent with the applicable Site zoning.

   See Attachment 7

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am President (title) of Rano Development, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 7/5/17 Signature: _____

Print Name: James Jerge

SUBMITTAL INFORMATION:

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

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

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

BCP App Rev 9 N/A

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	☐ Yes ☐ No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	☐ Yes ☐ No

Please answer questions below and provide documentation necessary to support answers.

1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information. ☐ Yes ☐ No

2. Is the property upside down or underutilized as defined below?
   Upside Down? ☐ Yes ☐ No
   Underutilized? ☐ Yes ☐ No

From ECL 27-1405(31):

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(l) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)

375-3.2:

(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and

(1) the proposed use is at least 75 percent for industrial uses; or

(2) at which:

(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;

(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and

(iii) one or more of the following conditions exists, as certified by the applicant:

(a) property tax payments have been in arrears for at least five years immediately prior to the application;

(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or

(c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; *the New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below**:

☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;

☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available* (*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

☐ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: 25 Rano Street Site **Site Address:** 25 Rano Street
City: **County:** **Zip:** 14207

Tax Block & Lot
Section (if applicable): 77.73 **Block:** 5 **Lot:** 1

Requestor Name: **Requestor Address:**
City: **Zip:** **Email:**

Requestor's Representative (for billing purposes)
Name: James Jerge **Address:** 434 Delaware Avenue
City: **Zip:** **Email:** aria3907@aol.com

Requestor's Attorney
Name: Robert Knoer, Esq., The Knoer Group **Address:** 424 Main Street, Suite 1820
City: **Zip:** **Email:** rknoer@knoergroup.com

Requestor's Consultant
Name: Lori E. Riker, P.E., Benchmark Environmental Engineering **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo, New York **Zip:** **Email:** lriker@benchmarkees.com

Percentage claimed within an En-Zone: ☐ **0%** ☐ **<50%** ☐ **50-99%** ■ **100%**

DER Determination: ☐ Agree ☐ Disagree

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

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☐ No
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined
Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined
Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☐ Planned, No Contract
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined
Notes:

TABLES

Figure	Description	Attachment Reference
Table 1	Summary of Subsurface Soil/Fill Analytical Results	3

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE 1

SUMMARY OF SUBSURFACE SOIL/FILL ANALYTICAL RESULTS
COMPARED TO NYSDEC PART 375 SOIL CLEANUP OBJECTIVES

25 RANO STREET SITE
BUFFALO, NEW YORK

PARAMETER [1]	Unrestricted Use SCOs [2]	Restricted Residential Use SCOs [2]	Commercial Use SCOs [2]	SAMPLE LOCATION (DEPTH)										
				Phase II ESA (4/19/17)					Supplemental Investigation (6/7/2017)				UST Post-Ex (6/9/2017)[4]	
				SB-2 (6"-3.5')	SB-4 (6"-1.5')	SB-5 (4"-1.5')	SB-7 (3"-2')	HA-1 (3-4')	SB-8 (3"-6")	SB-9 (4"-2.5')	SB-10 (5'-5.5')	SS-1 (0-2")	Bottom North	Bottom South
Volatile Organic Compounds (VOCs) - mg/kg [3]														
1,1,2,2-Tetrachloroethane	--	--	--	ND	ND	ND	ND	ND	0.5 J D	ND	ND	--	--	--
1,1,1-Trichloroethane	**0.68**	**100**	**500**	ND	0.001	ND	ND	0.032 J	ND	0.002	ND	--	--	--
1,1,2-Trichloroethane	--	--	--	ND	ND	ND	ND	ND	0.47 J D	ND	ND	--	--	--
1,1-Dichloroethane	**0.33**	**26**	**240**	ND	ND	ND	ND	ND	**0.36 J D**	0.016	ND	--	--	--
1,2,4-Trimethylbenzene	**3.6**	**52**	**190**	ND	ND	ND	ND	ND	0.23 J D	0.0005 J	ND	--	ND < 1.05	0.00846
1,2-Dichlorobenzene	**1.1**	**100**	**500**	ND	ND	ND	ND	ND	0.28 J D	ND	ND	--	--	--
1,2-Dichloropropane	**--**	**--**	**--**	ND	ND	ND	ND	ND	0.37 J D	ND	ND	--	--	--
1,3,5-Trimethylbenzene	**8.4**	**52**	**190**	ND	ND	ND	ND	ND	0.2 J D	0.00038 J	ND	--	ND < 1.05	ND < 0.006
1,4-Dichlorobenzene	**1.8**	**13**	**130**	ND	ND	ND	ND	ND	0.26 J D	ND	ND	--	--	--
Acetone	**0.05**	**100**	**500**	**0.0079 J**	0.014	ND	**0.22 J**	**0.22 J**	ND	0.012	0.021	--	--	--
Benzene	**0.06**	**4.8**	**44**	ND	0.00054 J	ND	ND	ND	**0.4 J D**	0.00021 J	0.00037 J	--	**ND < 1.05**	ND < 0.006
Bromodichloromethane	**--**	**--**	**--**	ND	ND	ND	ND	ND	0.4 J D	ND	ND	--	--	--
Carbon disulfide	**--**	**--**	**--**	ND	ND	10 J D	11	ND	ND	ND	ND	--	--	--
Chloromethane (Methyl chloride)	**--**	**--**	**--**	ND	ND	ND	ND	ND	ND	ND	0.0017 J	--	--	--
cis-1,3-Dichloropropene	**--**	**--**	**--**	ND	ND	ND	ND	ND	0.35 J D	ND	ND	--	--	--
Cyclohexane	**--**	**--**	**--**	ND	0.0013 J	ND	ND	ND	ND	0.006 J	ND	--	--	--
Dibromochloromethane	**--**	**--**	**--**	ND	ND	ND	ND	ND	0.43 J D	ND	ND	--	--	--
Ethylbenzene	**1**	**41**	**390**	ND	ND	ND	ND	ND	0.33 J D	ND	0.00026 J	--	**ND < 1.05**	ND < 0.006
Isopropylbenzene (Cumene)	**--**	**--**	**--**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 1.05	ND < 0.006
Methyl tert butyl ether (MTBE)	**0.93**	**100**	**500**	--	ND	ND	ND	ND	0.56 J D	ND	ND	--	**ND < 1.05**	ND < 0.006
Methylcyclohexane	**--**	**--**	**--**	ND	0.001 J	ND	0.029 J	0.038 J	ND	0.0076	ND	--	--	--
Methylene chloride	**0.05**	**100**	**500**	ND	ND	ND	ND	ND	**2.1 J D**	ND	0.0024 J	--	--	--
Naphthalene	**--**	**--**	**--**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 2.62	ND < 0.015
n-Butylbenzene	**12**	**--**	**--**	--	ND	ND	ND	ND	ND	ND	ND	--	1.67	ND < 0.006
n-Propylbenzene	**3.9**	**100**	**500**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 1.05	ND < 0.006
p-Isopropyltoluene	**--**	**--**	**--**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 1.05	ND < 0.006
sec-Butylbenzene	**11**	**100**	**500**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 1.05	ND < 0.006
tert-Butylbenzene	**5.9**	**100**	**500**	--	ND	ND	ND	ND	ND	ND	ND	--	ND < 1.05	ND < 0.006
Tetrachloroethene	**1.3**	**19**	**150**	ND	0.0042	ND	ND	**2**	ND	ND	0.0027	--	--	--
Toluene	**0.7**	**100**	**500**	0.0076	0.0038	**400 D**	0.11	0.19	**170 D**	0.0094	0.013	--	**ND < 1.05**	ND < 0.006
trans-1,3-Dichloropropene	**--**	**--**	**--**	ND	ND	ND	ND	ND	0.4 J D	ND	ND	--	--	--
m&p-Xylene	**0.26**	**100**	**500**	ND	ND	ND	ND	ND	**0.7 J D**	0.00032 J	ND	--	**ND < 1.05**	ND < 0.006
o-Xylenes	**0.26**	**100**	**500**	--	ND	ND	ND	ND	**0.57 J D**	ND	ND	--	**ND < 1.05**	ND < 0.006
Total Tentatively Identified Compounds	**--**	**--**	**--**	*ND*	*ND*	*ND*	*ND*	*ND*	*ND*	*0.0267 J*	*0.0594 J*	--	--	--

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE 1

SUMMARY OF SUBSURFACE SOIL/FILL ANALYTICAL RESULTS COMPARED TO NYSDEC PART 375 SOIL CLEANUP OBJECTIVES

25 RANO STREET SITE BUFFALO, NEW YORK

PARAMETER [1]	Unrestricted Use SCOs [2]	Restricted Residential Use SCOs [2]	Commercial Use SCOs [2]	SAMPLE LOCATION (DEPTH)										
				Phase II ESA (4/19/17)					Supplemental Investigation (6/7/2017)				UST Post-Ex (6/9/2017)[4]	
				SB-2 (6"-3.5')	SB-4 (6"-1.5')	SB-5 (4"-1.5')	SB-7 (3"-2')	HA-1 (3-4')	SB-8 (3"-6")	SB-9 (4"-2.5')	SB-10 (5'-5.5')	SS-1 (0-2")	Bottom North	Bottom South
Semi-Volatile Organic Compounds (SVOCs) - mg/kg [3]														
2-Methylnaphthalene	--	--	--	0.15 J	0.13 J	ND	0.08 J	0.092 J	--	0.2 J	ND	1.4	--	--
Acenaphthene	20	100	500	ND	ND	ND	0.21	ND	--	0.021 J	ND	ND	4.07	ND < 0.31
Acenaphthylene	100	100	500	ND	ND	ND	0.044 J	ND	--	ND	ND	0.076 J	ND < 1.69	ND < 0.31
Acetophenone	--	--	--	ND	ND	ND	ND	ND	--	ND	ND	0.18	--	--
Anthracene	100	100	500	0.039 J	ND	ND	0.52	ND	--	0.041 J	ND	0.12	ND < 1.69	ND < 0.31
Benzo(a)anthracene	1	1	5.6	0.14	0.053 J	ND	1.4	0.11 J	--	0.16	ND	0.14	ND < 1.69	ND < 0.31
Benzo(a)pyrene	1	1	1	0.16	0.049 J	ND	1.4	0.11 J	--	0.17	ND	0.12 J	ND < 1.69	ND < 0.31
Benzo(b)fluoranthene	1	1	5.6	0.24	0.076 J	ND	1.8	0.17	--	0.26	ND	0.24	ND < 1.69	ND < 0.31
Benzo(ghi)perylene	100	100	500	0.12 J	0.037 J	ND	0.89	0.082 J	--	0.13 J	ND	0.24	ND < 1.69	0.328
Benzo(k)fluoranthene	0.8	3.9	56	0.064 J	ND	ND	0.61	0.054 J	--	0.062 J	ND	0.066 J	ND < 1.69	ND < 0.31
Biphenyl	--	--	--	ND	ND	ND	ND	ND	--	ND	ND	0.098 J	--	--
Bis(2-ethylhexyl) phthalate	--	--	--	ND	ND	ND	ND	0.31	--	ND	ND	ND	--	--
Carbazole	--	--	--	0.024 J	ND	ND	0.2	ND	--	0.028 J	ND	ND	--	--
Chrysene	1	3.9	56	0.16	0.075 J	ND	1.4	0.11 J	--	0.18	ND	0.26	ND < 1.69	ND < 0.31
Dibenz(a,h)anthracene	0.33	0.33	0.56	0.029 J	ND	ND	0.2	ND	--	ND	ND	ND	ND < 1.69	ND < 0.31
Dibenzofuran	7	59	350	0.041 J	0.043 J	ND	0.11 J	0.022 J	--	0.044 J	ND	0.18	--	--
Fluoranthene	100	100	500	0.24	0.11	ND	3.2	0.23	--	0.3	ND	0.16	2.02	ND < 0.31
Fluorene	30	100	500	0.019 J	ND	ND	0.2	ND	--	0.033 J	ND	ND	4.63	ND < 0.31
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	0.12 J	0.033 J	ND	0.92	0.09 J	--	0.14 J	ND	0.24	ND < 1.69	0.325
Naphthalene	12	100	500	0.16 J	0.18	ND	0.14 J	0.12 J	--	0.15 J	ND	0.51	ND < 1.69	0.407
Phenanthrene	100	100	500	0.22	0.18	ND	2	0.14	--	0.26	ND	0.5	11.8	ND < 0.31
Pyrene	100	100	500	0.21	0.086 J	ND	2.7	0.18	--	0.25	ND	0.25	2	ND < 0.31
Total Tentatively Identified Compounds	--	--	--	*ND*	*ND*	*ND*	*ND*	*ND*	--	*2.04 J*	*ND*	*5.06 J*	--	--
Metals - mg/kg														
Arsenic	13	16	16	5.6	8.3	2.4	4.3	12	--	8.85	7.03	7.21	--	--
Barium	350	400	400	60	56	19	59	83	--	36.2	76.5	47.6	--	--
Cadmium	2.5	4.3	9.3	0.243 J	0.423 J	0.1 J	0.08 J	12	--	0.369 J	ND	10.6	--	--
Chromium	30	180	1500	12	17	5.9	13	37	--	15.8	45	28.7	--	--
Lead	63	400	1000	31	59	6.6	48	64	--	52.1	6.95	41.8	--	--
Mercury	0.18	0.81	2.8	0.06 J	0.05 J	ND	0.05 J	0.08 J	--	0.09	ND	0.06 J	--	--
Selenium	3.9	180	1500	ND	ND	ND	ND	ND	--	1.29	1.14	1.04	--	--
Silver	2	180	1500	ND	ND	ND	ND	ND	--	ND	0.582	0.172 J	--	--
Zinc	109	10000	10000	100	66	31	44	670	--	1990	10.5	722	--	--
Cyanide - Total	27	27	27	0.27 J	ND	ND	10	20	--	0.33 J	20	42	--	--

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE 1

SUMMARY OF SUBSURFACE SOIL/FILL ANALYTICAL RESULTS
COMPARED TO NYSDEC PART 375 SOIL CLEANUP OBJECTIVES

25 RANO STREET SITE
BUFFALO, NEW YORK

PARAMETER [1]	Unrestricted Use SCOs [2]	Restricted Residential Use SCOs [2]	Commercial Use SCOs [2]	SAMPLE LOCATION (DEPTH)										
				Phase II ESA (4/19/17)					Supplemental Investigation (6/7/2017)				UST Post-Ex (6/9/2017)[4]	
				SB-2 (6"-3.5')	SB-4 (6"-1.5')	SB-5 (4"-1.5')	SB-7 (3"-2')	HA-1 (3-4')	SB-8 (3"-6")	SB-9 (4"-2.5')	SB-10 (5'-5.5')	SS-1 (0-2")	Bottom North	Bottom South
Polychlorinated biphenyls (PCBs) - mg/kg														
Aroclor 1260	--	--	--	ND	0.00827 J	ND	0.0274 J	0.00772 J	--	--	--	--	--	--
Total PCBs	**0.1**	**1**	**1**	ND	0.00827 J	ND	0.0274 J	0.00772 J	--	--	--	--	--	--

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per 6NYCRR Part 375 Soil Cleanup Objectives (SCOs).
3. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparisons to SCOs
4. Collected from excavation bottom following removal of two 11,000-gallon USTs per Consent Order.

Definitions:

ND = Parameter not detected above laboratory detection limit.
"--" = No value available for the parameter or parameter not analyzed for.
J = Estimated value; result is less than the sample quantitation limit but greater than zero.
D = Compounds were identified in an analyisis at the secondary dilution factor.

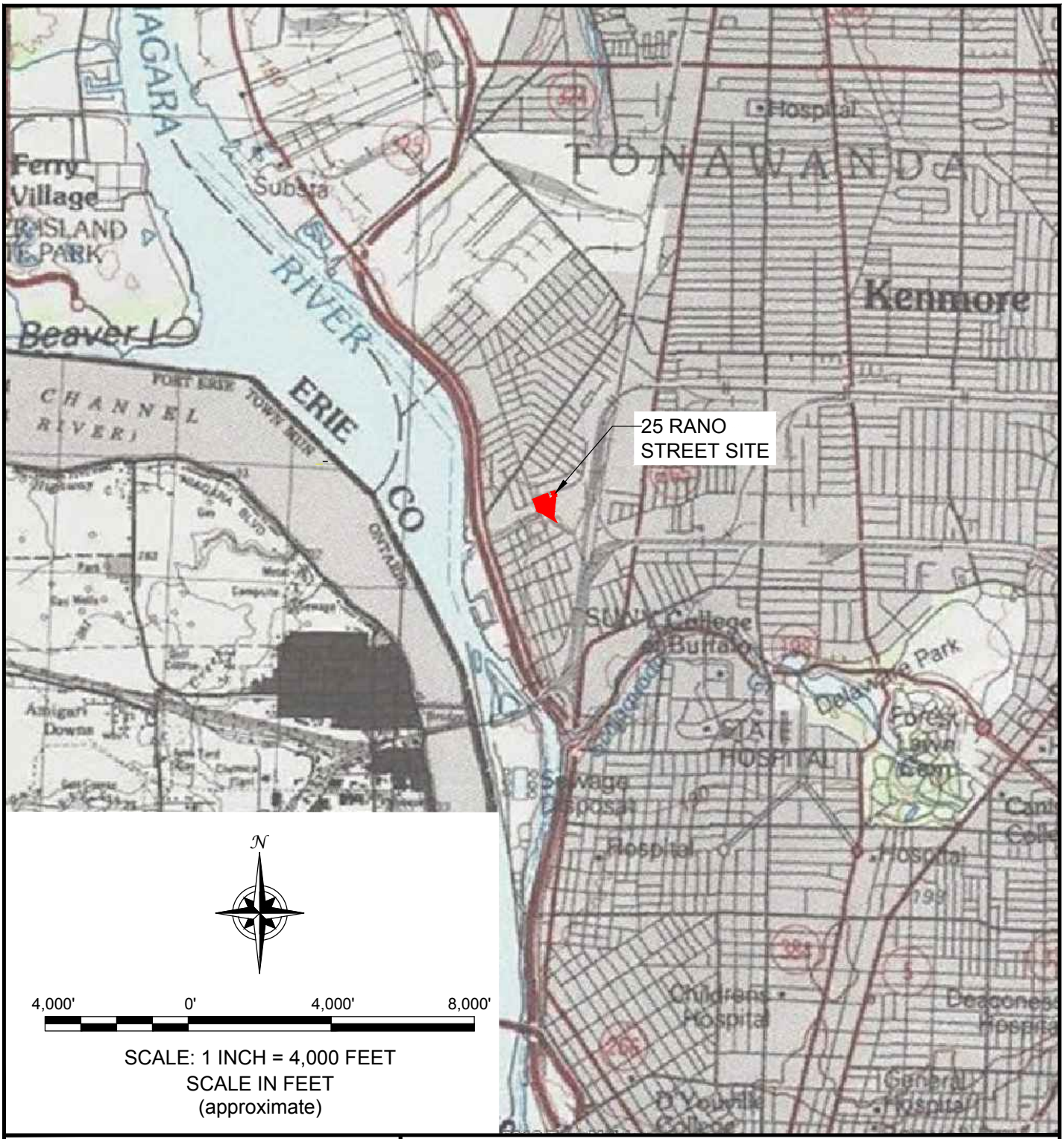
Bold	= Result exceeds Unrestricted Use SCOs.
Bold	= Result exceeds Restricted Residential Use SCOs.
Bold	= Result exceeds Commercial Use SCOs.
Bold	= Result is less than the MDL but the MDL value is greater than the respective analyte's SCO limits.

FIGURES

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Figure 17	Natural Resources Map	7
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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 1; Site Location and Vicinity Map.dwg

FIGURE 1



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

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

PROJECT NO.: 0418-017-001

DATE: JUNE 2017

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SITE LOCATION & VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

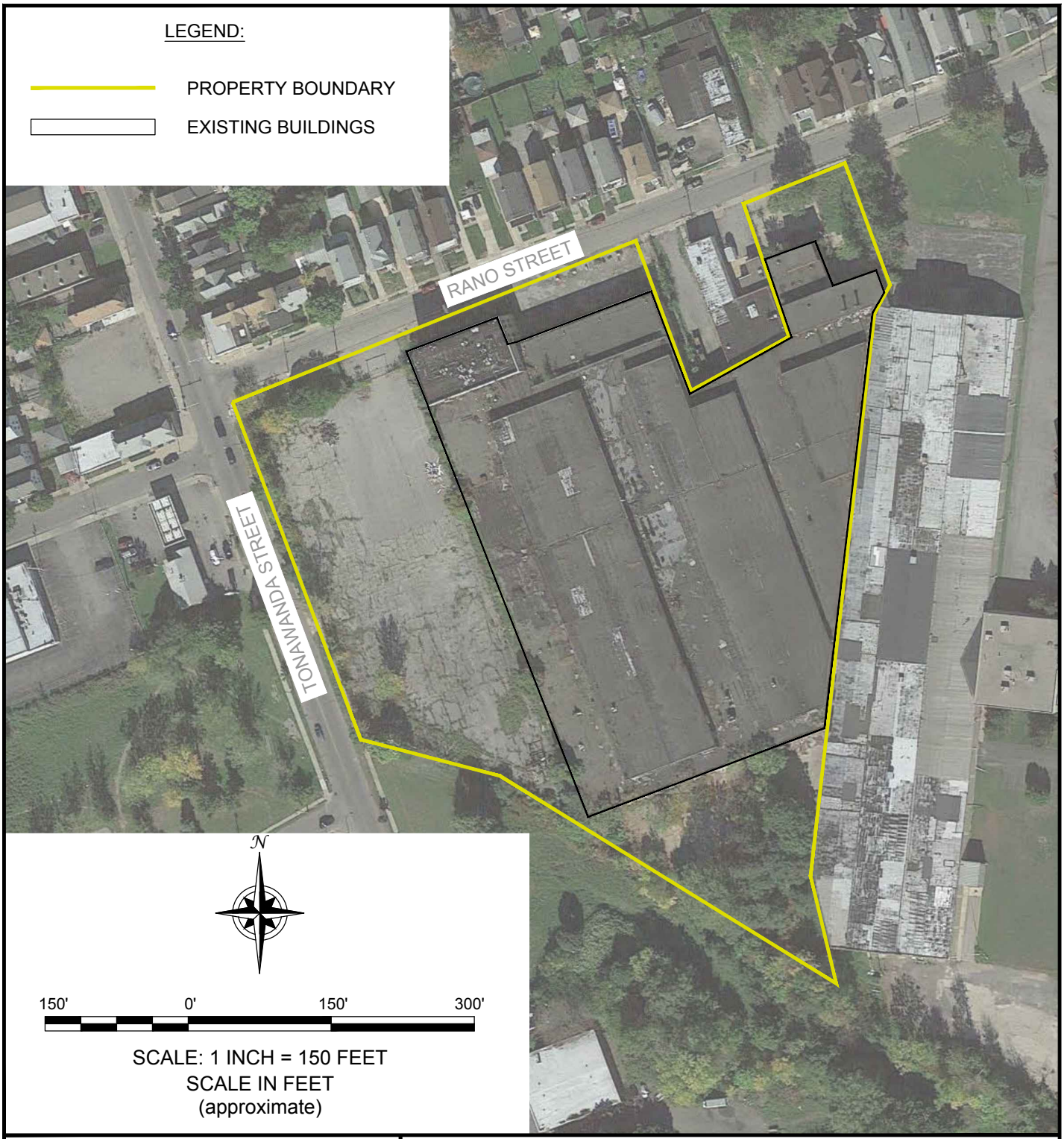
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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 2; Site Plan (Aerial).dwg

FIGURE 2



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

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DATE: JUNE 2017

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

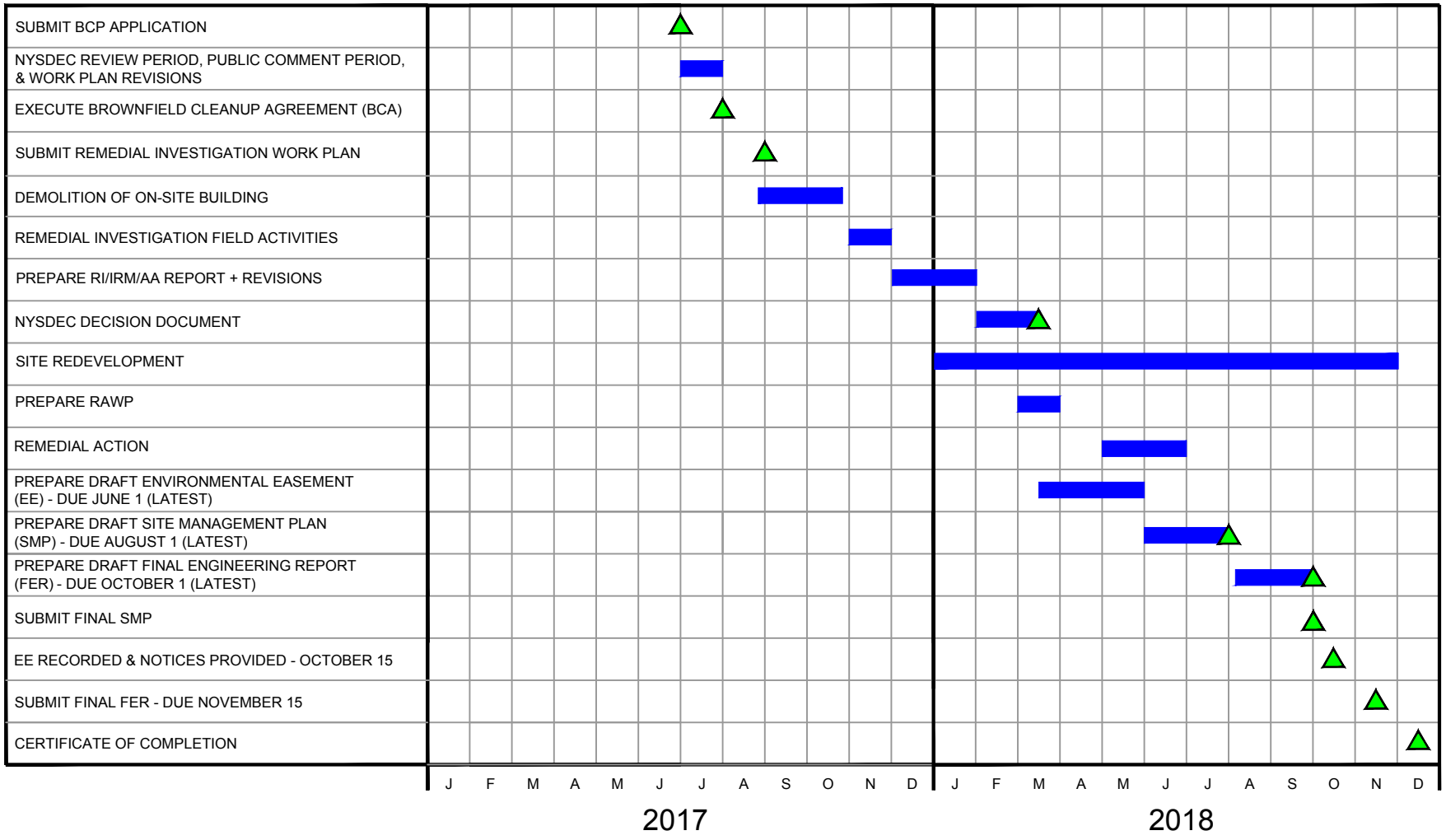
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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 4; Preliminary Project Schedule.dwg

PROJECT TASKS:



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

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

PROJECT NO.: 0418-017-001

DATE: JUNE 2017

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

PREPARED FOR

RANO DEVELOPMENT, LLC

FIGURE 4

***DISCLAIMER:* PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC** *IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.*

F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 5; Investigation Locations & Areas of Concern.dwg

LEGEND:

- PROPERTY BOUNDARY
- EXISTING BUILDINGS
- SB-1 ● EXISTING PHASE II SOIL BORING LOCATIONS (2017)
- HA-1 ● EXISTING PHASE II HAND AUGER LOCATION (2017)
- SB-8 ● SUPPLEMENTAL INVESTIGATION SOIL BORING LOCATION
- SS-1 ◪ SUPPLEMENTAL INVESTIGATION SURFACE SOIL LOCATION
- APPROXIMATE FORMER & SUSPECTED UST LOCATION

SUPPLEMENTAL INVESTIGATION - JUNE 2017

SB-8 (3" - 6")	MG/KG	USCO	RRSCO	CSCO
1,1-DICHLOROETHANE	0.36 J D	0.33	26	240
BENZENE	0.4 J D	0.06	4.8	44
METHYLENE CHLORIDE	2.1 JD	0.05	100	500
TOLUENE	170 D	0.7	100	500

APPROXIMATE LOCATION OF APPARENT 5,000-GALLON TOLUENE UST

APPROXIMATE LOCATION OF APPARENT 120-GALLON SLOP TANK UST

SUPPLEMENTAL INVESTIGATION - JUNE 2017

SB-9 (4" - 2.5')	MG/KG	USCO	RRSCO	CSCO
ZINC	1990 D	109	10,000	10,000

PHASE II INVESTIGATION - APRIL 2017

SB-5 (4" - 1.5')	MG/KG	USCO	RRSCO	CSCO
TOLUENE	400	0.70	100	500.0

SUSPECT UST VENT PIPE

RANO STREET

TONAWANDA STREET

RIVER ROCK DRIVE

SB-8

SB-5

SB-9

SB-6

SB-4

SB-1

SB-3

SB-2

SB-10

SB-7

HA-1

SS-1

PHASE II INVESTIGATION - APRIL 2017

SB-7 (3" - 2')	MG/KG	USCO	RRSCO	CSCO
ACETONE	0.22 J	0.05	100	500.0
BENZO(A)ANTHRACENE	1.4	1	1	5.6
BENZO(A)PYRENE	1.4	1	1	1
BENZO(B)FLUORANTHENE	1.8	1	1	5.6
CHRYSENE	1.4	1	3.9	56
INDENO(1,2,3-CD)PYRENE	0.92	0.5	0.5	5.6

STAINING ON EXPOSED SOIL & CONCRETE FLOOR

SUPPLEMENTAL INVESTIGATION - JUNE 2017

SB-10 (5' - 5.5')	MG/KG	USCO	RRSCO	CSCO
CHROMIUM	45	30	180	1,500

PHASE II INVESTIGATION - APRIL 2017

SB-2 (6" - 3.5')	MG/KG	USCO	RRSCO	CSCO
ACETONE	0.0079 J	0.05	100	500.0

DILAPIDATED BUILDING

PILES OF BURNT MATERIALS, AUTO PARTS, AND SOIL

SUPPLEMENTAL INVESTIGATION - JUNE 2017

SS-1 (0" - 2")	MG/KG	USCO	RRSCO	CSCO
CADMIUM	10.6	2.5	4.3	9.3
CYANIDE	42	27	27	27

FORMER APPROXIMATE LOCATION OF TWO 11,000-GALLON FUEL OIL USTS

PHASE II INVESTIGATION - APRIL 2017

HA-1 (3' - 4')	MG/KG	USCO	RRSCO	CSCO
ACETONE	0.22 J	0.05	100	500.0
TETRACHLOROETHENE	2	1.3	19	150
CADMIUM	12	2.5	4.3	9.3
CHROMIUM	37	30	180	1,500
LEAD	64	63	400	1,000
ZINC	670	109	10,000	10,000

N

150' 0' 150' 300'

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

NOTE: J = ESTIMATED VALUE; RESULT IS LESS THAN THE SAMPLE QUANTITATION LIMIT BUT GREATER THAN ZERO.
D = COMPOUNDS WERE IDENTIFIED IN AN ANALYSIS AT THE SECONDARY DILUTION FACTOR.

DATE: MAY 2017
DRAFTED BY: CMC

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

JOB NO.: 0418-017-001

INVESTIGATION LOCATIONS & AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK
PREPARED FOR
RANO DEVELOPMENT, LLC

FIGURE 5

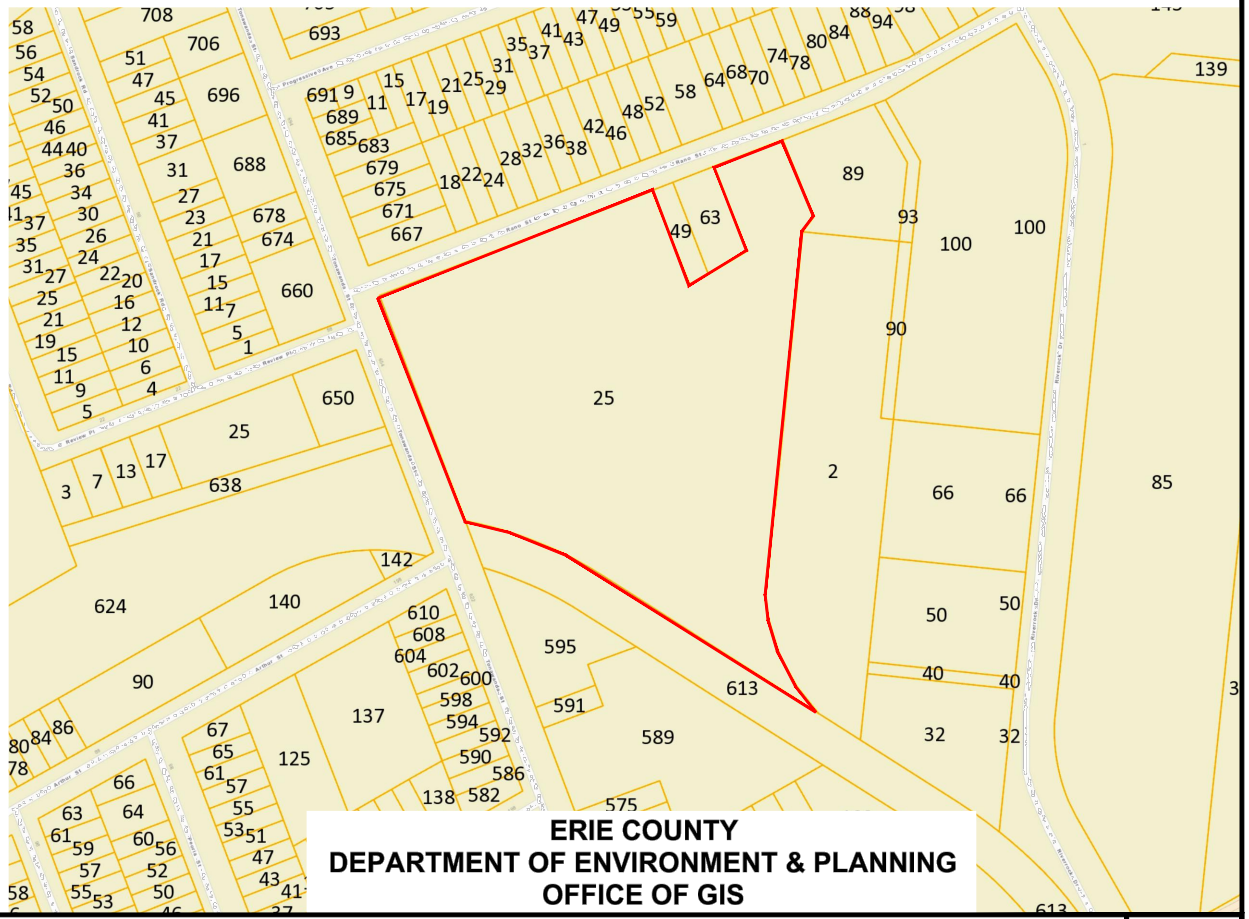
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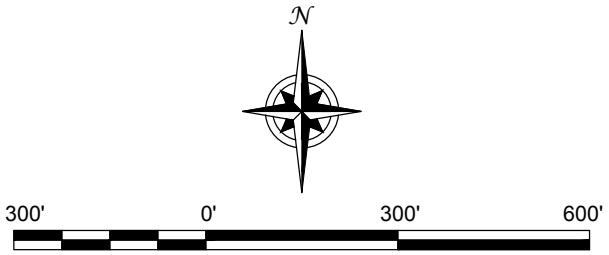
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Erie County On-Line Mapping Application

Legend

- Parcels
- Municipal Boundaries





SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
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PROJECT NO.: 0418-017-001

DATE: JUNE 2017

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PARCEL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

PREPARED FOR

RANO DEVELOPMENT, LLC

FIGURE 6

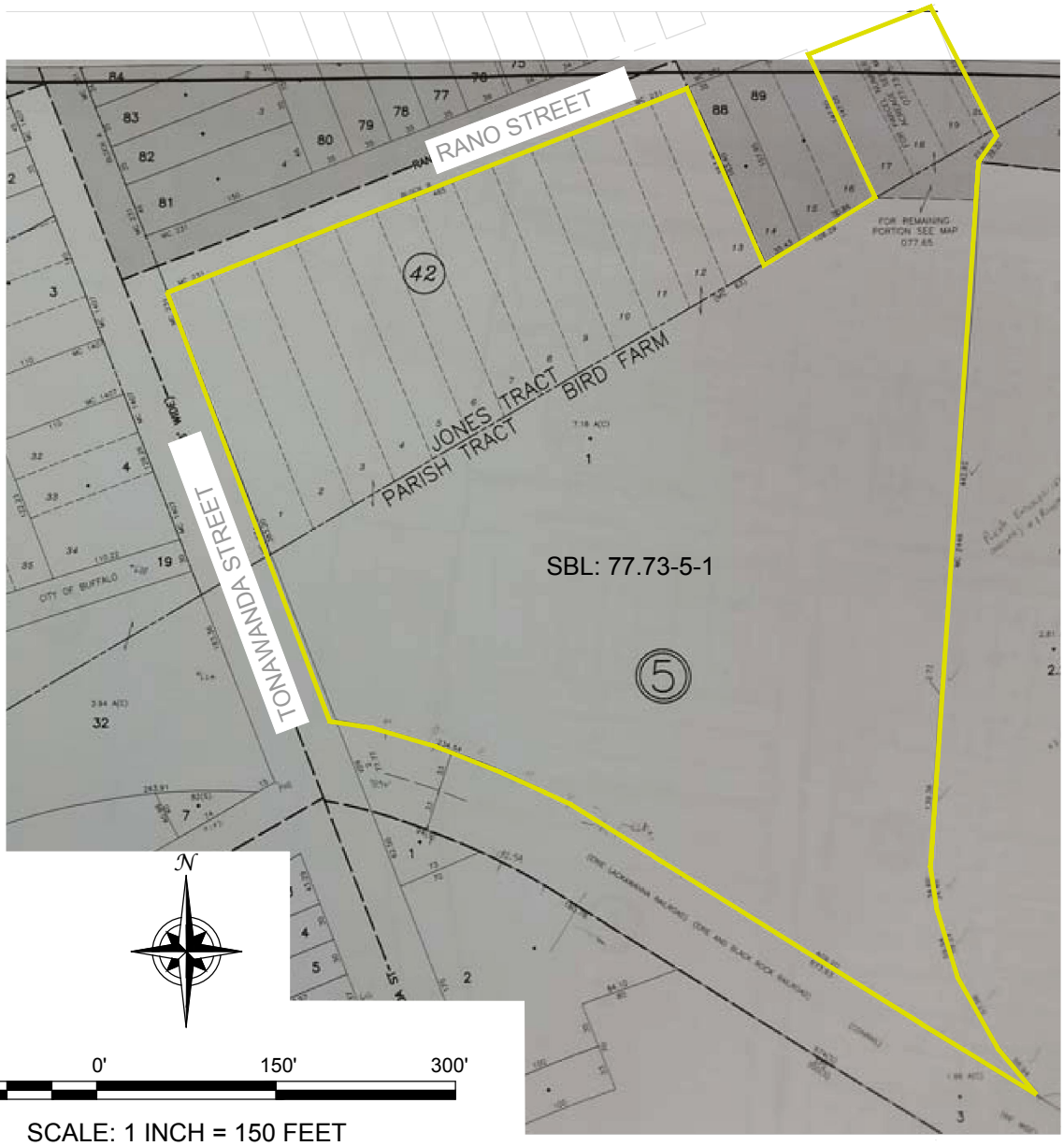
***DISCLAIMER:* PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC** *IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.*

F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 7; Tax Map.dwg

FIGURE 7

LEGEND:

PROPERTY BOUNDARY



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

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

PROJECT NO.: 0418-017-001

DATE: JUNE 2017

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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

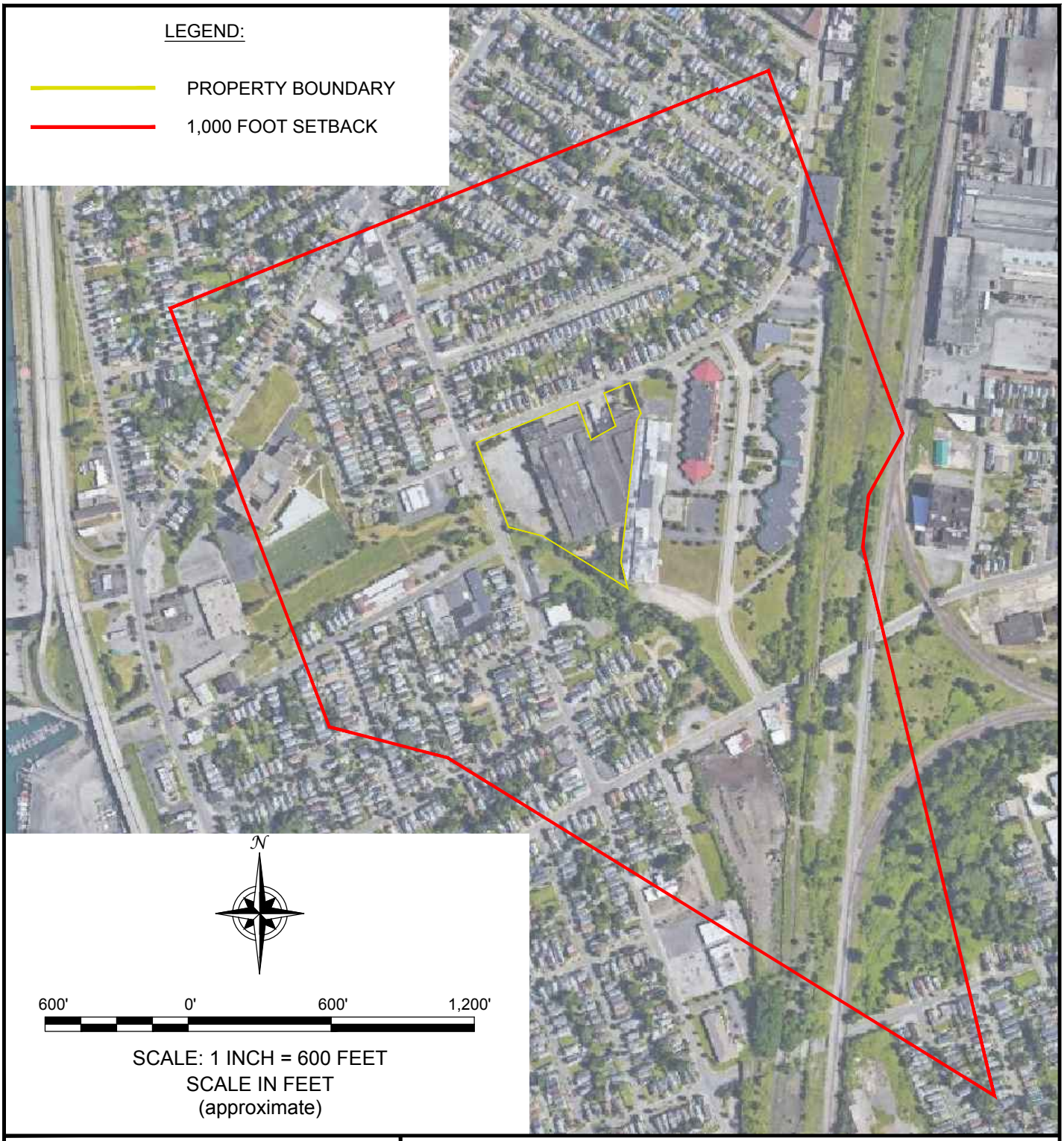
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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 8; Property Base Map (1,000' Setback).dwg

FIGURE 8



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
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PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

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BUFFALO, NEW YORK

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 10: Existing Buffalo GIS Zoning.dwg

Zones

Urban Core (N-1)
- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)

Urban Center (N-2)
- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)

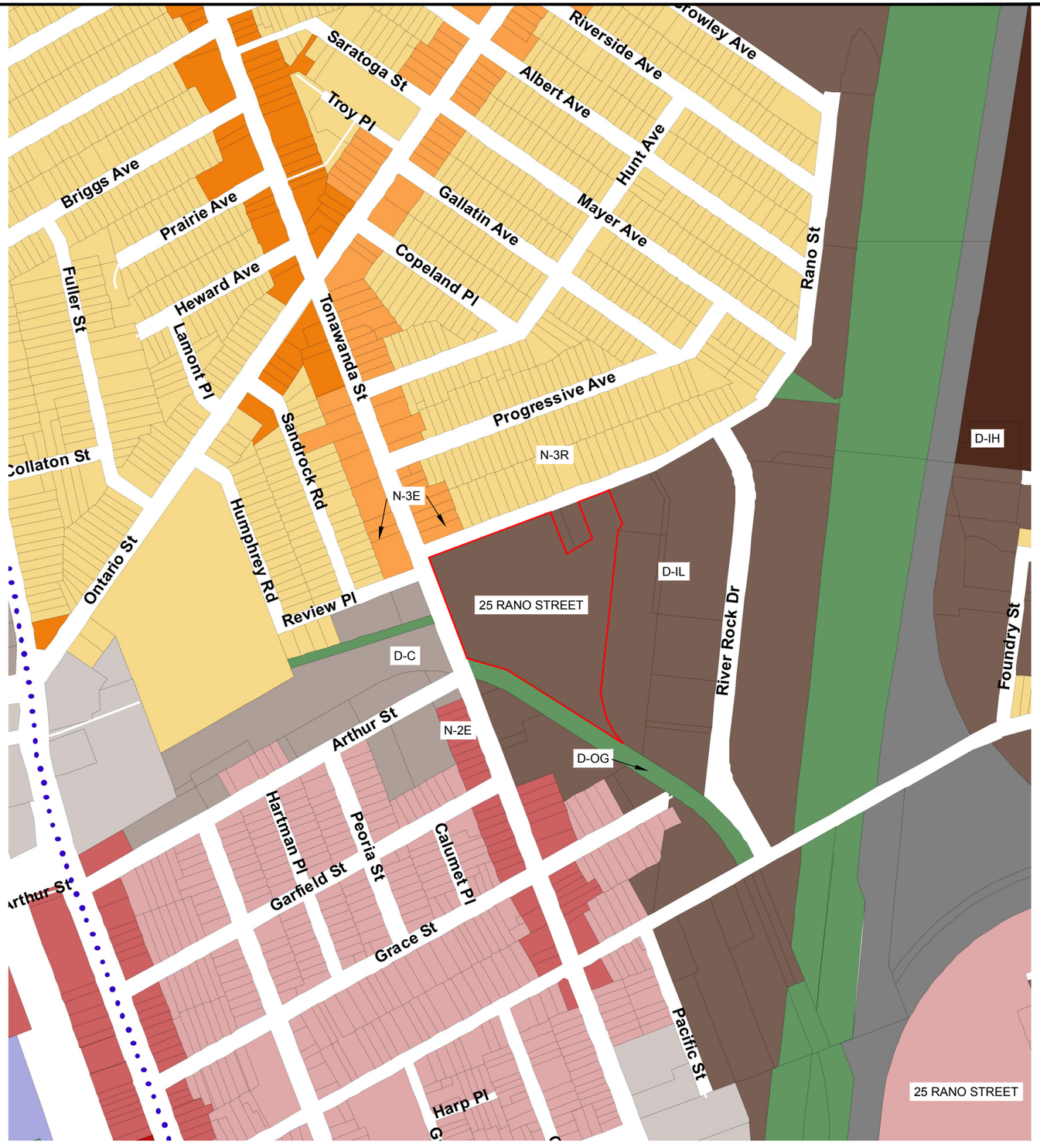
Urban Neighborhood (N-3)
- N-3C (Mixed-Use Center)
- N-3E (Mixed-Use Edge)
- N-3R (Residential)

Urban Edge (N-4)
- N-4-30 (Single Family)
- N-4-50 (Single Family)

Open Space
- D-OS (Square)
- D-OG (Green)
- D-ON (Natural)

Campus
- D-R (Residential Campus)
- D-E (Educational Campus)
- D-M (Medical Campus)

Employment
- D-S (Retail Strip)
- D-C (Flex Commercial)
- D-IL (Light Industrial)
- D-IH (Heavy Industrial)



MAP PER CITY OF BUFFALO GREEN CODE, DECEMBER 2016

400' 0' 400' 800'

SCALE: 1 INCH = 400 FEET
SCALE IN FEET
(approximate)

N

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JOB NO.: 0418-017-001

CURRENT ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

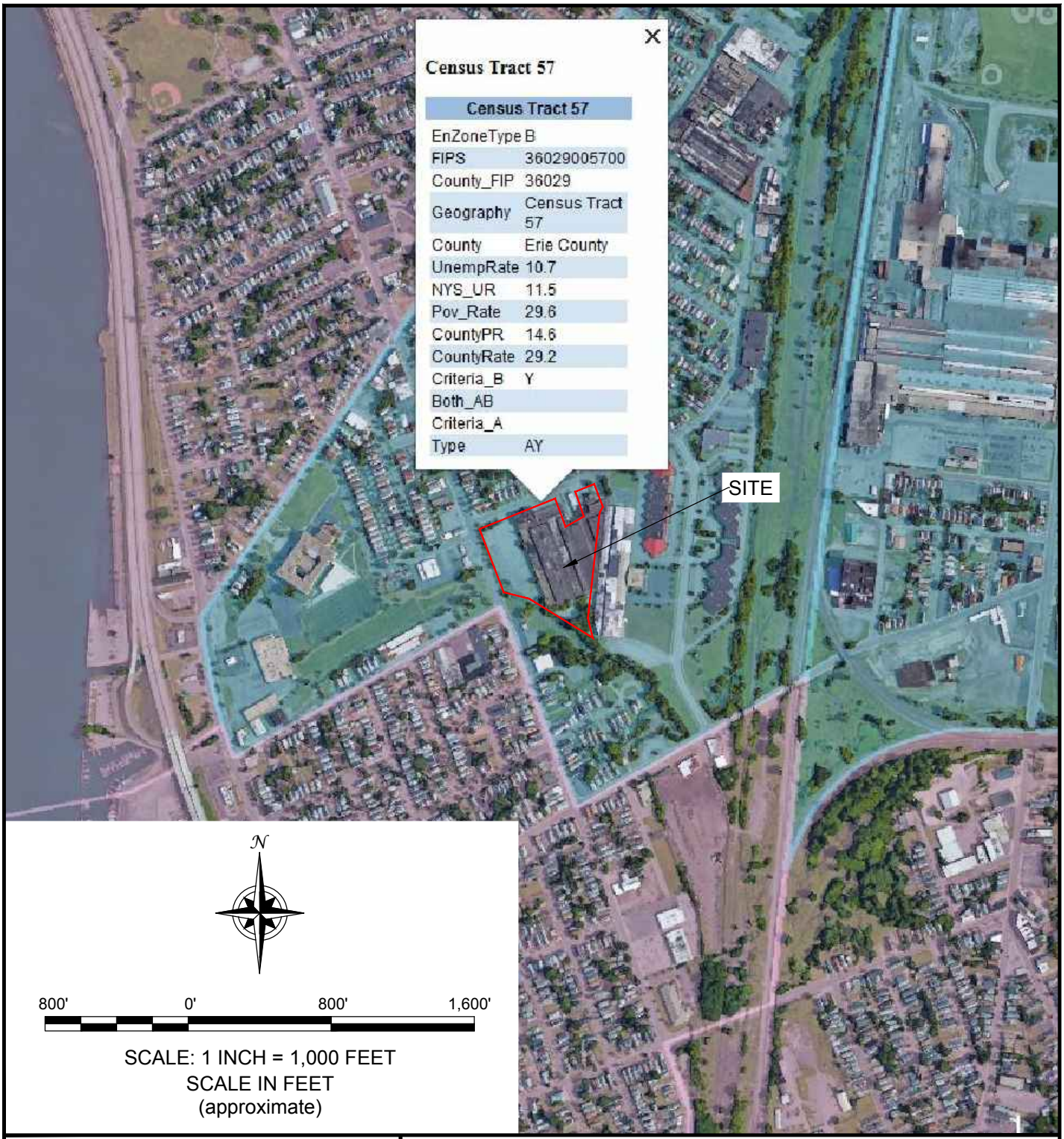
25 RANO STREET
BUFFALO, NEW YORK
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FIGURE 9

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 9; En-Zone Map.dwg

FIGURE 10



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

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EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

PREPARED FOR

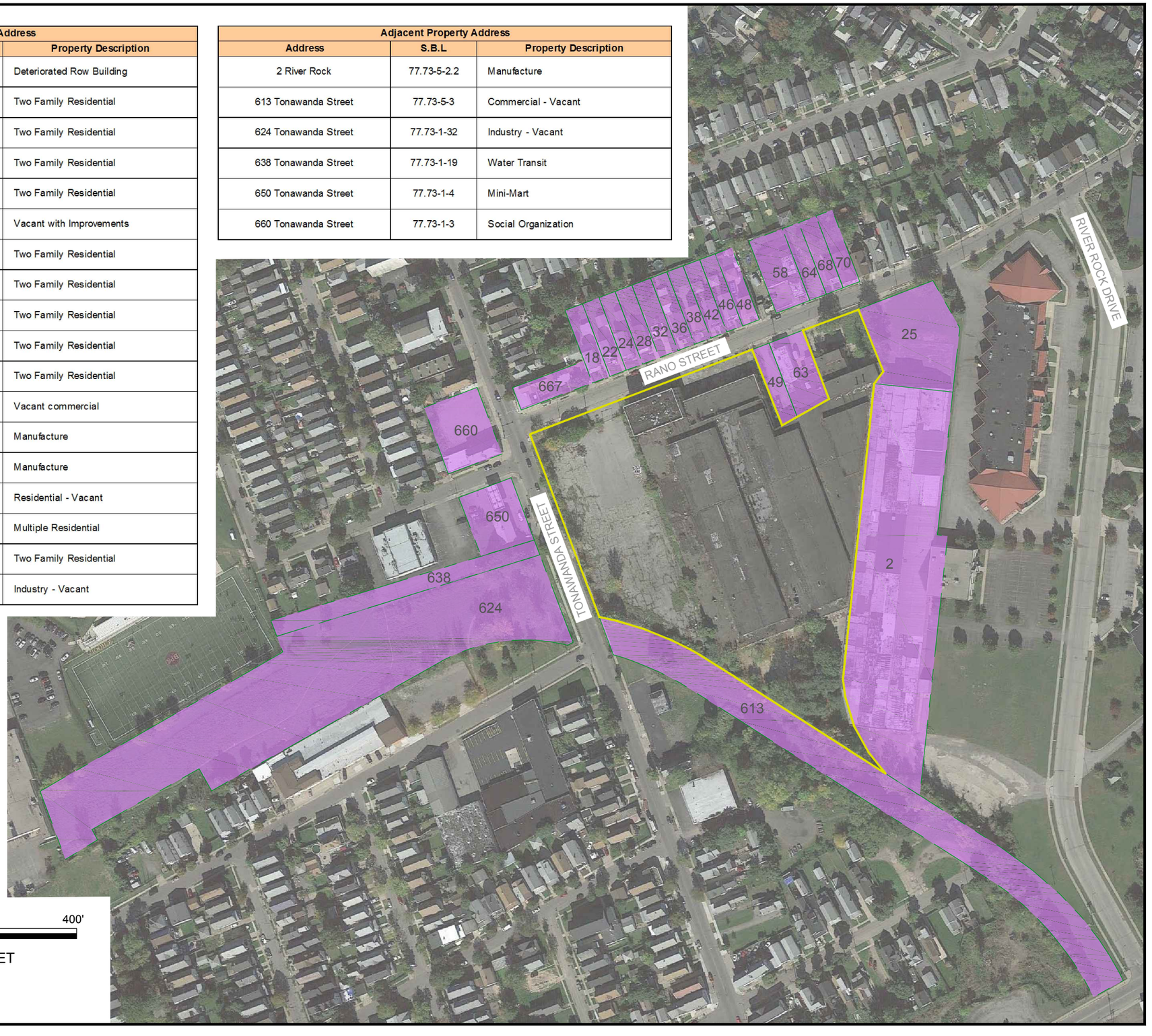
RANO DEVELOPMENT, LLC

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 11; Adj.Property Owners.dwg

Adjacent Property Address		
Address	**S.B.L**	**Property Description**
667 Tonawanda Street	77.65-5-81	Deteriorated Row Building
18 Rano Street	77.65-5-80	Two Family Residential
22 Rano Street	77.65-5-79	Two Family Residential
24 Rano Street	77.65-5-78	Two Family Residential
28 Rano Street	77.65-5-77	Two Family Residential
32 Rano Street	77.65-5-76	Vacant with Improvements
36 Rano Street	77.65-5-75	Two Family Residential
38 Rano Street	77.65-5-74	Two Family Residential
42 Rano Street	77.65-5-73	Two Family Residential
46 Rano Street	77.65-5-72	Two Family Residential
48 Rano Street	77.65-5-71	Two Family Residential
49 Rano Street	77.65-5-88	Vacant commercial
63 Rano Street	77.65-5-89	Manufacture
58 Rano Street	77.65-5-69	Manufacture
64 Rano Street	77.65-5-68	Residential - Vacant
68 Rano Street	77.65-5-67	Multiple Residential
70 Rano Street	77.65-5-66	Two Family Residential
89 Rano Street	77.65-5-90.2	Industry - Vacant

Adjacent Property Address		
Address	**S.B.L**	**Property Description**
2 River Rock	77.73-5-2.2	Manufacture
613 Tonawanda Street	77.73-5-3	Commercial - Vacant
624 Tonawanda Street	77.73-1-32	Industry - Vacant
638 Tonawanda Street	77.73-1-19	Water Transit
650 Tonawanda Street	77.73-1-4	Mini-Mart
660 Tonawanda Street	77.73-1-3	Social Organization



N

200' 0' 200' 400'

SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)

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JOB NO.: 0418-017-001

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK
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FIGURE 11

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 12; Surficial Geologic Map rev.dwg

EXPLANATION

lsc — Lacustrine silt and clay
Generally laminated silt and clay,
deposited in proglacial lakes,
generally calcareous,
potential land instability,
thickness variable (up to 100 meters);
stipple overprint where bedrock is within 1–3 meters of the surface.

tm — Till moraine
More variably sorted than till,
generally more permeable than till,
deposition adjacent to ice,
more variably drained,
may include ablation till,
thickness variable (10–30 meters).

t — Till
Variable texture (e.g. clay, silt-clay, boulder clay),
usually poorly sorted diamict,
deposition beneath glacier ice,
relatively impermeable (loamy matrix),
variable clast content — ranging from abundant well-rounded diverse lithologies in valley tills to relatively angular, more limited lithologies in upland tills, tends to be sandy in areas underlain by gneiss or sandstone,
potential land instability on steep slopes,
thickness variable (1–50 meters).

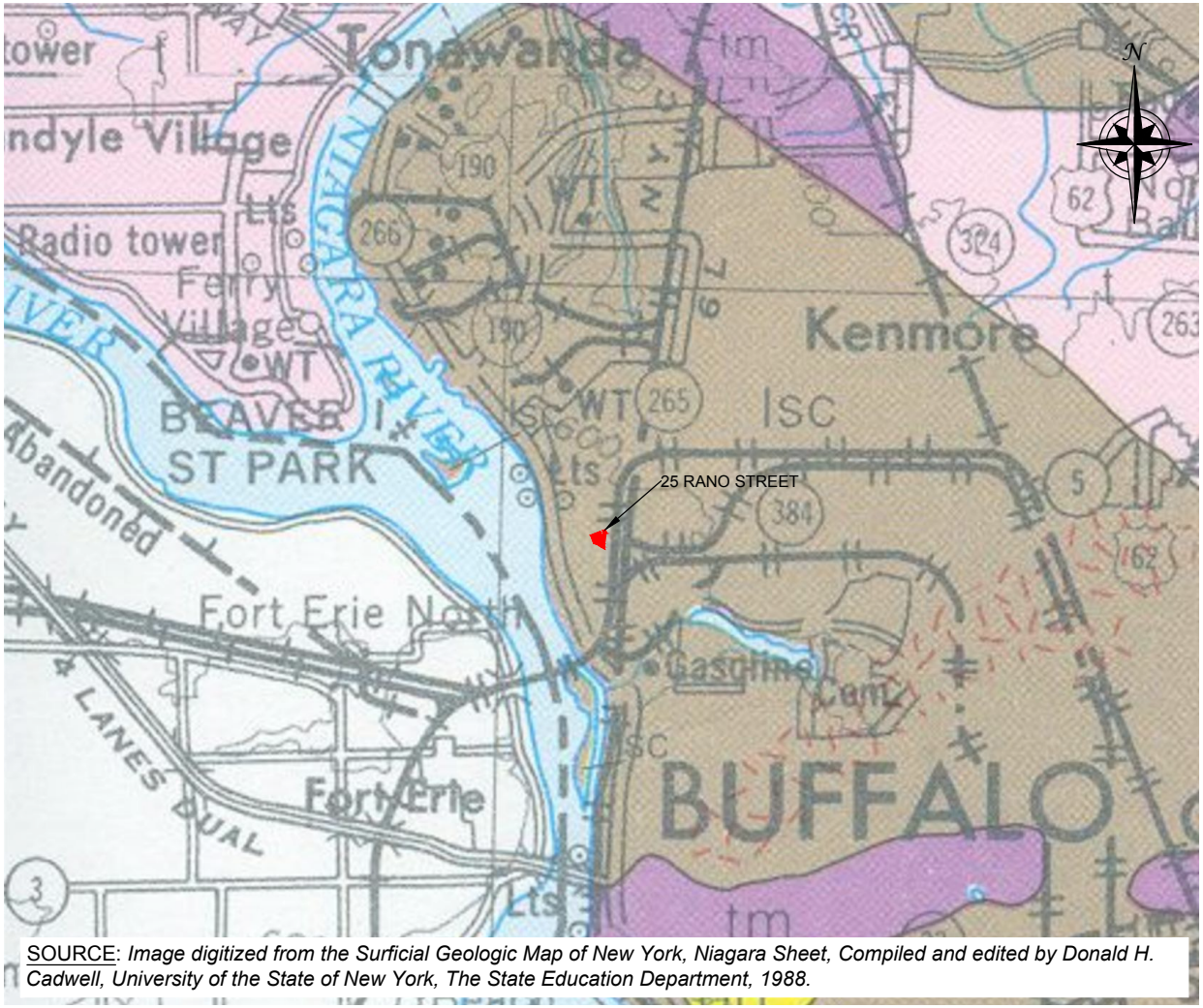
Bedrock stipple overprint
Bedrock may be within 1–3 meters of the surface,
may sporadically crop out,
variable mantle of rock debris and glacial till.

MAP SYMBOLS

Contact
Glacial meltwater channel
.6 Dated radiocarbon locality
Esker

8,000' 0' 8,000' 19,000'

SCALE: 1 INCH = 8,000 FEET
SCALE IN FEET
(approximate)



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

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DATE: JUNE 2017

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SURFICIAL GEOLOGIC MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK
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RANO DEVELOPMENT, LLC

FIGURE 12

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 13; USDA Soil Type Map.dwg

LEGEND:

Ud - URBAN LAND

Ut - URBAN LAND-ODESSA COMPLEX, (0 TO 3 PERCENT SLOPES)

Uu - URBAN LAND-SCHOHARIE COMPLEX



SOURCE: UNITED STATES DEPARTMENT OF AGRICULTURE

N

400' 0' 400' 800'

SCALE: 1 INCH = 400 FEET
SCALE IN FEET
(approximate)

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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

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FIGURE 13

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 14; Bedrock Geologic Map.dwg

LEGEND

NOTE: Where the uniformity of lithology and availability of pattern combinations permit, the dominant lithology of a mapping unit is symbolized as follows:

Cross-hatch patterns:
- rhombic grid—dolostones
- rectangular grid—limestones

Line patterns:
- straight—pelitic rocks, shales, shales interbedded with siltstones and sandstones

Stipple patterns:
- regular red—quartz sandstones and quartzites
- random red—non-marine sedimentary rocks

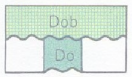
An irregular lower margin on the "color boxes" signifies that the unit has an unconformable relationship with subjacent units, however not necessarily with the next unit listed. Wavy lines signify parallel unconformities; sawtooth lines signify angular unconformities.

AKRON DOLOSTONE AND SALINA GROUP
400-700 ft. (120-210 m.)



Sab — Akron Dolostone; Bertie Formation—dolostone, shale.
Scv — Camillus, Syracuse, and Vernon Formations—shale, dolostone, salt, and gypsum.

ONONDAGA AND BOIS BLANC LIMESTONES
150 ft. (45 m.)



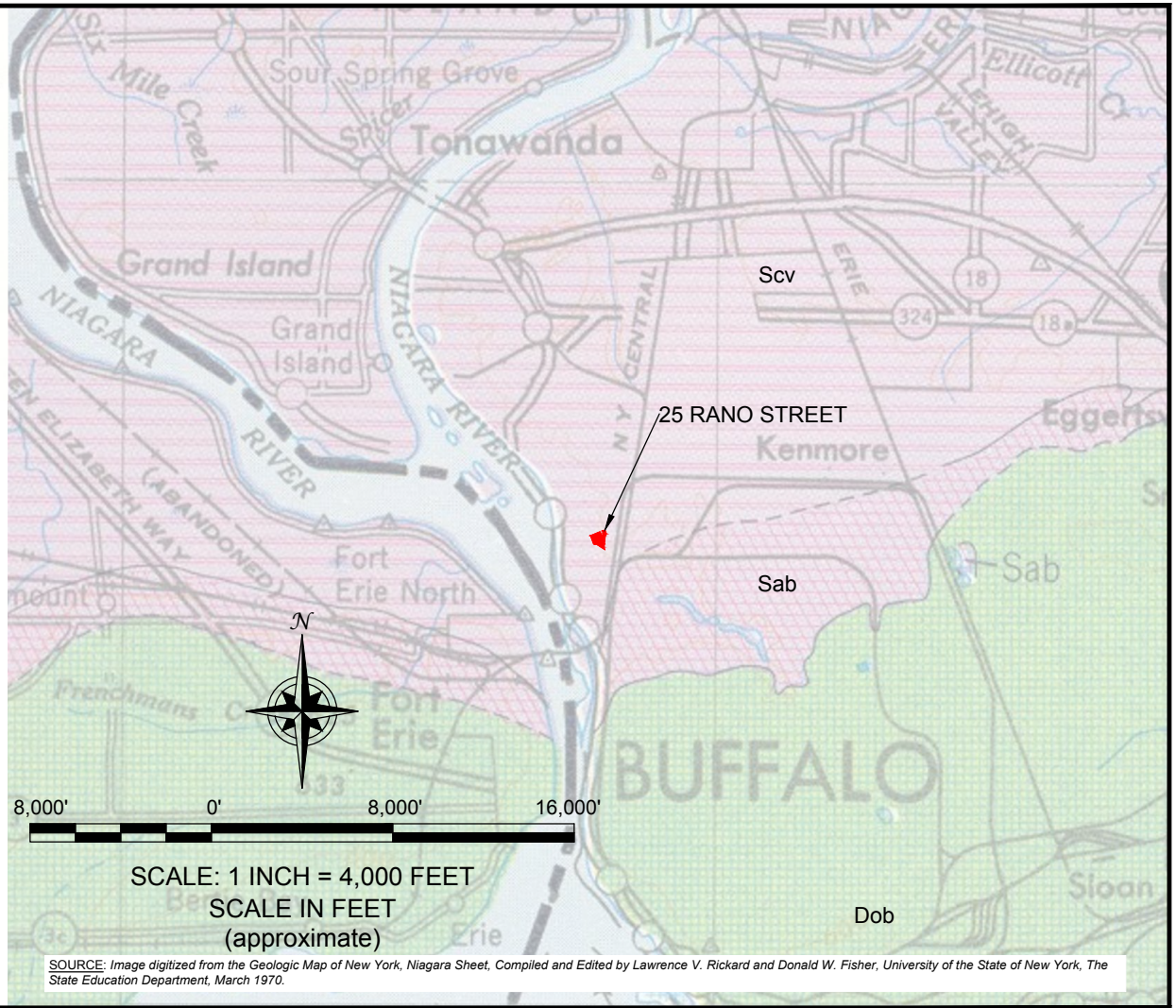
Dob — In New York: Onondaga Limestone—Seneca, Morehouse (cherty), and Clarence Limestone Members, Edgecliff cherty Limestone Member, local coral bioherms; Bois Blanc Limestone—sandy, thin, discontinuous.
In Ontario: Dundee Limestone; Lucas Formation—dolostone, limestone (Anderdon); Amherstburg Formation—limestone, dolostone, sandstone (Sylvania); Bois Blanc Formation—dolostone, limestone, sandstone (Springvale).

MAP SYMBOLS

Observed or approximately located contact

Conjectural contact; includes projections beneath extensive Quaternary cover and many contacts based on reconnaissance mapping.

Hypothetical contact; projection across unmapped area.



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

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BEDROCK GEOLOGIC MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
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FIGURE 14

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 15; Potential Environmental Justice Areas.dwg

Legend

- Potential EJ Areas
- County Boundary
- Waterbodies

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

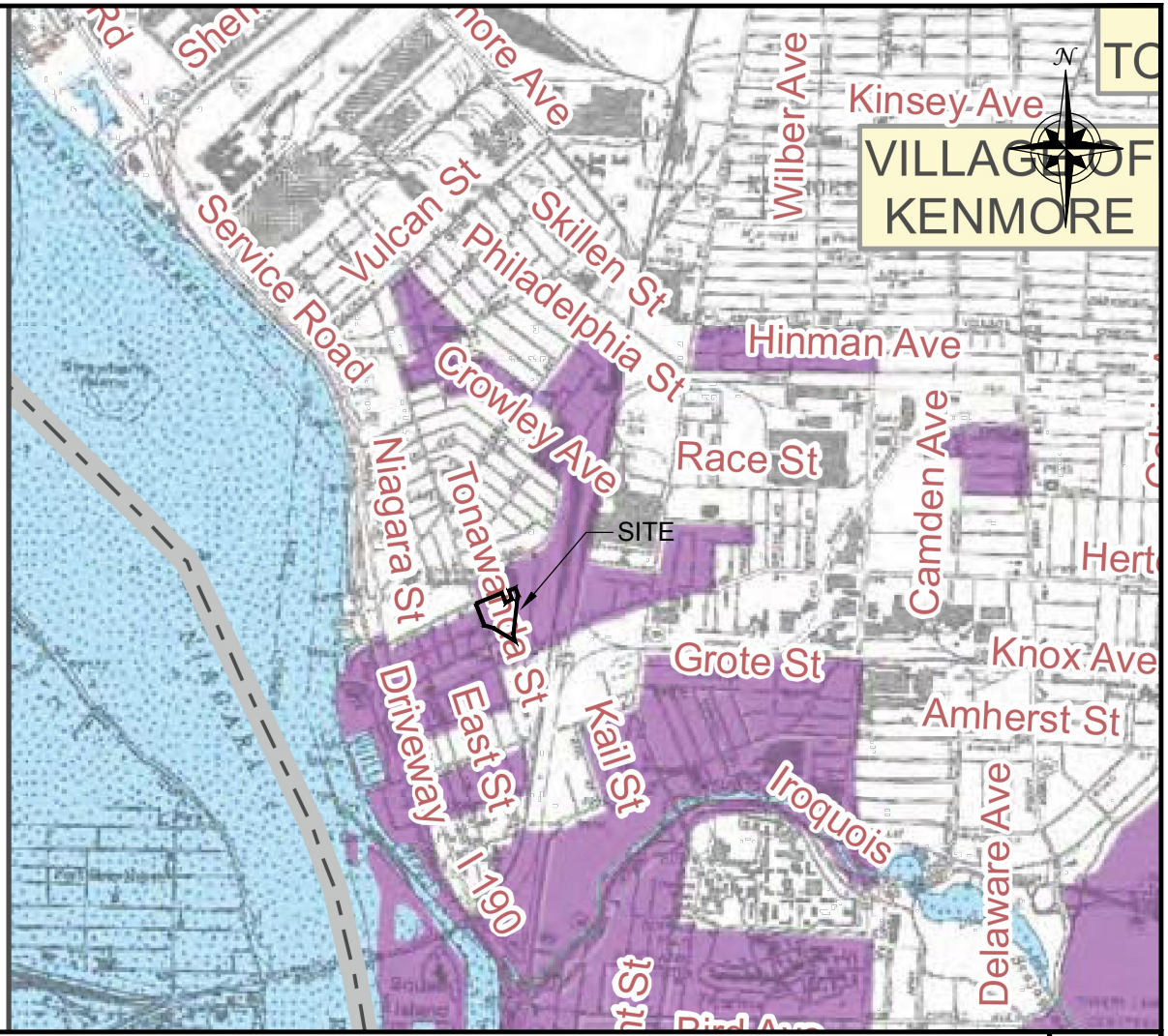
This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

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

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

3,000' 0' 3,000' 6,000'

SCALE: 1 INCH = 3,000 FEET
SCALE IN FEET
(approximate)



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POTENTIAL ENVIRONMENTAL JUSTICE AREAS

BROWNFIELD CLEANUP PROGRAM APPLICATION

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FIGURE 15

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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 16; Cultural Resource Map Rev.dwg

CRIS
NYS
Cultural Resource Information System

Survey Archaeology Areas (View)

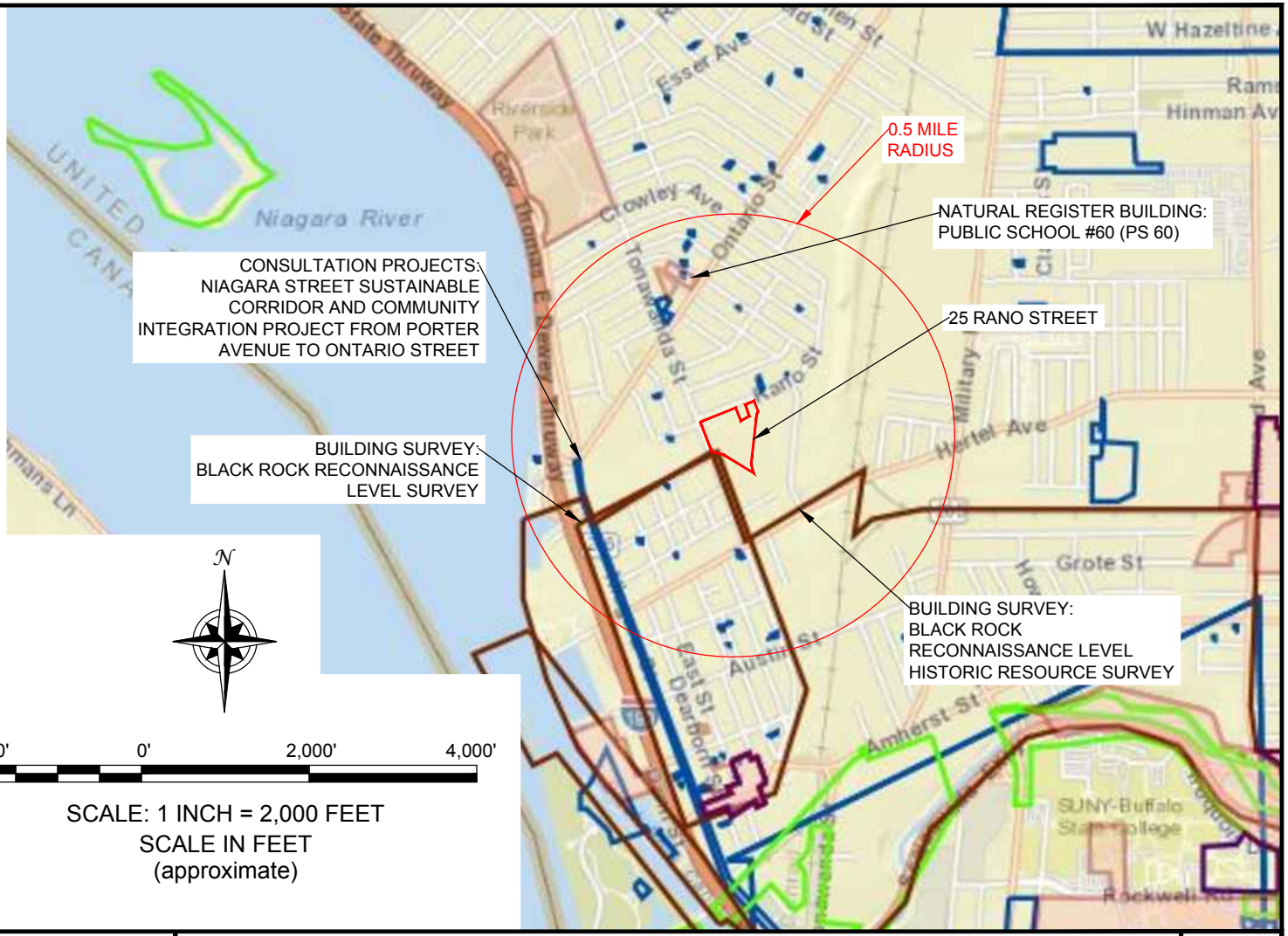
Consultation Projects (View)

Archeologically Sensitive Areas

National Register Building Sites (View)

USN Building Districts (View)

Survey Building Areas (View)



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CULTURAL RESOURCE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
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FIGURE 16

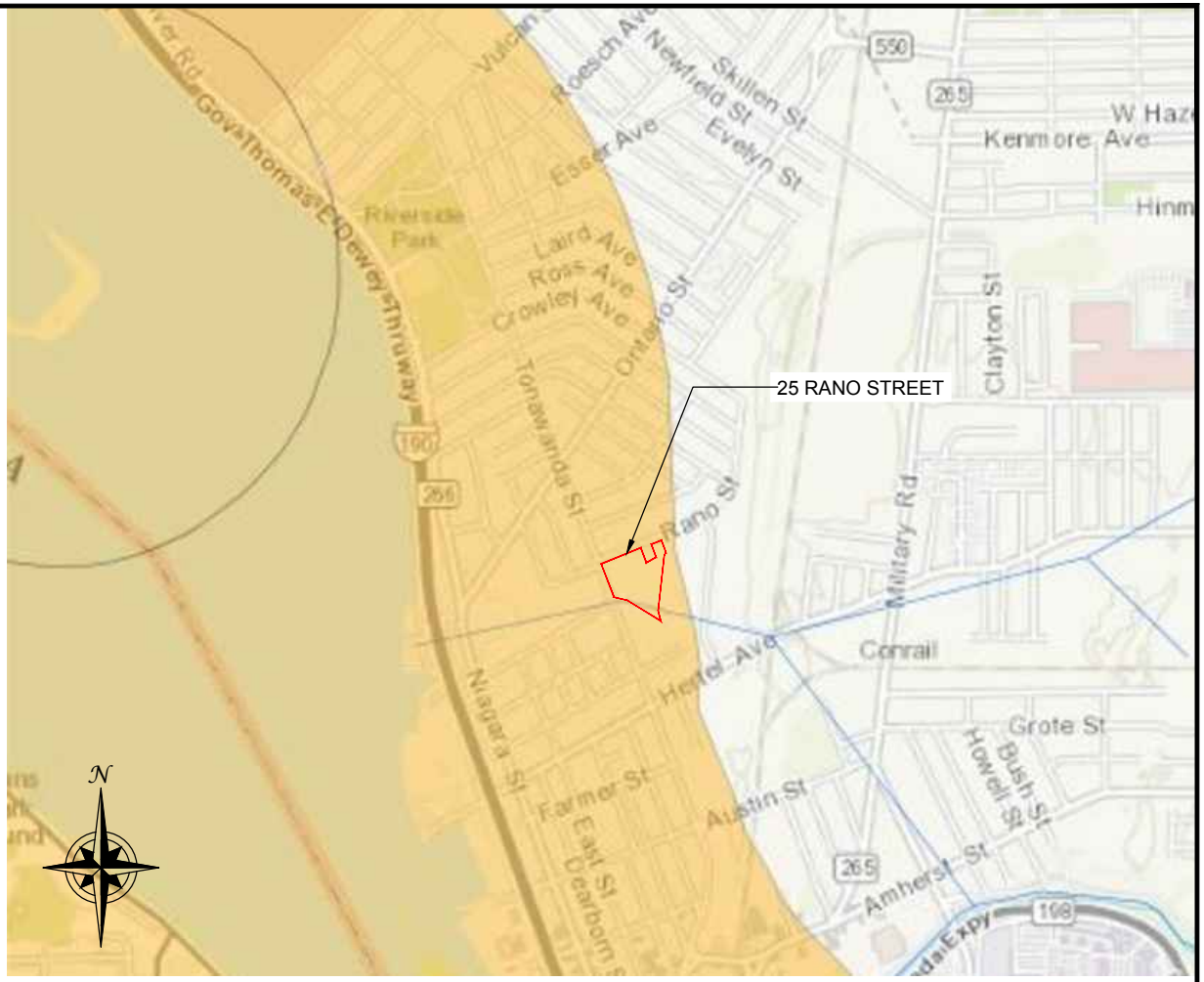
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F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 17; Natural Resources Map.dwg

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper

- Unique Geological Features
- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
- State Regulated Freshwater Wetlands
- State Regulated Wetland Checkzone
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals



2,000' 0' 2,000' 4,000'

SCALE: 1 INCH = 2,000 FEET
SCALE IN FEET
(approximate)

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

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NATURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

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PREPARED FOR
RANO DEVELOPMENT, LLC

FIGURE 17

***DISCLAIMER:* PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC** *IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.*

F:\CAD\Benchmark\Rano Development, LLC\25 Rano Street\BCP Application\Figure 18; Wetland and Floodplain Map.dwg

U.S. Fish & Wildlife Service

National Wetlands Inventory

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine



N

1,500' 0' 1,500' 3,000'

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

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TURNKEY ENVIRONMENTAL RESTORATION, LLC

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

PROJECT NO.: 0418-017-001

DATE: JUNE 2017

DRAFTED BY: CMC

WETLAND AND FLOODPLAIN MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

25 RANO STREET
BUFFALO, NEW YORK

PREPARED FOR
RANO DEVELOPMENT, LLC

FIGURE 18

DISCLAIMER: ***PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC*** *IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.*

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BCP APPLICATION – SECTIONS I & V

REQUESTER INFORMATION

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY DATABASE

JOINT UNANIMOUS WRITTEN CONSENT

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 31, 2017.

Selected Entity Name: RANO DEVELOPMENT, LLC
Selected Entity Status Information

Current Entity Name:	RANO DEVELOPMENT, LLC
DOS ID #:	4684553
Initial DOS Filing Date:	DECEMBER 24, 2014
County:	ERIE
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status:	ACTIVE

Selected Entity Address Information

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

RANO DEVELOPMENT, LLC
424 MAIN STREET
SUITE 1820
BUFFALO, NEW YORK, 14202

Registered Agent

NONE

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

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

***Stock Information**

# of Shares	Type of Stock	$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 24, 2014	Actual	RANO DEVELOPMENT, LLC

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

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

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RANO DEVELOPMENT, LLC

JOINT UNANIMOUS WRITTEN CONSENT OF THE MEMBERS AND OFFICERS

June 30, 2017

The undersigned the sole member and officer of **RANO DEVELOPMENT, LLC,** a New York limited liability corporation (the "Company"), hereby consents to the adoption of the following resolutions without a meeting and directs that this Consent be filed with the minutes of the Company:

RESOLVED, that **JAMES JERGE** (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 25 Rano Street, Buffalo, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Company as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

RESOLVED, that any acts of any officer of the Company and of any persons designated and authorized to act by any such officer of the Company, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Company

IN WITNESS WHEREOF, the undersigned have executed this Joint Unanimous Written Consent as of the date first set forth above.

Name: James Jerge
Sole Officer and Sole Member

ACKNOWLEDGMENT

(STATE OF NEW YORK)
(COUNTY OF ERIE)

On the 5th day of July in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared James Jerge, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon the behalf of which the individual acted, executed the instrument.

COLIN M. KNOER
Notary Public, State of New York
Qualified In Erie County
My Commission Expires August 18, 2018

Notary Public

Common Council
CITY OF BUFFALO

Joseph Golombek, Jr.
North District Council Member
65 Niagara Square, 1502 City Hall
Buffalo, NY 14202-3318
Phone: (716) 851-5116 • Fax: (716) 851-5648
E-mail: jgolombek@ch.ci.buffalo.ny.us

COMMITTEES
Claims
Community Development, Chair
Legislation
SPECIAL COMMITTEES
Budget
BURA
Education
Waterfront Development
SENIOR LEGISLATIVE ASSISTANT
Sandra Frieday-Lewis
ASSISTANT LEGISLATIVE AIDE
Michael Mazgajewski

June 29, 2017

New York State Department of Environmental Conservation
Environmental Remediation
625 Broadway
Albany, NY 12233-7012

Re: 25 Rano Street, Buffalo New York

Greetings:

As Councilmember for the North District of the City of Buffalo, I want to express my support for an application for admission of a site in my district into the New York State Brownfield Cleanup Program.

25 Rano Street has been a significant liability to the neighborhood since it was abandoned by Marlette National Corporation as part of an involuntary bankruptcy in 2009. This site has a long history of industrial use. The Marlette Platting Facility Superfund Site underwent an extensive Three Million Five Hundred and Sixty Thousand ($3,560,000) Dollar EPA cleanup under CERCLA. Unfortunately the EPA only removed readily accessible contained materials. The EPA did not perform extensive testing around the site or remove any underground areas of concern.

Once abandoned the site became a haven for vandalism and increasingly concerning activity. The site became the problem of the City of Buffalo after the prior owner's bankruptcy left significant significant tax obligations owed to the City. Fortunately 25 Rano Street, LLC has stepped up to assist in bringing the site back into productive reuse.

I have personally walked the site with representatives of the owner and their environmental consultants and development team. I have seen firsthand the significant blight that the site brings to an otherwise generally stable neighborhood. I am concerned that as the site continues to deteriorate it will bring the surrounding neighborhood down with it. I have also met with the Blackrock-Riverside Good Neighborhood Planning Alliance (GNPA) and the Rediscover Riverside group and they are in support of the project as currently presented.

This site is exactly the type of project that the State should be assisting through the Brownfield Cleanup Program. The site is a strong candidate for the program based on its significant industrial past and the barriers to redevelopment posed by its current condition. The concerns include the potential environmental impact on the surrounding residential neighborhood and the relatively close by Scajaquada Creek flowing into the Black Rock Canal and eventually the Niagara River.

I appreciate your concern for the constituents of my district and hope that you will be able to assist us with this project. The future of this site is very significant to those who live in the neighborhood.

Sincerely,

Joseph Golombek, Jr.,
City of Buffalo
North District Council Member

ATTACHMENT 2

BCP APPLICATION – SECTIONS II, VII, & VIII

PROPERTY ELIGIBILITY & DESCRIPTION

PROJECT DESCRIPTION
REQUESTOR AS A VOLUNTEER
PROPERTY ELIGIBILITY INFORMATION
ELIGIBILITY STATEMENT

ATTACHMENT 2

BCP Application - Sections II, VII, & VIII

PROPERTY DESCRIPTION & ELIGIBILITY

25 Rano Street Site

SECTION II – PROJECT DESCRIPTION

Project Description & Schedule

The subject property (hereinafter, the "Project Site" or the "Site") subject to the BCP application is one approximately 7.63-acre parcel, located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2).

The Applicant plans to redevelop the current site to serve as an indoor recreational facility with possible future residential and commercial buildings. The Applicant, upon acceptance into the Brownfield Cleanup Program (BCP), is willing to complete the required investigation and remediation, and redevelop the contaminated parcel. The preliminary Site Redevelopment Plan estimates capital investments of approximately $7-9 million to investigate, remediate, and redevelop the Site. Figure 3 is a preliminary project rendering. Figure 4 is the preliminary Project Schedule.

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Requestor as a Volunteer

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

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

A "Volunteer" is an applicant other than a participant, including a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. NY ECL 27-1405(1)(b). This

definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the BCP Guide at Section 2.4(1)(B).

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

SECTION VIII – PROPERTY ELIGIBILITY INFORMATION

Property Eligibility Information

The Site meets the definition of a "Brownfield site" as set forth in the NY ECL. The ECL Section 27-1405(2) defines a "Brownfield site" as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the Department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations."

As further described in Attachment 3, the Site meets BCP eligibility criteria based on the following (also refer to Figure 5):

(A) The Site has a long industrial history; previously operating as a plating facility, Planing Mill, and a plastic injection/molding process plant.

(B) Previous investigations have established that on-site soils have been impacted by contaminants that will require remediation. Volatile organic compounds (VOCs) specifically toluene, polycyclic aromatic hydrocarbons (PAHs), and cadmium contaminated soils, evidenced by analytical sample results present on-site exceeding Part 375 Restricted Residential SCOs and/or Part 375 Commercial SCOs.

(C) Four suspected USTs remain on-site including a 5,000-gallon Toluene UST, two 11,000-gallon fuel oil USTs, and a 120-gallon slop tank UST. Approximate locations are shown on Figure 5. An open spill record (No. 1700900) exists in the vicinity of the 5,000-gallon toluene UST. The two 11,000-gallon fuel oil USTs are under a Consent Order to be removed.

(D) The Site has previously been subject to cleanup activities by or under the oversight of State or Federal agencies. A RCRA corrective action with EPA oversight was carried out from September 2007 to September 2009 when funds from Marlette Plating Corporation, Inc. subsequently ran out. USEPA took over the cleanup action which continued through at least 2011.

(E) The Site has been vacant and underutilized since 2008. The current condition of the on-site building is un-safe with the concrete roof on the verge of collapsing. The surrounding community is at risk with the observed recent vandalism and trespassing to the dilapidated on-site building.

(F) The Site is located in a NYS En-Zone (see Figure 10), indicative of the economic conditions of the surrounding area. Because the Site is located in an En-Zone, it is eligible for certain local, state, and federal financial incentives, further indicating that the Site is unattractive for redevelopment particularly outside of the context of the BCP.

ELIGIBILITY STATEMENT

Based on the foregoing and as further set forth in this BCP application, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because there is confirmed contamination at the Site, which is complicating the redevelopment and re-sue of the Site.

ATTACHMENT 3

BCP APPLICATION – SECTIONS III & VI

PROPERTY ENVIRONMENTAL HISTORY

ENVIRONMENTAL HISTORY &PREVIOUS ENVIRONMENTAL INVESTIGATIONS

(*PROVIDED ELECTRONICALLY*)

PAST LAND USES

PREVIOUS /CURRENT PROPERTY OWNERS /OPERATORS

ATTACHMENT 3

BCP Application – Sections III & VI

PROPERTY'S ENVIRONMENTAL HISTORY

25 Rano Street Site

SECTION III – ENVIRONMENTAL HISTORY

Property's Environmental History

A Phase I Environmental Site Assessment (ESA), Phase II Investigation, and Supplemental Soil Investigation have been performed on the subject property. Documented exceedances of the Part 375 Restricted-Residential Soil Cleanup Objectives (RRSCOs) and Part 375 Commercial Use Soil Cleanup Objectives (CSCOs) are presented on Figure 5.

Previous Environmental Investigations

A brief summary of previous environmental findings completed for the Site are presented below. Attachment 8 includes an electronic copy of previous reports.

- ***Action Memorandum – RVI, Marlette Plating Facility Site, Buffalo, NY, July 2010***

  The United States Environmental Protection Agency (EPA) completed a request for a Removal Action at the Marlette Plating Facility Site in July 2010 based on Site conditions observed in 2007. The request identified the following Recognized Environmental Conditions (RECs):

  - In August 2007, 10 of the formerly used plating lines contained 10-200 tons of hazardous waste sludge.
  - Plating sludge beneath former tanks, current tanks, and containment areas was estimated by the NYSDEC to be between 100-500 tons.
  - The on-site water treatment system contained F006 RCRA-listed hazardous waste plating sludge.
  - An estimated 200-300, 55-gallon drums were observed on-site containing waste plating line materials and accumulated secondary plating materials containing hazardous substances.
  - In October 2007, Marlette notified EPA that 177 drums of metal-containing materials and oils had been shipped for recycling, 5-drums of cyanide waste was sent off-site for disposal through a local waste transporter, and the nickel plating line was going to be deactivated.
  - In October 2007, as part of the RCRA corrective action, EPA shipped 67 drums of nickel plating solution for recycling. One cubic yard of F006 water treatment sludge and one cubic yard of nickel filter sludge were

disposed of off-site. Work also started on the closeout of the nickel line and cleaning of the old zinc/cobalt plating line, zinc plating line, and the tanks/piping associated with the cleaning of the metals.

- November and December 2007, Marlette worked on the deactivation of the old zinc plating line, and a chain plating line. Waste was stored in drums pending analytical results to determine the suitability of the materials for recycling.
- On June 10, 2008, Marlette disposed 3,367 gallons of spent nickel strip cyanide solution at Cyanide Destruct Systems located in Ontario Canada.
- Marlette ceased operations in October 2008. In October 2009, Division of Enforcement and Compliance Assistance (DECA's) RCRA Program requested that Emergency and Remedial Response Division (ERRD) resume the lead for a CERCLA removal action.
- In August 2009, EPA observed a spill of treatment sludge from the water treatment area. Sludge was shoveled and contained in drums or cubic yard boxes. At least 200 square feet of floor space in the treatment plant area was impacted.
- On November 2009, during an ERRD inspection of the Site, the following observations were made:
    - Approximately 10,000 gallons of corrosive hazardous substances remain in the former zinc plating line vats
    - Approximately 6,000 gallons of hazardous alkaline and acidic zinc plating solution remain in the zinc barrel plating line vats
    - Approximately 12,000 gallons of corrosive hazardous substances remain in the zinc bar line vats
    - Approximately 3,000 gallons of hazardous alkaline and acidic copper plating solution remains from the copper barrel line vats
    - Approximately 4,000 gallons of hazardous alkaline and acidic nickel plating solution remains from the nickel barrel plating line vats
    - Approximately 7 to 10 tons of hazardous solids remain in the electro-less plating line vats
    - Approximately 15,000 gallons of alkaline and acidic nickel plating cleaning solution remains in the clean and pickle pre-clean line vats

- Approximately 15,000 gallons of hazardous aluminum etch plating solutions remain in the aluminum etch conversion line vats
- Approximately 15,000 gallons of hazardous nickel and chrome plating solutions remain in the nickel/chrome line vats
- Approximately 20 tons of RCRA-designated F006 solids remain from the former copper cyanide plating line, the former waste water treatment storage tanks and pipelines contains waste water treatment sludge
- Approximately 200 drums of hazardous unused products, spill cleanup materials, and unknown materials exist around the Site many of them in poor condition (missing lids or leaking)
- Approximately 200 U-listed, P-listed, and D-listed laboratory chemicals exist in the laboratory within the building
- Asbestos containing insulation was observed inside the building with sections fallen to the floor
- Apparent break-ins and vandalism noted.

- On April 2010, Marlette reported a release from the alkaline zinc tanks. Approximately 600-700 gallons of alkaline solution (pH>12.5) was released to the floor of the facility. EPA inspected the area and noted the spill was cleaned up and excess liquid was contained in waste totes. Small pools of the alkaline solution remained beneath the tank that had the release.
- EPA noted several possible release threats at the site including; freezing/ thawing of the tanks/drums, overfilling of vat tanks due to rainwater leaking through the roof, and the possibility of vandals or thieves breaking-in and tipping or puncturing drums containing hazardous waste.
- In August 2010, the EPA published a community update stating that the EPA began 24-hour security the former Marlette Plating Facility.

- ***Geophysical Investigation, EPA Contract No. EP-W-06-072, Marlette Plating Site, 25 Rano Street, completed by NAEVA Geophysics, Inc. Dated March 2, 2011***

  NAEVA Geophysics Inc. completed a geophysical investigation on February 23, 2011 at the Marlette Plating Site. The purpose of the investigation was to identify the location and orientation of a suspected underground storage tank (UST) located

beneath a concrete pad located off of the southwest corner of the facility building. The findings are listed below.

- Two fill ports and vent pipes were observed in the vicinity of the concrete pad along with two 10,000-gallon capacity indicators and production/ return lines within the facility boiler room.
- The ground penetrating radar (GPR) was inconclusive over the suspected location of the two USTs due to poor penetration of the GPR signal. The UST-related and suspected pipes were traced using utility line locators. The depth to top and bottom of the northern UST suggests the diameter of the tank is at least 8 feet (typical of a 10,000-gallon tank that is 27 feet long).
- The orientation of the two USTs was determined to be parallel to the building wall.

- ***USEPA POLREP #13 Progress Marlette Plating, Buffalo, NY, November 2011***

EPA issued a progress report for the reporting period October 13, 2011 through November 18, 2011. The progress report stated the following response actions completed:

- Pending disposal approval of 20,000 gallons of site-generated waste water; planned disposal is December 2011.
- Dismantling, removal of waste solids, and decontamination of the waste water treatment plant was completed. Waste was properly stored in shipping containers, pending disposal. Mental was recycled.
- 300 tons of cadmium impacted soil was excavated from Pit 3. Disposal is pending; anticipated in November 2011. Railroad ties contaminated with chromium and cadmium were removed and shipped off-site.
- Asbestos abatement was completed in the on-site building; asbestos was removed from two boiler rooms, and repaired in a third boiler room. The remaining portions of the building were also abated. Air monitoring was completed during the abatement and no asbestos exceeding action levels were detected.
- 60 cubic yards of Site debris was disposed at Modern Disposal (Model City, NY). Five drums of caustic solids and two drums of cyanide solids were shipped for treatment and disposal at EQ (Detroit, Michigan). Approximately 108 drums and 5 cubic yard boxes remain on-site with expected shipment for disposal in mid-December.

- 300 feet of pits and trenches were excavated and stabilized. The excavated material was disposed with Pit 3 waste materials. Trenches were decontaminated with Portland cement and will be backfilled with crushed stone to prevent trench hazards.

- ***Community Update; EPA Completes Clean up at Marlette Plating in Buffalo, New York, December 2011***
  EPA completed the cleanup of the Marlette Plating building in 2010 and 2011. All the waste removed from the building was shipped to disposal facilities that were in compliance with EPA's Off-Site Disposal Rule. The following wastes were removed from the Site.
  - 91,000 gallons of plating waste contaminated water.
  - 3,100 drums of hazardous and non-hazardous waste including empty containers.
  - 280 cubic yards of plating waste contaminated soil and debris. EPA also abated and repaired asbestos in the building.
  - Post cleanup air monitoring results indicated that asbestos was safely removed and that metals and other hazardous materials were safely cleaned up.

- ***Phase I/II Environmental Site Assessment, Former Marlette Plating Facility, 25 Rano Street, Buffalo, New York, May 2017***
  Benchmark completed a Phase I/II ESA on the subject property in May 2016. The Phase I ESA Report identified the following RECs:

  Phase I Environmental Site Assessment:
  RECs:
  - The Site has an extensive industrial history with former and active USTs and ASTs; numerous regulatory listings (i.e., UST, AST, CBS, RCRA, Spills, LTANKS, SEMS Archive, ECHO, etc.); former electrical/ transformer areas; and floor drain/trench and storm water systems with unknown discharges.
  - Areas of environmental impacts, reasonably attributed to historic metal plating operations, were identified during a previous study completed by the EPA. The extensive SEPA cleanup that took place at the Site is considered an REC as no subsurface testing was completed.

- An inactive boiler system has labels indicating the use of oil/fuel oil, which is considered an REC due to the potential for current/former petroleum tanks.
- Several process-related items such as ASTs, wastewater tanks, and numerous feed/ return lines remain within the building. Additional items observed within the building during the Site reconnaissance include a small inactive structure, suspected to be a drying oven.
- Review of historical sources revealed at least five USTs installed at the Site. Suspect vent/fill ports protruding from exterior walls at the north, south and west sides of the building are suspected to be associated with former/current USTs. The on-site USTs are considered RECs as insufficient tank closure documentation was available.
- Staining noted during the Site reconnaissance is considered an REC as surface soils were visually impacted and some areas of concrete staining within the building were proximate to cracks in the concrete flooring.
- Unknown below-ground structure located to the north of the former office area.
- Floor drains were noted throughout the interior of the building, including former production areas.
- Adjacent properties have a history of commercial and industrial uses including gasoline stations and automotive repair operations.

Controlled REC (CREC):

Per ASTM E1527, Benchmark's investigation did not reveal any CRECs in connection with the Site.

Historic RECs (HREC):

Per ASTM E1527, Benchmark's investigation identified the following HRECs:

- Multiple "closed" and "inactive" spills were identified for the Site.
- "Closed" and "inactive" spill incidents were identified in connection with adjacent and nearby properties.

De-minimis Conditions

In accordance with ASTM E-15217, de-minimis conditions are conditions that generally do not present a threat to human health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Benchmark's investigation did not reveal any de-minimis conditions for the Site.

Non-Scope Considerations:

Per ASTM E1527-13, non-scope considerations are described as ancillary observations during performance of the on-site investigation. Non-scope considerations are not considered RECs under ASTM E1527, but may represent health or environmental issues impacting the Site and/or property value. Benchmark's investigation identified the following non-scope considerations:

- Based on the age of the structure, the presence of asbestos containing materials (ACMs) should be anticipated. Significantly damaged suspect ACMs were noted at the time of the Site reconnaissance.
- A large amount of peeling/chipping paint was noted at the time of the Site visit. Based on the age of the building, the paint may contain lead.
- Standing water and roof leaks were noted within the building at the time of the Site visit. Mold growth was noted within the building; however, the mold would not be of concern if the building is demolished.

Based on the finding of the Phase I, Benchmark recommended a Phase II Investigation to further assess subsurface conditions on-site due to the extensive industrial history as a metal plating facility and the impacts identified by NYSDEC and EPA. Benchmark also recommended that asbestos and/or lead, if present, should also be properly handled as part of future Site renovation/demolition activities.

Phase II Investigation:

A Phase II Site Investigation was completed on April 19, 2017 to further assess RECs identified by the Phase I. The investigation consisted of advancing soil borings in the interior and exterior of the vacant industrial structure. Seven soil borings, designated as SB-1 through SB-7, and one hand augured boring (HA-1) were completed across the Site. Boreholes were advanced to the top of native soils and/or top of the water table, with bottom depths generally ranging from 12 to 16 feet below ground surface

(fbgs). The physical characteristics of all soil borings were classified using the ASTM D2488 Visual-Manual Procedure Description.

Soil Borings SB-2, SB-4, SB-5, SB-7 and HA-1 were collected and analyzed for NYSDEC Commissioners Policy (CP)-51 List and Target Compound List (TCL) volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and RCRA metals plus zinc and cyanide.

Soil samples collected across the Site had multiple exceedances of the 6NYCRR Part 375 SCOs, with the exception of soil boring SB-4. Toluene was detected at a concentration exceeding its Part 375 RRSCO in SB-5, which was completed in the area identified in municipal records as having a 5,000-gallon toluene UST. Soil boring SB-7, completed proximate to a suspected UST fill port, had elevated SVOC concentrations. In particular, several polyaromatic hydrocarbons (PAHs), such as benzo(a)anthracene, benzo(b)fluoranthene, and indeno(1,2,3-cd)pyrene exceeded Part 375 RRSCOs; benzo(a)pyrene exceeded its respective Part 375 CSCO. Cadmium was detected in HA-1, completed proximate to the fuel oil USTs south of the building, at a concentration exceeding its CSCO. In addition, chromium, lead, and zinc were also identified at HA-1 exceeding the Part 375 USCOs. Sample locations are shown on Figure 5, and analytical results are summarized in Table 1. Sample results exceeding SCOs are also shown on Figure 5.

- ***Supplemental Soil Investigation, 25 Rano Street, Buffalo, NY, June 2017***
  Based on the results of the April 2017 Phase II Investigation, a supplemental soil boring and surface soil investigation was performed on June 7, 2017. Three additional soil borings (SB-8 through SB-10) were completed; one in the vicinity of the 5,000-gallon toluene UST and the other two taken inside the building in areas of suspected contamination. A surface soil sample (SS-1) was collected west of the two 11,000-gallon fuel oil tanks where black fines were observed.

  Analytical results from the soil borings and surface soil sample showed elevated VOCs and metals. Several VOCs were detected in boring SB-8, located north of the suspected 5,000-gallon toluene UST, including 1,1-dichloroethane, benzene, and methylene chloride above Part 375 USCOs and toluene above its Part 375 RRSCO. Zinc (SB-9) and chromium (SB-10), located within the vacant building, were detected at concentrations above USCOs. Cadmium and cyanide were detected in surface soil sample SS-1 at concentrations above CSCOs. Soil boring and surface soil sample locations are shown on Figure 5, and analytical results are summarized in Table 1.

ATTACHMENT 3

BCP Application – Sections III & VI

PROPERTY'S ENVIRONMENTAL HISTORY

25 Rano Street Site

SECTION VI – PREVIOUS USES & OWNERS/OPERATORS

Past Land Uses

Benchmark completed a Phase I ESA for the 25 Rano Street Site. Historic maps, historic aerial photographs, municipal records, city directories, and/or other reasonably obtainable documents were used by Benchmark to determine the historical use of the Site. The Phase I reported the following regarding Site history:

- From 1894 to about 1901, the Site was developed with numerous former residential and commercial buildings on the northern portion of the property. The remainder of the Site appears largely vacant.
- From about 1916 to 2008, the Site-use was generally consistent with historic uses; including a planing mill, radiator manufacturing facility with storage areas and employment offices, and a metal plating facility.
- From the 2008 to present, the Site has been vacant.

Additional information gathered during the Phase I identified RECs warranting intrusive investigation of the Site, including:

- The Site has an extensive industrial history with former and active USTs and ASTs; numerous regulatory listings (i.e., UST, AST, CBS, RCRA, Spills, LTANKS, SEMS-Archive, ECHO, etc.); former electrical/transformer areas; and floor drain/trench and storm water systems with unknown discharges.
- Areas of environmental impacts, reasonably attributed to historic metal plating operations, were identified during a previous study completed by the EPA. The extensive EPA cleanup that took place at the Site is considered an REC as no subsurface testing was completed.
- An inactive boiler system has labels indicating the use of oil/fuel oil, which is considered an REC due to the potential for current/former petroleum tanks.
- Several process-related items such as ASTs, wastewater tanks, and numerous feed/return lines remain within the building. Additional items observed within the building during the Site reconnaissance include a small inactive structure, suspected to be a drying oven.
- Review of historical sources revealed at least five USTs installed at the Site. Suspect vent/fill ports protruding from exterior walls at the north, south and west sides of the

building are suspected to be associated with former/current USTs. The on-site USTs are considered RECs as insufficient tank closure documentation was available.

- Staining noted during the Site reconnaissance is considered an REC as surface soils were visually impacted and some areas of concrete staining within the building were proximate to cracks in the concrete flooring.
- Unknown below-grade structure located to the north of the former office area.
- Floor drains were noted throughout the interior of the building, including former production areas.
- Adjacent properties have a history of commercial and industrial uses including gasoline stations and automotive repair operations.

Per ASTM E1527-13, non-scope considerations are described as ancillary observations during performance of the on-site investigation. Non-scope considerations are not considered RECs under ASTM E1527, but may represent health or environmental issues impacting the Site and/or property value. Based on the age of the structure and the significantly damaged suspect ACMs identified at the time of the Site reconnaissance, the presence of ACMs should be anticipated. Paint containing lead should also be anticipated due to the age of the building and the large amount of peeling/chipping paint at the time of the Site reconnaissance. At the time of the Site reconnaissance standing water and roof leaks were noted within the building along with mold growth.

The report recommended a Phase II Investigation to further assess subsurface conditions on-site. Benchmark also recommended that asbestos and lead, if present, should be properly handled as part of future site renovation/demolition activities.

Previous/Current Property Owners/Operators

According to the Phase I ESA, the Site-use was generally vacant from about 1889 to about 1916, with five residential homes located on the northern portion of the Site. From about 1916 to 2008, the Site was consistently used for industrial purposes including a planing mill and lumber yard; the American Radiator Co. with associated storage and employment offices; and a metal plating facility. The Site contained storage areas, metal plating vats, a

transformer room, cleaning areas, and boiler rooms. Based on available records, information for the previous and current owners/ operators has been provided in the following table:

Owner/Operator	Date(s)	Address/Phone Number	Relationship to Applicant
Current Owner/Operator			
Rano Development, LLC	December 2015 to current	434 Delaware Avenue Buffalo, NY 14202 (716) 445-9473	Same
Previous Owners/Operators			
Marlette Holding Corporation	1996 - 2014	25 Rano Street Buffalo, NY 14207 (716) 874-1790	None
Marlette National Corporation (Marlette Plating Co.)	1982 - 1996	25 Rano Street Buffalo, NY 14207 (716) 874-1790	None
Erie County IDA (ECIDA)	1979 - 1982	95 Perry Street, Suite 403 Buffalo, NY 14203 (716) 856-6525	None
Truly Magic Co.	1977 - 1979	(716) 875-9133	None
L & W Industrial Park	1974 - 1977	Unknown	None
American Standard, Inc. (American Radiator & Standard Sanitary Co.)	1916 - 1973	(716) 876-1770	None

ATTACHMENT 4

BCP APPLICATION – SECTION IV

PROPERTY INFORMATION

PARCEL DESCRIPTION

EASEMENTS & PERMITS

PROPERTY DESCRIPTION NARRATIVE

ATTACHMENT 4

BCP Application – Section IV

PROPERTY INFORMATION

25 Rano Street Site

SECTION IV – QUESTIONS 1-4

Parcel Description

The Site subject to the BCP application consists of one legal tax parcel totaling approximately 7.63± acres and is located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2). The Site is further identified as:

- **25 Rano Street, S.B.L. #77.73-5-1, 7.63± acres**

Figure 6 presents the Erie County Real Property parcel boundaries. Figure 7 is a tax map of the Site. Figure 8 is a 1,000-foot setback map.

The Site is located in the northwestern portion of the City of Buffalo and is bound by Rano Street to the north with residential properties beyond; vacant land owned by the City of Buffalo that was formerly a railroad, with Grace Street and residential/commercial properties beyond; a commercial manufacturing facility to the east; and Tonawanda Street to the west with commercial properties beyond (see Figure 9).

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located in US Census Tract 57 Block 1 and is a NYS designated EN-Zone Type B (see Figure 10), which is indicative of the economic conditions of the surrounding area. Type B EN-Zones include a poverty rate of at least double the Erie County poverty rate.

SECTION IV – QUESTIONS 8 AND 9

Easements and Permits

No Right of Ways or Easements exist for the Site.

Permits associated with the Site are listed below:

- On November 10, 1981, a building permit to demolish to grade the "American Standard" factory complex for future use as vacant land was identified for the Site.
- A permit was identified for a substation installed on-site in 1952.

- A permit dated 1970 for 25 Rano Street was issued for the repair and alteration of open air facility for pollution control.
- General permits dated between 1950 and 1988 were identified for a factory operation.

In October 2009, the EPA began negotiations with Marlette Plating to enter into a consent agreement to complete the cleanup under the EPA's Superfund Program. The EPA determined that Marlette Plating was not financially able to complete the cleanup and therefore the EPA proceeded with the removal action (CERCLIS identification number NYD002113975). The activities that took place at the Site included the removal of 91,000-gallons of plating waste contaminated water; 3,100-drums of hazardous and non-hazardous waste including empty containers; 280 cubic yards of plating waste contaminated soil and debris; and 2,170 cubic yards of trash and other non-hazardous plating debris. The EPA also reportedly recycled 390 tons of scrap metal and abated asbestos in the building.

On May 23, 2017, Rano Development, LLC signed a consent order (File No. 17-15; R9-20170303-25) to remove the two on-site 11,000-gallon underground storage tanks (USTs).

The Site has access to all major public and private utilities including potable water, sanitary and storm sewers, electric, and natural-gas.

SECTION IV – QUESTION 10

Property Description Narrative

Location

The Site is located in an industrial, commercial and residential area of the City of Buffalo, Erie County, New York (see Figure 1). As indicated above, the Site is bound by Rano Street to the north, vacant land owned by the City of Buffalo that was formerly a railroad to the south, commercial manufacturing facility to the east, and Tonawanda Street to the west. The nearest water body is the Niagara River located 0.37 miles west of the Site. Scajaquada Creek is approximately 1.2 miles south of the Site.

ATTACHMENT 4

BCP Application – Section IV

PROPERTY INFORMATION

25 Rano Street Site

Site Features

The Site is mostly vacant land with concrete sidewalks, asphalt parking areas, landscaping, and one vacant 312,760 square foot industrial structure that was historically used as a metal plating facility among other industrial uses. The existing building was built in 1970; however, there is a discrepancy relative to the construction date of the building as based on Sanborn maps that indicate the original portions of the building were constructed between 1900 and 1916 with numerous subsequent additions added until approximately 1986.

Current Zoning and Land Use

The Site is currently vacant and zoned light industrial, based on the April 2017 City of Buffalo Green Code. The current zoning map surrounding the Site indicates residential and urban neighborhood mixed-use edge (located at the edge of a more intense mixed-use center) to the north, vacant green space to the south with light industrial, urban center mixed-use edge, and residential beyond, light industrial to the east, and flex commercial, green space, and urban neighborhood mixed-use edge to the west (see Figure 9). Figure 11 identifies adjacent property owners.

The redevelopment plans for the Site include an indoor sports complex with the possible future development of commercial and residential use buildings.

Past Use of the Site

From at least 1889, the Site appeared to be a portion of the greater North Buffalo Planing Mill based on a review of Sanborn maps. A Sanborn map from 1900 shows the Site to be largely vacant with five residential homes located on the northern portion of the Site and an old road bisecting the Site. Between 1900 and 1916, the Site was developed with multiple industrial operations including Huntington& Finke Co. Planing Mill and Lumber Yard, American Radiator Company, a saloon, and multiple residences along the northern property border. From approximately 1955 through at least 1975, the Site was occupied by American Radiator & Standard Sanitary Corp. plant with associated storage areas and employment offices. Multiple tenants including Hallmark Plastics Inc. custom injection, Micro Carburetor Inc. molding, Peninsula Plastics custom injection, and Truly Magic Products were identified

on the Site on or about 1980. Manufacturing EDP Consulting Inc. Data Process Co. was identified on the Site from at least 1985 through at least 1992. Transitional Services Inc., mental services, was identified on the Site from at least 1992 through at least 2008. Buffalo Bumper Exchange and Power Lab Company were identified on the Site in at least 1998. Marlette Plating Co. Inc. metal finisher was identified on the Site from at least 1985 through at least 2008. The Site has been vacant since 2008. From 2010 to December 2011, asbestos abatement and repair of asbestos in the building was completed by the EPA along with the removal of solid and liquid hazardous and non-hazardous waste. The remaining industrial structure is vacant and dilapidated.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards the Niagara River, except in the immediate vicinity of major drainage ways. The surficial geology of the Erie Plain consists of a thin glacial till (if present), glaciolacustrine deposits, recent alluvium, and the soils derived from these deposits. Based on the New York State Surficial Geologic Map of New York[1] (see Figure 12), surficial soil at the Site is described as a lacustrine silt and clay. However, due to a heavy urbanization and industrial past, surface soils within the City of Buffalo are characterized as urban land (Ud) with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Erie County indicates that approximately 87.7% of the Site consists of urban land (Ud) (previously described), 12.1% consists of urban land-schoharie complex (Uu), and 0.2% consists of urban land-Odessa complex, 0 to 3% slopes (Ut). Figure 13 presents the USDA soil type map for the Site.

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

Currently, approximately 10% of the Site is vegetated and 90% of the Site is covered by impervious structures including one abandoned building, asphalt parking and cement sidewalks. Overburden material from grade to bedrock will be determined during the remedial investigation (RI).

Based on the New York State Geologic Map of New York[2], the Site is situated over the Akron Dolostone and Salina Group. The Group is comprised of the Camilus, Syracuse, and Vernon Formations, commonly described as shale, dolostone, salt, and gypsum. The bedrock generally ranges between 400 and 700 feet thick. Based on the July 2010 Request for a Removal Action at the Marlette Plating Facility Site Report, the bedrock is approximately 30 feet below ground surface (fbgs) at the Site. The type and depth to bedrock will be confirmed during the RI. Figure 14 presents the bedrock geologic map for the Site.

The Site is located in the Erie-Niagara River Basin. In the Erie-Niagara Basin, the major areas of groundwater are within coarser overburden deposits and limestone and shale bedrock. Regional groundwater appears to flow west towards the Niagara River located approximately 0.37 miles west of the Site. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. On-site groundwater flow patterns and quality will be determined during the RI.

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

Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
4/3/2017 1:09:29 PM



Parcel Overview Map



Parcel Detail Map

PIN: 140200077730000500 1000

SBL: 77.73-5-1

Address: 25 RANO

Owner 1: RANO DEVELOPMENT LLC

Owner 2:

Mailing Address: 222 SAWYER

City/Zip: TONAWANDA NY 14150

Municipality: City of Buffalo

Property Class: 710

Class Description: C - Manufacture

Front: 465

Depth: 383.2

Deed Roll: 1

Deed Book: 11277

Deed Page: 1292

Deed Date:

Acreage: 7.63257506479

Total Assessment: $225,000

Land Assessment: $140,700

County Taxes: $225,000

Town Taxes: $0

School Taxes: $0

Village Taxes: $0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Erie County, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

ATTACHMENT 5

BCP APPLICATION – SECTION IX

CONTACT LIST INFORMATION

SITE CONTACT LIST

ADJACENT PROPERTY OWNERS LIST

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

25 Rano Street Site

SITE CONTACT LIST

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

Erie County Contacts:

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

Erie County Legislator Peter J. Savage, III
District 3
1701 Hertel Avenue
Buffalo, NY 14216

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

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

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

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

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

Erie County Local Emergency
45 Elm Street
Buffalo, NY 14203

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

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

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

25 Rano Street Site

City of Buffalo Contacts:

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

Joseph Golombek, JR., Councilman
City of Buffalo North District Common Council
1502 City Hall
Buffalo, NY 14202

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

Supplier of Potable Water:

Buffalo Water Department
Veolia Water
2 Porter Avenue
Buffalo, NY 14201

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

Local News Media:

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

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

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

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

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

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

ATTACHMENT 5

BCP Application – Section IX

BROWNFIELD SITE CONTACT LIST

25 Rano Street Site

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

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

Nearby Schools:

Gregory Mott, Principal
Grabiarz School of Excellence
222 Lawn Avenue
Buffalo, NY 14207

Andrew Lyle, Principal
Charter School for Applied Technologies
2303 Kenmore Avenue
Buffalo, NY 14207

Ella Dunne, Principal
Public School #205, Riverside Institute of Technology
51 Ontario Street
Buffalo, NY 14207

Brandon Pafk, Principal (6-8)
Ann Morgante Principal (9-12)
Charter High School For Applied Technologies
2245 Kenmore Avenue
Buffalo, NY 14207

Martha Eadie, Principal
Our Lady of Black Rock School
16 Peter Street
Buffalo, NY 14207

Other Interested Parties:

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

Document Repository:

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

ATTACHMENT 5

BCP Application - Section VIII
Adjacent Property Owners List
25 Rano Street Site

Adjacent Property Address			Property Owner
No.	**Street**	**Property Use**	**Mailing Address**
667	Tonawanda Street	Downtown Row Type (detached)	Dana Naples 589 Kennedy Street Angola NY, 14006
18	Rano Street	Two Family Residential	Josephine Lesniewski 18 Rano Street Buffalo NY, 14207
22	Rano Street	Two Family Residential	Joanne Dudak 22 Rano Street Buffalo NY, 14207
24	Rano Street	Two Family Residential	Denise E. Dee 11212 Partridge Road Holland NY, 14080
28	Rano Street	Two Family Residential	Margaret Matisz 28 Rano Street Buffalo NY, 14207
32	Rano Street	Vacant	Patricia A. Matisz 28 Rano Street Buffalo NY, 14207
36	Rano Street	Two Family Residential	Elizabeth Baranyi c/o Andrew Baranyi 2490 E. River Road Grand Island NY, 14072
38	Rano Street	Two Family Residential	Abdulla Mothanna 38 Rano Street Buffalo, NY 14207
42	Rano Street	Two Family Residential	Rayno LLC 6 Karlin Blvd. Unit 3 Monroe, NY 10950
46	Rano Street	Two Family Residential	Rayno LLC 6 Karlin Blvd. Unit 3 Monroe, NY 10950
48	Rano Street	Two Family Residential	Faruk & Hajreta Buljubasic 48 Rano Street Buffalo, NY 14207
49	Rano Street	Vacant (Commercial)	Dana Naples 589 Kennedy Street Angola NY, 14006

ATTACHMENT 5

BCP Application - Section VIII
Adjacent Property Owners List
25 Rano Street Site

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
63	Rano Street	Manufacture	Sy Foods LLC 230 Crosby Avenue Deal, NJ 07723
58	Rano Street	Manufacture	Dana Naples 589 Kennedy Street Angola NY, 14006
64	Rano Street	Vacant (Residential)	Dana Naples 589 Kennedy Street Angola NY, 14006
68	Rano Street	Multiple Residences	Vincent A. Dentico 74 Rano Street Buffalo, NY 14207
70	Rano Street	Two Family Residential	Vincent A. Dentico 74 Rano Street Buffalo, NY 14207
89	Rano Street	Vacant (Industrial)	Maple Lake Management LLC 31 Hemlock Hill Orchard Park, NY 14127
2	River Rock	Manufacture	Maple Lake Management LLC 31 Hemlock Hill Orchard Park, NY 14127
613	Tonawanda Street	Vacant (Commercial)	Renaissance Corporation c/o City Hall 65 Niagara Square, Room 920 Buffalo, NY 14202
624	Tonawanda Street	Vacant (Industrial)	Outparcels Acquisitions Inc. 6492 Transit Road Bowmansville, NY 14026
638	Tonawanda Street	Water Transportation	City of Buffalo, Division of Real Estate 2501 City Hall Buffalo, NY 14202
650	Tonawanda Street	Mini-Mart	Leemilts Petroleum Inc. c/o Getty Realty Corp. 2 Jericho Plaza, Wing C Jericho, NY 11753
660	Tonawanda Street	Social Organization	American Hungarian Social Aid Club Inc. 660 Tonawanda Street Buffalo, NY 14207

ATTACHMENT 6

BCP APPLICATION – SECTION IX

DOCUMENT REPOSITORY

DOCUMENT REPOSITORY CONFIRMATION LETTER

June 29, 2017

Ms. Carol Ann Batt
Chief Operating Officer
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program
25 Rano Street Site
Buffalo, New York

Dear Ms. Batt:

On behalf of our Client, Rano Development, LLC, Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC (Benchmark-TurnKey) would like to request the Buffalo and Erie County Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Charlotte Clark

Charlotte M. Clark
Project Engineer

cc: File: B0418-017-001

From:	April Tompkins
To:	Charlotte M. Clark
Cc:	Lori E. Riker
Subject:	FW: 25 Rano Street Site - Document Repository Request
Date:	Thursday, June 29, 2017 11:58:49 AM
Attachments:	25 Rano Street - Document Repository Request.pdf

Good morning Charlotte,

Per your attached letter and request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for document(s) submitted by your company for the Brownfield Cleanup Program pertaining to **"25 Rano Street Site – Buffalo, New York."** Document(s) will be made available for public review at the Central (downtown) Library. ***Also, this serves as permission to submit any additional updates pertaining to the above document and all other future documents.*** We will be the repository for **all** documents your company needs to be made available to the public. You/your company are free to bring or send your documents to the Central Library without additional permission for each individual document.

We prefer that you do not take documents to individual libraries. Please bring or send your document(s) to the Central Library and we will process according to our procedure and distribute to the location of your choice.

Please keep the following in mind:

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

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

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

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

- You have the choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the

disc can be viewed in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print. Patrons are not allowed to take repository documents out of the Library.

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

Thank you,
April

From: Charlotte M. Clark [mailto:CClark@benchmarkturnkey.com]
Sent: Thursday, June 29, 2017 11:47 AM
To: April Tompkins
Cc: Lori E. Riker
Subject: 25 Rano Street Site - Document Repository Request

April,

Attached is the letter of transmittal requesting that the Buffalo and Erie County Library act as the document repository for the 25 Rano Street Site. Please respond at your earliest convenience as we hope to send the report out today. Let me know if you have any questions.

Regards,
Charlotte

Charlotte Clark

Environmental Engineer
CClark@benchmarkees.com

Benchmark Environmental Engineering & Science, PLLC

www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0599*, Mobile:* (716) 220-1201

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ATTACHMENT 7

BCP APPLICATION – SECTION X

LAND-USE FACTORS

SITE SUMMARY

ADJACENT LAND USE, DEVELOPMENT PATTERNS, & ZONING

PROJECT DESCRIPTION & PLANNED REDEVELOPMENT

NATURAL & CULTURAL RESOURCES

GROUNDWATER VULNERABILITY ASSESSMENT

ATTACHEMENT 7

BCP Application – Section X

LAND USE FACTORS

25 Rano Street Site

SECTION X – LAND-USE FACTORS

Site Summary

The following provides a brief summary of the Site:

- The Site is located in an industrial, commercial and residential area of the City of Buffalo, Erie County, New York (see Figures 1 and 2).
- The Site is vacant and underutilized. The Site is mostly asphalt paved areas with one vacant industrial building that was historically used as a manufacturing facility.
- The Site was historically used as a Planing Mill, for plastics molding/ injection manufacturing, and for metal plating operations.
- Previous investigations have established that on-site soil/fill materials are impacted with volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs) and metals exceeding Part 375 Soil Cleanup Objectives (SCOs).
- The Applicant currently has plans to redevelop the Site with a multi-purpose indoor sports complex. Future redevelopment may also include commercial and residential uses. Redevelopment will be consistent with the April 2017 City of Buffalo Green Code Unified Development Ordinance (see Figure 9).
- In accordance with §27-1415(3)(p), the Site is located within a NYSDEC Potential Environmental Justice (EJ) Area (see Figure 15). However, EJ concerns are not applicable to this project as the proposed use is not expected to cause or increase a disproportionate burden on the community in which the site is located.
- There are no State or Federal land use designations related to the property.
- Population in Erie county has increased by 3,538 (0.4%) over the period of April 2010 to July 2015 (per US Census Bureau).
- The Site has access to municipal utilities including: natural gas, municipal sewer, electric, and public water.
- There are no known Institutional Controls (ICs) for the Site.

Adjacent Land Use, Development Patterns, & Zoning

The Site is located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York. The Site is bound by Rano Street to the north with

residential properties beyond; vacant land owned by the City of Buffalo to the south that was formerly a railroad; a commercial manufacturing facility to the east; and Tonawanda Street to the west with commercial and residential properties beyond (see Figure 11).

The Site is currently vacant and zoned light industrial. Based on the City of Buffalo Green Code Unified Development Ordinance, the current zoning map indicates residential and urban neighborhood mixed-use (edge) to the north, vacant green space to the south with light industrial, urban center mixed-use (edge), and residential beyond, light industrial to the east, and flex commercial, green space, and urban neighborhood mixed-use (edge) to the west (see Figure 9). The end use will be consistent with local zoning laws and requirements. Attachment 4 discusses land-use, zoning, and adjacent property owners.

Project Description and Planned Redevelopment

The Site subject to the BCP application consists of one legal tax parcel totaling approximately 7.63± acres located in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York (see Figures 1 and 2).

The Applicant's redevelopment plan for the Site is an indoor turf field sports complex with future redevelopment to also include commercial and residential uses. The planned future use of the Site is currently not consistent with the April 2017 City of Buffalo Green Code Unified Development Ordinance land-use plan which identifies the Site as "light industrial." A Site Plan Review is anticipated; end use will be consistent with local zoning laws and requirements.

Natural and Cultural Resources

- Per the New York State Historical Preservation Office, the following sites are listed within a 0.5-mile radius of the Site (see Figure 16):
    1. **National Register Building 14NR06556**: Public School #60
    2. **Building Survey 16SR00359**: Black Rock Reconnaissance Level Survey
    3. **Building Survey 11SR00183**: Black Rock Reconnaissance Level Historic Resource Survey

4. **Consultation Project 17PR00222**: PIN 5760.81 – Niagara Street Sustainable Corridor and Community Integration Project from Porter Avenue to Ontario Street. Status – Open.

- According to the NYSDEC's Environmental Resource Mapper (ERM), the Site is encompassed within important plant habitats and endangered species listed for the area (see Figure 17).
- There are no State wetlands or floodplains located on the Site (see Figure 18). The nearest NYSDEC-regulated freshwater emergent wetland (PEM1B) is located approximately 1.8 miles north of the Site.

Groundwater Vulnerability Assessment

Previous groundwater investigations have not been completed on-site; however, it is likely that groundwater is impacted due to the known soil impacts.

Currently, there are no known deed restrictions on the use of groundwater at the Site from regulatory agencies; however, the City of Buffalo has a city-wide groundwater use restriction. Municipal water is available to the Site and all surrounding properties. The municipal water is supplied by the Erie County Water Authority.

Based on the location and topography of the Site, regional groundwater appears to flow west towards the Niagara River (approximately 0.37 miles west of the Site) and/or southwest towards Scajaquada Creek (approximately 1.2 miles south of the Site). Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. On-site groundwater flow patterns and quality will be determined during the remedial investigation.