



Periodic Review Report

293 Grote Street Site
NYSDEC BCP #C915368
Buffalo, New York

May 5, 2025

Prepared for:

**293 Grote Street LLC and
MCG Real Estate Holdings, LLC**
455 Cayuga Road, Suite 100
Buffalo, New York 14225

Prepared by:

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Table of Contents

- 1. Introduction 1
 - 1.1 Site Background..... 1
 - 1.2 Remedial History 2
 - 1.3 Compliance..... 6
 - 1.4 Recommendations..... 6
- 2. Site Overview 7
- 3. Remedy Performance..... 8
- 4. Site Management Plan 9
 - 4.1 Institutional and Engineering Control (IC/EC) Plan 9
 - 4.1.1 Institutional Controls (ICs) 9
 - 4.1.2 Engineering Controls (ECs) 10
 - 4.2 Excavation Work Plan 10
 - 4.2.1 Site Redevelopment Activities 10
 - 4.2.2 Exported Materials 10
 - 4.2.3 Imported Materials 10
 - 4.3 Annual Inspection and Certification Program 10
 - 4.4 Operation, Monitoring and Maintenance Plan 11
- 5. Conclusions and Recommendations..... 12
- 6. Declaration/Limitation 13
- References 14

Figures

- 1. Site Location and Vicinity Map
- 2. Site Layout
- 3. Site Cover System

Appendices

- A. Site Inspection Forms
- B. Site Inspection Photo Log

1. Introduction

Roux Environmental Engineering and Geology, D.P.C. (Roux) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) 293 Grote Street Site, Site No. C915368, located in the City of Buffalo, Erie County, New York (see Figures 1 and 2).

This PRR has been prepared in accordance with the NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010; Ref. 1); the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been prepared for the Site. This PRR and the associated IC/EC Form (see Appendix A) have been completed for the post-remedial period from April 30, 2024 to April 30, 2025.

Site photographs from the March 19, 2025 site inspection, as further discussed in Section 3.0 are included as Appendix B.

1.1 Site Background

MCG Real Estate Holdings, LLC (MCG) entered into a Brownfield Cleanup Agreement (BCA, C915368-04-21) on April 22, 2021, with the NYSDEC to remediate the site. A BCA Amendment was executed on October 21, 2021 to add 293 Grote Street, LLC, as a Volunteer on the BCA. 293 Grote Street, LLC is related to MCG and took the title of the property to execute redevelopment at the Site.

The Site is located in the County of Erie, New York and is identified as Block 1 and Lot 1 on the City of Buffalo Tax Map # 89.21 per Erie County Tax Map records. The Site is bounded by Grote Street to the north, residential properties to the south, and commercial properties to the east and west (see Figure 2).

The Site was previously occupied by Buerk Tool, a machine shop, that had been in operation since 1919 prior to going out of business in 2019. Buerk Tool utilized various lathes, grinders, bore mills, etc. that used cutting oils in their operations. Evidence of the oil use was observed throughout the building. Oil dispensers, 55-gallon drums, 5-gallon buckets, along with heavy staining on the concrete and wood flooring were observed within the building. A 5,000-gallon fuel oil underground storage tank was also formerly present in the courtyard of the Site.

The Site was remediated to a Track 4 Restricted Residential cleanup in 2022. The building was redeveloped with residential apartment units and the western exterior portion of the Site is the tenant parking lot.

1.2 Remedial History

Remedial Investigation

A Remedial Investigation (RI) was performed as part of the BCP in June and July 2021 to further characterize the nature and extent of contamination at the Site. The RI was completed in accordance with a NYSDEC-approved Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan (RI/IRM/AA WP, Ref. 2). The RI included sampling of surface soil/fill, subsurface fill material and native soil, groundwater, indoor air, and building materials (concrete and wood). Upon receipt of the RI data for wood flooring samples, 293 Grote Street, LLC submitted the REVISED – Interim Remedial Measures Addendum for Polychlorinated Biphenyls in 2nd Floor Wood Floors (IRM Addendum; Ref. 3), which was approved by NYSDEC. The findings of the RI were documented in the RI/IRM/AA Report (Ref. 4) and are summarized below:

Soil – Based on the Phase II and RI soil/fill sampling activities, SVOC-, metals-, and PCB-impacted soil/fill was present at the Site at depths ranging from ground surface to approximately 6 fbg. Impacted soil/fill was identified in the courtyard area proximate to the former 5,000-gallon fuel oil UST at depths of 10.5 fbg and in the southern alleyway area at depths of 2 fbg. Impacts were addressed during IRM activities as discussed below.

Groundwater – The results of the groundwater samples collected as part of the RI indicated SVOCs and metals were present in the groundwater above their respective TOGS 1.1.1 Groundwater Quality Standards/Guidance Values (GWQS/GV, Ref. 5). The detected exceedances of these analytes in the groundwater are attributable to the urban nature of the Site and are ubiquitous in urban settings and were therefore not considered a concern for Site groundwater. No VOCs, PCBs, pesticides, herbicides, or emergent contaminants were detected above their respective GWQS/GVs.

Soil Vapor Intrusion (SVI) – Analytical results in comparison to the NYSDOH Decision Matrices indicate that no further action was required for the building.

Building Materials – PCBs were detected above 1 mg/kg in a concrete sample from the 1st floor slab and multiple wood samples from the wood 2nd floor associated wood subfloor. As discussed below the 1st floor concrete was removed due to the presence of PCBs and heavy oil staining. The areas of the 2nd floor and associated subfloor with PCBs greater than 1 mg/kg were also removed and replaced. Areas of the 2nd floor that were less than 1 mg/kg were sanded and coated with polyurethane.

Initial Interim Remedial Measures

The initial IRM activities were completed from November 2021 through April 2022 in accordance with the NYSDEC-approved RI/IRM/AA WP and IRM Addendum to address impacts associated with the courtyard soil, UST, and interior building materials and involved the following activities:

- Removal and disposal of 442 tons of PCB-impacted concrete flooring at Waste Management's Chaffee Landfill in Chaffee, New York and removal and recycling of 100 CY of unimpacted concrete flooring from the 1st floor of the building at Swift River Associates, Inc. Concrete samples were collected from the unimpacted concrete to confirm material could go off-site for recycling.
- Approximately 4.75 tons of asbestos were removed from within the building and transported to Waste Management's Chaffee Landfill.
- Removal and disposal of 18 tons of PCB-impacted wood flooring from a portion of the 2nd floor of the building where PCBs were identified above 1 mg/kg. Wood was taken to Waste Management's Chaffee Landfill in Chaffee, New York.
- Removal and disposal/recycling of a 5,000-gallon steel UST, its contents, and associated vent/fill piping from the courtyard area. Approximately 2,360 gallons of #2 fuel oil and water mixture were extracted from the UST and transported to American Recyclers Company (ARC) for disposal. The steel UST was cleaned and recycled at Metalico Buffalo, Inc.
- Excavation of 284 tons of non-hazardous soil/fill from the courtyard and UST area and disposal at the Town of Tonawanda Landfill in Tonawanda, New York.
- Excavation of 905 tons of non-hazardous soil/fill from under the building for installation of the new concrete floor and interior utilities which was disposed at the Town of Tonawanda Landfill in Tonawanda, New York.
- Three (3) 55-gallon drums of oily liquids and one (1) drum of solids which were generated from removal of an interior trench. The drums were transported to ARC in Tonawanda, New York for non-hazardous disposal.

Post-excavation samples were collected from the soil/fill removals associated with the UST and courtyard IRM activities. Results of post-excavation samples were below the 5 NYCRR Part 375 Restricted-Residential Soil Cleanup Objectives (RRSCOs), the reuse criteria for the Site. The initial IRM activities associated with the building interior, courtyard and UST areas were documented in the RI/IRM/AA Report.

Alternatives Analysis

The findings of the previous investigations, RI, and IRM activities were used to develop an Alternative Analysis (AA) Report, included as part of the RI/IRM/AA Report. Based on the alternatives analysis completed, the recommended remedial approach for the Site is a Restricted Residential Use (Track 4) Cleanup. This alternative involved:

- Completed IRMs.
- Excavation and landfill disposal of impacted soil/fill from three (3) Areas of Concern (AOCs); and collection of post-excavation samples:
 - AOC-1: Copper Area – located in the western portion of the parking lot, the results at TP-10 indicate copper above CSCOs. Soil/fill was removed in an approximate 20 ft by 20 ft area to a depth of 2.5 fbs.
 - AOC-2: PAH/Copper/Arsenic/PCBs Area – located in the alleyway southwest of the building, the results at SS-1 indicate PAHs greater than 500 mg/kg, PCBs, and copper above CSCOs, and arsenic above ISCOs. Soil/fill was removed in an approximate 80 ft by 5 ft area to a depth of 2 fbs.
 - AOC-3: Copper Area – located in the alleyway southeast of the building, the results of SS-2 indicate copper above CSCOs. The results of NS-2 indicate all parameters were below SSALs, therefore, soil/fill was removed in an approximate 80 ft by 5 ft area to a depth of 7-inches.
- Excavation and landfill disposal soil/fill from the upper 1 foot in the parking lot area west of the building to achieve design grade for import and placement of new subgrade stone for asphalt parking lot.
- Excavation and landfill disposal of soil/fill in the upper 2 feet in four (4) non-hardscape areas of the parking lot (an additional 1 foot after the parking lot cut was completed) to achieve design grade for non-hardscape cover requirements.
- Excavations and landfill disposal of soil/fill removed for installation of stormwater lines, stormwater catch basins, electrical conduits for parking lot lighting, and a new gas line service for the building.
- Backfilling and compaction of clean imported material approved by the Department.
- Placement of a Cover System, including a demarcation layer underlying DER-10 acceptable backfill in areas without hardscape (building, asphalt, concrete) to address remaining contamination above RRSCOs in soil/fill.
- Implementation of a Site Management Plan (SMP).
- Environmental Easement filed with Erie County.

Additional Interim Remedial Measures

Additional IRM activities were completed in the parking lot and alleyway of the Site between July and October 2022 in accordance with the NYSDEC-approved Interim Remedial Measures Work Plan Parking Lot & Alleyway (Additional IRM WP, Ref. 6). The additional IRMs involved:

- Excavation and landfill disposal of soil/fill associated with AOCs -1, -2, and -3.
- Excavation and landfill disposal of soil/fill from the upper 1 foot in the parking lot area west of the building to achieve design grade for import and placement of new subgrade stone for asphalt parking lot.
- Excavation and landfill disposal of soil/fill in the upper 2 feet in four (4) non-hardscape areas of the parking lot (an additional 1 foot after the parking lot cut was completed) to achieve design grade for non-hardscape cover requirements.
- Excavations and landfill disposal of soil/fill removed for installation of stormwater lines, stormwater catch basins, electrical conduits for parking lot lighting, and a new gas line service for the building.

In total, approximately 1,366 tons of non-hazardous soil/fill from the parking lot and alleyway areas was disposed at the Town of Tonawanda Landfill. Post-excavation samples were collected from the soil/fill removals associated with AOC-1, -2, and -3 and the results were below the RRSCOs, the criteria for the Site.

The additional IRM activities were documented in the October 2022 Construction Completion Report Interim Remedial Measure Parking Lot and Alleyway (Ref. 7).

Decision Document and Remedial Action Work Plan

NYSDEC issued a Decision Document (Ref. 8) in November 2022 which approved the Restricted-Residential Use (Track 4) Cleanup remedial approach for the Site proposed in the Alternative Analysis. A Remedial Action Work Plan (RAWP; Ref. 9) was submitted to NYSDEC and approved in October 2022 to incorporate the following major remedial elements:

- Installation of site cover system throughout the Site.
 - Hardscape Areas: These areas consisted of a concrete building foundation and slab, concrete walkways, and an asphalt parking area.
 - Vegetated Areas: A minimum of 24 inches of NYSDEC DER-10 compliant backfill was imported and placed at the Site. The uppermost approximate 6-inches was comprised of topsoil capable of sustaining plant growth and/or decorative stone.

- Demarcation Layer: A demarcation layer (e.g., snow fence, plastic mesh, etc.) was placed beneath the cover system in non-hardscape areas of the Site.
- Development of a Site Management Plan (SMP) including EC/IC's for post-certificate of completion (COC) operation, maintenance and monitoring.

The cover system was installed in November 2022 and documented in the Final Engineering Report (Ref. 10) and the SMP (Ref. 11) was approved by NYSDEC in December 2022. The Certificate of Completion for the Site was issued on December 31, 2022.

1.3 Compliance

The 293 Grote Street Site is in compliance with the SMP, as the cover system and courtyard loading dock enclosure are in place (see Figure 3).

1.4 Recommendations

Any future site or redevelopment activities to be conducted will be completed in accordance with the NYSDEC-approved SMP and documented in the associated PRR reporting period.

2. Site Overview

The Site was remediated under the BCP (as discussed in Section 1.2). The remediated property is subject to a comprehensive, site-wide SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities.

No redevelopment activities occurred at the Site within the April 30, 2024 to April 30, 2025 reporting period.

The area surrounding the Site has not significantly changed.

3. Remedy Performance

A post-remedial site inspection involving a walk-over of the Site covered by this PRR was performed by Christopher Boron, P.G. on March 19, 2025 to visually observe and document the use of the Site for restricted residential, commercial, and/or industrial use, confirm absence of site groundwater use, inspect the cover system integrity, and verify conformance with other requirements under the SMP.

The site inspection completed during this reporting period indicates that the Site is in compliance and functioning as intended in accordance with the SMP.

The completed IC/EC Certification forms and site photographs taken during the inspection are included in Appendices A and B, respectively.

4. Site Management Plan

A site-wide SMP was prepared for the Site and approved by the Department in December 2022. Key components of the SMP are described below.

4.1 Institutional and Engineering Control (IC/EC) Plan

Since remaining contaminated soil/fill exists beneath the site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all IC/ECs at the Site. At the time of the site inspection, the Site is compliant with all engineering and institutional control requirements, as shown on Figure 3.

4.1.1 Institutional Controls (ICs)

The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may be used for: restricted residential, commercial and/or industrial uses although land use is subject to local zoning laws;
- All ECs must be operated and maintained as specified in this 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;
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any physical component of the remedy shall be performed as defined in this 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;
- Vegetable gardens and farming on the site are prohibited; and
- An evaluation shall be performed to determine the need for further investigation and remediation should large scale redevelopment occur, if any of the existing structures are demolished, or if the subsurface is otherwise made accessible.

4.1.2 Engineering Controls (ECs)

Engineering controls at the Site include:

- **Cover System** – Exposure to remaining contamination in soil/fill at the Site is prevented by a final cover system placed over the site. This cover system is comprised of a minimum of 24 inches of clean soil (with underlying demarcation layer), asphalt pavement, concrete-covered sidewalks, or concrete basement building slabs placed over the remedial excavation areas and/or to adjust grades at the Site. The cover system must be maintained in compliance with the SMP.
- **Courtyard Loading Dock Enclosure** - As a preventative measure, a steel façade was placed on the north face of the elevated concrete slab of the former loading dock in the south end of the courtyard to prevent access underneath the loading dock by tenants. Prior to installing the steel façade, crushed stone was placed on soil present beneath the former loading dock. Soil sample results collected from the soil beneath the loading dock meet the RRSCOs for the Site.

4.2 Excavation Work Plan

An Excavation Work Plan (EWP) was included in the NYSDEC-approved SMP for the Site. The EWP provides guidelines for the management of soil/fill material during intrusive activities. Future intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system, will be performed in compliance with the EWP.

4.2.1 Site Redevelopment Activities

No redevelopment activities occurred during the past reporting period.

4.2.2 Exported Materials

No materials were exported from the Site during the past reporting period.

4.2.3 Imported Materials

No materials were imported to the Site during the past reporting period.

4.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines requirements for certifying and attesting that the institutional controls and engineering controls employed on the Site are unchanged from the original design and/or previous certification. The Annual Certification includes a Site Inspection and completion of the NYSDEC's IC/EC Certification Form. The Site inspection is intended to verify that the IC/ECs are in place, effective, and performing as designed, that nothing has occurred that would impair the ability of the controls to protect the public health and environment, that nothing has occurred that would constitute a violation or failure to comply

with any operation and maintenance plan for such controls, and that access is available to the Site to evaluate continued maintenance of such controls.

Inspection of the Site was conducted by Mr. Christopher Boron, P.G. on March 19, 2025, a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of the inspection, the existing cover systems (see Figure 3) are performing as intended.

No observable indication of intrusive activities was noted during the Site inspection. The building was redeveloped and utilizes the local municipal water supply, and no observable use of groundwater was noted during the Site inspection.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photographic log of the Site inspection is included in Appendix B.

4.4 Operation, Monitoring and Maintenance Plan

The remedy for the Site does not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, an Operation and Maintenance Plan is not required.

5. Conclusions and Recommendations

Conclusions for this reporting period and recommendations for the next reporting period are as follows:

- No redevelopment activities occurred during the past reporting period.
- Existing cover systems are performing as intended; therefore, the Site is compliant.
- If redevelopment activities involving cover system modification or import/export of soil or stone materials occur in the next reporting period they will be subject to the SMP.

The following modifications are recommended for the Site:

- The reporting period for the Site should be modified from annual to triennial reporting (every 3 years). Annual site visits with photographic documentation will be completed with NYSDEC notification of any deficiencies.

6. Declaration/Limitation

Personnel under direct supervision of Roux conducted the annual site inspection for BCP Site No. C915368, located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to 293 Grote Street LLC and MCG Real Estate Holdings, LLC by Roux.

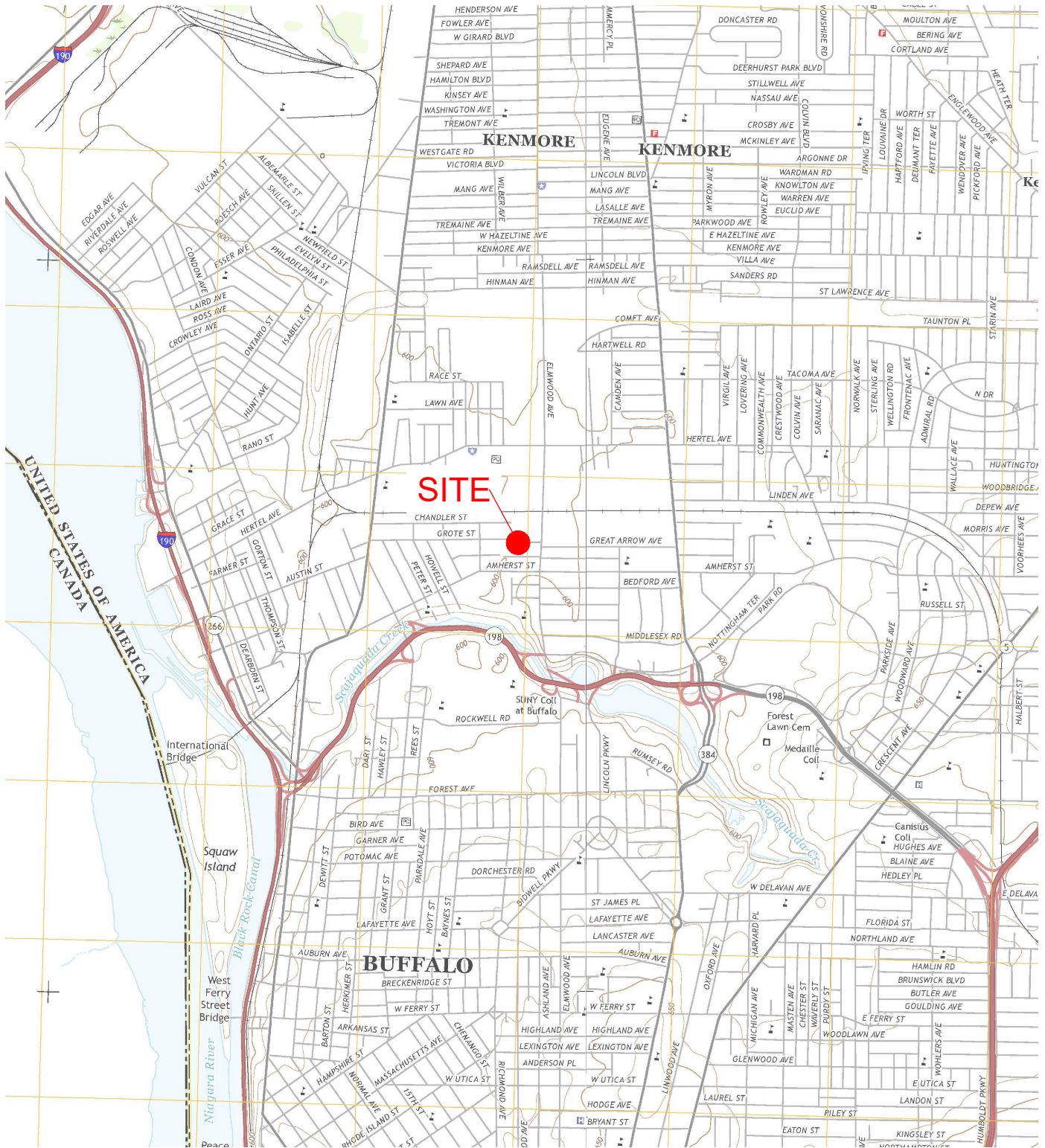
This report has been prepared for the exclusive use of 293 Grote Street LLC and MCG Real Estate Holdings, LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of 293 Grote Street LLC and MCG Real Estate Holdings, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Roux.

References

1. New York State Department of Environmental Conservation. *DER-10; Technical Guidance for Site Investigation and Remediation*. May 2010.
2. Benchmark Environmental Engineering & Science, PLLC. *Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan, BCP Site No. C915368, 293 Grote Street, Buffalo, New York*. May 2021.
3. Benchmark Civil/Environmental Engineering & Geology, PLLC. *REVISED – Interim Remedial Measures Addendum for Polychlorinated Biphenyls in 2nd Floor Wood Floors, 293 Grote Street Site (BCP Site No. C915368), 293 Grote Street, Buffalo, New York*. March 9, 2022.
4. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Report BCP Site No. C915368, 293 Grote Street, Buffalo, New York*. July 2022.
5. NYSDEC. *Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1*. June 1998 (April 2000 addendum).
6. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Interim Remedial Measures Work Plan Parking Lot & Alleyway, 293 Grote Street Site, BCP Site Number: C915368, Buffalo, New York*. May 2022.
7. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Construction Completion Report Interim Remedial Measures Completion Report for Parking Lot & Alleyway, 293 Grote Street Site, BCP Site Number: C915368, Buffalo, New York*. October 2022.
8. NYSDEC. Decision Document. 293 Grote Street Site. October 2022.
9. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Remedial Action Work Plan, 293 Grote Street Site, BCP Site Number: C915368, Buffalo, New York*. October 2022.
10. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Final Engineering Report, 293 Grote Street Site, BCP Site Number: C915368, Buffalo, New York*. January 2023.
11. Benchmark Civil/Environmental Engineering & Geology, PLLC. *Site Management Plan, 293 Grote Street Site, Erie County, buffalo, New York, BCP Site Number: C915368*. December 2022.

FIGURES

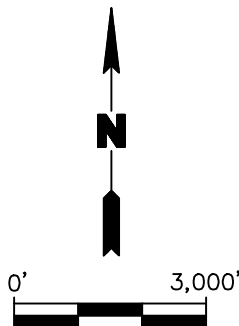
1. Site Location and Vicinity Map
2. Site Layout
3. Site Cover System



QUADRANGLE LOCATION



SOURCE:
BUFFALO, NY, 2016
USGS 7.5 MINUTE TOPOGRAPHIC MAP



Title: SITE LOCATION AND VICINITY MAP PERIODIC REVIEW REPORT 293 GROTE STREET

BCP SITE NO. C915368
BUFFALO, NEW YORK

Prepared for:

MCG REAL ESTATE HOLDINGS, LLC



Compiled by: CNK

Date: APRIL 2024

Prepared by: CNK

Scale: AS SHOWN

Project Mgr: CZB

Project:

File: FIGURE 1: SITE LOCATION AND VICINITY MAP.DWG


EXHIBIT


1

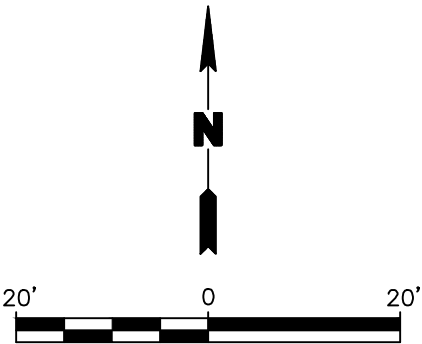
F:\CAD\BENCHMARK\MCGUIRE DEVELOPMENT\315 GROTE STREET\PERIODIC REVIEW REPORTS\2024\FIGURE 2: SITE LAYOUT.DWG




LEGEND:

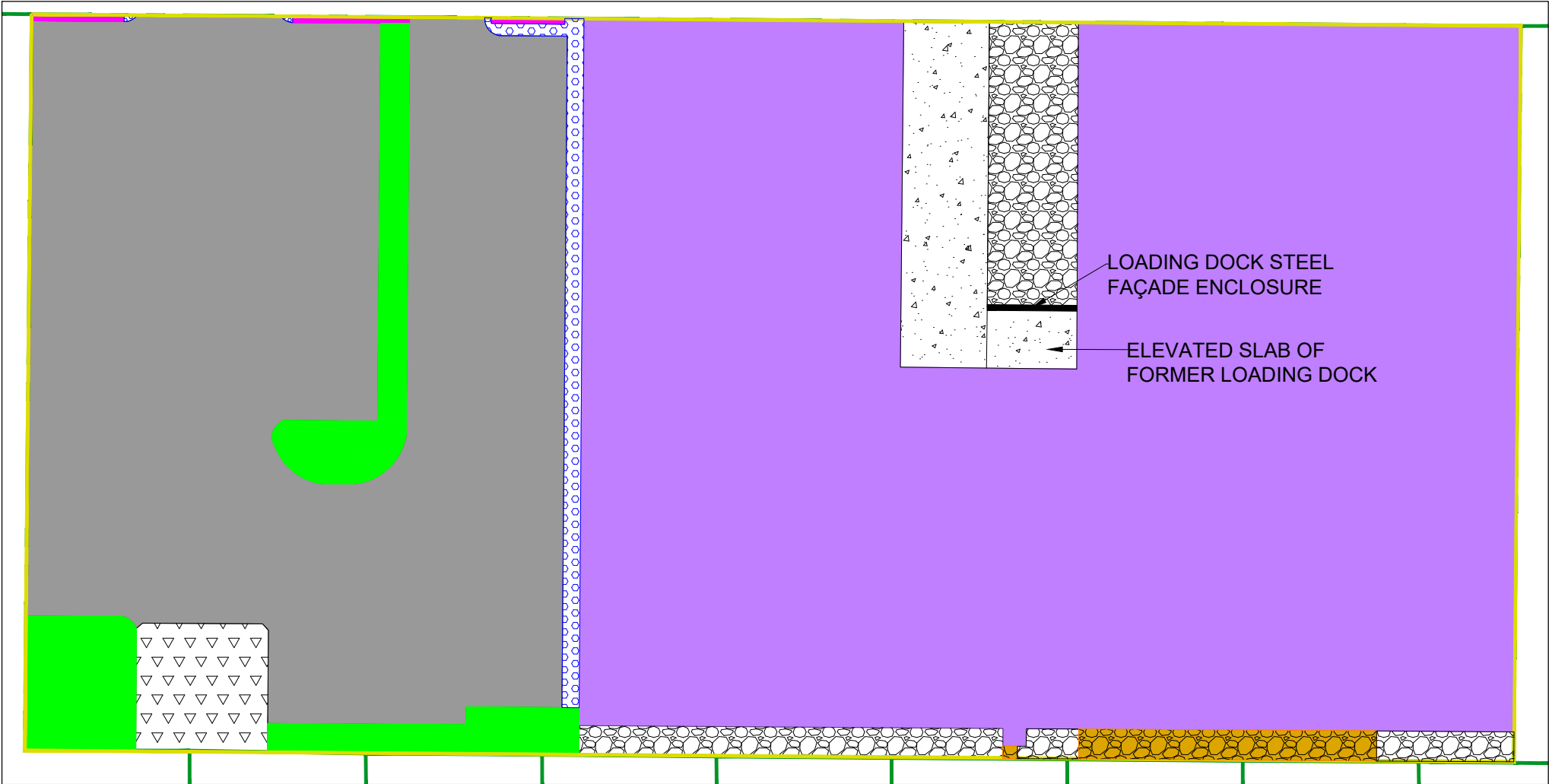
 BCP BOUNDARY

 PARCEL BOUNDARY

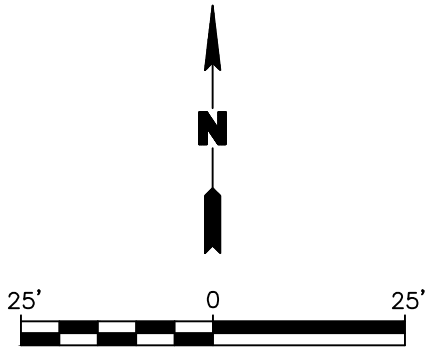
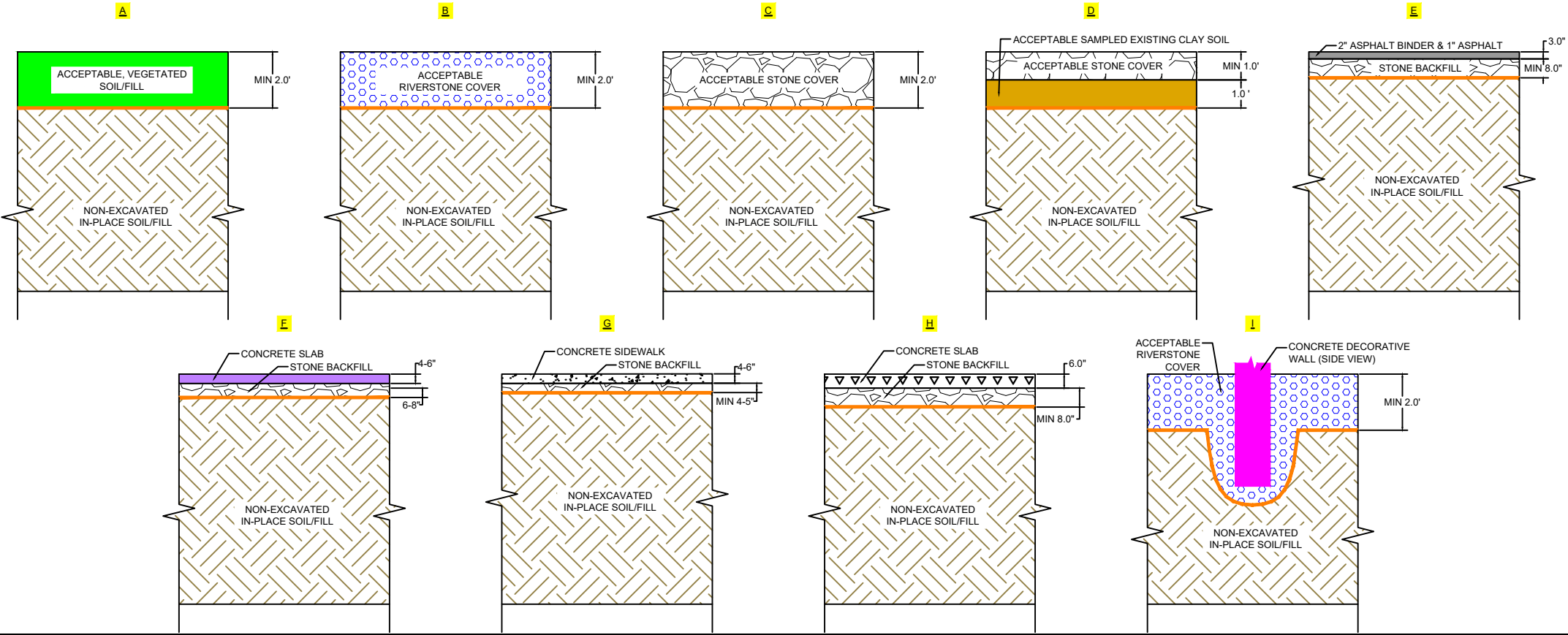


Title:			
SITE LAYOUT PERIODIC REVIEW REPORT 293 GROTE STREET			
BCP SITE NO. C915368 BUFFALO, NEW YORK			
Prepared for:			
MCG REAL ESTATE HOLDINGS, LLC			
	Compiled by: CNK	Date: APRIL 2024	EXHIBIT 2
	Prepared by: CNK	Scale: AS SHOWN	
	Project Mgr: CZB	Project:	
	File: FIGURE 2: SITE LAYOUT.DWG		

F:\CAD\BENCHMARK\MCGUIRE DEVELOPMENT\315 GROTE STREET\PERIODIC REVIEW REPORTS\2024\FIGURE 3: SITE COVER SYSTEM.DWG



LEGEND:	
	BCP BOUNDARY
	PARCEL BOUNDARY
	GREENSPACE (A)
	RIVERSTONE COVER (B)
	STONE COVER (C)
	STONE AND CLAY COVER (D)
	ASPHALT COVER (E)
	BUILDING (F)
	CONCRETE SIDEWALK COVER (G)
	CONCRETE SLAB COVER (H)
	CONCRETE DECORATIVE WALL (I)
	DEMARCATATION LAYER



Title: <div>SITE COVER SYSTEM PERIODIC REVIEW REPORT 293 GROTE STREET</div> <div>BCP SITE NO. C915368 BUFFALO, NEW YORK</div>			
Prepared for: <div>MCG REAL ESTATE HOLDINGS, LLC</div>			
<div>ROUX</div>	Compiled by: CNK	Date: APRIL 2024	<div>EXHIBIT</div> <div>3</div>
	Prepared by: CNK	Scale: AS SHOWN	
	Project Mgr: CZB	Project:	
	File: FIGURE 3: SITE COVER SYSTEM.DWG		

Periodic Review Report
293 Grote Street Site

APPENDICES

- A. Site Inspection Forms
- B. Site Inspection Photo Log

Periodic Review Report
293 Grote Street Site

APPENDIX A

Site Inspection 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. **C915368**

Site Name 293 Grote Street

Site Address: 293 Grote Street Zip Code: 14207
City/Town: Buffalo
County: Erie
Site Acreage: 0.746

Reporting Period: April 30, 2024 to April 30, 2025

YES NO

1. Is the information above correct? X ☐

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? ☐ X

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐ X

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐ X

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? ☐ X

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below? X ☐
Restricted-Residential, Commercial, and Industrial

7. Are all ICs in place and functioning as designed? X ☐

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?

☐**X**

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)

X☐

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. C915368**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**89.21-1-1**

293 Grote Street, LLC

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

Box 4**Description of Engineering Controls**ParcelEngineering Control**89.21-1-1**

Cover System

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

X

☐

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

X

☐

**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. C915368

Box 6

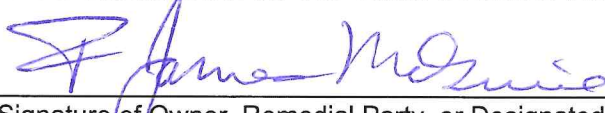
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 F. James McGuire at 455 Cayuga Road, Suite 100, Buffalo, NY 14225,
print name print business address

am certifying as Owner (Owner or Remedial Party)

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


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

5/5/2025
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 Christopher Boron at 2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
print name print business address

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



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

Stamp
(Required for PE)

5/5/25

Date

Periodic Review Report
293 Grote Street Site

APPENDIX B

Site Inspection Photo Log

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Cover system west of building, looking northeast.

Photo 2: Cover system, west of building, looking southwest.

Photo 3: Cover system west of building, looking north.

Photo 4: Cover system, west of building, looking southwest.

SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Cover system in rear alley, south of building, looking east.

Photo 6: Cover system in rear alley, south of building, looking west.

Photo 7: Cover system in Courtyard looking north.

Photo 8: Cover system in Courtyard looking south.