2025

Periodic Review Report

240 – 260 Lakefront Boulevard Site
NYSDEC Site #C915340
240 Lakefront Boulevard
City of Buffalo, Erie County, New York

Prepared for:
Lakefront Boulevard, LLC
50 Fountain Plaza
Buffalo, New York 14202

February 2025

Reporting Period:
December 4, 2023 to December 4, 2024

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FIGURES

APPENDICES

ACRONYM LIST

AAR	ALTERNATIVES ANALYSIS REPORT
BCA	BROWNFIELD CLEANUP AGREEMENT
BCP	BROWNFIELD CLEANUP PROGRAM
BGS	BELOW GROUND SURFACE
DD	DECISION DOCUMENT
DER	DEPARTMENT OF ENVIRONMENTAL REMEDIATION
EC	ENGINEERING CONTROLS
HFM	HISTORIC FILL MATERIAL
IC	INSTITUTIONAL CONTROLS
NYSDEC	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NYSDOH	NEW YORK STATE DEPARTMENT OF HEALTH
PAH	POLYCYCLIC AROMATIC HYDROCARBONS
PCBS	POLYCHLORINATED BIPHENYLS
PPM	PARTS PER MILLION
RAOS	REMEDIAL ACTION OBJECTIVES
RI	REMEDIAL INVESTIGATION
SCOS	SOIL CLEANUP OBJECTIVES
SITE	2.094-ACRE PORTION OF 240 LAKEFRONT BOULEVARD, BUFFALO, NY
SMP	SITE MANAGEMENT PLAN
SVOCS	SEMI-VOLATILE ORGANIC COMPOUNDS
VOCS	VOLATILE ORGANIC COMPOUNDS

EXECUTIVE SUMMARY

C&S Engineers, Inc. (C&S) has prepared this 2025 Periodic Review Report for a 2.094-acre portion of the 240 Lakefront Boulevard (hereinafter referred to as the Site) located at 240 Lakefront Boulevard in Buffalo, New York.

Lakefront Boulevard, LLC entered into a Brownfield Cleanup Agreement (BCA) on February 13, 2019 with the NYSDEC to remediate the Site. A figure showing the site location and boundaries of this site is provided in **Figure 1**. The boundaries of the site are more fully described in the metes and bounds site description that is part of the Environmental Easement.

Contamination consists of historic unregulated deposition of urban fill throughout the entire Site. The remedy for the Site consisted of the following:

- Removal and disposal of two feet of soil from across the Site;
- Placement of a two-foot clean cover across the Site;
- Removal and disposal of urban fill excavated during utility and foundation installations;
- Removal and disposal of a hotspot around TP-02 and EB-14; and
- Installation of passive soil vapor systems for all townhome buildings.

Areas with remaining contamination will be monitored and maintained as specified in the approved Site Management Plan (SMP).

The SMP was prepared by C&S Engineers, Inc. (C&S) on behalf of Lakefront Boulevard, LLC. , in accordance with the requirements of the NYSDEC's DER-10 ("Technical Guidance for Site Investigation and Remediation"), dated May 2010, and the guidelines provided by the NYSDEC. The SMP addresses the means for implementing the Intuitional Controls (ICs) and/or Engineering Controls (ECs) that are required by the Environmental Easement for the Site. A summary of the SMP is provided below.

Site Identification:	240 Lakefront Boulevard (SBL: 110.59-1-3.11) BCP Site No. C915340
Institutional Controls:	1. The property may be used for restricted residential use.
	2. All ECs must be inspected at a frequency and in a manner defined in the SMP.
	3. The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
	4. The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries**,** and any potential impacts that are identified must be monitored or mitigated.
	5. Compliance with the Department approved Site Management Plan and Periodic Review Reporting is required.
	6. The remedial party or site owner is required to complete and submit a periodic certification of institutional and engineering controls to the Department in accordance with 6NYCRR Part 375-1.8(h)(3).
Engineering Controls:	1. Soil Cover System: A site cover has been installed over the site in all areas exceeding applicable SCOs. The cover consists of two feet of clean soil in grassed areas and a hardscape (asphalt pavement and concrete floor slab) cover.

Site Identification:	240 Lakefront Boulevard (SBL: 110.59-1-3.11) BCP Site No. C915340
	2. Passive Soil Vapor System: The system underneath building floor slabs consists of a 10 mil vapor barrier and a network of perforated pipes to collect and passively exhaust sub-slab air. SVI will be conducted for each building to evaluate if the passive system will need to be converted to an active system.

Inspections: 1. Soil Cover and SSDS Inspection	Frequency Annually
2. Shoring Wall Inspection	Annually
Monitoring: 1. None	
Maintenance: 1. Asphalt pavement, concrete floor repair, and soil cover	As needed
Reporting: 1. Periodic Review Report	Annually

The Institutional and Engineering Controls Certification form is provided in **Appendix B**.

1 SITE OVERVIEW

The Site is located in Buffalo, Erie County, New York and is comprised of a 2.09-acre portion of 240 Lakefront Boulevard (SBL: 110.59-1-3.11, total parcel size is approximately 2.43 acres) (also see **Figure 1**).

The Site is an approximately a 2.09-acre area and is bounded by the Lakefront Boulevard to the northeast, Marina Parks townhomes to the south, Ojibwa Circle to the east, and Erie Basin Marina to the west.

The owner of the site parcels at the time of issuance of this PRR is/are:

Lakefront Boulevard, LLC.

50 Fountain Plaza, Suite 500

Buffalo, NY 14202

The properties adjoining the Site and in the neighborhood surrounding the Site primarily include residential properties.

1.1 Geology and Hydrogeology

Topsoil thickness varied throughout the Site. Generally, topsoil was approximately two to ten inches thick. Underneath the topsoil, the Site contains historic fill material (HFM) to approximate depths ranging from 24 to 32 (top of bedrock) feet below grade. HFM is defined as material coming from anthropogenic sources re-worked to build a site to a defined grade.

HFM is defined as material coming from anthropogenic sources of the material re-worked to build a site to a defined grade. The HFM material at the Site contains:

- Crushed Rock
- Sand
- Silt
- Clay
- Plastics
- Metal
- Construction Debris
- Lumber
- Ash/Cinders
- Ceramics
- Bricks

The HFM at this Site consisted of dark grey to black silt, clay and gravel with lesser amounts of fine to coarse sand and varying amounts of anthropogenic materials. Multiple refusals of soil borings throughout the Site indicate random pieces of concrete or brick present in the subsurface.

In some locations, fine-grained fill materials were observed. This fill material contains predominantly silty clay with trace fragments of construction material (crushed concrete or brick). In some cases, fine-grained fill materials were sandwiched between layers of urban fill.

In some instances, native material was encountered; however, these were highly variable in location and depth. When encountered, native soils consisted of moderately plastic silty clay or silty sand. On the eastern portion of the Site, silty

sand with decomposing peat and organic matter was observed above the bedrock.

Many of the deep soil borings indicate that urban fill extends to bedrock at 32 feet below grade. The January 2018 geotechnical study identified the bedrock as Onondaga Limestone, which is described as a moderately hard, slightly weathered, light grey, medium bedded porous and calcareous limestone.

The principal groundwater bearing zone beneath the Site is located between six to eleven feet below grade. Groundwater beneath the Site generally flows to the northeast and is highly influenced by Lake Erie conditions.

1.2 Site History

According to historical records, the Site was initially part of a commercial harbor (Erie Basin Marina) with most of the area consisting of waterway for freight shipments. A portion of a railway dock intersected the center of the Site with a marina and the Niagara Slip to the Erie Canal to the north.

The marina and Site were backfilled in the late 1960s, such that the Site remained vacant land.

1.3 Summary of Selected Remedy

As excerpted from the DD, elements of the selected remedy for the property include:

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

2. Cover System – A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the restricted residential SCOs. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative cover. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other

materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

3. Institutional Control - Imposition of an institutional control for the Track 4 areas in the form of an Environmental Easement for the controlled property which will:
    a. require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
    b. allow the use and development of the controlled property for restricted residential, commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
    c. restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
    d. require compliance with the Department approved Site Management Plan.

4. Site Management Plan - A Site Management Plan is required for the Track 4 areas, which includes the following:
    a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective.

1.4 Nature and Extent of Remaining Contamination

The 240-260 Lakefront Boulevard Site was remediated to address SVOCs, metals, and PCBs to achieve a Track 4 Restricted Residential Use Cleanup, which is consistent with the intended use of the Site.

Residual contamination remaining at the Site includes HFM located beneath the Site-wide soil cover system. Potential exposure is mitigated due to the depth of the contaminant, hotspot removals, and placement of a soil cover system.

Areas with remaining contamination will be monitored and maintained with a soil cover system.

1.4.1 Soil

Remaining contaminated urban fill is present throughout the Site from underneath the demarcation layer (2 feet below grade) to a depth of 32 feet below grade. Contaminated urban fill extends horizontally across the entire BCP boundary. The approximate area of contaminated material is 91,040 square feet (2.09-acres).

Analytical results from the RI are summarized in the table below.

Table 1-1: Summary of Exceedances in Remaining Fill Material

Analyte	Samples with Detections above SCOs					Low Concentration (ppm)	High Concentration (ppm)
	UR	RS	RR	CM	IN		
VOCs							
Acetone	3					0.053	0.11
SVOCs / PAHs							
Benzo(a)anthracene			12			1	4.8
Benzo(a)pyrene				2	8	1	3.5
Benzo(b)fluoranthene			12			1.1	4.1
Benzo(k)fluoranthene	3	2				0.84	1.7
Chrysene		12				1	3.7
Dibenz(a,h)anthracene			2			0.45	0.48
Indeno(1,2,3-cd)pyrene		1	12			0.51	1.9
PCBs							
Total PCB	15					0.11	0.977
Pesticides							
4,4'-DDE	1					0.00766	0.00766
4,4'-DDD	1					0.00153	0.0153
4,4'-DDT	1					0.00128	0.0128
Metals							
Chromium	1					62.8	62.8
Copper	1					61.2	73
Lead	17					66.4	1510
Mercury	17		2		1	0.191	13.8
Zinc	9					110	508

Notes: UR = Unrestricted Use SCOs
RS = Residential Use SCOs
RR = Restricted Residential Use SCOs
CM = Commercial Use SCOs
IN = Industrial Use SCOs

Sample locations documenting remaining contamination is presented in **Figure 2**.

1.4.2 Groundwater

No post remedial action groundwater sampling was conducted on-site. RI results identified marginal concentrations of VOCs (acetone and benzene), SVOCs (phenol and PAHs), PCBs and metals (aluminum, iron, lead, magnesium and manganese) that exceed NYSDEC standards. Remaining concentrations of metals above NYSDEC standards are primarily limited to naturally occurring metals commonly found in regional groundwater. Depth to groundwater ranges from six to eleven feet. Due to the depth of contamination, city wide groundwater use ban and the placement of the soil cover system, the potential exposure to remaining groundwater contamination is unlikely.

1.4.3 Soil Vapor

Contaminated soil vapor may be present throughout the Site. During the RI, two soil vapor samples were collected in areas adjacent to neighboring buildings. Samples were placed in the locations requested by the NYSDOH. One sample was located on the northern portion of the Site adjacent to Portside Condominiums; the second location was placed adjacent to the Marina Park Condominiums tennis court. Chlorinated VOCs were detected. Other VOCs were detected in the two soil vapor samples.

VOCs

Sample SVI-01: only one chlorinated VOC, methylene chloride, was detected at 1.7 micrograms per cubic meter (ug/m^3). Total concentration of other VOCs in this sample is 2,515 ug/m^3. Acetone was detected at 1,900 mg/m^3 in this sample; however, acetone is a common laboratory contaminant. This acetone concentration may indicate a residual laboratory artifact.

Sample SVI-02: two chlorinated VOCs, methylene chloride and vinyl chloride, were both detected at 1.8 ug/m^3. Total concentration of other VOCs in this sample is 1,215 ug/m^3. Acetone was detected at 870 mg/m^3 in this sample.

The NYSDOH regulates soil vapor intrusion mostly for chlorinated volatile organic compounds (CVOC). Concentrations of regulated CVOCs in the fill material were either marginal or not detected.

2 IC/EC PLAN COMPLIANCE REPORT

2.1 IC/EC Requirements and Compliance

As stated in the 2020 Decision Document, the remedial action objectives (RAO) selected for this Site are:

Groundwater

RAOs for Public Health Protection

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

Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

Soil

RAOs for Public Health Protection

Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

Soil Vapor

RAOs for Public Health Protection

Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

2.1.1 Institutional Controls

The institutional controls for this Site are:

The property may be used for : restricted residential use;

All ECs must be operated and maintained as specified in the SMP;

All ECs must be inspected at a frequency and in a manner defined in the SMP.

The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.

Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

Data and information pertinent to site management must be reported at the frequency and in a manner as defined in the SMP;

All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP;

Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP;

Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.

The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries and any potential impacts that are identified must be monitored or mitigated; and

Vegetable gardens and farming on the site are prohibited;

The Site has not changed owners and the land use of the Site has not change. All intuitional controls for this Site are in accordance with requirements of the Environmental Easement.

2.1.2 Engineering Controls

The engineering controls for this Site are:

Cover System: A site cover has been installed and/or maintained over the Site in all areas exceeding applicable SCOs. The cover consists of a two foot thick clean soil cover and hardscape (asphalt pavement and concrete floor slab).

Passive Soil Vapor System: The system underneath all building floor slabs consists of a 10 mil vapor barrier and a network of perforated pipes to collect and passively exhaust sub-slab air. After each building is enclosed, indoor air samples and air samples from the vent piping will be collected to evaluate if the passive system will need to be converted to an active system.

All engineering controls for this Site are in accordance with requirements of the Environmental Easement.

2.2 IC/EC Certification

As required, the Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certificate Form has been completed and a copy is provided in **Appendix B**.

3 SITE INSPECTION

Site reconnaissance of the property was performed on December 27, 2024. C&S conducted the site walkover to:

Perform the annual site inspection, which included:

- Review previous annual inspections
- Inspection of the property exterior cover system.
- An evaluation of the shoring wall condition:
    - Visual observation of the exposed portions of the sheet piling wall and surrounding area that front the Erie Basin Marina. Limits of the observation will be from western property boundary, approximately 121 linear feet.
    - Visual observation will include assess the wall for physical damage, corrosion, signs of subsidence and structural failure.
    - If any of the above, the observation will be noted in the PRR and notification will be sent to the owner of the shoring wall. Contact information will be updated for every reporting period.
- Note that there were no inspections completed of the slabs inside the building, as all units are currently occupied.

3.1 Review of Institutional Controls

The following observations, related to the Site's ICs were noted at the time of the site reconnaissance:

The large townhome complex was completed in 2020. Buildings A and B were completed in 2024.

No groundwater was observed being used at the property. No potable or groundwater supply wells were observed.

No vegetable gardens or farming is being conducted at the property.

3.2 Review of Engineering Controls

The following observations, related to the ECs were noted during the site reconnaissance:

The asphalt surfaces of the parking lots were in good condition with no evidence of cracks, settlement, or deterioration.

The exterior concrete surfaces were in good condition with no evidence of cracks, settlement, or deterioration.

Green space areas with the two-foot soil cover was in good condition with no evidence of erosion, settlement, or deterioration.

The shoring wall appeared to be in good condition with no evidence of physical damage, corrosion, signs of subsidence and structural failure.

Interior concrete surfaces that could be observed were in good condition with no evidence of cracks, settlement, or deterioration.

On December 5, 2023, C&S conducted soil vapor sampling on Building A in accordance with the approved Soil Vapor Intrusion Sampling Work Plan. At this time, Building B was not ready for soil vapor sampling.

- In both Unit 256 and 260, Carbon tetrachloride was detected in concentrations exceeding NYSDOH Matrix A Criteria in indoor air samples. However, carbon tetrachloride was not present in the sub slab vapor sample, so as per the NYSDOH Matrix A Decision Matrix, no further action is necessary.
- In Unit 260, ethylbenzene and o-Xylene were detected in concentrations exceeding NYSDOH Matrix D Criteria. However, these analytes were not present in indoor air samples, so as per the NYSDOH Matrix D Decision Matrix, no further action is necessary.
- In both Unit 256 and 260, cyclohexane was detected in concentrations exceeding NYSDOH Matrix D Criteria. In Unit 260, the sub slab vapor concentration of cyclohexane exceeded 600 ug/m^3 and therefore mitigation is needed.
- In Unit 260, m&p-Xylene, heptane, and hexane were detected in concentrations exceeding NYSDOH Matrix E Criteria. However, concentrations in the indoor air samples were below their matrix values so no further action is necessary.

- Units 256 and 260 had indoor air concentrations of styrene at 1.91 ug/m^3 and 2.39 ug/m^3, respectively. These concentrations exceed the NYS Upper Fence of 1.4 ug/m^3.

On March 29, 2024, C&S conducted soil vapor sampling on Building B in accordance with the approved Soil Vapor Intrusion Sampling Work Plan. A report detailing the sampling activities was prepared and submitted to the NYSDEC for review in May 2024 (final revised document submitted August 2024).

- In both Unit 244 and 252, Carbon tetrachloride was detected in indoor air samples at an average concentration of 0.44 ug/m^3 (Matrix A – 0.2 ug/m^3).
- Units 244 and 252 had indoor air concentrations of 2-butanone at 27 ug/m^3 and 59 ug/m^3, respectively. These concentrations exceed USEPA BASE value of 7.8 ug/m^3 for 2-butanone. Tetrahydrofuran was detected at concentrations above the NYS Upper Fence of 0.78 ug/m^3 in all four indoor air samples. Concentrations of tetrahydrofuran ranged from 22 ug/m^3 to 40 ug/m^3. Styrene was detected at concentrations above the NYS Upper Fence of 1.4 ug/m^3 in Unit 252 with a concentration of 2.5 ug/m^3.
- During the Remedial Investigation for this Site, two soil vapor probes were advanced and sampled on April 4, 2019. Cyclohexane was detected at 19 ug/m^3 and 17 ug/m^3. In November 2020, the eight-unit townhome was sampled for sub-slab and indoor air at three locations. Cyclohexane was not detected in all sub-slab and indoor air samples. Therefore, past investigations indicate that cyclohexane was not a contaminant of concern. Cyclohexane can be a compound found in common building materials such as adhesives, adhesive removers and paints (see EPA ChemExpo (epa.gov)). It is more likely that cyclohexane is present in newly installed building materials rather than from remaining soil contamination.

On August 13, 2024, the NYSDEC stated that due to elevated concentrations of cyclohexane in Building A and multiple canisters having zero pressure upon arriving at the laboratory, the Departments request that Building A be re-sampled during the early part of the 2024 heating season.

A Photo Log is provided in **Appendix A**.

3.3 Reporting Period Construction Activities

During the reporting period no intrusive activities below the demarcation layer were performed. Construction work is not anticipated for Building C in 2025.

4 CONCLUSIONS

4.1 Compliance with Site Management Plan

The requirements of the Site Management Plan appear to be satisfied.

4.2 Performance and Effectiveness of the Remedy

The cover system remains fully intact and continues to provide protection for human health and the environment, as designed.

Rescheduling sampling at Building A is ongoing, to date only one unit is available for resampling in March 2025.

FIGURES

Legend

BROWNFIELD CLEANUP (BCP) BOUNDARY

0 250 500 1,000 Feet

C&S COMPANIES®
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Buffalo, New York 14203
Phone: 716-847-1630
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www.cscos.com

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240-260 LAKEFRONT BLVD. SITE
BROWNFIELD CLEANUP PROGRAM

CITY OF BUFFALO, NEW YORK

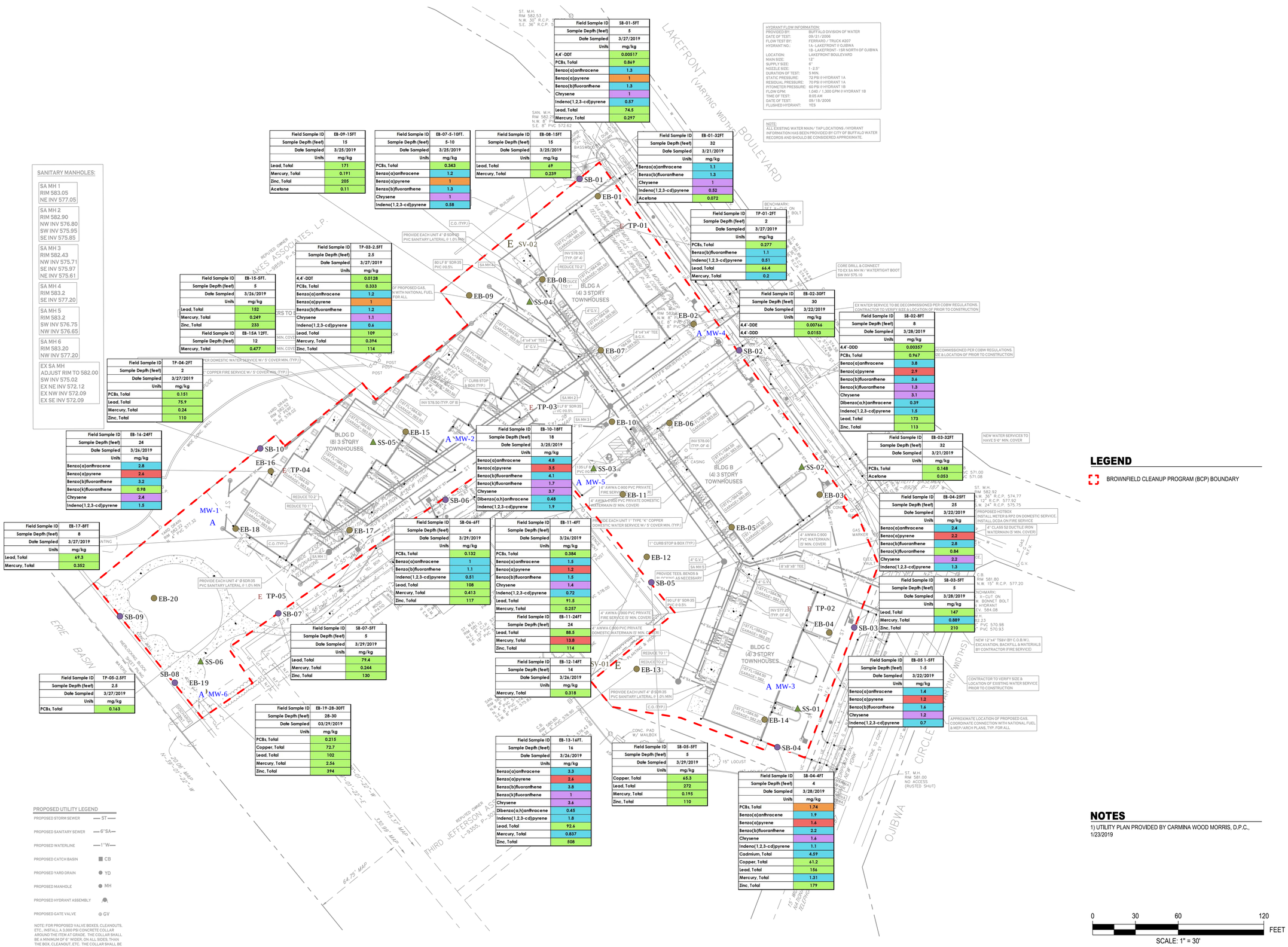
MARK	DATE	DESCRIPTION
REVISIONS		

PROJECT NO:	E67.022.003
DATE:	AUGUST 15, 2018
DRAWN BY:	C. MARTIN
DESIGNED BY:	C. MARTIN
CHECKED BY:	D. RIKER

SITE LOCATION

FIGURE 1

Document Path: F:\Project\E67 - Ciminelli Development\E67.022.001 - 240-260 Lakefront Boulevard\Planning-Study\CADD\RI-IRM\RI_IRM_ SITE_LOCATION.mxd
F:\Project\E67 - Ciminelli Development\E67.022.001 - 240-260 Lakefront Boulevard\Planning-Study\CADD\1 SITE LOCATION.dwg



Field Sample ID	SB-01-5FT
Sample Depth (feet)	5
Date Sampled	3/27/2019
Units	mg/kg
4,4'-DDT	0.00517
PCBs, Total	0.869
Benzo(a)anthracene	1.3
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1.3
Chrysene	1
Indeno(1,2,3-cd)pyrene	0.57
Lead, Total	74.5
Mercury, Total	0.297

Field Sample ID	EB-09-15FT
Sample Depth (feet)	15
Date Sampled	3/25/2019
Units	mg/kg
Lead, Total	171
Mercury, Total	0.191
Zinc, Total	205
Acetone	0.11

Field Sample ID	EB-07-5-10FT.
Sample Depth (feet)	5-10
Date Sampled	3/25/2019
Units	mg/kg
PCBs, Total	0.343
Benzo(a)anthracene	1.2
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1.3
Chrysene	1
Indeno(1,2,3-cd)pyrene	0.58

Field Sample ID	EB-08-15FT
Sample Depth (feet)	15
Date Sampled	3/25/2019
Units	mg/kg
Lead, Total	69
Mercury, Total	0.239

Field Sample ID	EB-01-32FT
Sample Depth (feet)	32
Date Sampled	3/21/2019
Units	mg/kg
Benzo(a)anthracene	1.1
Benzo(b)fluoranthene	1.3
Chrysene	1
Indeno(1,2,3-cd)pyrene	0.52
Acetone	0.072

Field Sample ID	TP-01-2FT
Sample Depth (feet)	2
Date Sampled	3/27/2019
Units	mg/kg
PCBs, Total	0.277
Benzo(b)fluoranthene	1.1
Indeno(1,2,3-cd)pyrene	0.51
Lead, Total	66.4
Mercury, Total	0.2

Field Sample ID	TP-03-2.5FT
Sample Depth (feet)	2.5
Date Sampled	3/27/2019
Units	mg/kg
4,4'-DDT	0.0128
PCBs, Total	0.333
Benzo(a)anthracene	1.2
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1.2
Chrysene	1.1
Indeno(1,2,3-cd)pyrene	0.6
Lead, Total	109
Mercury, Total	0.394
Zinc, Total	114

Field Sample ID	EB-15-5FT.
Sample Depth (feet)	5
Date Sampled	3/26/2019
Units	mg/kg
Lead, Total	152
Mercury, Total	0.249
Zinc, Total	233
Field Sample ID	EB-15A 12FT.
Sample Depth (feet)	12
Mercury, Total	0.477

Field Sample ID	EB-02-30FT
Sample Depth (feet)	30
Date Sampled	3/22/2019
Units	mg/kg
4,4'-DDE	0.00766
4,4'-DDD	0.0153

Field Sample ID	SB-02-8FT
Sample Depth (feet)	8
Date Sampled	3/28/2019
Units	mg/kg
4,4'-DDD	0.00357
PCBs, Total	0.967
Benzo(a)anthracene	3.8
Benzo(a)pyrene	2.9
Benzo(b)fluoranthene	3.6
Benzo(k)fluoranthene	1.3
Chrysene	3.1
Dibenzo(a,h)anthracene	0.39
Indeno(1,2,3-cd)pyrene	1.5
Lead, Total	173
Zinc, Total	113

Field Sample ID	TP-04-2FT
Sample Depth (feet)	2
Date Sampled	3/27/2019
Units	mg/kg
PCBs, Total	0.151
Lead, Total	75.9
Mercury, Total	0.24
Zinc, Total	110

Field Sample ID	EB-10-18FT
Sample Depth (feet)	18
Date Sampled	3/25/2019
Units	mg/kg
Benzo(a)anthracene	4.8
Benzo(a)pyrene	4.1
Benzo(b)fluoranthene	4.1
Benzo(k)fluoranthene	1.7
Chrysene	3.7
Dibenzo(a,h)anthracene	0.48
Indeno(1,2,3-cd)pyrene	1.9

Field Sample ID	EB-03-32FT
Sample Depth (feet)	32
Date Sampled	3/21/2019
Units	mg/kg
PCBs, Total	0.148
Acetone	0.053

Field Sample ID	EB-16-24FT
Sample Depth (feet)	24
Date Sampled	3/26/2019
Units	mg/kg
Benzo(a)anthracene	2.8
Benzo(a)pyrene	2.6
Benzo(b)fluoranthene	3.2
Benzo(k)fluoranthene	0.98
Chrysene	2.4
Indeno(1,2,3-cd)pyrene	1.5

Field Sample ID	EB-04-25FT
Sample Depth (feet)	25
Date Sampled	3/22/2019
Units	mg/kg
Benzo(a)anthracene	2.4
Benzo(a)pyrene	2.2
Benzo(b)fluoranthene	2.8
Benzo(k)fluoranthene	0.84
Chrysene	2.2
Indeno(1,2,3-cd)pyrene	1.3

Field Sample ID	EB-17-8FT
Sample Depth (feet)	8
Date Sampled	3/27/2019
Units	mg/kg
Lead, Total	69.3
Mercury, Total	0.352

Field Sample ID	SB-06-6FT
Sample Depth (feet)	6
Date Sampled	3/29/2019
Units	mg/kg
PCBs, Total	0.132
Benzo(a)anthracene	1
Benzo(b)fluoranthene	1.1
Indeno(1,2,3-cd)pyrene	0.51
Lead, Total	108
Mercury, Total	0.413
Zinc, Total	117

Field Sample ID	EB-11-4FT
Sample Depth (feet)	4
Date Sampled	3/26/2019
Units	mg/kg
PCBs, Total	0.384
Benzo(a)anthracene	1.5
Benzo(a)pyrene	1.2
Benzo(b)fluoranthene	1.5
Chrysene	1.4
Indeno(1,2,3-cd)pyrene	0.72
Lead, Total	91.5
Mercury, Total	0.257
Field Sample ID	EB-11-24FT
Sample Depth (feet)	24
Lead, Total	88.5
Mercury, Total	13.8
Zinc, Total	114

Field Sample ID	SB-03-5FT
Sample Depth (feet)	5
Date Sampled	3/28/2019
Units	mg/kg
Lead, Total	147
Mercury, Total	0.889
Zinc, Total	210

Field Sample ID	TP-05-2.5FT
Sample Depth (feet)	2.5
Date Sampled	3/27/2019
Units	mg/kg
PCBs, Total	0.163

Field Sample ID	SB-07-5FT
Sample Depth (feet)	5
Date Sampled	3/29/2019
Units	mg/kg
Lead, Total	79.4
Mercury, Total	0.244
Zinc, Total	130

Field Sample ID	EB-12-14FT
Sample Depth (feet)	14
Date Sampled	3/26/2019
Units	mg/kg
Mercury, Total	0.318

Field Sample ID	EB-05 1-5FT
Sample Depth (feet)	1-5
Date Sampled	3/22/2019
Units	mg/kg
Benzo(a)anthracene	1.4
Benzo(a)pyrene	1.2
Benzo(b)fluoranthene	1.6
Chrysene	1.2
Indeno(1,2,3-cd)pyrene	0.7

Field Sample ID	EB-19-28-30FT
Sample Depth (feet)	28-30
Date Sampled	03/29/2019
Units	mg/kg
PCBs, Total	0.215
Copper, Total	72.7
Lead, Total	102
Mercury, Total	2.56
Zinc, Total	394

Field Sample ID	EB-13-16FT.
Sample Depth (feet)	16
Date Sampled	3/26/2019
Units	mg/kg
Benzo(a)anthracene	3.3
Benzo(a)pyrene	2.6
Benzo(b)fluoranthene	3.8
Benzo(k)fluoranthene	1
Chrysene	3.6
Dibenzo(a,h)anthracene	0.45
Indeno(1,2,3-cd)pyrene	1.8
Lead, Total	92.6
Mercury, Total	0.837
Zinc, Total	508

Field Sample ID	SB-05-5FT
Sample Depth (feet)	5
Date Sampled	3/29/2019
Units	mg/kg
Copper, Total	65.3
Lead, Total	272
Mercury, Total	0.195
Zinc, Total	110

Field Sample ID	SB-04-4FT
Sample Depth (feet)	4
Date Sampled	3/28/2019
Units	mg/kg
PCBs, Total	1.74
Benzo(a)anthracene	1.9
Benzo(a)pyrene	1.6
Benzo(b)fluoranthene	2.2
Chrysene	1.6
Indeno(1,2,3-cd)pyrene	1.1
Cadmium, Total	4.59
Copper, Total	61.2
Lead, Total	156
Mercury, Total	1.31
Zinc, Total	179

C&S Engineers, Inc.
141 Elm Street.
Buffalo, New York 14203
Phone: 716-847-1630
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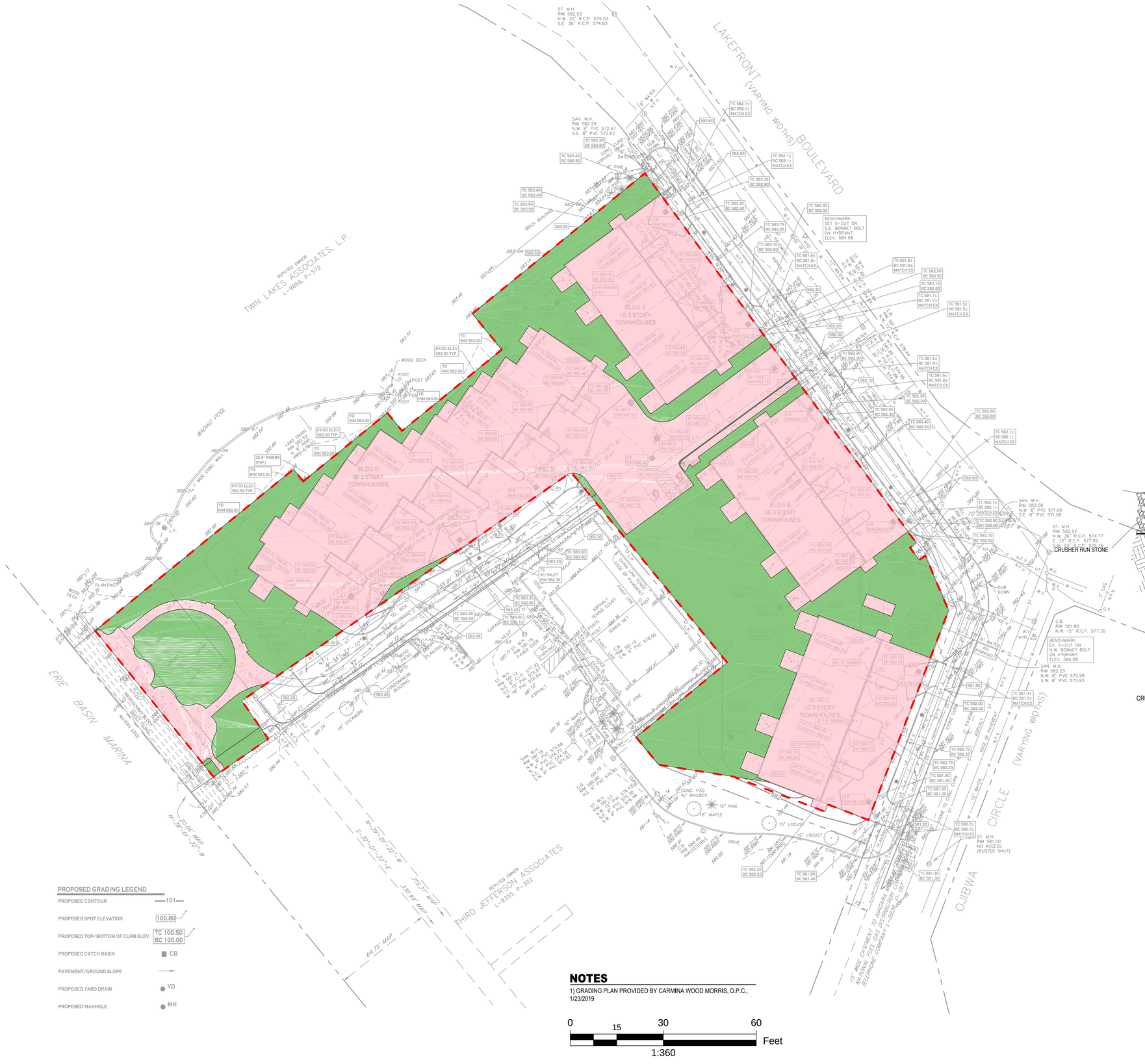
www.cscos.com

240 - 260 LAKEFRONT BOULEVARD SITE
BROWNFIELD CLEANUP PROGRAM
SITE NO. C915340
CITY OF BUFFALO, NY

PROJECT NO:	E67.022.002
DATE:	02/7/2019
DRAWN BY:	C. MARTIN
DESIGNED BY:	C. MARTIN
CHECKED BY:	D. RIKER

REMAINING SOIL CONTAMINATION

FIGURE 2



PROPOSED GRADING LEGEND

PROPOSED CONTOUR	101
PROPOSED SPOT ELEVATION	100.80
PROPOSED TOP/BOTTOM OF CURB ELEV.	TC 100.50 BC 100.00
PROPOSED CATCH BASIN	CB
PAVEMENT/GROUND SLOPE	
PROPOSED YARD DRAIN	YD
PROPOSED MANHOLE	MH

NOTES

1) GRADING PLAN PROVIDED BY CARMINA WOOD MORRIS, D.P.C., 1/23/2019

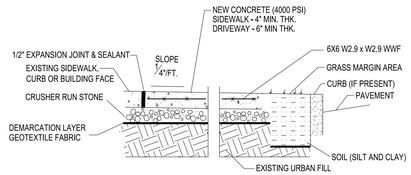
0 15 30 60 Feet

1:360

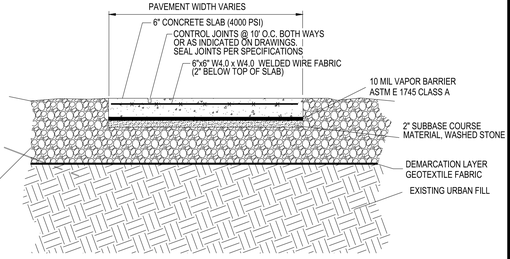
LEGEND

BROWNFIELD CLEANUP PROGRAM (BCP) BOUNDARY

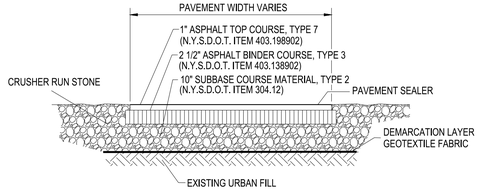
SOIL COVER TYPE A
- HARDSCAPE (CONCRETE AND ASPHALT) AND SUB-BASE MATERIAL
- SEE SITE PLAN DETAILS
- TOTAL AREA = 57,207 SQUARE FEET



CONCRETE SIDEWALK
N.T.S.

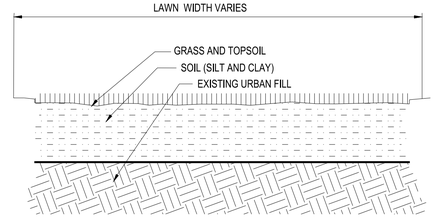


SLAB-ON-GRADE SECTION
N.T.S.



STANDARD DUTY ASPHALT SECTION
N.T.S.

SOIL COVER TYPE B
- AREAS NOT COVERED BY HARDSCAPE REQUIRE AT LEAST 2-FEET OF NYSDEC APPROVED MATERIAL ABOVE CONTAMINATED FILL MATERIAL
- SEE SITE PLAN DETAILS
- TOTAL AREA = 33,809 SQUARE FEET



LAWN SECTION
N.T.S.

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240 - 260 LAKEFRONT BOULEVARD SITE
BROWNFIELD CLEANUP PROGRAM
SITE NO. C915340

CITY OF BUFFALO, NY

PROJECT NO:	E67.022.002
DATE:	03/21/2019
DRAWN BY:	C. MARTIN
DESIGNED BY:	C. MARTIN
CHECKED BY:	D. RIKER

SOIL COVER SYSTEM

FIGURE 3

APPENDICES

APPENDIX A

PHOTO LOG

PHOTOGRAPHIC LOG

Exhibit:	Date:
1	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Building A - hardscape (Soil Cover Type A) and landscape aeas (Soil Cover Type B).

Exhibit:	Date:
2	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover system behind Building A. Soil Cover Type A (building foundations and concrete pad) and landscaped areas.

PHOTOGRAPHIC LOG

Exhibit:	Date:
3	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Building B - Track 4 cover system of the Site along Lakefront Boulevard (Soil Cover Type A and B).

Exhibit:	Date:
4	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Building B - hardscape (Soil Cover Type A) and landscape areas (Soil Cover Type B).

PHOTOGRAPHIC LOG

Exhibit:	Date:
5	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover system behind Building B. Soil Cover Type A (building foundation and concrete pad) and landscaped areas.

Exhibit:	Date:
6	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover consisting of eight townhomes (Soil Cover Type A) and landscape areas (Soil Cover Type B).

PHOTOGRAPHIC LOG

Exhibit:	Date:
7	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover system consisting of driveway (Soil Cover Type A) and landscape areas (Soil Cover Type B).

Exhibit:	Date:
8	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover consisting of eight townhomes (Soil Cover Type A) and landscape areas (Soil Cover Type B).

PHOTOGRAPHIC LOG

Exhibit:	Date:
9	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover system adjacent to Obijawa Circle. Soil Cover Type A (hardscape) and Soil Cover Type B (landscape).

Exhibit:	Date:
10	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover landscape areas (Soil Cover Type B).

PHOTOGRAPHIC LOG

Exhibit:	Date:
11	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Track 4 cover system adjacent to Obijawa Circle. Soil Cover Type A (hardscape) and Soil Cover Type B (landscape).

Exhibit:	Date:
12	12/27/2024

240-260 Lakefront Boulevard Periodic Review Report

Description:

Shoring wall.

240 - 260 Lakefront Boulevard Site
240 Lakefront Boulevard, Buffalo, New York
Inspector's Name: Natalie O'Brien
Weather Conditions: Rainy

Inspection Date: December 27, 2024
Temperature (^{o}F): 35
Inspection Time: 9:00 am
Comments:

Pre Inspection Checklist
- Review previous annual inspections
- Meet with the site representative to solicit comments/concerns regarding the

Comments:

Cover System - Floor Inspection
1. Walk all freely accessable floors
- Any visible cracks or settlement in the ground floors?
- Any other visible openings (unintended) in the ground floors?
- Draw approximate location of floor cracks/openings on site map.
- Note the length of the crack/opening.

Comments:

The interiors of the townhomes were not inspected.

Cover System - Exterior Inspection
1. Walk and inspect the entire perimeter of the Site.
2. Walk and inspect all of the paved areas (concrete and asphalt) of the Site.
- Are there any signs of significant cracks, settlement or deterioration of the paved areas?
- Has any of the pavement material been removed?
- Have any structures been constructed on the unpaved areas?
- Are there any signs of soil washing or erosion (gullies, soil washed out onto the pavement)?
- Are there any signs of intrusive activities (drilling, digging, trenching, grading,

Comments:

None.

Repair
Summarize needed/completed repairs to the Engineering Controls:

None.

Shoring Wall
1. Walk and inspect the western property boundary along the Erie Basin Marina.
- Are there any visual signs of physical damage, corrosion, subsidence or structural failure ?

Comments:

No. The shoring wall appears to be in good condition.

Inspector's Signature: _____

APPENDIX B

INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM

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

Site Details **Box 1**

Site No. C915340

Site Name 240 - 260 Lakefront Boulevard Site

Site Address: 240 Lakefront Boulevard Zip Code: 14203
City/Town: Buffalo
County: Erie
Site Acreage: 2.094

Reporting Period: December 04, 2023 to December 04, 2024

	YES	NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	☒
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	☒

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	☒	☐
7. Are all ICs in place and functioning as designed?	☒	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

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

_____ _____
Signature of Owner, Remedial Party or Designated Representative Date

Box 2A

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

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

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

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

SITE NO. C915340 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
Portion of 110.59-1-3.11	Lakefront Boulevard, LLC	Ground Water Use Restriction Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

Groundwater use is prohibited
Landuse is restricted to Restricted Residential
Adherence to Site Management Plan
Implementation of an IC/EC Plan

Box 4

Description of Engineering Controls

Parcel	Engineering Control
Portion of 110.59-1-3.11	Cover System Vapor Mitigation

Cover System per 6NYCRR Part 375-6.7(d)
Sub-slab depressurization systems

Box 5

Periodic Review Report (PRR) Certification Statements

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

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

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

YES	NO
☒	☐

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

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

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

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

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

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

YES	NO
☒	☐

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

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

_____ _____

Signature of Owner, Remedial Party or Designated Representative Date

IC CERTIFICATIONS
SITE NO. C915340

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I Paul F. Ciminelli at 50 Fountain Plaza, Suite 500, Buffalo, NY 14202,

am certifying as 240 - 260 Lakefront Boulevard Site(Owner or Remedial Party)

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

Paul Ciminelli

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

February 7, 2025
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

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

I H. Nevin Bradford (print name) at C&S Engineers, Inc., 141 Elm Street, Ste. 100, Buffalo, NY 14203 (print business address),

am certifying as a Qualified Environmental Professional for the Lakefront Boulevard, LLC (Owner or Remedial Party)

Registration Expires: 04.31.2026

January 29, 2025

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification | Stamp (Required for PE) | Date