

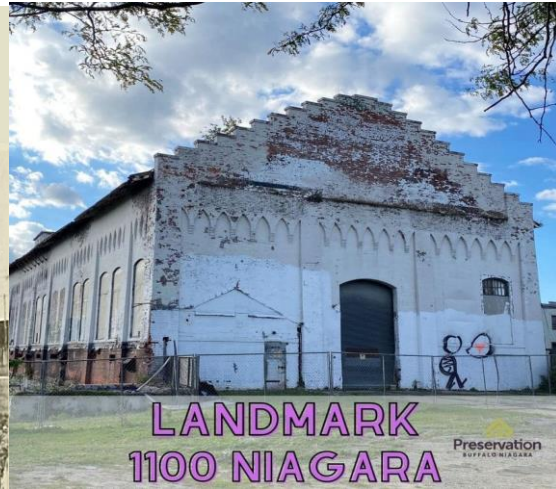
NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM, Revision 15

CURTISS MALTHOUSE PROJECT
1100 NIAGARA STREET
BUFFALO, ERIE COUNTY, NEW YORK



Malt House Pre1920



Current Front East/South Side

Submitted For:

JEMAL'S CURTIS MALTING L.L.C.
655 New York Avenue, NW Suite 830
Washington, DC 20001

Prepared By:



960 Busti Avenue, Suite B-150
Buffalo, New York 14213

Revised September 2023

A handwritten signature in black ink, appearing to read "Jim M. B. Jones".

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SUBSURFACE ESAs – ELECTRONIC VERSION ONLY ON DVD – FILE 2

2012 Phase II ESA by GES & 2019 & 2023 Phase 2 ESAs by BE3



960 Busti Ave – Suite B-150 Buffalo, New York



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
b. one individual file (PDF) of each previous environmental report; and,
c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
• Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
• Subject line of the email: "BCP Application NEW - *Proposed Site Name*"
• Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
• Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: Curtiss Malt House Project

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: C915382

Yes No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C915382

Yes No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **Curtiss Malt House Project**

ADDRESS/LOCATION **1100 Niagara Street**

CITY/TOWN **Buffalo** ZIP CODE **14213**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Buffalo**

COUNTY **Erie** SITE SIZE (ACRES) **1.559**

LATITUDE			LONGITUDE		
42	54	48.03	78	54	02.13

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column. **(See Attachment A - Figure 1 Tax Map & Figures 3 & 3a Survey)**

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
1100 Niagara Street	99.41	1	14.111	1.0
1106 Niagara Street	99.41	1	14.2	0.457
1110 Niagara Street	99.41	1	4.12	0.102

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds! description. (See Attachment A and Figures 3 & 3a Site Boundary Survey)	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map included with the application? (Application will not be processed without a map) (See Attachment A-Figures 1, 2, 3/3a & 4)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) (See Attachment A - Figure 5) If yes, identify census tract: <u>61</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information. (See Attachment A - Figure 6a-6b-6c)	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. (See Attach A-Figure 7)	<input checked="" type="radio"/>	<input type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)	Y	N						
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>						
8. 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? If yes, attach relevant supporting documentation.	<input type="radio"/>	<input checked="" type="radio"/>						
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/>	<input checked="" type="radio"/>						
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>						
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: ____	<input type="radio"/>	<input checked="" type="radio"/>						
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			<input type="radio"/>	<input checked="" type="radio"/>		
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>							
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>						
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="radio"/>	<input type="radio"/>						
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. (This section does not apply)								
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	<input type="radio"/>	<input type="radio"/>						
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input type="radio"/>						
17. If you have answered YES to Question 16 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?	<input type="radio"/>	<input type="radio"/>						
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.								
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: _____								

SECTION II: Project Description (See Attachment B)	
1. The project will be starting at: <input checked="" type="radio"/> Investigation <input type="radio"/> Remediation	
NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see DER-10, Technical Guidance for Site Investigation and Remediation for further guidance), then a 45-day public comment period is required.	
2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
3. Have any draft work plans been submitted with the application (select all that apply)? <input checked="" type="checkbox"/> RIWP <input type="checkbox"/> RAWP <input type="checkbox"/> IRM <input type="checkbox"/> No	
4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued. Is this information attached? <input checked="" type="radio"/> Yes <input type="radio"/> No	

SECTION III: Land Use Factors (See Attachment C)	
1. What is the property's current municipal zoning designation? <u>N-1S (Secondary Employment Center)</u>	
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/>	
3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input checked="" type="checkbox"/>	
4. Please provide 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 by which the site became vacant. Is this summary included with the application?	Y <input checked="" type="radio"/> N <input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input type="radio"/>	<input type="radio"/> <input checked="" type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/> <input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/> <input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/> <input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/> <input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/> <input type="radio"/>

SECTION IV: Property's Environmental History

(See Attachment D)

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

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](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

YES

NO

4. Indicate Past Land Uses (check all that apply):

<input checked="" type="checkbox"/>	Coal Gas Manufacturing	<input checked="" type="checkbox"/>	Manufacturing	<input checked="" type="checkbox"/>	Agricultural Co-Op	<input type="checkbox"/>	Dry Cleaner
<input type="checkbox"/>	Salvage Yard	<input type="checkbox"/>	Bulk Plant	<input type="checkbox"/>	Pipeline	<input type="checkbox"/>	Service Station
<input type="checkbox"/>	Landfill	<input type="checkbox"/>	Tannery	<input type="checkbox"/>	Electroplating	<input checked="" type="checkbox"/>	Unknown

Other: Brewery

SECTION V: Requestor Information		(See Attachment E)		
NAME JEMAL'S CURTIS MALTING L.L.C.				
ADDRESS 655 New York Avenue NW Suite 830				
CITY/TOWN Washington		STATE DC	ZIP CODE 20001	
PHONE (716) 517-1104	EMAIL gbaker@douglasdev.com			
			Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.			<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility		(See Attachment F)		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.				
			Y	N
1. Are any enforcement actions pending against the requestor regarding this site?			<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?			<input type="radio"/>	<input checked="" type="radio"/>
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.			<input type="radio"/>	<input checked="" type="radio"/>
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 or regulation of the State or Federal government?			<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.			<input type="radio"/>	<input checked="" type="radio"/>
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?			<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	<input type="radio"/>	<input checked="" type="radio"/>
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 a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

12. 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:

<p>PARTICIPANT</p> <p>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.</p>	<p>VOLUNTEER <input checked="" type="checkbox"/></p> <p>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.</p> <p>NOTE: By selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p>
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13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? (See Attachment F)

Yes! No N/A

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

 Previous Owner
 Current Owner
 Potential/Future Purchaser
 Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?
 Yes
 No
 N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE Greg Baker

ADDRESS 655 New York Avenue NW Suite 830

CITY Washington	STATE DC	ZIP CODE 20001
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PHONE (716) 517-1104	EMAIL gbaker@douglasdev.com
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REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Brydges

COMPANY BE3 Engineering

ADDRESS 960 Busti Avenue, Suite B-150

CITY Buffalo	STATE NY	ZIP CODE 14213
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PHONE (716) 249-6880	EMAIL jbrydges@be3corp.com
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REQUESTOR'S ATTORNEY (CONTACT NAME) Lindsey E. Haubenreich

COMPANY Phillips Lytle

ADDRESS 125 Main Street

CITY Buffalo	STATE NY	ZIP CODE 14203
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PHONE (716) 847-8400	EMAIL lhaubenreich@phillipslytle.com
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SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information (See Attachment G)

CURRENT OWNER JEMAL'S CURTIS MALTING L.L.C.		
CONTACT NAME Greg Baker		
ADDRESS 655 New York Avenue NW Suite 830		
CITY Washington	STATE DC	ZIP CODE 20001
PHONE (716) 517-1104	EMAIL gbaker@douglasdev.com	
OWNERSHIP START DATE September 7, 2022		
CURRENT OPERATOR Same as above (remainder of Section IX)		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p align="right">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List (See Attachment H)

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 mailing addresses of the following:

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

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby 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 [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 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 Director of Development and Construction (title) of JEMAL'S CURTIS MALTING L.L.C. (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby 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 [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 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: Aug. 2023 Signature:  _____

Print Name: Greg Baker

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

This Section Does Not Apply

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 15

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

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(I) 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:

(I) "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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. 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*

*Selecting this option 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’ household’s 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 homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

ATTACHMENT A

SECTION I: PROPERTY INFORMATION

- Figure 1 – County Tax Map**
- Figure 2 – Site Location Map – USGS 7.5-minute**
- Figure 3 – Site Boundary Survey-Part 1**
- Figure 3a – Site Boundary Survey-Part 2**
- Figure 4 – Adjacent Property Owners**
- Figure 5 – Designated En-zone Map**
- Figure 6a – Disadvantaged Communities Map-1100 Niagara**
- Figure 6b - Disadvantaged Communities Map-1106 Niagara**
- Figure 6c - Disadvantaged Communities Map-1110 Niagara**
- Figure 7 – Tonawanda Corridor BOA**
- Figure 8-8A-8B - Previous Investigation Locations & Contaminant Exceedances**
- Figure 9 – Zoning Map**
- Table 1 – GES 2012 Ph-II Soil/Water Sample Analytical Results**
- Table 2 – BE3 2019 Phase II Soil/GW Sample Analytical Results**
- Table 3 – BE3 2023 Phase II Soil/GW Sample Analytical Results**
- Table 4 – Analytical Data Summary**



SECTION I – PROPERTY INFORMATION

Location

The 1.559-acre site encompasses three (3) parcels located at the northwest corner of the intersection of Niagara Street and Albany Street. To the east of the property is Niagara Street; to the west is a railroad easement and Interstate 190; to the north is Oliver Gear manufacturing facility (refer to **Figure 2** - Site Location Map).

The three parcels now forming 1100 Niagara Street site include:

- SBL #99.41-1-14.111 (original 1100)
- SBL #99.41-1-14.2 (former 1106)
- SBL #99.41-1-4.12 (former 1110)

The site boundary encompassing the above parcels is depicted on **Figure 1** tax parcel map and **Figure 3 and 3a** site boundary surveys. The Property is zoned N-1S (Secondary Employment Center) and is located in an area consisting primarily of commercial and industrial businesses located along the east and west sides of Niagara Street. See **Figure 4** for adjacent property owners and at the end of this section.

According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type AB designated for Census Tract 61 (see **Figure 5**), a Disadvantaged Community (see **Figures 6a,6b and 6c**) and the Tonawanda Street corridor Brownfield Opportunity Area (see **Figure 7**)

Site Features

The south portion of the property, 1100 Niagara Street Parcel SBL 99.41-1-14.111, contains the former Curtiss Malt House which is a large 2 story tall brick industrial building with a 3-story brick addition to the rear facing the railroad tracks and the former location of the Erie Canal with open land south of the building to the southern property boundary (see **Figure 3**).

The north portion of the property is comprised of two parcels (see **Figure 3a**). The 1106 Niagara Street Parcel SBL 99.41-1-14.2 on the east of the north portion primarily contains a vacant building formerly owned by Modern Heat Treating and Forging, Inc with some open land east of the building to the property boundary. The 1110 Niagara Street Parcel SBL 99.41-1-4.12 on the west of the north portion contains a vacant building with a common wall to the 1106 building which is the parcel boundary (see **Figure 3a**)

The topography drops sharply from east to west. Surface and shallow groundwater flow most likely has been impacted over time by the various development and fill areas as well as foundations, street beds and utility lines. Surface water is directed to adjacent streets and low spots in properties with storm drains. In general groundwater most likely flows westward towards the Niagara River.

Current Zoning and Land Use

The property is currently vacant. According to the Unified Development Ordinance/Buffalo Green Code (April 2017), the current zoning for the Site is defined as N-1S, which is defined as Urban Core Secondary Employment Center: mixed-use mid-rise development clusters defined by large footprint structures (see **Figure 9**). Any future redevelopment will be in accordance with the local zoning. The surrounding parcels are as follows: north – commercial; south – commercial and residential; east – residential; and, west – railroad and highway. Residential/Office property exists immediately south and east of the property. The N-1S zone addresses mixed-use employment centers primarily located along the New York Central Belt Line, often defined by mid-rise and large-footprint industrial structures. The following building types are permitted in the N-1S zone: .

- Civic Building
- Commercial Block
- Stacked Units
- Tower

The site is in the Tonawanda Street corridor Brownfield Opportunity Area (BOA) and the planned use is consistent with the BOA.

Past Use of the Site

Historical maps show the 1100 Niagara Street Parcel SBL 99.41-1-14.111 of the Property was vacant in 1889. In 1899 it had been developed as the C. G. Curtiss Malting Drum House. By 1925 the property had been developed as the Co-Operative Grange League Federation Exchange, Inc consisting of a steel, brick, cement and wood that was destroyed by fire in 1927. It was subsequently rebuilt using the existing foundations, concrete floors, masonry walls and was reconstructed entirely of fireproof steel at a greatly reduced height (its present height). The original heavy timber building was a 190-foot-high structure. Sanborn maps indicate that the property was the Co-Operative Grange League Federation Exchange until after 1981, when the property was vacated. An art gallery was located in the rear of the facility during the late 1980's, however it is unknown when the building was permanently vacated.

Historical records indicate that the 1106 Niagara Street Parcel SBL 99.41-1-14.2 and the 1110 Niagara Street Parcel SBL 99.41-1-4.12 were both occupied by Modern Heat Treating and Forging, Inc. which had been on the property since at least 1984. Addresses in this area of Niagara Street have varied over time and the subject property may have shared or occupied some space with the adjacent historical uses during past times. For example, historic maps indicate that the parcels were occupied by the Co-Operative GLE Exchange in 1981.

The soil impacts appear to be restricted to the fill which ranges on average from 1- 6 feet bgs with one boring indicating fill to 15 feet. The fill has PAHs and metal compounds in excess of NYSDEC Part 375 SCOs (see Environmental Assessment section below for details). The origin of the fill material is unknown. Solvents were detected in one well installed during an environmental assessment at fairly elevated levels above the TOGs.

Adjacent up- and side-gradient properties to the east and north have a history of organic solvent use and elevated levels in groundwater.

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 Lake Erie Plain consists of a thin glacial till, glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt, concrete, buildings, or other impervious structures. Based on recent investigations, on-site overburden soil-fill consists of concrete, brick, cinders, ash, wood and gravelly silt to depths averaging approximately 1-6 feet below ground surface (bgs) with one boring indicating fill to 15 feet. Underlying native materials consisting of reddish-brown silty clay exist to depths up to 14 feet bgs with some borings indicating some sand & gravel just above the bedrock interface. Bedrock was encountered at each location, ranging in depth from approximately 9 to 16 feet bgs. Groundwater was encountered at the soil/bedrock interface at only one location during borings. Regional groundwater would be assumed to flow west towards the Niagara River located approximately 600 feet west of the Site. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

Environmental Assessment

Various Environmental assessments have occurred on the property including the following:

- Phase I and a limited II ESAs were performed by Groundwater & Environmental Services (GES) in 2012 and 2014, respectively on the 1100 Niagara Street Parcel SBL 99.41-1-14.111.
- Phase II ESAs were performed by BE3 in June 2019 on 1100 Niagara Street Parcel SBL 99.41-1-14.111 and February 2023 on the northern half of the site (1106 and 1110 Niagara Street parcels).

Based on the above investigations, the primary contaminants of concern at the site include the following:

Soil - PAHs and metals (primarily arsenic, lead and mercury). **Figures 8, 8A and 8B** and **Tables 1 through 3** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded. **Table 4** provides a soil data summary of compound exceedances

Groundwater – One temporary groundwater well was installed which had sufficient groundwater for sampling during the 2019 Phase II investigation on the eastern end of the 1100 Niagara Street Parcel. TCE and its associated degradation products were

detected in this well at fairly elevated levels above the TOGs (see **Figure 8A** and **Table 2 & 4**). Adjacent up- and side-gradient properties to the east and north have a history of organic solvent use and elevated levels in groundwater. The soil impacts appear to be restricted to the fill which ranges on average from 1- 6 feet bgs with one boring indicating fill to 15 feet.

Soil Vapor & Indoor Air – No assessment of soil vapor or indoor air has been carried out to date. This assessment will be part of the Remedial Investigation program.

Adjacent Property Owners

A list of Adjacent property owners is provided below and on **Figure 4**.

1085 Niagara Street
Naples Family Trust #2
1085 Niagara Street
Buffalo, New York 14213

1088 Niagara Street
9271 Group LLC
295 Main Street
Buffalo, NY 14203

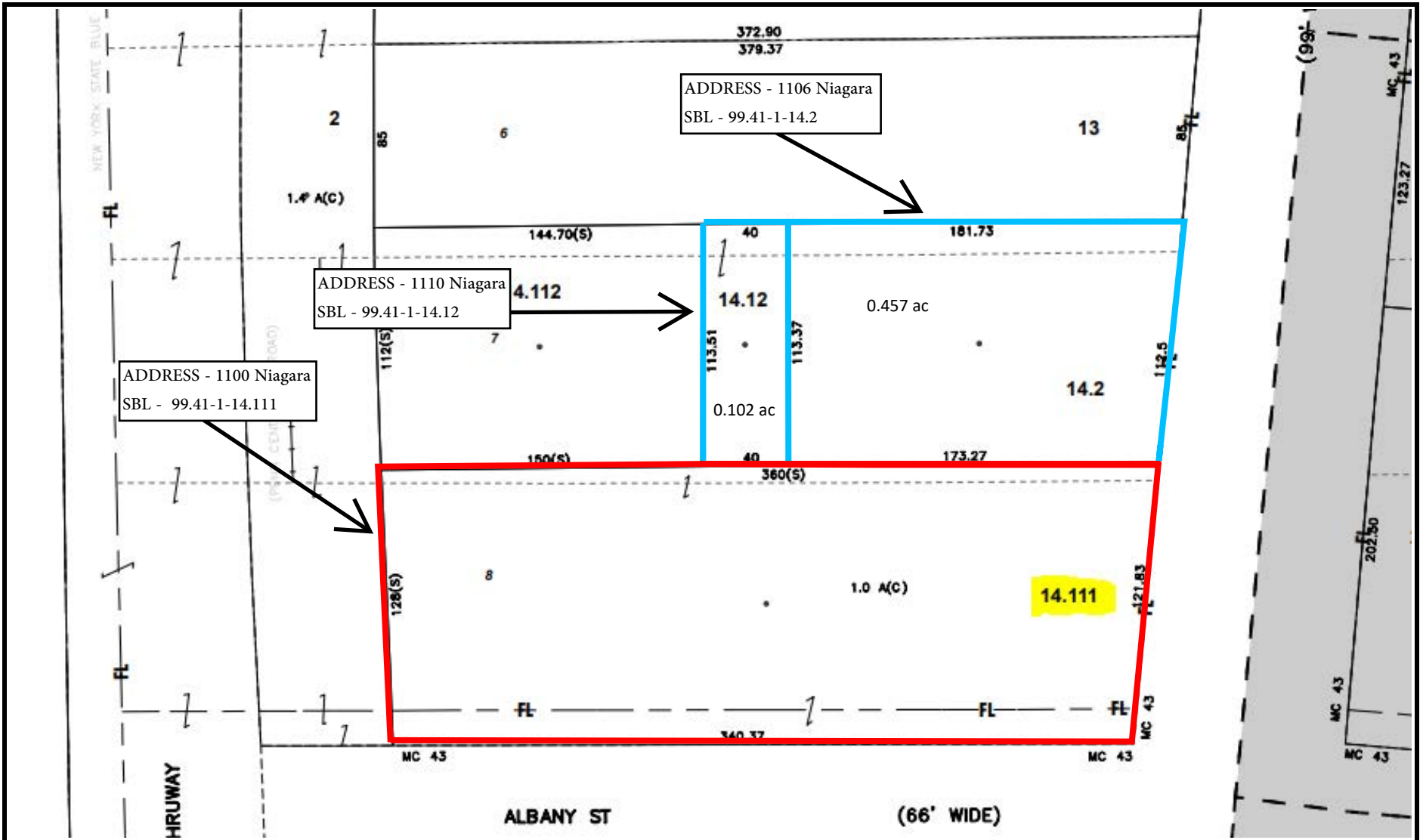
1095 Niagara Street
1095 Group, LLC
295 Main Street, Suite 210
Buffalo, New York, 14203

1112 and 1114 Niagara Street
Jenesis Development, LLC
1114 Niagara Street
Buffalo, NY 14213

1115 Niagara Street
1115 NS Holdings, LLC
1111 Niagara Street
Buffalo, NY 14213

Document Repository – see attached letter


Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

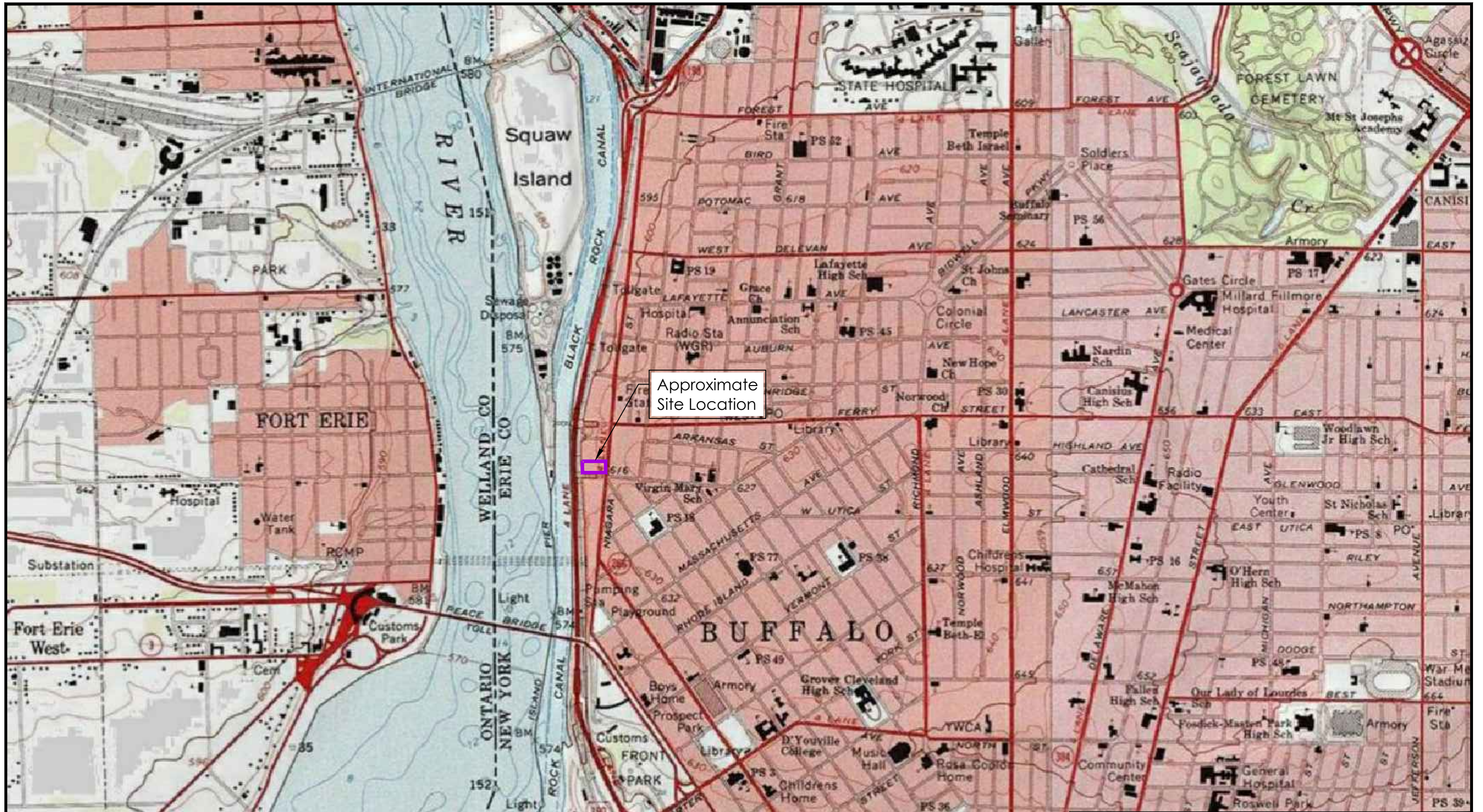


LEGEND

- Current BCP Boundary
- Proposed additions to BCP Boundary



 Brydges Engineering in Environment and Energy	Figure 1 - Tax Map		Revisions
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		1
08-09-2023	SCALE: N/A	SHEET 1 of 1	



MAP ADAPTED FROM GOOGLE EARTH PRO®



Figure 2
Site Location Map

Curtis Malt House Site
1100-1110 Niagara Street
Buffalo, NY 14213

AUGUST 2023

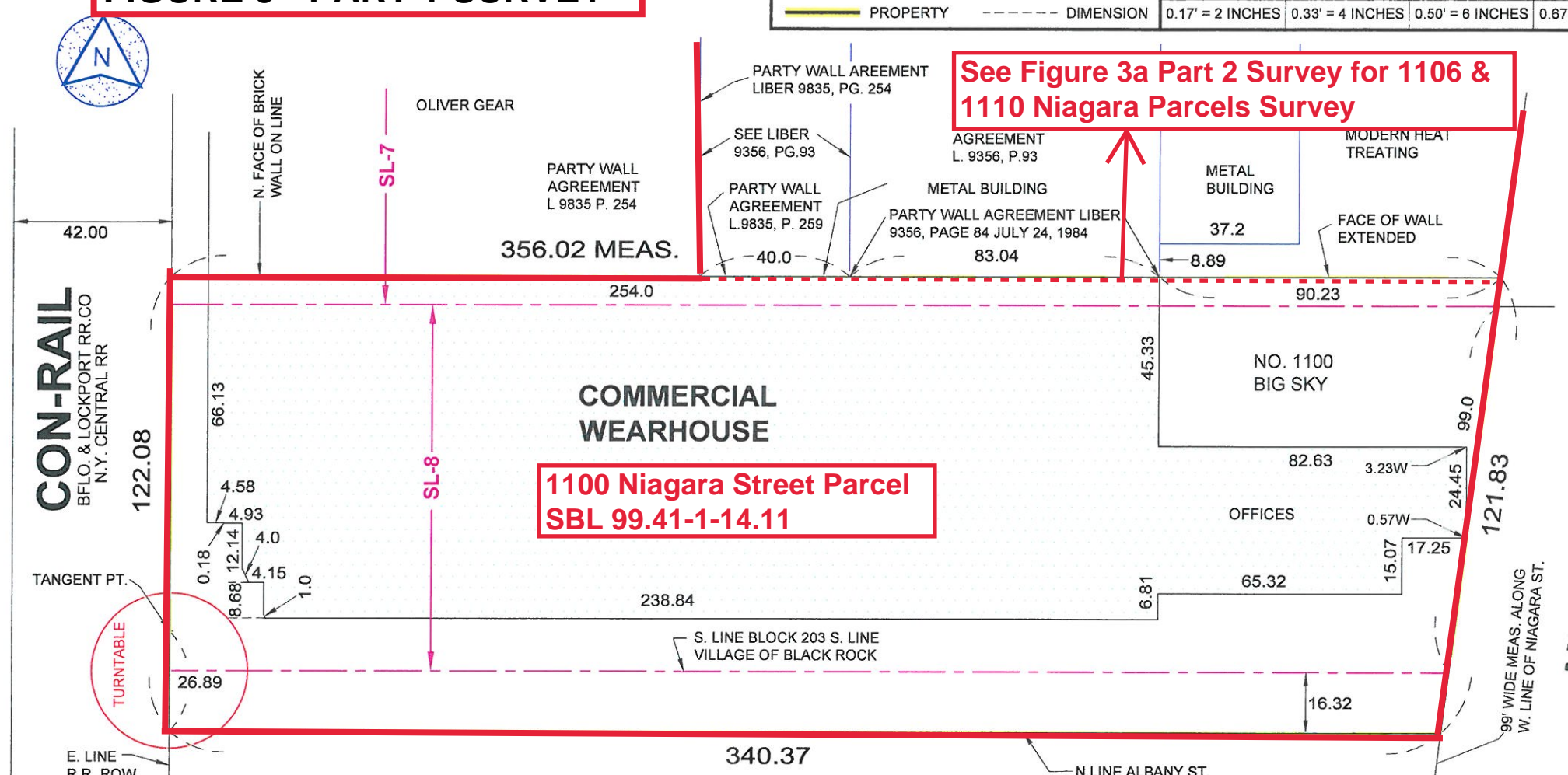
SCALE: NA

SHEET 1 OF 1

Revisions

FIGURE 3 - PART 1 SURVEY

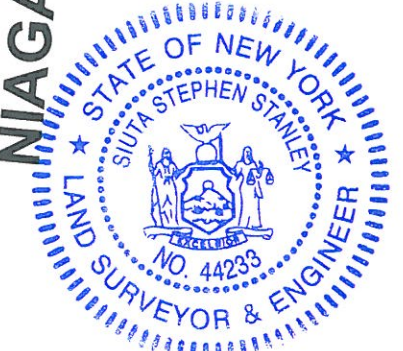
LEGEND / LINE TYPES		TABLE OF EQUIVALANTS							
---	SUBDIVISION	○-○	FENCE	0.08' = 1 INCH	0.25' = 3 INCHES	0.42' = 5 INCHES	0.58' = 7 INCHES	0.75' = 9 INCHES	0.92' = 11 INCHES
---	PROPERTY	---	DIMENSION	0.17' = 2 INCHES	0.33' = 4 INCHES	0.50' = 6 INCHES	0.67' = 8 INCHES	0.83' = 10 INCHES	1.0' = 12 INCHES



See Figure 3a Part 2 Survey for 1106 & 1110 Niagara Parcels Survey

1100 Niagara Street Parcel
SBL 99.41-1-14.11

NIAGARA STREET (99')



SURVEY REQUESTED BY
DOMENIC J. MIGLIACCIO, ESQ.
ATTORNEY AT LAW
69 DELAWARE AVENUE
SUITE 500
BUFFALO, NY 14202
PHONE (716) 856-1010
FAX 856-1008

ALBANY ST. (66')

STEPHEN S. SIUTA, P.L.S.
SURVEYOR & ENGINEER
ENGINEERING EXEMPTION 7208 N

P.O. BOX 202, NIAGARA FALLS, NEW YORK 14304 PHONE: (716) 694-6103 FAX: (716) 694-3890

SURVEY VALID WHEN
EMBOSSSED OR STAMPED WITH
LIC. 44233

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH. SURVEY NOT VALID WITH "AFFIDAVID OF NO CHANGE"

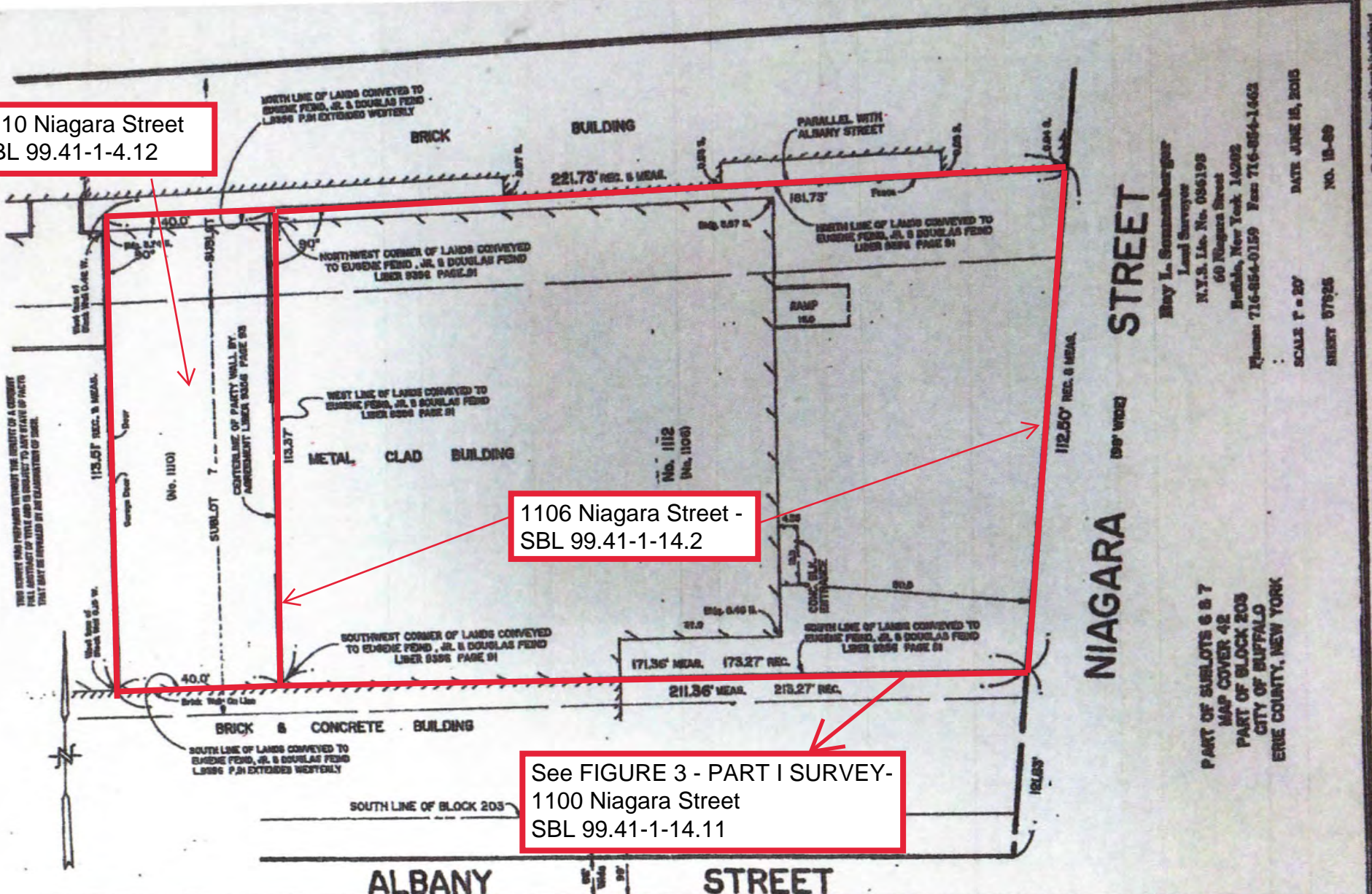
SUCCESSOR IN INTEREST TO & RECORDS OF WHITFORD & KOELMEL - CHARLES E. HARTKE & ASSOC. - P.A. WILSON & SON P.E. & L.S. - EDWARD E. CREAN - H.W. CLARK			
RESURVEYED	SURVEY OF SL-7 & SL-8 & PART OF ALBANY ST (99')	M.C. 42	DATE 11/29/2012
	PART OF BLOCK 203 H.L.C. SEC. TWP. RNG.		SCALE 1" = 40'
	CITY OF BUFFALO		JOB 99.41-1-14.111
	COUNTY OF ERIE	NEW YORK	M.F.M. BK. PG.

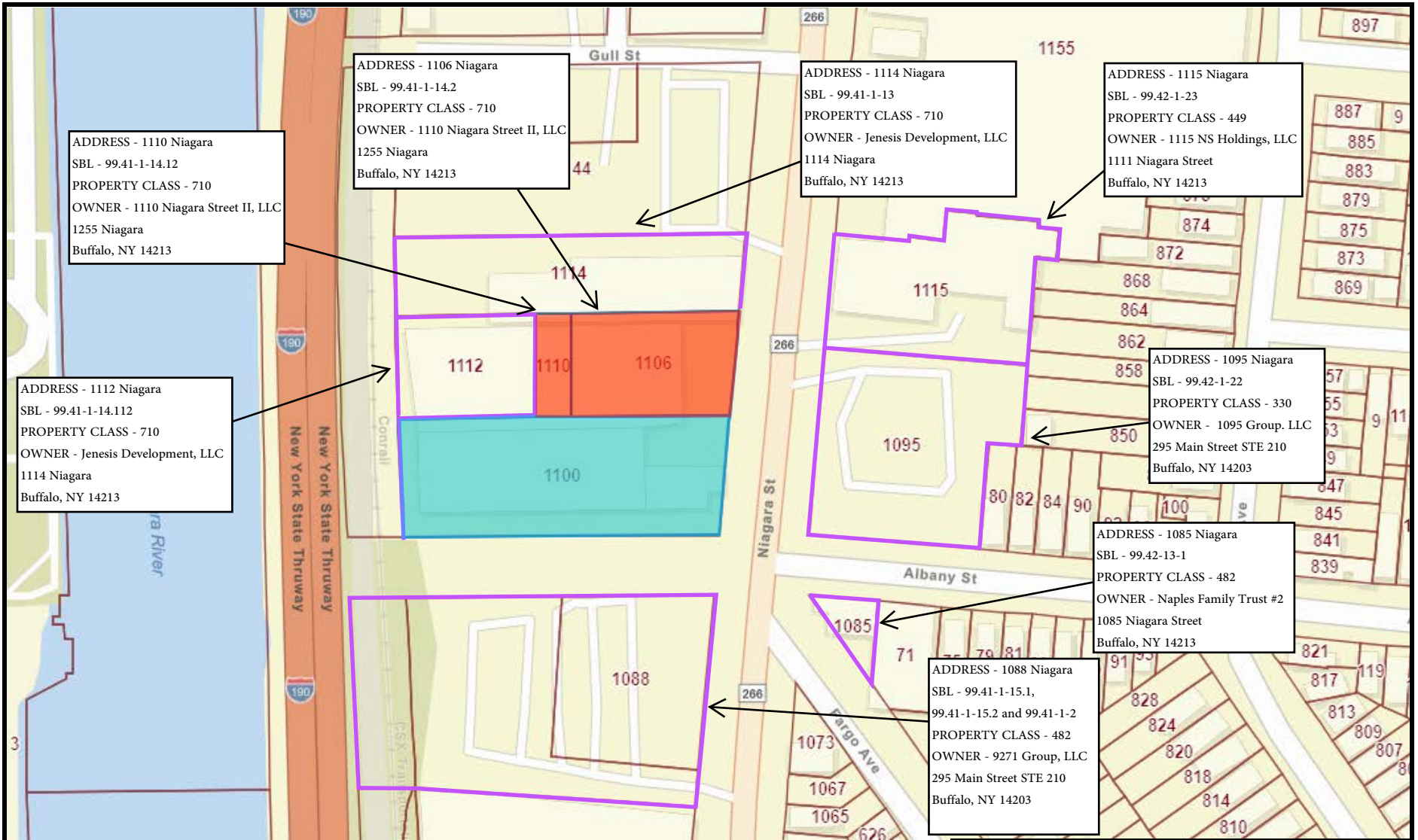
1110 Niagara Street
SBL 99.41-1-4.12

1106 Niagara Street -
SBL 99.41-1-14.2

See FIGURE 3 - PART I SURVEY-
1100 Niagara Street
SBL 99.41-1-14.11

Figure 3a - PART 2 SURVEY - Parcels 1106 and 1110 Niagara Street





LEGEND

- Parcel boundaries
- Current BCP boundary
- Proposed additions to BCP boundary



Brydges
Engineering
in Environment
and Energy

08-09-2023

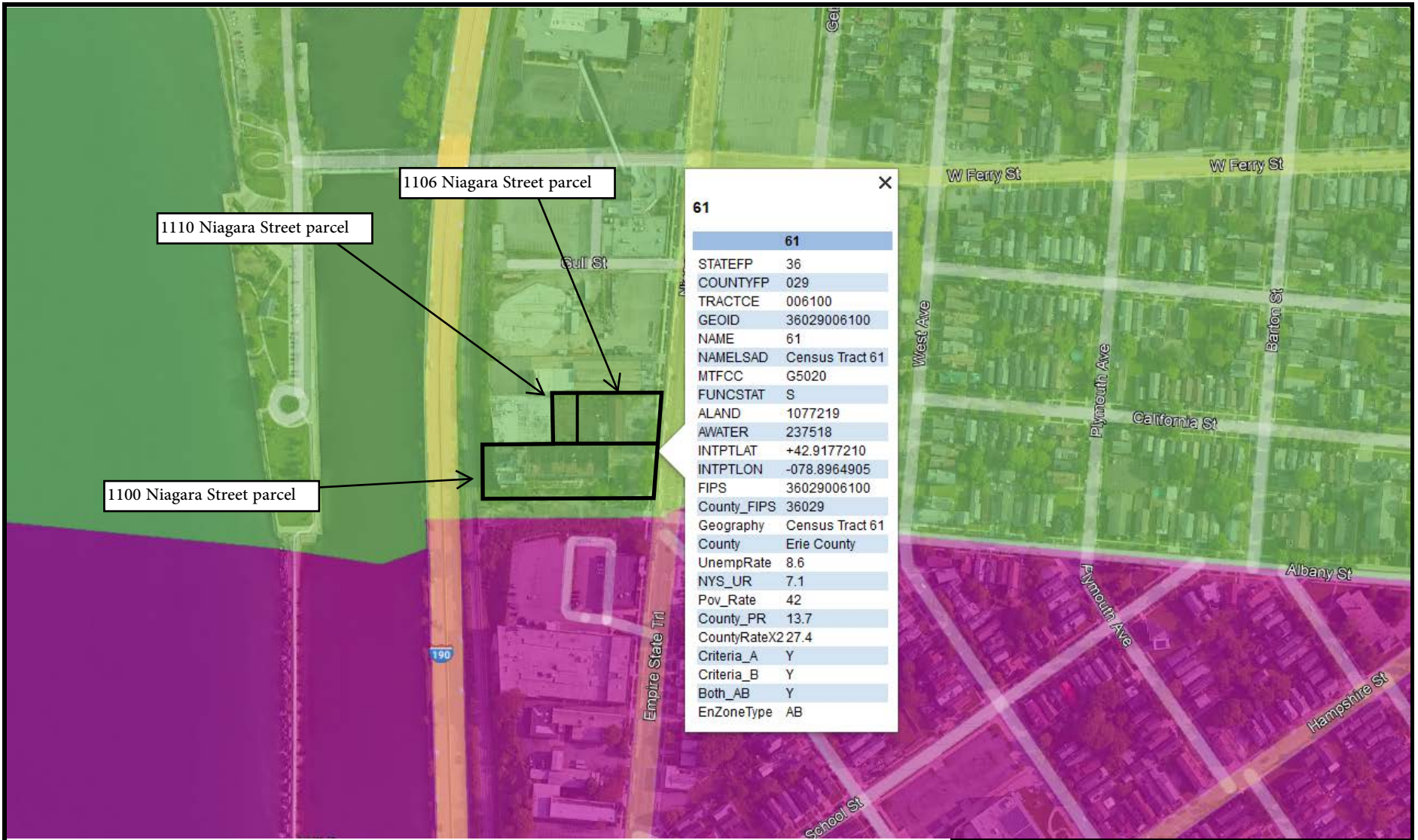
Figure 4 – Adjacent Property Owners

Curtis Malt House Site
1100-1110 Niagara Street
Buffalo, NY 14213

SCALE: N/A

SHEET 1 of 1


Revisions
1



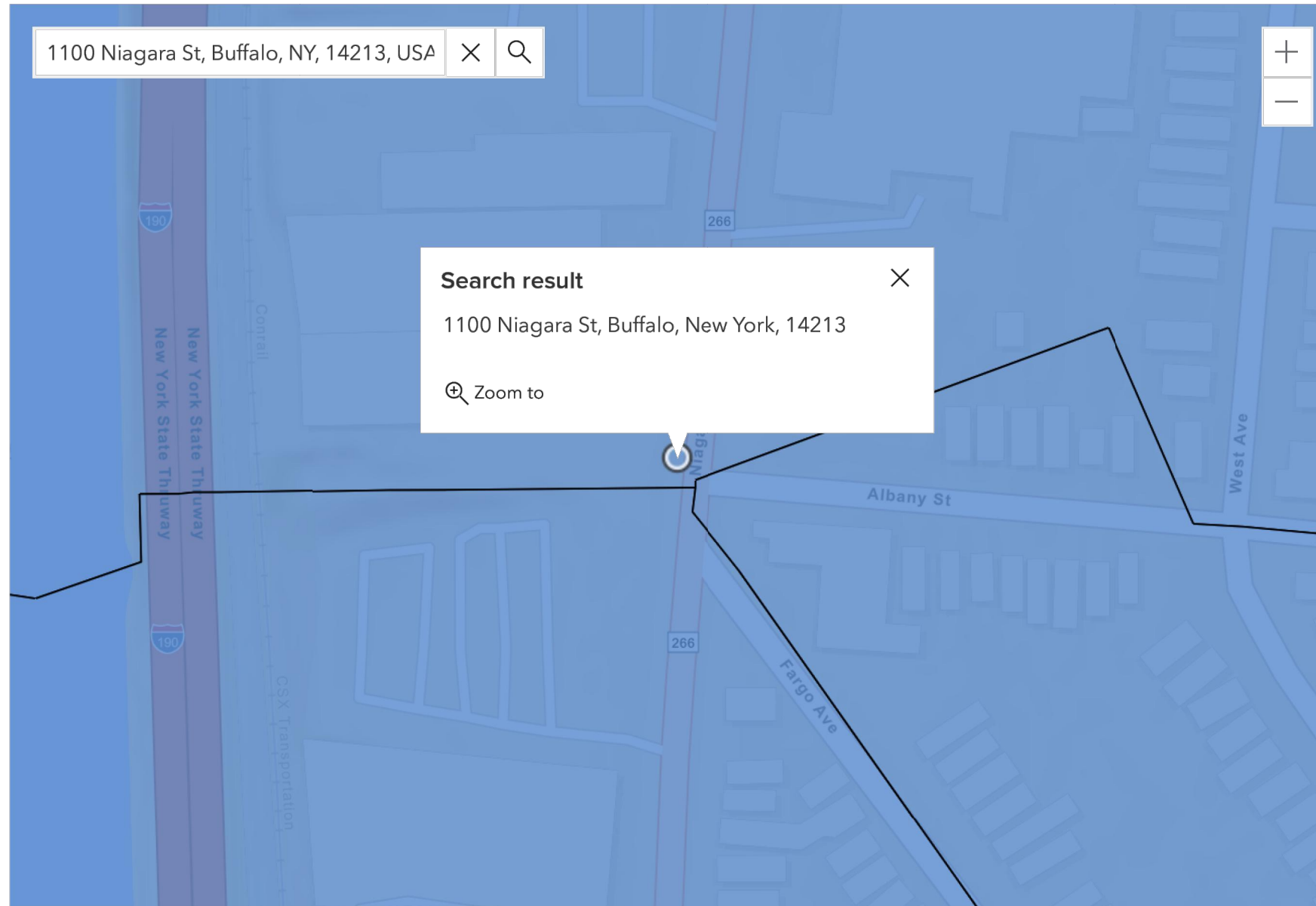
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STATEFP	36
COUNTYFP	029
TRACTCE	006100
GEOID	36029006100
NAME	61
NAMELSAD	Census Tract 61
MTFCC	G5020
FUNCSTAT	S
ALAND	1077219
AWATER	237518
INTPTLAT	+42.9177210
INTPTLON	-078.8964905
FIPS	36029006100
County_FIPS	36029
Geography	Census Tract 61
County	Erie County
UnempRate	8.6
NYS_UR	7.1
Pov_Rate	42
County_PR	13.7
CountyRateX2	27.4
Criteria_A	Y
Criteria_B	Y
Both_AB	Y
EnZoneType	AB

LEGEND

— Approximate parcel boundaries
 Note: the En-zone information provided is applicable to all three identified parcels


 Brydges Engineering in Environment and Energy	Figure 5 - En-zone Map	Revisions
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213	1
08-09-2023	SCALE: N/A	SHEET 1 of 1

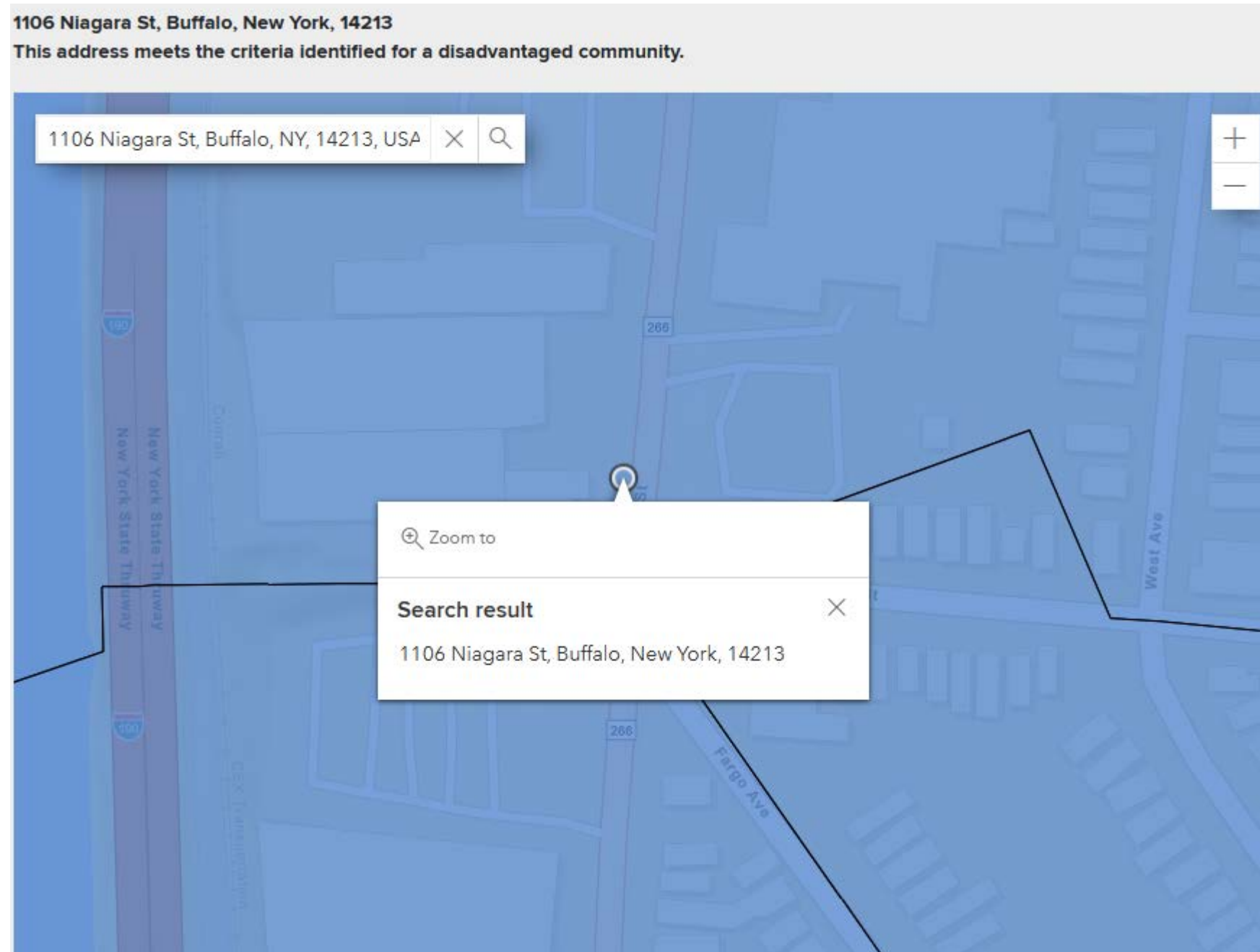
1100 Niagara St, Buffalo, New York, 14213
 This address meets the criteria identified for a disadvantaged community.



Note: DAC Map from NY
 Climate Justice Working Group




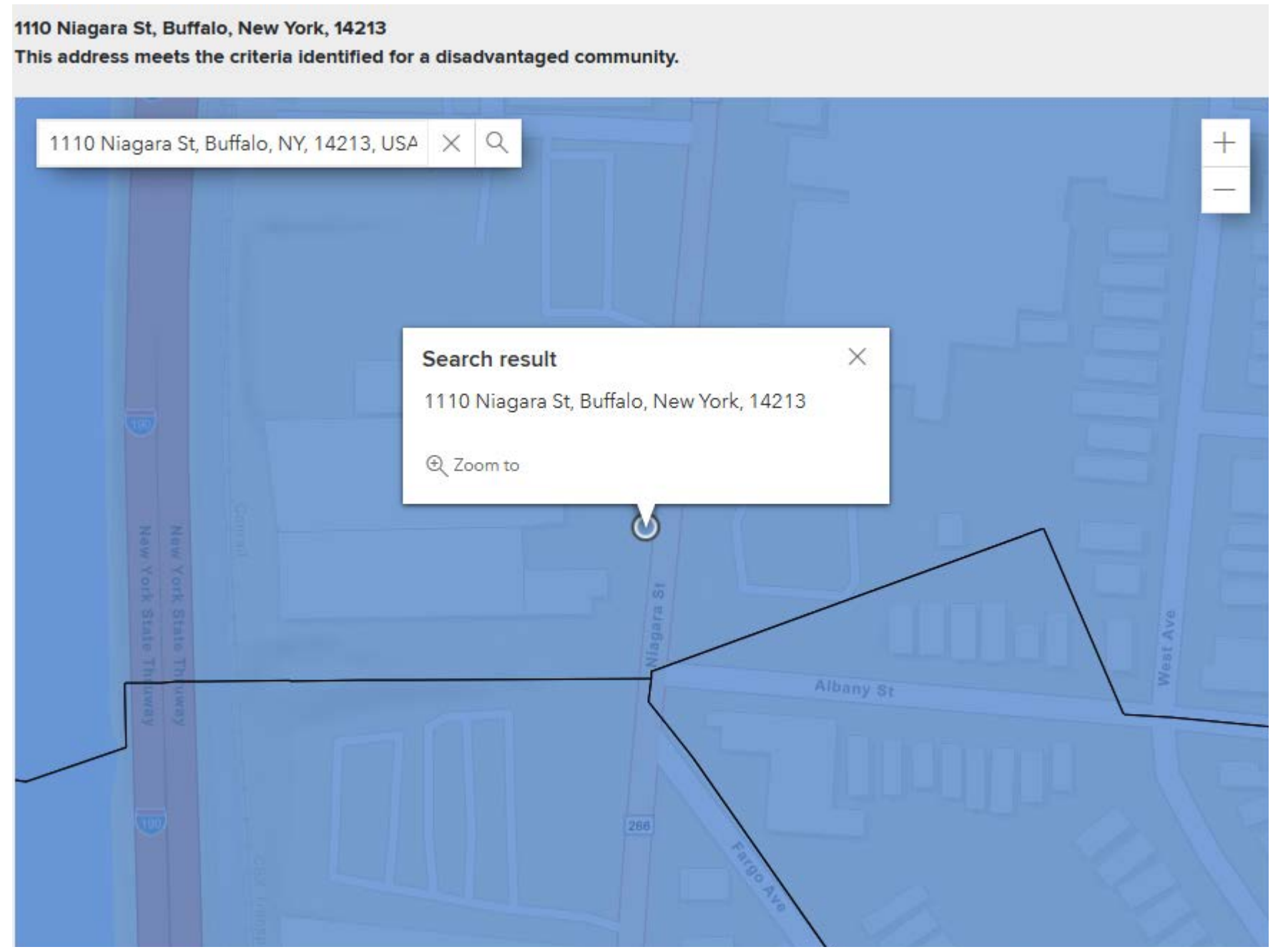
 B-E-3 <small>BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC</small> 960 Busti Avenue Suite B150 Buffalo, NY 14213 P: 716-362-6532	Figure 6a Disadvantage Community Map		Revisions
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		
February 2023	SCALE: N/A	SHEET 1 OF 1	



Note: DAC Map from NY
 Climate Justice Working Group




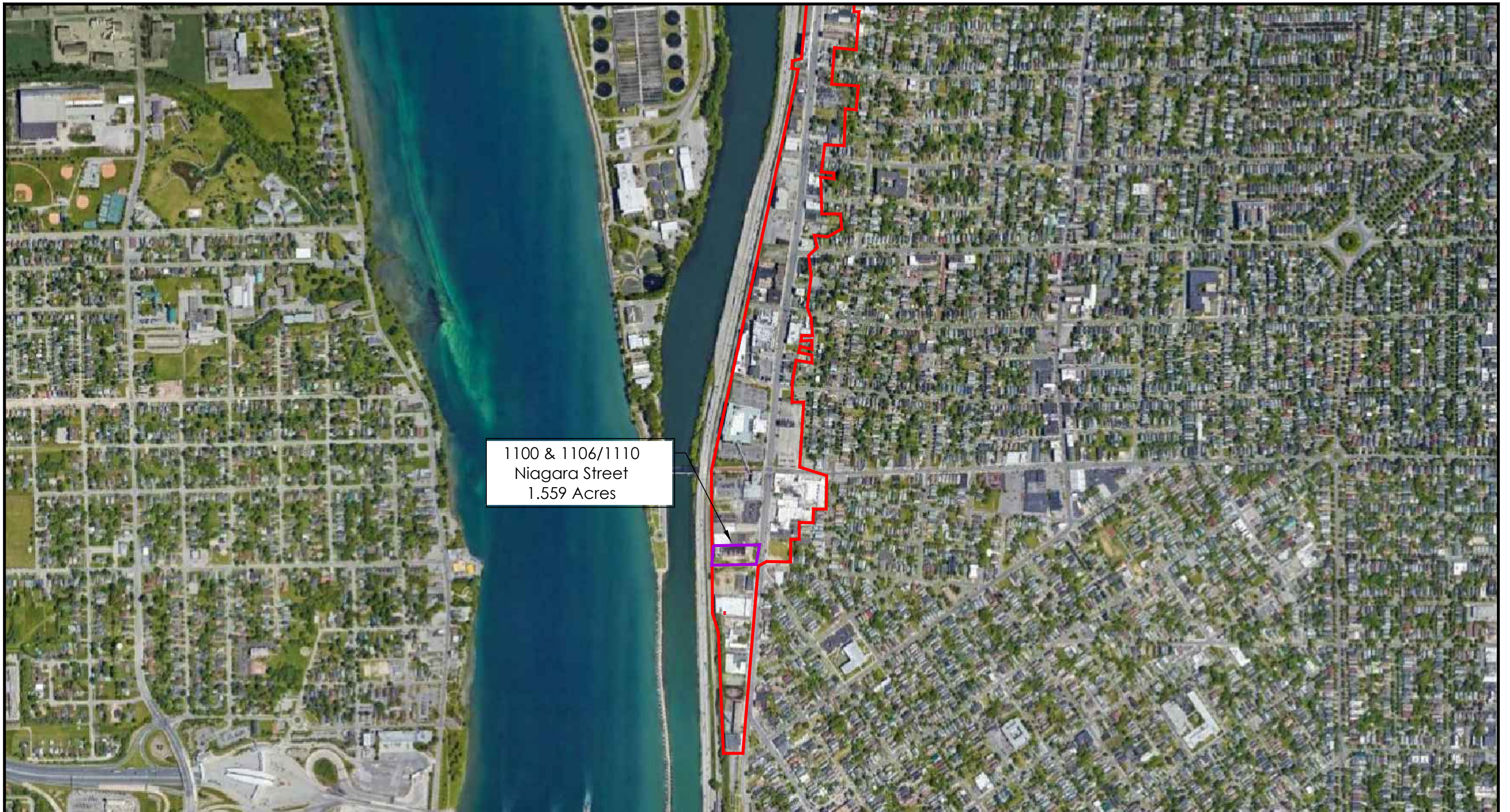
 Brydges Engineering in Environment and Energy	Figure 6b Disadvantage Community Map	Revisions <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
August 2023	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213	SCALE: N/A SHEET 1 OF 1								



Note: DAC Map from NY Climate Justice Working Group



 Brydges Engineering in Environment and Energy	Figure 6c Disadvantage Community Map	Revisions <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
August 2023	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213	SCALE: N/A SHEET 1 OF 1								




1100 & 1106/1110
Niagara Street
1.559 Acres

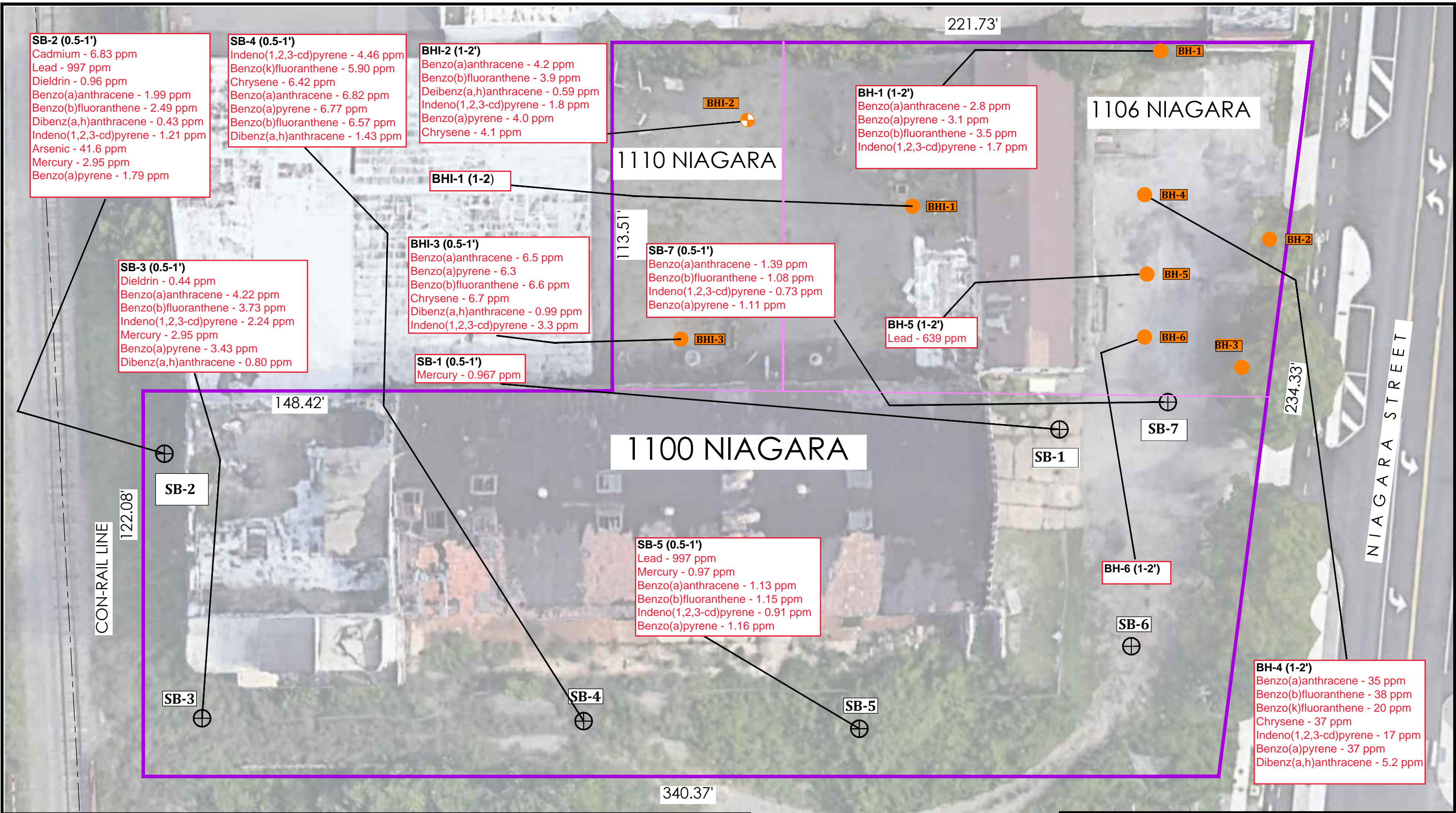
MAP ADAPTED FROM GOOGLE EARTH PRO®

LEGEND

— APPROXIMATE TONAWANDA STREET CORRIDOR BOA



	<p>Figure 7 BOA Map</p>		Revisions
	<p>Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213</p>		
FEBRUARY 2022	SCALE: 1" = 750'	SHEET 1 OF 1	



SB-2 (0.5-1')
 Cadmium - 6.83 ppm
 Lead - 997 ppm
 Dieldrin - 0.96 ppm
 Benzo(a)anthracene - 1.99 ppm
 Benzo(b)fluoranthene - 2.49 ppm
 Dibenz(a,h)anthracene - 0.43 ppm
 Indeno(1,2,3-cd)pyrene - 1.21 ppm
 Arsenic - 41.6 ppm
 Mercury - 2.95 ppm
 Benzo(a)pyrene - 1.79 ppm

SB-4 (0.5-1')
 Indeno(1,2,3-cd)pyrene - 4.46 ppm
 Benzo(k)fluoranthene - 5.90 ppm
 Chrysene - 6.42 ppm
 Benzo(a)anthracene - 6.82 ppm
 Benzo(a)pyrene - 6.77 ppm
 Benzo(b)fluoranthene - 6.57 ppm
 Dibenz(a,h)anthracene - 1.43 ppm

BHI-2 (1-2')
 Benzo(a)anthracene - 4.2 ppm
 Benzo(b)fluoranthene - 3.9 ppm
 Deibenz(a,h)anthracene - 0.59 ppm
 Indeno(1,2,3-cd)pyrene - 1.8 ppm
 Benzo(a)pyrene - 4.0 ppm
 Chrysene - 4.1 ppm

BH-1 (1-2')
 Benzo(a)anthracene - 2.8 ppm
 Benzo(a)pyrene - 3.1 ppm
 Benzo(b)fluoranthene - 3.5 ppm
 Indeno(1,2,3-cd)pyrene - 1.7 ppm

SB-3 (0.5-1')
 Dieldrin - 0.44 ppm
 Benzo(a)anthracene - 4.22 ppm
 Benzo(b)fluoranthene - 3.73 ppm
 Indeno(1,2,3-cd)pyrene - 2.24 ppm
 Mercury - 2.95 ppm
 Benzo(a)pyrene - 3.43 ppm
 Dibenz(a,h)anthracene - 0.80 ppm

BHI-3 (0.5-1')
 Benzo(a)anthracene - 6.5 ppm
 Benzo(a)pyrene - 6.3
 Benzo(b)fluoranthene - 6.6 ppm
 Chrysene - 6.7 ppm
 Dibenz(a,h)anthracene - 0.99 ppm
 Indeno(1,2,3-cd)pyrene - 3.3 ppm

SB-7 (0.5-1')
 Benzo(a)anthracene - 1.39 ppm
 Benzo(b)fluoranthene - 1.08 ppm
 Indeno(1,2,3-cd)pyrene - 0.73 ppm
 Benzo(a)pyrene - 1.11 ppm

BH-5 (1-2')
 Lead - 639 ppm

SB-1 (0.5-1')
 Mercury - 0.967 ppm

SB-5 (0.5-1')
 Lead - 997 ppm
 Mercury - 0.97 ppm
 Benzo(a)anthracene - 1.13 ppm
 Benzo(b)fluoranthene - 1.15 ppm
 Indeno(1,2,3-cd)pyrene - 0.91 ppm
 Benzo(a)pyrene - 1.16 ppm

BH-4 (1-2')
 Benzo(a)anthracene - 35 ppm
 Benzo(b)fluoranthene - 38 ppm
 Benzo(k)fluoranthene - 20 ppm
 Chrysene - 37 ppm
 Indeno(1,2,3-cd)pyrene - 17 ppm
 Benzo(a)pyrene - 37 ppm
 Dibenz(a,h)anthracene - 5.2 ppm

LEGEND

— BCP PROPERTY BOUNDARY

⊕ 2019 BE3 PHASE 2 ESA SOIL BORING AND TEMPORARY MONITORING WELL

⊕ SB-1 / TMW-1

● BH-# 2023 BE3 PHASE 2 ESA SOIL BORING LOCATION

⊕ BHI-2 + TMW-1 2023 BE3 PHASE 2 ESA SOIL BORING AND WELL LOCATION

NOTES:
 -ALL SOIL SAMPLE CONCENTRATIONS (IN RED) EXCEED RESTRICTED RESIDENTIAL SCO'S.

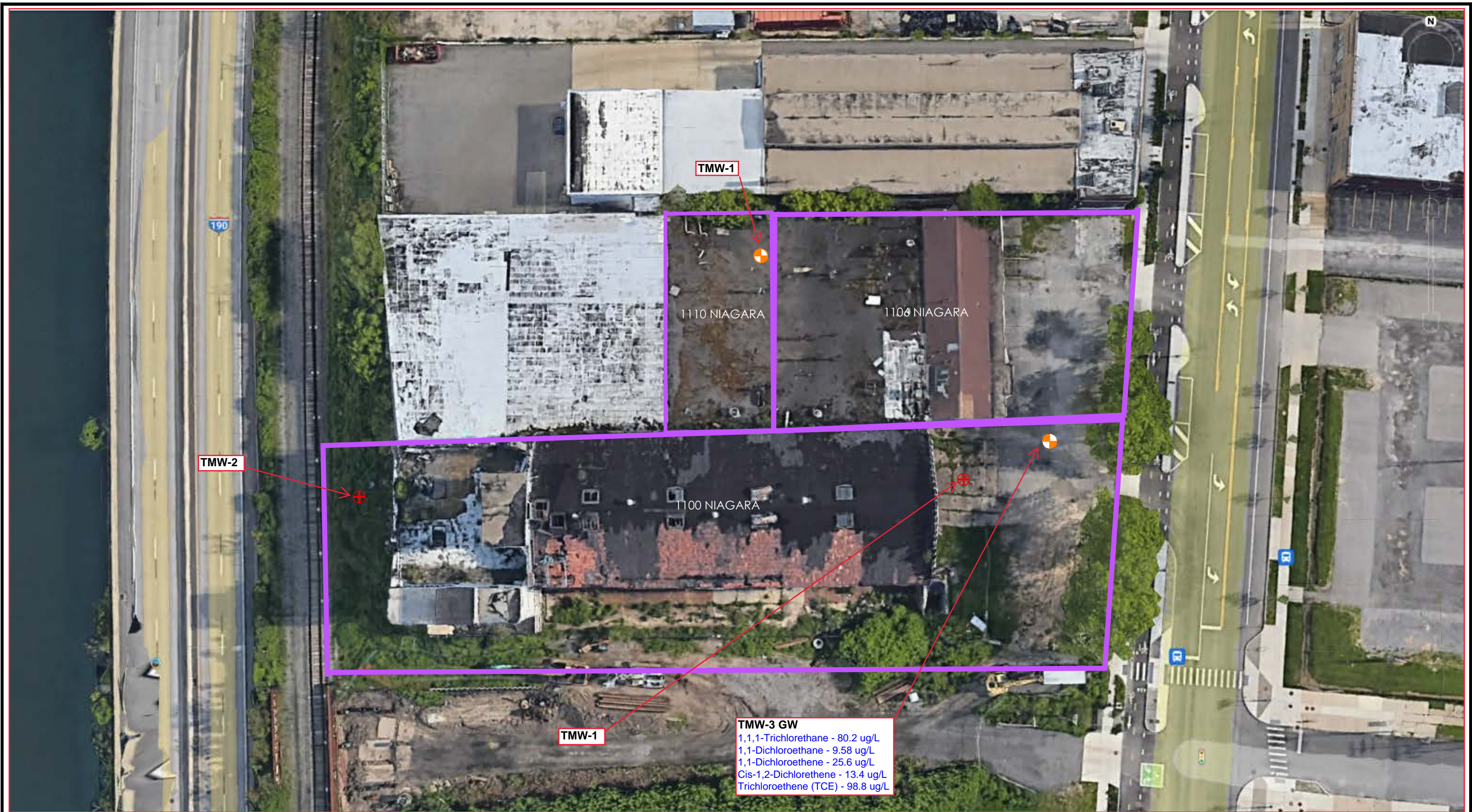


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Figure 8
 BE3 Ph-2 ESA Soil Results

Curtis Malt House Site
 1100-1110 Niagara Street
 Buffalo, NY 14213

Revisions



LEGEND

- BCP PROPERTY BOUNDARY
- ⊕ 2019 BE3 PHASE 2 ESA SOIL BORING AND TEMPORARY MONITORING WELL
- ⊕ **SB-1 / TMW-1**
- ⊕ **BHI-2 + TMW-1** 2023 BE3 PHASE 2 ESA SOIL BORING AND WELL LOCATION

NOTES:
 -ALL GROUNDWATER (GW) CONCENTRATIONS (IN BLUE) EXCEED TOG'S.



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Figure 8A
 BE3 Ph-2 ESA GW Results
 Curtis Malt House Site
 1100-1110 Niagara Street
 Buffalo, NY 14213

Revisions

August 2023

SCALE: N/A

MSS-5 (Sediment 0-1") ppm	
COPPER	460
LEAD	2200
MERCURY	12.6
DIELDRIN	12.00
ACENAPHTHENE	120.00
ANTHRACENE	200.00
BENZO(A)ANTHRACENE	250.00
BENZO(A)PYRENE	170.00
BENZO(B)FLUORANTHENE	240.00
BENZO(G,H,I)PERYLENE	ND
BENZO(K)FLUORANTHENE	110.00
CHRYSENE	170.00
DIBENZ(A,H)ANTHRACENE	20.00
FLUORANTHENE	460.00
FLUORENE	150.00
INDENO(1,2,3-C,D)PYRENE	76.00
NA PHTHA LENE	200.00
PHENANTHRENE	800.00
PYRENE	610.00

RS-7 (Surface Residue) ppm	
ARSENIC	66
BARIUM	640
CADMIUM	230
LEAD	58000
ZINC	40000
MERCURY	6.91

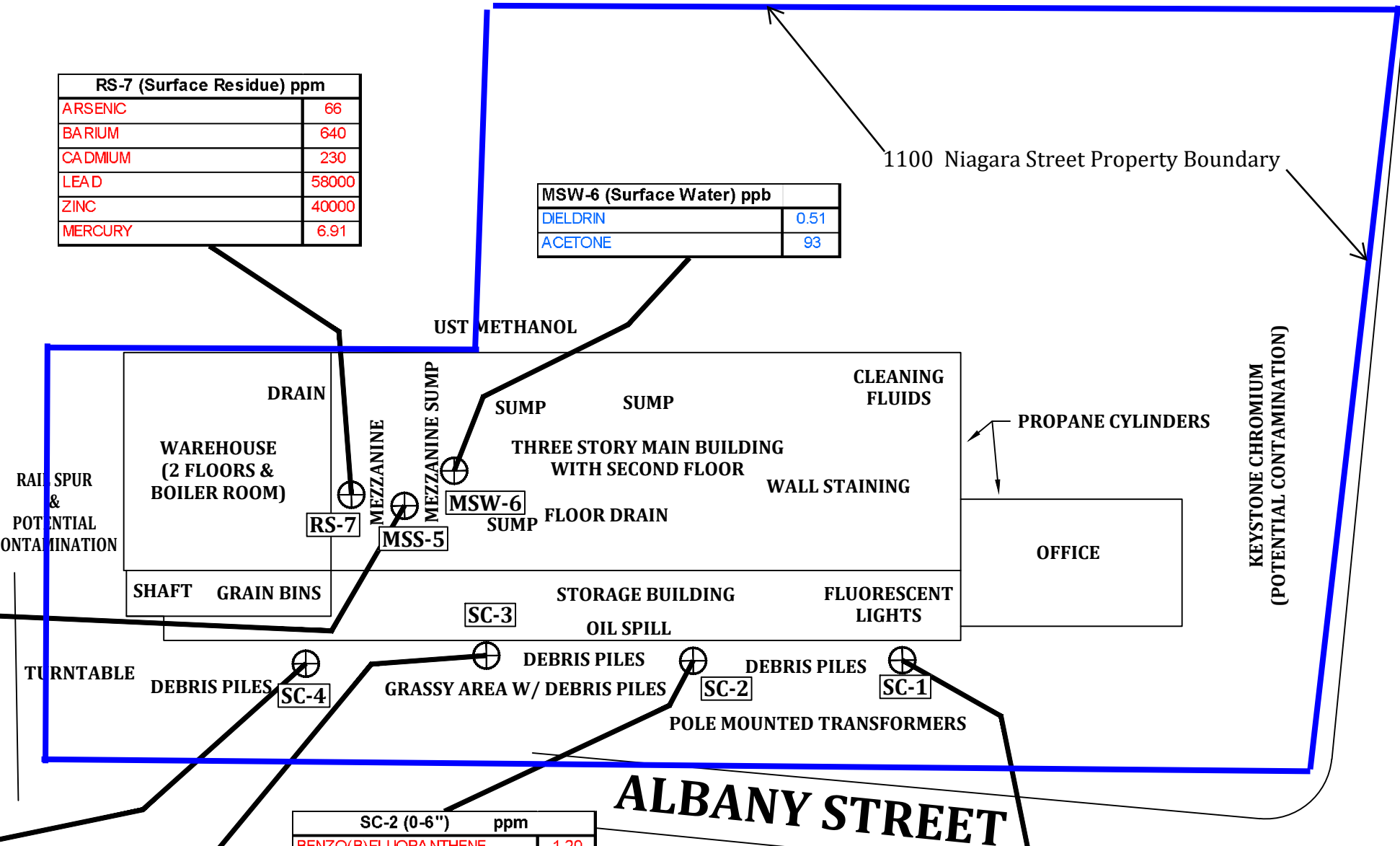
MSW-6 (Surface Water) ppb	
DIELDRIN	0.51
ACETONE	93

SC-2 (0-6") ppm	
BENZO(B)FLUORANTHENE	1.20

SC-4 (0-6") ppm	
MERCURY	1.57
DIELDRIN	1.00
BENZO(A)ANTHRACENE	6.40
BENZO(A)PYRENE	4.60
BENZO(B)FLUORANTHENE	8.60
CHRYSENE	4.70
DIBENZ(A,H)ANTHRACENE	0.56
INDENO(1,2,3-C,D)PYRENE	2.20

SC-3 (0-6") ppm	
LEAD	590
BENZO(A)ANTHRACENE	12.00
BENZO(A)PYRENE	8.00
BENZO(B)FLUORANTHENE	15.00
BENZO(K)FLUORANTHENE	4.10
CHRYSENE	8.20
INDENO(1,2,3-C,D)PYRENE	3.60

SC-1 (0-6") ppm	
LEAD	690



LEGEND

--- RAILROAD TRACKS

⊕ SAMPLING LOCATIONS

SC-1/RS-7/MMS-5/MSW-6

NOTES:

- ALL SOIL (SC) / RESIDUE (RS) / SEDIMENT (MSS) SAMPLE CONCENTRATIONS (IN RED) EXCEED RESTRICTED RESIDENTIAL SCO'S.
- WATER SAMPLE (MSW) CONCENTRATIONS (IN BLUE) EXCEED TOG'S.
- STORAGE BUILDING AND OFFICE DEMOLISHED/REMOVED POST 2012 ESA



<p>BE3 BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC 960 Busti Avenue Suite B150 Buffalo, NY 14213 P: 716-362-6532</p>	<p>Figure 8B - GES 2012 Phase 2 ESA Sampling</p>	<p>Revisions</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
<p>February 2023</p>	<p>Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213</p>	<p>SCALE: N/A</p>								

NIAGARA STREET



LEGEND

- APPROXIMATE PARCEL BOUNDARIES
- Zone N-1S (Secondary Employment Center) Zone
- Zone N-2C (Mixed-Use Center)
- Zone N-2E (Mixed-Use Edge)
- Zone N-1S (Secondary Employment Center)
- Zone C-R (Rail Corridor)
- Zone D-OG (Green)




	Figure 9 Zoning Map		Revisions <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table>	
Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		<table border="1" style="width: 100%; height: 20px;"> <tr><td> </td></tr> </table>		
August 2023	SCALE: NA	SHEET 1 OF 1		

TABLE 1 - GES 2012 Ph-2 Soil/Water Results 1100 Niagara Street

Table : Analysis of Soil, Sediment and residue Samples 1100 Niagara Street
pg 1 of 2

Sample Name	**6 NYCRR Part 375 Soil Cleanup Objectives Restricted Residential	SC - 1	SC - 2	SC - 3	SC - 4	MSS-5	RS - 7
		Soil	Soil	Soil	Soil	Sediment	Residue
		0-6"	0-6"	0-6"	0-6"	0-1"	Surf
		10/11/2012	10/11/2012	10/11/2012	10/11/2012	10/11/2012	10/11/2012
PID Reading (ppmv)		0.0	0.0	0.0	0.0	0.0	0.0
Metals (mg/kg)							
ALUMINUM	NS	9500	8700	7200	5500	5600	1500
ARSENIC	16	11	ND	8.5	4.5	9.7	66
BARIIUM	400	210	150	160	130	260	640
BERYLLIUM	72	ND	1.3	ND	ND	ND	ND
CADMIUM	4.3	ND	1	ND	ND	3.6	230
CALCIUM	NS	30000	41000	72000	76000	74000	42000
CHROMIUM TOTAL	290	19	16	12	12	43	11
COBALT	NS	7.7	6.6	4.2	3.3	ND	ND
COPPER	270	59	26	28	170	460	31
IRON	NS	18000	17000	13000	11000	34000	9400
LEAD	400	690	220	590	120	2200	58000
MAGNESIUM	NS	9600	12000	17000	20000	7300	8200
MANGANESE	2,000	380	400	510	430	360	1100
NICKEL	310	17	16	12	11	61	6.1
POTASSIUM	NS	1400	1300	1400	1400	950	590
SELENIUM	180	ND	ND	ND	ND	ND	35
SODIUM	NS	180	90	390	130	1200	10000
VANADIUM	NS	22	21	23	13	ND	34
ZINC	10,000	390	190	310	220	1400	40000
MERCURY	0.81	0.225	0.108	0.111	1.57	12.6	6.91
Pesticides/Polychlorinated Biphenyls (mg/kg)							
PCBs	1	ND	ND	ND	ND	ND	ND
4,4'-DDD	13	ND	ND	0.042	ND	0.240	NA
4,4'-DDE	8.9	ND	ND	ND	ND	1.500	NA
4,4'-DDT	7.9	ND	ND	0.140	0.057	3.800	NA
alpha-Chlordane	4.2	ND	ND	0.034	ND	ND	NA
gamma-Chlordane	NS	ND	ND	0.039	ND	ND	NA
Methoxychlor	NS	ND	ND	0.310	0.200	0.990	NA
Dieldrin	0.2	ND	ND	ND	1.000	12.000	NA
Volatile Organic Compounds (mg/kg)							
METHYLENE CHLORIDE	100	ND	ND	ND	ND	0.015	NA
						0.015	
Semi-Volatile Organic Compounds (mg/kg)							
2,4-DIMETHYLPHENOL	NS	ND	ND	ND	ND	9.70	ND
2-METHYLNAPHTHALENE	NS	ND	ND	ND	ND	83.00	ND
ACENAPHTHENE	100	ND	ND	1.80	0.81	120.00	ND
ACENAPHTHYLENE	100	ND	ND	0.25	ND	ND	ND
ANTHRACENE	100	ND	ND	4.20	1.90	200.00	ND
BENZO(A)ANTHRACENE	1.0	0.31	0.91	12.00	6.40	250.00	ND
BENZO(A)PYRENE	1.0	0.25	0.72	8.00	4.60	170.00	ND
BENZO(B)FLUORANTHENE	1.0	ND	1.20	15.00	8.60	240.00	ND
BENZO(G,H)IPERYLENE	100	ND	ND	2.80	1.70	ND	ND
BENZO(K)FLUORANTHENE	3.9	ND	0.53	4.10	2.70	110.00	ND
BIPHENYL (DIPHENYL)	NS	ND	ND	ND	ND	19.00	ND
CARBAZOLE	NS	ND	0.72	2.50	0.98	80.00	ND
CHRYSENE	3.9	0.26	ND	8.20	4.70	170.00	ND
DIBENZ(A,H)ANTHRACENE	0.33	ND	ND	ND	0.56	20.00	ND
FLUORANTHENE	100	0.45	1.60	19.00	1.10	460.00	ND
FLUORENE	100	ND	ND	1.90	0.94	150.00	ND
INDENO(1,2,3-C,D)PYRENE	0.5	ND	ND	3.60	2.20	76.00	ND
NAPHTHALENE	100	ND	ND	0.60	0.25	200.00	ND
PHENANTHRENE	100	ND	1.00	16.00	8.20	800.00	ND
PYRENE	100	0.36	1.30	27.00	16.00	610.00	ND
		1.63	7.98	126.95	61.64	3767.7	0

All soil cleanup objectives are in mg/kg All analytical results are in mg/kg

NS = Not Specified ND = Not Detected
 NA = Not Analyzed for

Table Analysis of Mezzanine Sump Water Sample

pg 2 of 2

Sample Name	NYSDEC	MSW-6
Sample Type	TOGS 1.1.1	Surface Water
Sample Date	Groundwater	10/11/2012
Depth to Water (ft below TOC)	Standards	Surface Water
Metals (ug/L)		
BARIUM	2,000	1
CALCIUM	NS	310
LEAD	50	0.014
MAGNESIUM	35,000	95
MANGANESE	NS	0.15
POTASSIUM	NS	7.4
SODIUM	NS	240
Pesticides/Polychlorinated Biphenyls (ug/L)		
PCBs	0.09	ND
DIELDRIN	0.004	0.51
Volatile Organic Compounds (ug/L)		
ACETONE	50	93
Semi-Volatile Organic Compounds (ug/L)		
		ND

Notes:

U = below laboratory detection limits

ug/L = micrograms per liter

* TOGS 1.1.1 - 1 ug/L standard applies to total chlorinated Phenols

NR=Not Regulated by TOGS 1.1.1

TABLE 2 - BE3 2019 PH-2 Soil/GW Results 1100 Niagara Street

pg 1 of 2

1100 NIAGARA STREET - SOIL BORING SAMPLE ANALYTICAL RESULTS SUMMARY

Contaminants	Sample Identification					Date Sampled: 5/16/19		Residential	Restricted Residential
	SB-01 (0.5'-1')	SB-02 (0.5'-1')	SB-03 (0.5'-1')	SB-04 (0.5'-1')	SB-05 (0.5'-1')	SB-06 (0.5'-1')	SB-07 (0.5'-1')		
METALS									
Arsenic	10.90	41.60	8.25	6.07	9.31	6.36	3.40	16	16
Barium	141	200.0	101.0	34.1	309.0	93.9	122.0	350	400
Beryllium	0.668	0.720	0.760	ND	0.430	0.650	0.620	14	72
Cadmium	2.900	6.830	2.290	1.930	2.37	2.130	1.840	2.5	4.3
Chromium	17.8	24.6	13.6	5.7	17.4	20.2	20.9	36	180
Copper	79.6	219.0	58.5	10.0	47.7	21.3	24.4	270	270
Lead	217.0	997.0	189.0	166.0	765.0	104.0	22.3	400	400
Manganese	472	453	499	941	500	390	281	2,000	2,000
Total Mercury	0.967	2.95	4.25	0.13	0.97	0.098	0.091	0.81	0.81
Nickel	20.0	52.7	11.5	5.3	13	18.6	18.5	140	310
Selenium	1.54	2.86	1.43	ND	ND	ND	ND	36	180
Silver	2.040	3.97	0.77	ND	1.5	1.58	1.32	36	180
Tot Cyanide	ND	ND	ND	ND	ND	ND	ND	27	27
Zinc	292	1490	240	4.23	413	125	88.6	2200	10,000
PCBs									
PCB-1254	ND	ND	ND	ND	ND	ND	ND	1	1
PCB-1260	ND	0.1	ND	ND	ND	ND	ND	1	1
PESTICIDES									
4,4-DDT	0.006	ND	ND	0.013	0.012	0.004	0.004	1.7	7.9
4,4-DDE	ND	ND	ND	ND	0.032	0.003	ND	1.8	8.9
4,4-DDD	ND	ND	ND	0.005	0.005	ND	ND	2.6	13
beta-BHC	ND	ND	ND	ND	ND	0.006	ND	0.072	0.36
Delta-BHC	0.009	ND	0.12	0.013	ND	ND	ND	100	100
Endosulfan Sulfate	ND	ND	ND	0.008	ND	ND	0.004	4.8	24
Endrin	ND	ND	ND	0.006	ND	ND	ND	2.2	11
Endrin Ketone	ND	ND	ND	0.006	ND	ND	0.005	NA	NA
Dieldrin	0.019	0.96	0.44	0.007	0.009	0.004	ND	0.039	0.2
Aldrin	ND	ND	ND	ND	ND	ND	ND	0.019	0.097
Heptachlor	ND	ND	ND	ND	ND	ND	ND	0.42	2.1
SEMIVOLATILE ORGANIC COMPOUNDS									
Acenaphthene	ND	ND	0.46	ND	ND	ND	ND	100	100
Acenaphthylene	ND	0.44	0.82	ND	ND	ND	0.45	100	100
Anthracene	ND	0.77	2.12	3.06	0.36	ND	0.73	100	100
Benz(a)anthracene	0.330	1.99	4.22	6.82	1.13	0.42	1.39	1	1
Benzo(a)pyrene	0.350	1.79	3.45	6.77	1.16	0.48	1.11	1	1
Benzo(b)fluoranthene	0.390	2.49	3.73	6.57	1.15	0.54	1.08	1	1
Benzo(g,h,i)perylene	0.330	1.14	2.07	4.17	0.78	0.39	0.62	100	100
Benzo(k)fluoranthene	ND	1.61	2.56	5.9	1	0.4	1.01	1	3.9
Chrysene	0.360	2.34	3.75	6.42	1.17	0.5	1.23	1	3.9
Dibenz(a,h)anthracene	ND	0.43	0.8	1.43	ND	ND	ND	0.33	0.33
Fluoranthene	0.64	3.99	8.61	13.8	2.37	0.89	3.04	100	100
Fluorene	ND	ND	0.64	ND	ND	ND	0.41	100	100
Naphthalene	ND	1.09	0.34	ND	ND	ND	ND	100	100
Indeno(1,2,3-cd)pyrene	ND	1.21	2.24	4.46	0.91	0.38	0.73	0.5	0.5
Phenanthrene	0.400	2.96	6.57	8.8	1.22	0.5	2.83	100	100
Pyrene	0.560	3.43	7.12	11.3	1.95	0.72	2.37	100	100
Volatile Organic Compounds									
Acetone	ND	ND	ND	ND	ND	ND	ND	100	100
cis-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	ND	59	100
m,p-Xylene	ND	ND	ND	ND	ND	ND	ND	100	100
TCE	ND	ND	ND	ND	ND	ND	0.009	10	21

ND - Non-Detect NA - Not Applicable

>= to Residential/Restricted-Residential SCO and Unrestricted Use SCO

All values in ppm

>Unrestricted Use & Residential SCO but <Restricted-Residential SCO

TABLE 2 pg 2 of 2
PHASE II - ESA - 1100 NIAGARA STREET - GW SAMPLE ANALYTICAL RESULTS SUMMARY

Contaminants	Sample Identification		NYSDEC
	SB-07 GW	5-16-19	TOGS 1.1.1. GA (1)
Volatile Organic Compounds			
Acetone	17.2		50
1,1,1-Trichloroethane	80.2		5
1,1-Dichloroethane	9.58		5
1,1-Dichloroethene	25.6		5
cis-1,2-Dichloroethene	13.4		5
1,2,4-Trimethylbenzene	ND		5
1,3,5-Trimethylbenzene	ND		5
Trichloroethene	98.8		5

All values in ppb

N/A - Not Applicable ND - Non-detect

(1) - TOGS 1.1.1 GA - Technical and Operational Guidance Series (1.1.1) Source of Drinking Water (Groundwater)

Exceeds TOGs Guidance Value

TABLE 3 - BE3 2023 PH-2 Soil-GW Results - Parcels 1106 & 1110 Niagara Street

pg 1 of 2

SUMMARY OF SOIL ANALYTICAL RESULTS - 1106/1110 Parcels



Parameter Tested	BE3 Phase II Report March 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives	
	BH-1 1-2	BH-2 1-2	BH-3 1-2	BH-4 1-2	BH-5 1-2	BH-6 1-2	BHI-1 1-2	BHI-2 1-2	BHI-3 0-1	Unrestricted	Restricted Residential
	3/1/2023										
METALS/INORGANICS - mg/kg/ppm											
Arsenic	4.6	5.9	4.9	15.7	10.5	7.6	6.1	10.3	8.7	13	16
Barium	76.9	50.0	74.1	223.0	158.0	353.0	154	157	134	350	400
Beryllium	1.2	0.42	0.70	4.80	2.00	3.70	1.20	0.87	0.81	7.2	72
Cadmium	0.15 J	0.87	0.085 J	0.21 J	1.4	0.13 J	0.11 J	1.10	1.10	2.5	4.3
Chromium, Tri	11.9	10.1	13.5	22.8	15.4	11.5	32.0	24.2	22.7	36	180
Copper	18.6	19.0	17.9	115.0	56.4	17.2 B	23.1	70.5 B	68.0	50	270
Lead	34	157	69.1	57.3	639.0	82.8	102	199	144	63	400
Manganese	1080 B	350 B	501 B	1830 B	741 B	1770 B	910 B	639 B	326 B	1,600	2,000
Mercury	0.013 J	0.19	0.290	0.011 J	0.48	0.62	0.29	0.35	0.28	0.18	0.81
Nickel	13.0 B	7.0 B	12.5 B	21.4	17.2 B	11.5	25.2	53.6	23.3 B	30	310
Selenium	ND	ND	0.58 J	ND	ND	1.0 J	1.20	1.4 J	ND	4	180
Silver	ND	ND	ND	ND	ND	ND	0.46 J	ND	ND	2	180
Zinc	98	164	70.4	118.0	787.0	65.8	118	205	461	109	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs) ppm											
Acenaphthene	ND	ND	ND	4.3 J	ND	ND	ND	0.94 J	1.6 J	20	100
Acenaphthylene	0.72 J	ND	ND	7.7 J	ND	ND	ND	0.16 J	2 J	100	100
Anthracene	ND	ND	ND	19	ND	ND	ND	2.5	4.0	100	100
Benzo(a)anthracene	2.8 J	ND	0.12 J	95	ND	0.17 J	0.028	4.2	6.5	1	1.0
Benzo(a)pyrene	3.1 J	ND	0.14 J	37	ND	0.17 J	ND	4.0	6.3	1	1
Benzo(b)fluoranthene	3.5 J	ND	0.16 J	38	ND	0.19 J	ND	3.9	6.6	1	1.0
Benzo(g,h,i)perylene	1.7 J	ND	ND	20	ND	ND	ND	1.80	3.3	100.00	100.0
Benzo(k)fluoranthene	1.5 J	ND	ND	20	ND	ND	ND	2.20	3.5	0.8	3.9
Chrysene	2.8 J	ND	ND	37	ND	ND	ND	4.1	6.7	1	3.9
Dibenz(a,h)anthracene	ND	ND	ND	5.2 J	ND	ND	ND	0.59 J	0.99	0.33	0.33
Fluoranthene	6.5	ND	0.2 J	89	0.82 J	0.34 J	0.063	11.0	21	100	100
Fluorene	ND	ND	ND	4 J	ND	ND	ND	0.96	2.7	30	100
Indeno(1,2,3-	1.7 J	ND	ND	17 J	ND	ND	ND	1.8	3.3	0.5	0.5
Naphthalene	ND	ND	ND	ND	ND	ND	ND	0.3 J	2.3	12	100
Phenanthrene	2.3 J	ND	ND	35	ND	0.23 J	0.06	10.0	21	100.0	100.0
Pyrene	4.5	ND	0.15	71	0.64 J	0.25 J	0.065	8.1	13	100	100
PESTICIDES/PCB ppm											
Dibenzofuran	ND	ND	ND	4.2 J	ND	ND	ND	0.55 J	2.0 J	7.0	59
VOLATILE ORGANIC COMPOUNDS (VOCs)											
Acetone	-	-	-	-	-	-	0.047 J	ND	ND	0.05	100
Chloroform	-	-	-	-	-	-	0.00049	0.00045 J B	0.00043 J B	0.37	49
Methylene Chloride	-	-	-	-	-	-	ND	ND	ND	0.05	100
2- Butanone (MEK)	-	-	-	-	-	-	0.0073 J	ND	ND	0.12	100
Trichloroethene	-	-	-	-	-	-	ND	ND	ND	0.47	21.0

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

K Result is reported as Benzo(b)fluoranthene

Note: All values in parts per million (ppm)

Analyte detected

Reported concentration greater than or equal to the NYSDEC Unrestricted SCO

Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

TABLE 3 SUMMARY OF GROUNDWATER RESULTS PG 2 OF 2

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing, and Sample Date	NYSDEC TOGS 1.1.1 GA
	TWM-1	
	-	
	3/1/2023	
Volatile Organic Compounds (VOCs)		
Tetrachlorethylene	0.79 J	5

Notes: All units in micrograms per liter (µg/L)

NYSDEC New York State Department of Environmental Conservation

TOGS Technical and Operational Guidance Series

500 Analyte exceeds NYSDEC TOGS guidance value

Table 4 - Analytical Data Summary

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	9	35	1	0.5 – 2
Benzo(a)pyrene	9	37	1	0.5 – 2
Benzo(b)fluoranthene	9	38	1	0.5 – 2
Benzo(k)fluoranthene	2	20.0	3.9	0.5 – 2
Indeno(1,2,3-cd)pyrene	9	17.0	0.5	0.5 – 2
Chrysene	4	37.0	3.9	0.5 – 2
Dibenz(a,h)anthracene	6	5.2	0.3	0.5 – 2
Dieldrin	2	0.960	0.2	0.5 – 2
Arsenic	1	41.6	16.0	0.5 – 2
Mercury	4	4.25	0.81	0.5 – 2
cadmium	1	6.8	4.3	0.5 – 2
lead	3	997	400	0.5 – 2

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
1,1,1-Trichloroethane	1	80.2	5.0
1,1-Dichloroethane	1	9.580	5.0
1,1-Dichloroethene	1	25.600	5.0
cis-1,2-Dichloroethene	1	13.800	5.0
Trichloroethene	1	98.800	5.0

SAMPLE ANALYTICAL PARAMETERS AND METHODOLOGIES

Matrix	Parameter ¹	Method ¹	Container Type	Minimum Volume	Preservation (Cool to 2-4 °C for all samples)	Holding Time from Sample Date
Soil	TCL + CP-51 VOCs	8260B	EnCore/amber glass	5 gm / 4 oz.	Cool to 2-4 °C, Zero Headspace	48 - hours / 14 days
	TCL SVOCs	8270C	amber glass	8 oz.	Cool to 2-4 °C	14 days extrac./40 days
	TAL Metals ²	6010	amber glass	4 oz.	Cool to 2-4 °C	6 months/Hg 28 days
	Pesticides	8081	amber glass	8oz	Cool to 2-4 °C	14 days extrac./40 days
	Herbicides	8151	amber glass	8oz	Cool to 2-4 °C	14 days extrac./40 days
	PCBs	8082	amber glass	4 oz.	Cool to 2-4 °C	14 days extrac./40 days
	PFAS	537.1	HDPE/Polypropylene	4-8 oz.	Cool to 2-4 °C	14 days extrac./40 days
	1,4-dioxane	8270 SIM mode	amber glass	8 oz.	Cool to 2-4 °C	14 days extrac./40 days
Groundwater	TCL + CP-51 VOCs	8260B	glass vial	3 - 4 oz.	HCl to pH<2, Zero Headspace, Cool to 2-4 °C	14 days
	TCL SVOCs	8270C	amber glass	1000 ml	Cool to 2-4 °C	7 days extrac/40 days
	TAL Metals ²	6010	plastic	600 ml	HNO ₃ to pH<2, Cool to 2-4 °C	6 months/Hg 28 days
	Pesticides	8081B	amber glass	1000 ml	Cool to 2-4 °C	14 days extrac./40 days
	Herbicides	8151A	amber glass	1000 ml	Cool to 2-4 °C	14 days extrac./40 days
	PCBs	8082	amber glass	1000 ml	Cool to 2-4 °C	7 days extrac/40 days
	PFAS	537.1	HDPE/Polypropylene	2 - 500 mL	Trizma, Cool to 2-4 °C	14 days
	1,4-dioxane	8270 SIM mode	amber glass	2 - 500 mL	Cool to 2-4 °C	7 days extrac./40 days
Air/Soil Vapor	TCL VOCs	TO-15	Summa Cannister	6 liters	None	Analyze within 14 days of sample date of collection

References:

1. Test Methods for Evaluating Solid Wastes, USEPA SW-846, Update III, 1991.

Notes:

1. EPA-approved methods published in Reference 1 above may be used.

2. Mercury sampling in soil/groundwater via EPA methods 7471/7470 respectively.

Acronyms:

VOCs = Volatile Organic Compounds

PFAS = Per- and Polyfluoroalkyl Substances SVOCs = Semi-Volatile Organic Compounds TCL = Target Compound List

TAL = Target Analyte List

PCBs = Polychlorinated Biphenyls

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Figure 10 – Preliminary Project Schedule



SECTION II – PROJECT DESCRIPTION

Project Information & Purpose

The vision is to create an architecturally significant, high vitality destination that attracts local, regional and global visitors. The concept proposes an elevated grain-to-green promenade, a rooftop pool and event space, a brewing and distillery area adjacent to an outdoor performance space among residential, hospitality, commercial and cultural use. The re-development of the former Curtiss Malting building at 1100 Niagara will serve as a model for historical preservation and new-build design. The completed complex would garner national and global architectural attention, burnishing Buffalo's credentials as a leading locus of high design, and become a destination itself.

JEMAL'S CURTIS MALTING L.L.C., acting as a Volunteer, will complete additional investigation and remediate the Curtis Malt House Site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

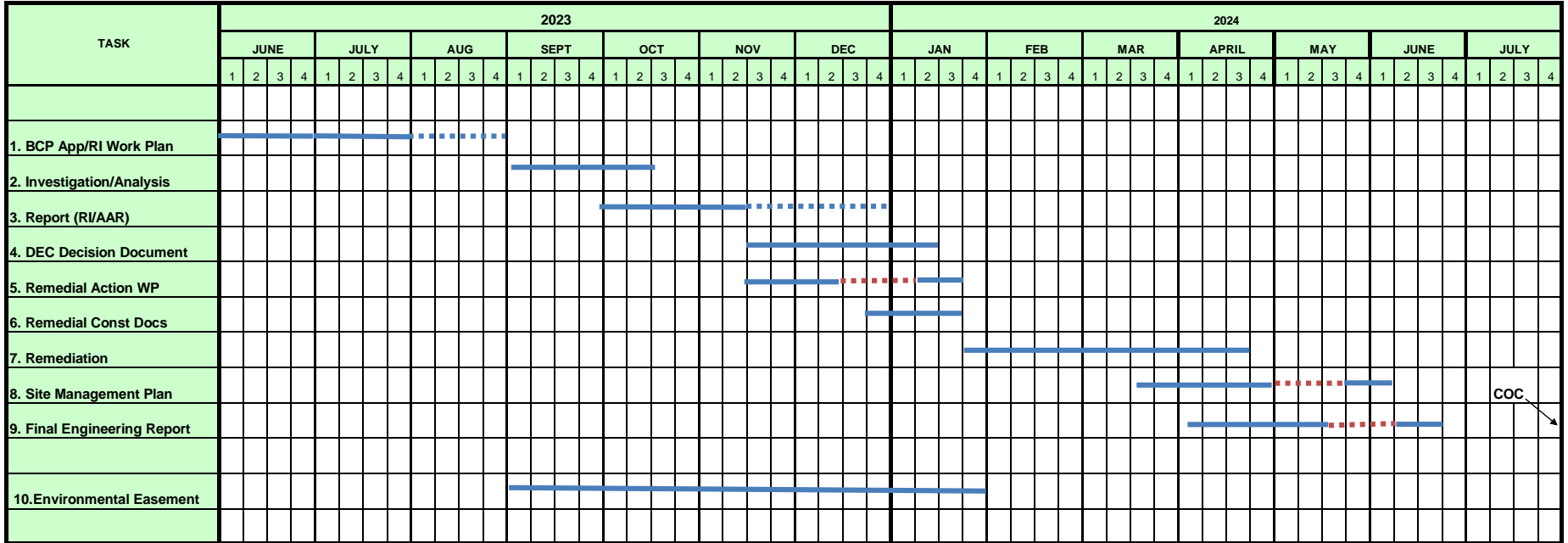
Project Start Date & Anticipated Certificate of Completion

The RIWP for the 1100 Niagara Street parcel was previously approved by DEC and DOH. A revised RIWP will be submitted to include the investigation of the two additional Niagara Street parcels proposed in this Major BCA Amendment Application.

JEMAL'S CURTIS MALTING L.L.C. will prepare a Remedial Investigation (RI) Work Plan and complete a RI during calendar year 2023 and will complete remediation for an anticipated Certificate of Completion either late 2023 or early 2024. A preliminary project schedule is shown on **Figure 10**.

The Project will result in the remediation and future redevelopment of an environmentally impacted Site within the Tonawanda Street Corridor Brownfield Opportunity Area of the City of Buffalo, New York.

BCP PRELIMINARY PROJECT SCHEDULE (1) JULY 2023
1100 NIAGARA STREET - C915382



LEGEND

- Task Length
- Public Review Period
- NYSDEC Review Period

COC →

ATTACHMENT C

SECTION III: LAND USE FACTORS

Figure 6a – Disadvantaged Communities Map-1100

Figure 6b – Disadvantaged Communities Map-1106

Figure 6c – Disadvantaged Communities Map-1110

Figure 7 – Tonawanda Street Corridor BOA

Figure 9 – Zoning Map



Section III: Land Use Factors – Current Use

1 – Current Zoning

The current zoning for the Site is N-1S (Secondary Employment Center): mixed-use mid-rise development clusters defined by large-footprint structures) consistent with the Buffalo Green Code (see **Figure 9**).

2 – Current Use

The three parcels (1100, 1106 and 1110 Niagara Street) are currently vacant and not used. In 1996 1100 Niagara parcel was foreclosed on by the County and subsequently remained unused but changed owners several times before 2012 under its current ownership. The 1106 and 1110 parcels have been vacant since 2005 when taken over by 1110 Niagara Street II, LLC.

3 - Planned Future Use - Reasonably anticipated Use Post Remediation

The planned reuse of the Site will consist of residential, food manufacturing, an outdoor park, and retail, the blend of which will create activity seven days a week, during and after normal business hour. The vision is to create an architecturally significant, high vitality destination that attracts local, regional, and global visitors.

4 - Do current historical and/or recent development patterns support the proposed use

Niagara Street, a former industrial now residential corridor overlooking the Niagara River and Lake Erie, has had more than \$200 million invested in developments over the past 5 years. A \$10 million street improvement project is completed and includes bike lanes, traffic calming, and green space additions.

5. Is the proposed use consistent with applicable zoning laws/maps?

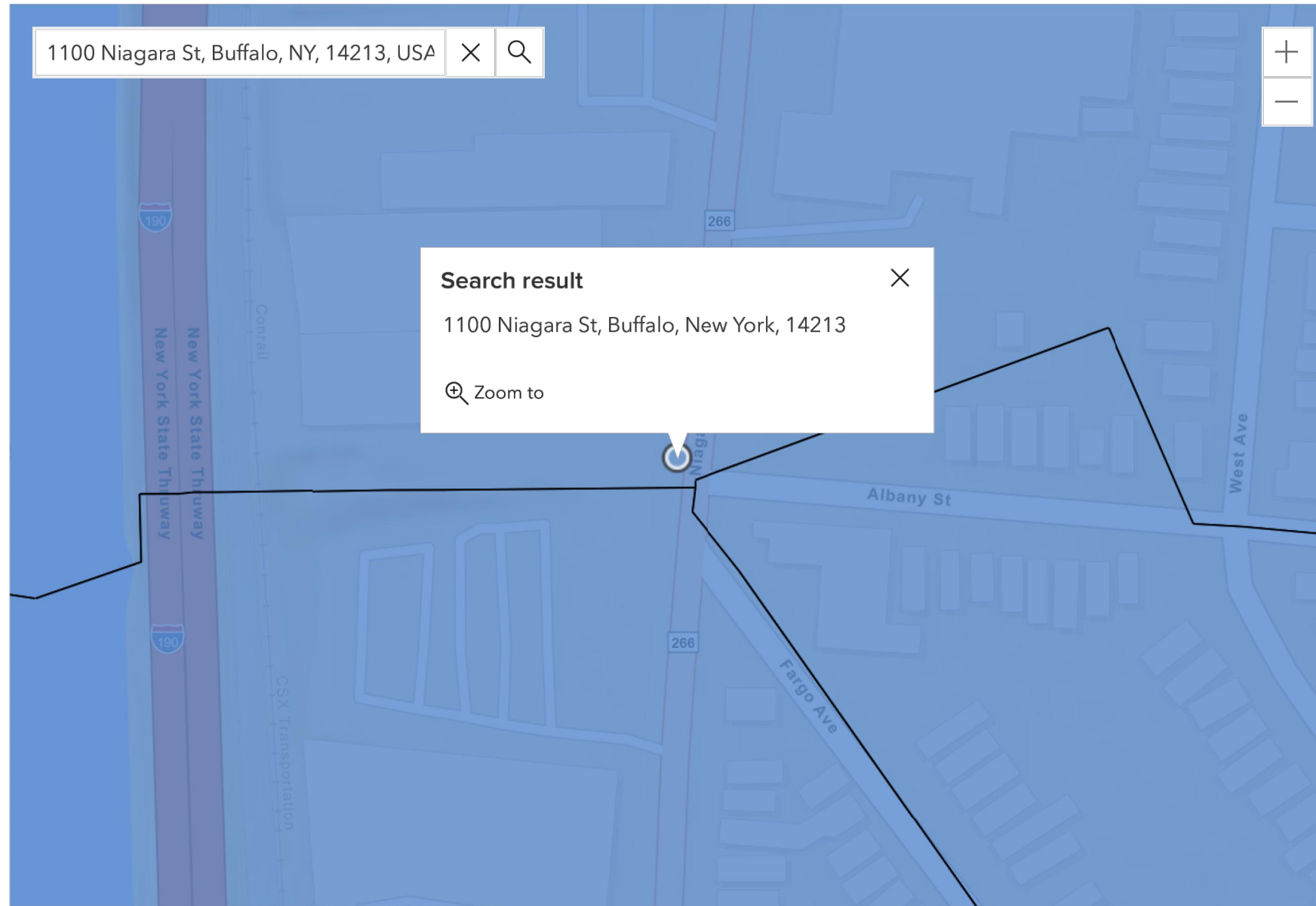
The proposed reuse is consistent with the current zoning and recent development projects.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

Niagara Street has been recognized as a major waterfront redevelopment opportunity in all major city planning documents. High-end lofts, improved public transportation through Buffalo's Complete Streets program, and trendy gastropubs and breweries are motivating young professionals to live on the street


The property is in the Tonawanda Street Corridor Brownfield Opportunity Area (BOA) and the property is in the LWRP - the full reach of the Great Lakes Seaway Trail National Scenic Byway in Buffalo, particularly the full extent along Niagara Street, as it serves as the City's primary local waterfront corridor (see **Figures 6a, 6b and 6c DAC and 7 BOA**).

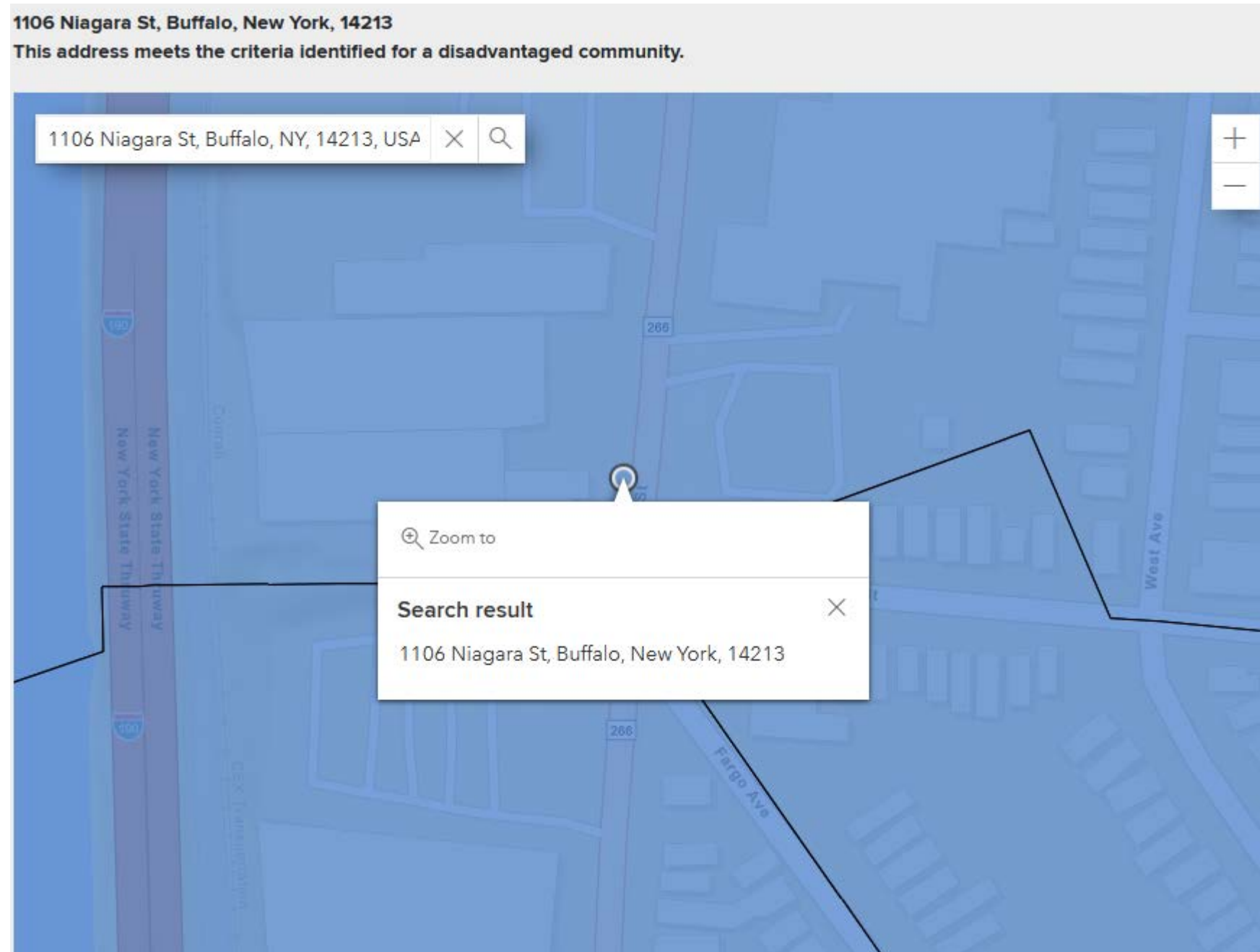
1100 Niagara St, Buffalo, New York, 14213
 This address meets the criteria identified for a disadvantaged community.



Note: DAC Map from NY
 Climate Justice Working Group




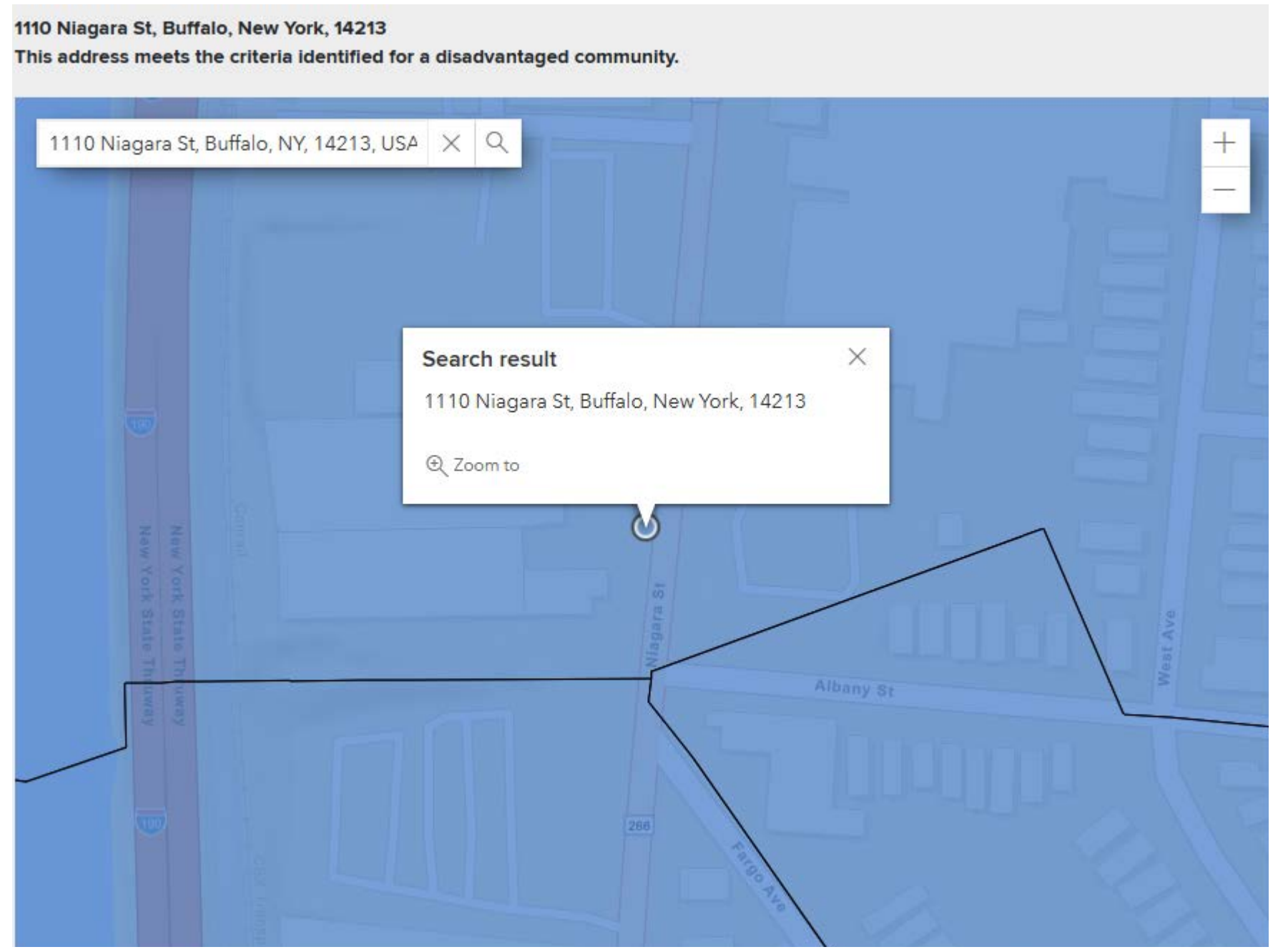
 B-E-3 <small>BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC</small> 960 Busti Avenue Suite B150 Buffalo, NY 14213 P: 716-362-6532	Figure 6a Disadvantage Community Map		Revisions _____ _____ _____
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		
February 2023	SCALE: N/A	SHEET 1 OF 1	



Note: DAC Map from NY
 Climate Justice Working Group




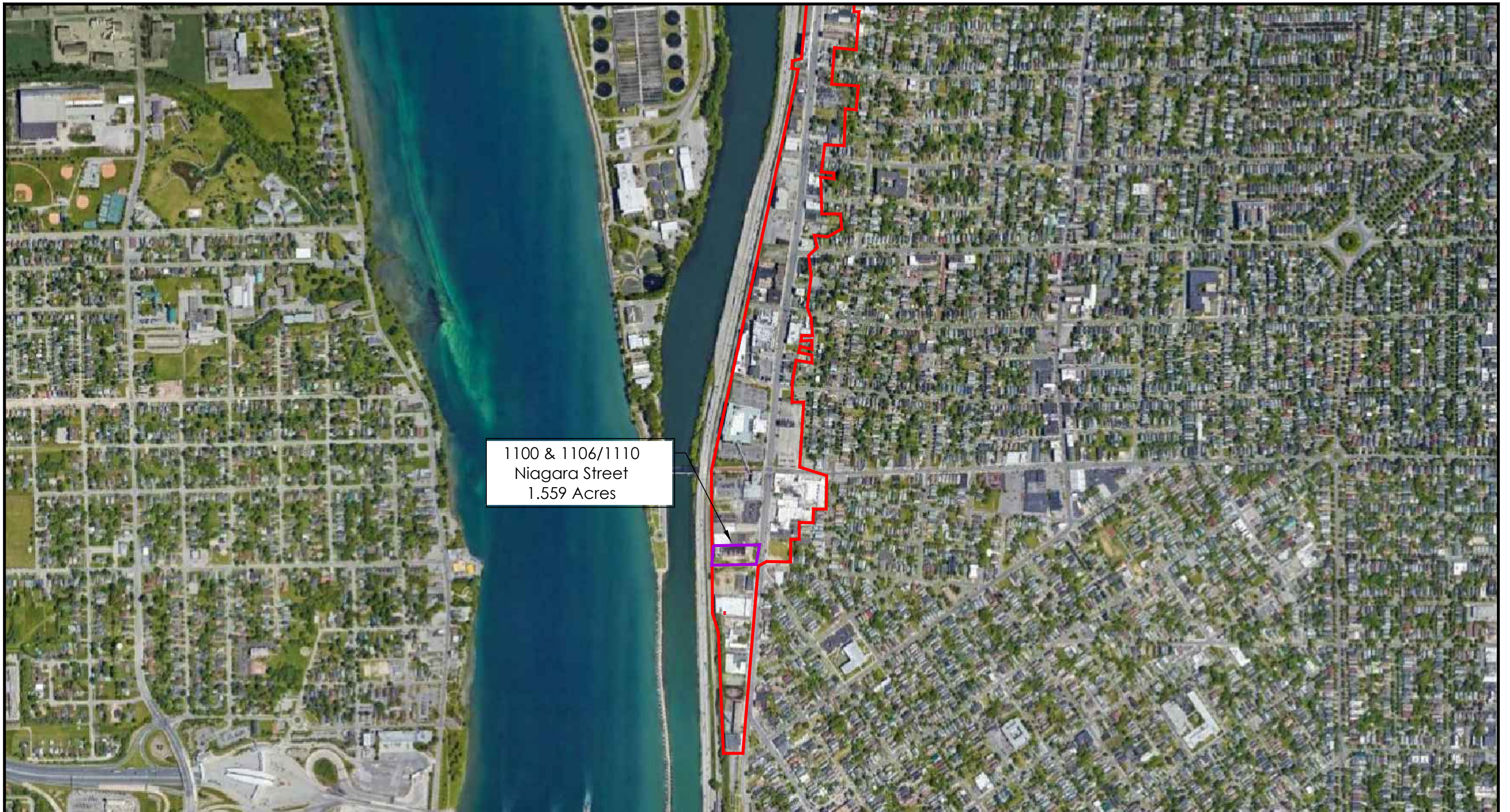
 Brydges Engineering in Environment and Energy	Figure 6b Disadvantage Community Map	Revisions <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
August 2023	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213	SCALE: N/A SHEET 1 OF 1								



Note: DAC Map from NY
 Climate Justice Working Group



 Brydges Engineering in Environment and Energy	Figure 6c Disadvantage Community Map		Revisions
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		
August 2023	SCALE: N/A	SHEET 1 OF 1	




MAP ADAPTED FROM GOOGLE EARTH PRO®

LEGEND

— APPROXIMATE TONAWANDA STREET CORRIDOR BOA




	Figure 7 BOA Map		Revisions
	Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		
FEBRUARY 2022	SCALE: 1" = 750'	SHEET 1 OF 1	



LEGEND

- APPROXIMATE PARCEL BOUNDARIES
- Zone N-1S (Secondary Employment Center) Zone
- N-2C (Mixed-Use Center)
- Zone N-2E (Mixed-Use Edge)
- Zone N-1S (Secondary Employment Center)
- Zone C-R (Rail Corridor)
- Zone D-OG (Green)



	Figure 9 Zoning Map		Revisions <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>				
Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213		SCALE: NA	SHEET 1 OF 1				
August 2023							

ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

Figure 8 – BE3 2019 & 2023 Phase II Soil Sample Analytical Results

Figure 8A – BE3 2019 & 2023 Phase II GW Sample Analytical Results

Figure 8B – GES 2012 Phase II Sample Analytical Results

Table 1 – GES 2012 Ph-II Soil/Water Sample Analytical Results

Table 2 – BE3 2019 Phase II Soil/GW Sample Analytical Results

Table 3 – BE3 2023 Phase II Soil/GW Sample Analytical Results

Table 4 – Analytical Data Summary



SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

Two recent Phase 2 ESA reports completed by BE3 in 2019 at parcel 1100 Niagara Street SBL99.41-1-14.111) and 2023 at parcels 1106 Niagara Street SBL99.41-1-14.2 and 1110 Niagara Street SBL99.41-1-4.12 are attached in electronic format which demonstrates that the Curtis Malt House Site (composed of parcels 1100, 1106 and 1110) requires remediation in order to meet the requirements of the BCP program. The Curtis Malt House Site is a brownfield site with metal and SVOC (PAHS) contaminants in near surface soils exceeding the soil cleanup objectives for the anticipated mixed residential, public recreational and commercial use of the property. Also, there are chlorinated solvent compounds in the groundwater that exceed TOG levels. Attached to this section are site figures and data summary tables as requested in the BCP application form that provide Investigation locations and associated analytical results.

A copy of the referenced investigatory reports are provided individually in a separate electronic folder on the enclosed CD.

A summary of the history and previous environmental investigation findings completed for the parcels that now form Curtis Malt House Site are provided below.

September 2012 Phase I ESA and November 2012 Phase II ESA by Groundwater & Environmental Services (GES).

(GES) completed a Phase I Environmental Site Assessment (ESA) on the initial 1100 Niagara parcel SBL99.41-1-14.111 in September of 2012 and the following REC’s were found:

- There was a spill that occurred in the storage building from a leaking 55-gallon drum of oil. While the oil was cleaned up, the staining on the floor and wall remains.
- There were approximately a dozen fluorescent light ballasts in an electric/tool room located in an upstairs room to the left of the main building entry way.
- Soil as well as construction and demolition debris have been dumped along the building between the south wall of the storage area and Albany Street.

GES completed a limited Phase II ESA in November 2012 at 1100 Niagara Street (see **Figure 8B** and **Table 1**) on the same parcel which included the collection of four soil samples from debris piles along the southern property boundary for chemical analysis. The sample results indicated the following:

- Soil pile samples exceeded the Lead, Mercury, and Dieldrin soil cleanup objectives for restricted residential use.
- Soil pile samples exceeded SVOC cleanup objectives for restricted residential use for: Benzo(a)anthracene; Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, and Ideno(1,2,3-C,D)pyrene.

June 2019 Phase II ESA by BE3 at 1100 Niagara Street parcel SBL99.41-1-14.111

The 2019 BE3 Phase II ESA identified potential RECs from historical uses at adjacent parcels and portions of the initial 1100 Niagara parcel. Past Phase II ESA results indicated elevated levels of compounds above SCOs in soils at the property and historical uses at adjacent properties. Data reviewed from remedial investigations at adjacent/nearby properties indicated potential impacts to groundwater and soils at these adjacent/nearby properties which could potentially impact the subject property.

Field observations and laboratory results indicate that there are urban fill conditions in the near-surface soil resulting in compounds above restricted residential SCOs. Metal and SVOC exceedances were observed in six (6) of the seven (7) samples collected and these represent areas across the Two parcels. The fill depth varied from one foot to fifteen feet across the property and bedrock depth varied from nine (9) to almost sixteen (16) feet bgs. The one groundwater result from SB-7/TMW-3 indicates that groundwater at the north end of the parcel and upgradient of the 1100 parcel is impacted with chlorinated solvents. Immediately adjacent and nearby properties east and north of the property have the historical use potential for chlorinated solvents that could impact site groundwater (see **Figure 8** and **Table 2**).

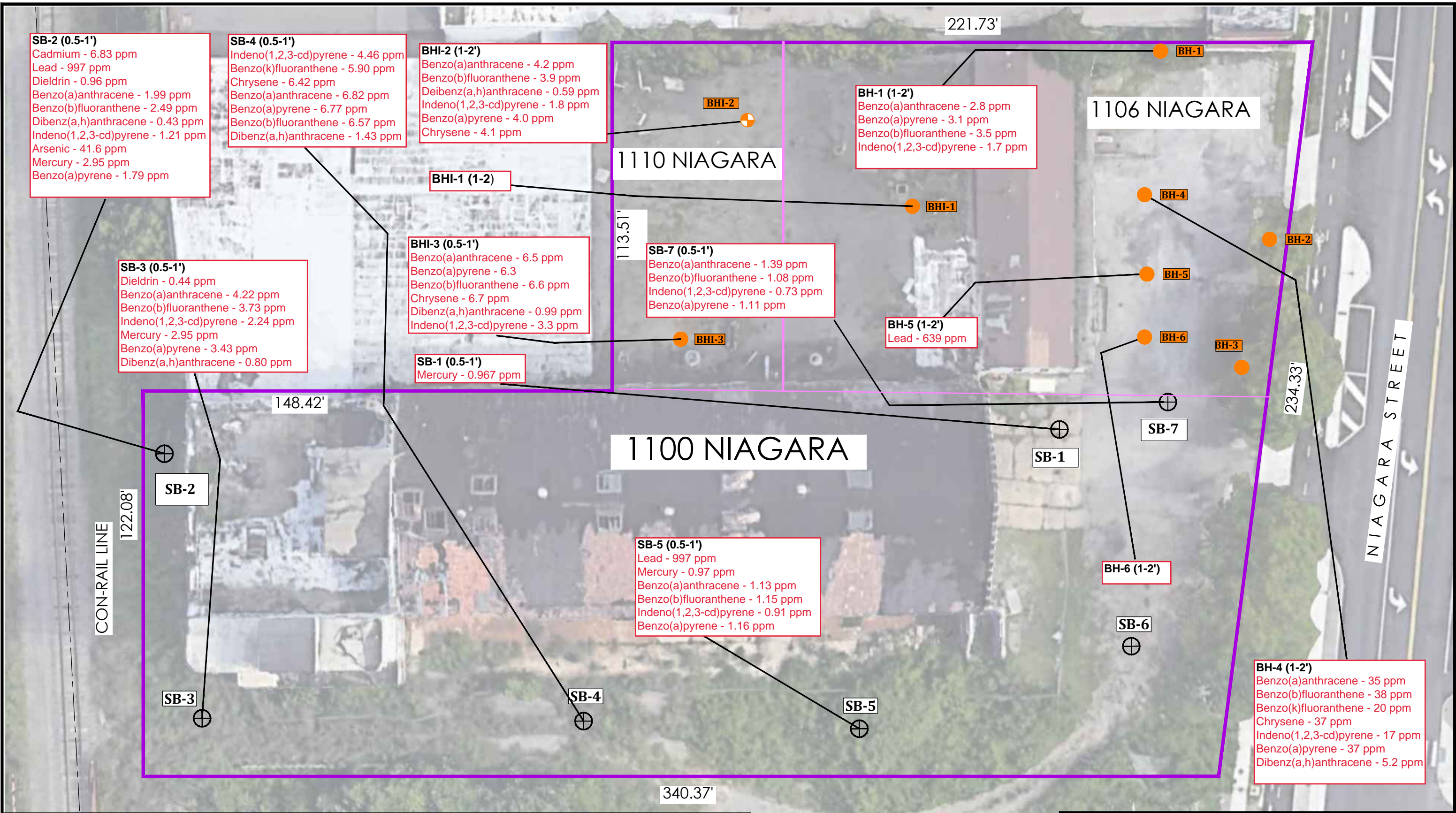
March 2023 Phase II ESA by BE3 at 1106 Niagara Street SBL 99.41-1-14.2/ 1110 Niagara Street SBL 99.41-1-4.12

The purpose of this assessment was to identify potential environmental impacts at the 1106 and 1110 Niagara Street parcels. These parcels previously contained commercial/industrial facilities and had a history of chemical and petroleum use in the manufacturing process. Adjacent properties also have a history of industrial operations associated with metal work, plating and machining which involves the use of solvents and petroleum compounds.

The laboratory analytical results indicate that there are urban fill conditions existing at both parcels to at least 0-2 feet bgs resulting in target compounds (metals and SVOCs) above NYSDEC restricted residential and commercial SCOs (see **Figure 8** and **Table 3**). Historical use, previous environmental investigations, and this assessment indicate environmental impacts exist at the property in soils above NYSDEC SCOs. Visual observations suggest some oil residue may remain on the cement floor area.

At parcel 1106 Niagara Street, one groundwater sample was collected from a temporary monitoring well installed in boring BHI-2+TMW-1 using a bailer and analyzed for NYSDEC Part 375 VOCs by EPA Method 8260C. This was the only boring where groundwater was present. The results were compared to the detected groundwater parameter concentrations to the Class GA Groundwater Quality Standards (GWQS) per NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values. There were no exceedances found in the groundwater sample collected from BHI-2+TWM-1 for volatile organic compounds (See **Figure 8A** and **Table 3**).

Table 4 provides a data summary of compound exceedances



SB-2 (0.5-1')
 Cadmium - 6.83 ppm
 Lead - 997 ppm
 Dieldrin - 0.96 ppm
 Benzo(a)anthracene - 1.99 ppm
 Benzo(b)fluoranthene - 2.49 ppm
 Dibenz(a,h)anthracene - 0.43 ppm
 Indeno(1,2,3-cd)pyrene - 1.21 ppm
 Arsenic - 41.6 ppm
 Mercury - 2.95 ppm
 Benzo(a)pyrene - 1.79 ppm

SB-4 (0.5-1')
 Indeno(1,2,3-cd)pyrene - 4.46 ppm
 Benzo(k)fluoranthene - 5.90 ppm
 Chrysene - 6.42 ppm
 Benzo(a)anthracene - 6.82 ppm
 Benzo(a)pyrene - 6.77 ppm
 Benzo(b)fluoranthene - 6.57 ppm
 Dibenz(a,h)anthracene - 1.43 ppm

BHI-2 (1-2')
 Benzo(a)anthracene - 4.2 ppm
 Benzo(b)fluoranthene - 3.9 ppm
 Deibenz(a,h)anthracene - 0.59 ppm
 Indeno(1,2,3-cd)pyrene - 1.8 ppm
 Benzo(a)pyrene - 4.0 ppm
 Chrysene - 4.1 ppm

BH-1 (1-2')
 Benzo(a)anthracene - 2.8 ppm
 Benzo(a)pyrene - 3.1 ppm
 Benzo(b)fluoranthene - 3.5 ppm
 Indeno(1,2,3-cd)pyrene - 1.7 ppm

SB-3 (0.5-1')
 Dieldrin - 0.44 ppm
 Benzo(a)anthracene - 4.22 ppm
 Benzo(b)fluoranthene - 3.73 ppm
 Indeno(1,2,3-cd)pyrene - 2.24 ppm
 Mercury - 2.95 ppm
 Benzo(a)pyrene - 3.43 ppm
 Dibenz(a,h)anthracene - 0.80 ppm

BHI-3 (0.5-1')
 Benzo(a)anthracene - 6.5 ppm
 Benzo(a)pyrene - 6.3
 Benzo(b)fluoranthene - 6.6 ppm
 Chrysene - 6.7 ppm
 Dibenz(a,h)anthracene - 0.99 ppm
 Indeno(1,2,3-cd)pyrene - 3.3 ppm

SB-7 (0.5-1')
 Benzo(a)anthracene - 1.39 ppm
 Benzo(b)fluoranthene - 1.08 ppm
 Indeno(1,2,3-cd)pyrene - 0.73 ppm
 Benzo(a)pyrene - 1.11 ppm

BH-5 (1-2')
 Lead - 639 ppm

SB-1 (0.5-1')
 Mercury - 0.967 ppm

SB-5 (0.5-1')
 Lead - 997 ppm
 Mercury - 0.97 ppm
 Benzo(a)anthracene - 1.13 ppm
 Benzo(b)fluoranthene - 1.15 ppm
 Indeno(1,2,3-cd)pyrene - 0.91 ppm
 Benzo(a)pyrene - 1.16 ppm

BH-4 (1-2')
 Benzo(a)anthracene - 35 ppm
 Benzo(b)fluoranthene - 38 ppm
 Benzo(k)fluoranthene - 20 ppm
 Chrysene - 37 ppm
 Indeno(1,2,3-cd)pyrene - 17 ppm
 Benzo(a)pyrene - 37 ppm
 Dibenz(a,h)anthracene - 5.2 ppm

LEGEND

- BCP PROPERTY BOUNDARY
- 2019 BE3 PHASE 2 ESA SOIL BORING AND TEMPORARY MONITORING WELL

- BH-#** 2023 BE3 PHASE 2 ESA SOIL BORING LOCATION
- BHI-2 + TMW-1** 2023 BE3 PHASE 2 ESA SOIL BORING AND WELL LOCATION

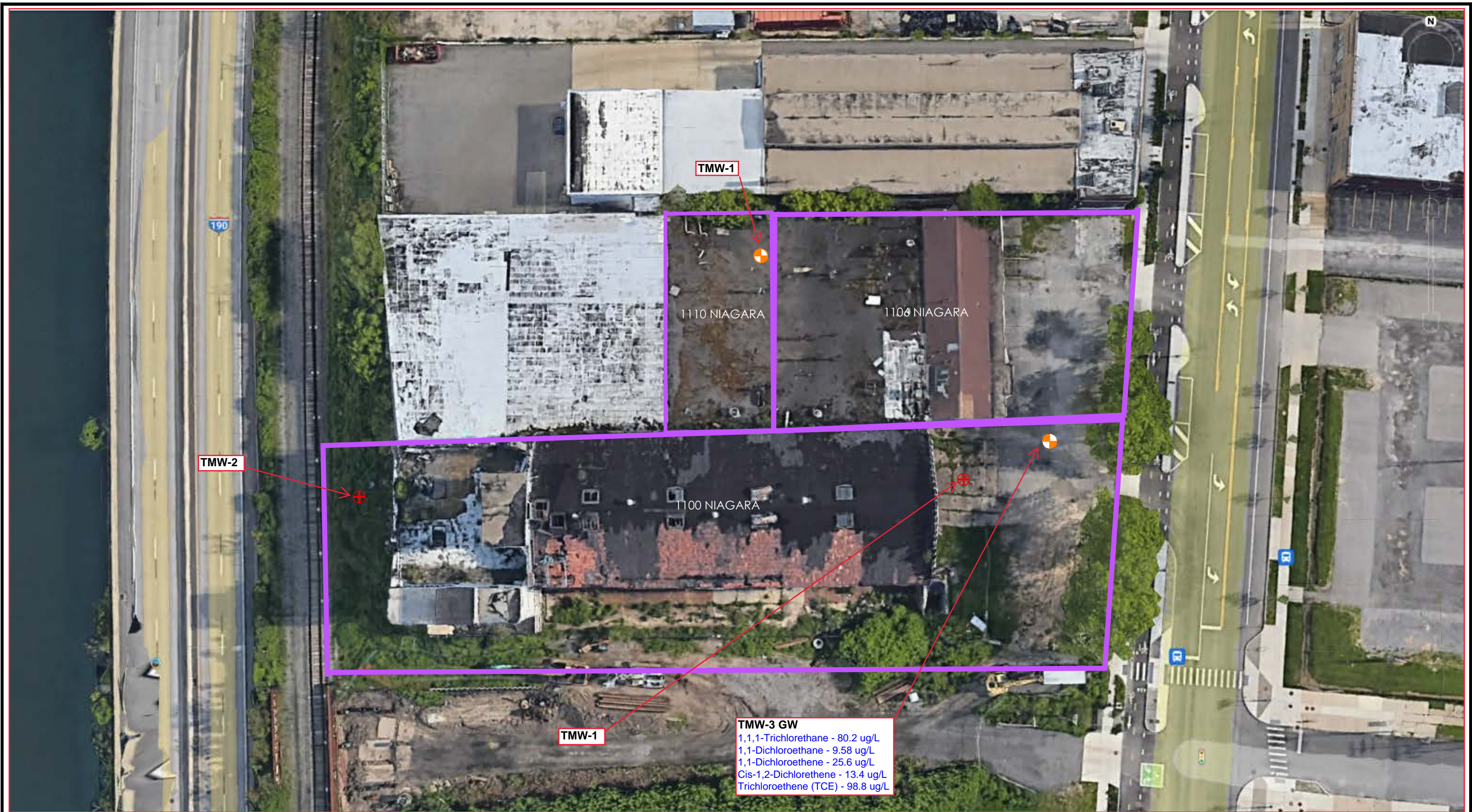
NOTES:
 -ALL SOIL SAMPLE CONCENTRATIONS (IN RED) EXCEED RESTRICTED RESIDENTIAL SCO'S.



BE3
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Figure 8
 BE3 Ph-2 ESA Soil Results
 Curtis Malt House Site
 1100-1110 Niagara Street
 Buffalo, NY 14213

Revisions



TMW-3 GW
 1,1,1-Trichlorethane - 80.2 ug/L
 1,1-Dichloroethane - 9.58 ug/L
 1,1-Dichloroethene - 25.6 ug/L
 Cis-1,2-Dichloroethene - 13.4 ug/L
 Trichloroethene (TCE) - 98.8 ug/L

LEGEND

BCP PROPERTY BOUNDARY

BHI-2 + TMW-1 2023 BE3 PHASE 2 ESA SOIL BORING AND WELL LOCATION

2019 BE3 PHASE 2 ESA SOIL BORING AND TEMPORARY MONITORING WELL
SB-1 / TMW-1

NOTES:
 -ALL GROUNDWATER (GW) CONCENTRATIONS (IN BLUE) EXCEED TOG'S.



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Figure 8A
 BE3 Ph-2 ESA GW Results
 Curtis Malt House Site
 1100-1110 Niagara Street
 Buffalo, NY 14213

Revisions

August 2023

SCALE: N/A

MSS-5 (Sediment 0-1") ppm	
COPPER	460
LEAD	2200
MERCURY	12.6
DIELDRIN	12.00
ACENAPHTHENE	120.00
ANTHRACENE	200.00
BENZO(A)ANTHRACENE	250.00
BENZO(A)PYRENE	170.00
BENZO(B)FLUORANTHENE	240.00
BENZO(G,H,I)PERYLENE	ND
BENZO(K)FLUORANTHENE	110.00
CHRYSENE	170.00
DIBENZ(A,H)ANTHRACENE	20.00
FLUORANTHENE	460.00
FLUORENE	150.00
INDENO(1,2,3-C,D)PYRENE	76.00
NA PHTHALENE	200.00
PHENANTHRENE	800.00
PYRENE	610.00

RS-7 (Surface Residue) ppm	
ARSENIC	66
BARIUM	640
CADMIUM	230
LEAD	58000
ZINC	40000
MERCURY	6.91

MSW-6 (Surface Water) ppb	
DIELDRIN	0.51
ACETONE	93

SC-2 (0-6") ppm	
BENZO(B)FLUORANTHENE	1.20

SC-4 (0-6") ppm	
MERCURY	1.57
DIELDRIN	1.00
BENZO(A)ANTHRACENE	6.40
BENZO(A)PYRENE	4.60
BENZO(B)FLUORANTHENE	8.60
CHRYSENE	4.70
DIBENZ(A,H)ANTHRACENE	0.56
INDENO(1,2,3-C,D)PYRENE	2.20

SC-3 (0-6") ppm	
LEAD	590
BENZO(A)ANTHRACENE	12.00
BENZO(A)PYRENE	8.00
BENZO(B)FLUORANTHENE	15.00
BENZO(K)FLUORANTHENE	4.10
CHRYSENE	8.20
INDENO(1,2,3-C,D)PYRENE	3.60


SC-1 (0-6") ppm	
LEAD	690

- LEGEND**
- - - RAILROAD TRACKS
 - ⊕ SAMPLING LOCATIONS
 - SC-1/RS-7/MMS-5/MSW-6

NOTES:

- ALL SOIL (SC) / RESIDUE (RS) / SEDIMENT (MSS) SAMPLE CONCENTRATIONS (IN RED) EXCEED RESTRICTED RESIDENTIAL SCO'S.
- WATER SAMPLE (MSW) CONCENTRATIONS (IN BLUE) EXCEED TOG'S.
- STORAGE BUILDING AND OFFICE DEMOLISHED/REMOVED POST 2012 ESA



 BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC 960 Busti Avenue Suite B150 Buffalo, NY 14213 P: 716-362-6532	Figure 8B - GES 2012 Phase 2 ESA Sampling	Revisions <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>								
Curtis Malt House Site 1100-1110 Niagara Street Buffalo, NY 14213	February 2023	SCALE: N/A	SHEET 1 OF 3							

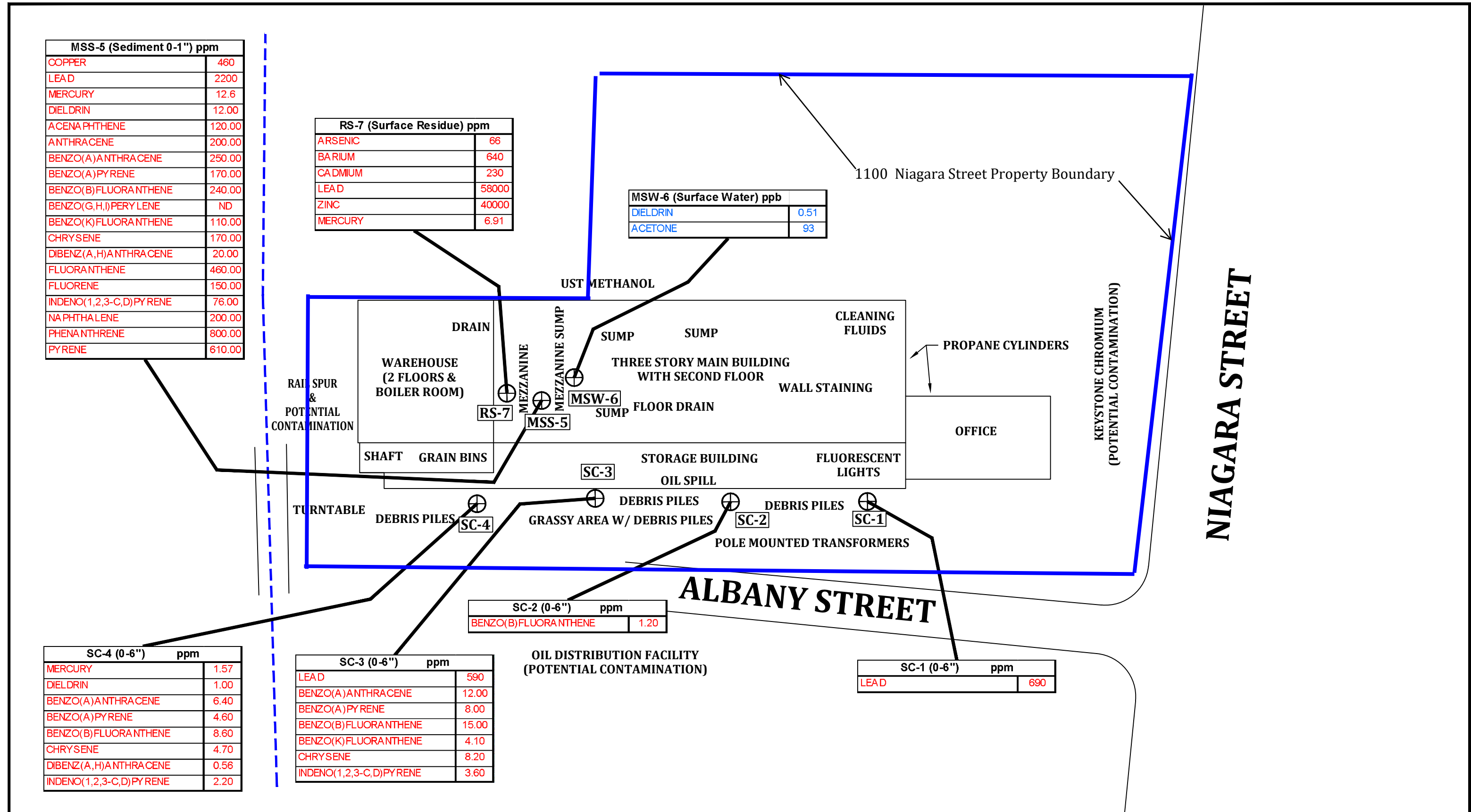


TABLE 1 - GES 2012 Ph-2 Soil/Water Results 1100 Niagara Street

Table : Analysis of Soil, Sediment and residue Samples 1100 Niagara Street
pg 1 of 2

Sample Name	**6 NYCRR Part 375 Soil Cleanup Objectives Restricted Residential	SC - 1	SC - 2	SC - 3	SC - 4	MSS-5	RS - 7
		Soil	Soil	Soil	Soil	Sediment	Residue
		0-6"	0-6"	0-6"	0-6"	0-1"	Surf
		10/11/2012	10/11/2012	10/11/2012	10/11/2012	10/11/2012	10/11/2012
PID Reading (ppmv)		0.0	0.0	0.0	0.0	0.0	0.0
Metals (mg/kg)							
ALUMINUM	NS	9500	8700	7200	5500	5600	1500
ARSENIC	16	11	ND	8.5	4.5	9.7	66
BARIIUM	400	210	150	160	130	260	640
BERYLLIUM	72	ND	1.3	ND	ND	ND	ND
CADMIUM	4.3	ND	1	ND	ND	3.6	230
CALCIUM	NS	30000	41000	72000	76000	74000	42000
CHROMIUM TOTAL	290	19	16	12	12	43	11
COBALT	NS	7.7	6.6	4.2	3.3	ND	ND
COPPER	270	59	26	28	170	460	31
IRON	NS	18000	17000	13000	11000	34000	9400
LEAD	400	690	220	590	120	2200	58000
MAGNESIUM	NS	9600	12000	17000	20000	7300	8200
MANGANESE	2,000	380	400	510	430	360	1100
NICKEL	310	17	16	12	11	61	6.1
POTASSIUM	NS	1400	1300	1400	1400	950	590
SELENIUM	180	ND	ND	ND	ND	ND	35
SODIUM	NS	180	90	390	130	1200	10000
VANADIUM	NS	22	21	23	13	ND	34
ZINC	10,000	390	190	310	220	1400	40000
MERCURY	0.81	0.225	0.108	0.111	1.57	12.6	6.91
Pesticides/Polychlorinated Biphenyls (mg/kg)							
PCBs	1	ND	ND	ND	ND	ND	ND
4,4'-DDD	13	ND	ND	0.042	ND	0.240	NA
4,4'-DDE	8.9	ND	ND	ND	ND	1.500	NA
4,4'-DDT	7.9	ND	ND	0.140	0.057	3.800	NA
alpha-Chlordane	4.2	ND	ND	0.034	ND	ND	NA
gamma-Chlordane	NS	ND	ND	0.039	ND	ND	NA
Methoxychlor	NS	ND	ND	0.310	0.200	0.990	NA
Dieldrin	0.2	ND	ND	ND	1.000	12.000	NA
Volatile Organic Compounds (mg/kg)							
METHYLENE CHLORIDE	100	ND	ND	ND	ND	0.015	NA
						0.015	
Semi-Volatile Organic Compounds (mg/kg)							
2,4-DIMETHYLPHENOL	NS	ND	ND	ND	ND	9.70	ND
2-METHYLNAPHTHALENE	NS	ND	ND	ND	ND	83.00	ND
ACENAPHTHENE	100	ND	ND	1.80	0.81	120.00	ND
ACENAPHTHYLENE	100	ND	ND	0.25	ND	ND	ND
ANTHRACENE	100	ND	ND	4.20	1.90	200.00	ND
BENZO(A)ANTHRACENE	1.0	0.31	0.91	12.00	6.40	250.00	ND
BENZO(A)PYRENE	1.0	0.25	0.72	8.00	4.60	170.00	ND
BENZO(B)FLUORANTHENE	1.0	ND	1.20	15.00	8.60	240.00	ND
BENZO(G,H)IPERYLENE	100	ND	ND	2.80	1.70	ND	ND
BENZO(K)FLUORANTHENE	3.9	ND	0.53	4.10	2.70	110.00	ND
BIPHENYL (DIPHENYL)	NS	ND	ND	ND	ND	19.00	ND
CARBAZOLE	NS	ND	0.72	2.50	0.98	80.00	ND
CHRYSENE	3.9	0.26	ND	8.20	4.70	170.00	ND
DIBENZ(A,H)ANTHRACENE	0.33	ND	ND	ND	0.56	20.00	ND
FLUORANTHENE	100	0.45	1.60	19.00	1.10	460.00	ND
FLUORENE	100	ND	ND	1.90	0.94	150.00	ND
INDENO(1,2,3-C,D)PYRENE	0.5	ND	ND	3.60	2.20	76.00	ND
NAPHTHALENE	100	ND	ND	0.60	0.25	200.00	ND
PHENANTHRENE	100	ND	1.00	16.00	8.20	800.00	ND
PYRENE	100	0.36	1.30	27.00	16.00	610.00	ND
		1.63	7.98	126.95	61.64	3767.7	0

All soil cleanup objectives are in mg/kg All analytical results are in mg/kg

NS = Not Specified ND = Not Detected
 NA = Not Analyzed for

Table Analysis of Mezzanine Sump Water Sample

pg 2 of 2

Sample Name	NYSDEC	MSW-6
Sample Type	TOGS 1.1.1	Surface Water
Sample Date	Groundwater	10/11/2012
Depth to Water (ft below TOC)	Standards	Surface Water
Metals (ug/L)		
BARIUM	2,000	1
CALCIUM	NS	310
LEAD	50	0.014
MAGNESIUM	35,000	95
MANGANESE	NS	0.15
POTASSIUM	NS	7.4
SODIUM	NS	240
Pesticides/Polychlorinated Biphenyls (ug/L)		
PCBs	0.09	ND
DIELDRIN	0.004	0.51
Volatile Organic Compounds (ug/L)		
ACETONE	50	93
Semi-Volatile Organic Compounds (ug/L)		
		ND

Notes:

U = below laboratory detection limits

ug/L = micrograms per liter

* TOGS 1.1.1 - 1 ug/L standard applies to total chlorinated Phenols

NR=Not Regulated by TOGS 1.1.1

TABLE 2 - BE3 2019 PH-2 Soil/GW Results 1100 Niagara Street

pg 1 of 2

1100 NIAGARA STREET - SOIL BORING SAMPLE ANALYTICAL RESULTS SUMMARY

Contaminants	Sample Identification					Date Sampled: 5/16/19		Residential	Restricted Residential
	SB-01 (0.5'-1')	SB-02 (0.5'-1')	SB-03 (0.5'-1')	SB-04 (0.5'-1')	SB-05 (0.5'-1')	SB-06 (0.5'-1')	SB-07 (0.5'-1')		
METALS									
Arsenic	10.90	41.60	8.25	6.07	9.31	6.36	3.40	16	16
Barium	141	200.0	101.0	34.1	309.0	93.9	122.0	350	400
Beryllium	0.668	0.720	0.760	ND	0.430	0.650	0.620	14	72
Cadmium	2.900	6.830	2.290	1.930	2.37	2.130	1.840	2.5	4.3
Chromium	17.8	24.6	13.6	5.7	17.4	20.2	20.9	36	180
Copper	79.6	219.0	58.5	10.0	47.7	21.3	24.4	270	270
Lead	217.0	997.0	189.0	166.0	765.0	104.0	22.3	400	400
Manganese	472	453	499	941	500	390	281	2,000	2,000
Total Mercury	0.967	2.95	4.25	0.13	0.97	0.098	0.091	0.81	0.81
Nickel	20.0	52.7	11.5	5.3	13	18.6	18.5	140	310
Selenium	1.54	2.86	1.43	ND	ND	ND	ND	36	180
Silver	2.040	3.97	0.77	ND	1.5	1.58	1.32	36	180
Tot Cyanide	ND	ND	ND	ND	ND	ND	ND	27	27
Zinc	292	1490	240	4.23	413	125	88.6	2200	10,000
PCBs									
PCB-1254	ND	ND	ND	ND	ND	ND	ND	1	1
PCB-1260	ND	0.1	ND	ND	ND	ND	ND	1	1
PESTICIDES									
4,4-DDT	0.006	ND	ND	0.013	0.012	0.004	0.004	1.7	7.9
4,4-DDE	ND	ND	ND	ND	0.032	0.003	ND	1.8	8.9
4,4-DDD	ND	ND	ND	0.005	0.005	ND	ND	2.6	13
beta-BHC	ND	ND	ND	ND	ND	0.006	ND	0.072	0.36
Delta-BHC	0.009	ND	0.12	0.013	ND	ND	ND	100	100
Endosulfan Sulfate	ND	ND	ND	0.008	ND	ND	0.004	4.8	24
Endrin	ND	ND	ND	0.006	ND	ND	ND	2.2	11
Endrin Ketone	ND	ND	ND	0.006	ND	ND	0.005	NA	NA
Dieldrin	0.019	0.96	0.44	0.007	0.009	0.004	ND	0.039	0.2
Aldrin	ND	ND	ND	ND	ND	ND	ND	0.019	0.097
Heptachlor	ND	ND	ND	ND	ND	ND	ND	0.42	2.1
SEMIVOLATILE ORGANIC COMPOUNDS									
Acenaphthene	ND	ND	0.46	ND	ND	ND	ND	100	100
Acenaphthylene	ND	0.44	0.82	ND	ND	ND	0.45	100	100
Anthracene	ND	0.77	2.12	3.06	0.36	ND	0.73	100	100
Benz(a)anthracene	0.330	1.99	4.22	6.82	1.13	0.42	1.39	1	1
Benzo(a)pyrene	0.350	1.79	3.45	6.77	1.16	0.48	1.11	1	1
Benzo(b)fluoranthene	0.390	2.49	3.73	6.57	1.15	0.54	1.08	1	1
Benzo(g,h,i)perylene	0.330	1.14	2.07	4.17	0.78	0.39	0.62	100	100
Benzo(k)fluoranthene	ND	1.61	2.56	5.9	1	0.4	1.01	1	3.9
Chrysene	0.360	2.34	3.75	6.42	1.17	0.5	1.23	1	3.9
Dibenz(a,h)anthracene	ND	0.43	0.8	1.43	ND	ND	ND	0.33	0.33
Fluoranthene	0.64	3.99	8.61	13.8	2.37	0.89	3.04	100	100
Fluorene	ND	ND	0.64	ND	ND	ND	0.41	100	100
Naphthalene	ND	1.09	0.34	ND	ND	ND	ND	100	100
Indeno(1,2,3-cd)pyrene	ND	1.21	2.24	4.46	0.91	0.38	0.73	0.5	0.5
Phenanthrene	0.400	2.96	6.57	8.8	1.22	0.5	2.83	100	100
Pyrene	0.560	3.43	7.12	11.3	1.95	0.72	2.37	100	100
Volatile Organic Compounds									
Acetone	ND	ND	ND	ND	ND	ND	ND	100	100
cis-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	ND	59	100
m,p-Xylene	ND	ND	ND	ND	ND	ND	ND	100	100
TCE	ND	ND	ND	ND	ND	ND	0.009	10	21

ND - Non-Detect NA - Not Applicable

>= to Residential/Restricted-Residential SCO and Unrestricted Use SCO
>Unrestricted Use & Residential SCO but <Restricted-Residential SCO

All values in ppm

TABLE 3 - BE3 2023 PH-2 Soil-GW Results - Parcels 1106 & 1110 Niagara Street

pg 1 of 2

SUMMARY OF SOIL ANALYTICAL RESULTS - 1106/1110 Parcels



Parameter Tested	BE3 Phase II Report March 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives	
	BH-1 1-2	BH-2 1-2	BH-3 1-2	BH-4 1-2	BH-5 1-2	BH-6 1-2	BHI-1 1-2	BHI-2 1-2	BHI-3 0-1	Unrestricted	Restricted Residential
	3/1/2023										
METALS/INORGANICS - mg/kg/ppm											
Arsenic	4.6	5.9	4.9	15.7	10.5	7.6	6.1	10.3	8.7	13	16
Barium	76.9	50.0	74.1	223.0	158.0	353.0	154	157	134	350	400
Beryllium	1.2	0.42	0.70	4.80	2.00	3.70	1.20	0.87	0.81	7.2	72
Cadmium	0.15 J	0.87	0.085 J	0.21 J	1.4	0.13 J	0.11 J	1.10	1.10	2.5	4.3
Chromium, Tri	11.9	10.1	13.5	22.8	15.4	11.5	32.0	24.2	22.7	36	180
Copper	18.6	19.0	17.9	115.0	56.4	17.2 B	23.1	70.5 B	68.0	50	270
Lead	34	157	69.1	57.3	639.0	82.8	102	199	144	63	400
Manganese	1080 B	350 B	501 B	1830 B	741 B	1770 B	910 B	639 B	326 B	1,600	2,000
Mercury	0.013 J	0.19	0.290	0.011 J	0.48	0.62	0.29	0.35	0.28	0.18	0.81
Nickel	13.0 B	7.0 B	12.5 B	21.4	17.2 B	11.5	25.2	53.6	23.3 B	30	310
Selenium	ND	ND	0.58 J	ND	ND	1.0 J	1.20	1.4 J	ND	4	180
Silver	ND	ND	ND	ND	ND	ND	0.46 J	ND	ND	2	180
Zinc	98	164	70.4	118.0	787.0	65.8	118	205	461	109	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs) ppm											
Acenaphthene	ND	ND	ND	4.3 J	ND	ND	ND	0.94 J	1.6 J	20	100
Acenaphthylene	0.72 J	ND	ND	7.7 J	ND	ND	ND	0.16 J	2 J	100	100
Anthracene	ND	ND	ND	19	ND	ND	ND	2.5	4.0	100	100
Benzo(a)anthracene	2.8 J	ND	0.12 J	95	ND	0.17 J	0.028	4.2	6.5	1	1.0
Benzo(a)pyrene	3.1 J	ND	0.14 J	37	ND	0.17 J	ND	4.0	6.3	1	1
Benzo(b)fluoranthene	3.5 J	ND	0.16 J	38	ND	0.19 J	ND	3.9	6.6	1	1.0
Benzo(g,h,i)perylene	1.7 J	ND	ND	20	ND	ND	ND	1.80	3.3	100.00	100.0
Benzo(k)fluoranthene	1.5 J	ND	ND	20	ND	ND	ND	2.20	3.5	0.8	3.9
Chrysene	2.8 J	ND	ND	37	ND	ND	ND	4.1	6.7	1	3.9
Dibenz(a,h)anthracene	ND	ND	ND	5.2 J	ND	ND	ND	0.59 J	0.99	0.33	0.33
Fluoranthene	6.5	ND	0.2 J	89	0.82 J	0.34 J	0.063	11.0	21	100	100
Fluorene	ND	ND	ND	4 J	ND	ND	ND	0.96	2.7	30	100
Indeno(1,2,3-	1.7 J	ND	ND	17 J	ND	ND	ND	1.8	3.3	0.5	0.5
Naphthalene	ND	ND	ND	ND	ND	ND	ND	0.3 J	2.3	12	100
Phenanthrene	2.3 J	ND	ND	35	ND	0.23 J	0.06	10.0	21	100.0	100.0
Pyrene	4.5	ND	0.15	71	0.64 J	0.25 J	0.065	8.1	13	100	100
PESTICIDES/PCB ppm											
Dibenzofuran	ND	ND	ND	4.2 J	ND	ND	ND	0.55 J	2.0 J	7.0	59
VOLATILE ORGANIC COMPOUNDS (VOCs)											
Acetone	-	-	-	-	-	-	0.047 J	ND	ND	0.05	100
Chloroform	-	-	-	-	-	-	0.00049	0.00045 J B	0.00043 J B	0.37	49
Methylene Chloride	-	-	-	-	-	-	ND	ND	ND	0.05	100
2- Butanone (MEK)	-	-	-	-	-	-	0.0073 J	ND	ND	0.12	100
Trichloroethene	-	-	-	-	-	-	ND	ND	ND	0.47	21.0

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

K Result is reported as Benzo(b)fluoranthene

Note: All values in parts per million (ppm)

Analyte detected

Reported concentration greater than or equal to the NYSDEC Unrestricted SCO

Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

TABLE 3 SUMMARY OF GROUNDWATER RESULTS PG 2 OF 2

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing, and Sample Date	NYSDEC TOGS 1.1.1 GA
	TWM-1	
	-	
	3/1/2023	
Volatile Organic Compounds (VOCs)		
Tetrachlorethylene	0.79 J	5

Notes: All units in micrograms per liter (µg/L)

NYSDEC New York State Department of Environmental Conservation

TOGS Technical and Operational Guidance Series

500 Analyte exceeds NYSDEC TOGS guidance value

Table 4 - Analytical Data Summary

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	9	35	1	0.5 – 2
Benzo(a)pyrene	9	37	1	0.5 – 2
Benzo(b)fluoranthene	9	38	1	0.5 – 2
Benzo(k)fluoranthene	2	20.0	3.9	0.5 – 2
Indeno(1,2,3-cd)pyrene	9	17.0	0.5	0.5 – 2
Chrysene	4	37.0	3.9	0.5 – 2
Dibenz(a,h)anthracene	6	5.2	0.3	0.5 – 2
Dieldrin	2	0.960	0.2	0.5 – 2
Arsenic	1	41.6	16.0	0.5 – 2
Mercury	4	4.25	0.81	0.5 – 2
cadmium	1	6.8	4.3	0.5 – 2
lead	3	997	400	0.5 – 2

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
1,1,1-Trichloroethane	1	80.2	5.0
1,1-Dichloroethane	1	9.580	5.0
1,1-Dichloroethene	1	25.600	5.0
cis-1,2-Dichloroethene	1	13.800	5.0
Trichloroethene	1	98.800	5.0

SAMPLE ANALYTICAL PARAMETERS AND METHODOLOGIES

Matrix	Parameter ¹	Method ¹	Container Type	Minimum Volume	Preservation (Cool to 2-4 °C for all samples)	Holding Time from Sample Date
Soil	TCL + CP-51 VOCs	8260B	EnCore/amber glass	5 gm / 4 oz.	Cool to 2-4 °C, Zero Headspace	48 - hours / 14 days
	TCL SVOCs	8270C	amber glass	8 oz.	Cool to 2-4 °C	14 days extrac./40 days
	TAL Metals ²	6010	amber glass	4 oz.	Cool to 2-4 °C	6 months/Hg 28 days
	Pesticides	8081	amber glass	8oz	Cool to 2-4 °C	14 days extrac./40 days
	Herbicides	8151	amber glass	8oz	Cool to 2-4 °C	14 days extrac./40 days
	PCBs	8082	amber glass	4 oz.	Cool to 2-4 °C	14 days extrac./40 days
	PFAS	537.1	HDPE/Polypropylene	4-8 oz.	Cool to 2-4 °C	14 days extrac./40 days
	1,4-dioxane	8270 SIM mode	amber glass	8 oz.	Cool to 2-4 °C	14 days extrac./40 days
Groundwater	TCL + CP-51 VOCs	8260B	glass vial	3 - 4 oz.	HCl to pH<2, Zero Headspace, Cool to 2-4 °C	14 days
	TCL SVOCs	8270C	amber glass	1000 ml	Cool to 2-4 °C	7 days extrac/40 days
	TAL Metals ²	6010	plastic	600 ml	HNO ₃ to pH<2, Cool to 2-4 °C	6 months/Hg 28 days
	Pesticides	8081B	amber glass	1000 ml	Cool to 2-4 °C	14 days extrac./40 days
	Herbicides	8151A	amber glass	1000 ml	Cool to 2-4 °C	14 days extrac./40 days
	PCBs	8082	amber glass	1000 ml	Cool to 2-4 °C	7 days extrac/40 days
	PFAS	537.1	HDPE/Polypropylene	2 - 500 mL	Trizma, Cool to 2-4 °C	14 days
	1,4-dioxane	8270 SIM mode	amber glass	2 - 500 mL	Cool to 2-4 °C	7 days extrac./40 days
Air/Soil Vapor	TCL VOCs	TO-15	Summa Cannister	6 liters	None	Analyze within 14 days of sample date of collection

References:

1. Test Methods for Evaluating Solid Wastes, USEPA SW-846, Update III, 1991.

Notes:

1. EPA-approved methods published in Reference 1 above may be used.

2. Mercury sampling in soil/groundwater via EPA methods 7471/7470 respectively.

Acronyms:

VOCs = Volatile Organic Compounds

PFAS = Per- and Polyfluoroalkyl Substances SVOCs = Semi-Volatile Organic Compounds TCL = Target Compound List

TAL = Target Analyte List

PCBs = Polychlorinated Biphenyls

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

NYSDOS Corporation & Business Entity



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION V – Requester Information

The Requestor, JEMAL'S CURTIS MALTING L.L.C. is a corporation authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Douglas Jemal is the Managing Member. All L.L.C. members are listed in Exhibit A of the attached agreement.

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by a New York State licensed professional engineer.

Department of State

Division of Corporations

Entity Information

[Return to Results](#)
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Entity Details ^

ENTITY NAME: JEMAL'S CURTIS MALTING L.L.C.

DOS ID: 6484278

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 05/13/2022

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 05/13/2022

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ERIE

NEXT STATEMENT DUE DATE: 05/31/2024

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)
[NAME HISTORY](#)
[FILING HISTORY](#)
[MERGER HISTORY](#)
[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: CORPORATION SERVICE COMPANY

Address: 80 STATE ST., ALBANY, NY, UNITED STATES, 12207

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

**WRITTEN CONSENT
OF THE MANAGING MEMBER OF
JEMAL'S CURTIS MALTING L.L.C.**

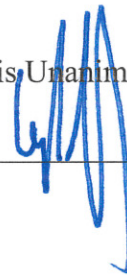
The undersigned, being the Managing Member of Jemal's Curtis Malting L.L.C., a New York limited liability company (the "Company"), does hereby consent to the adoption of the following resolutions and the taking of the following actions without a meeting, pursuant to Section 7.1 of the Operating Agreement of the Company, dated April 7, 2022, which consent may be executed in any number of counterparts and delivered via electronic transmission (e.g., .pdf file transmission):

RESOLVED, that Greg Baker (the "Authorized Person"), as the Director of Development and Construction for the Company, 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, Article 14) for property located at 1100 Niagara Street, Buffalo NY; 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 he 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 the Authorized Person, 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 Unanimous Written Consent as of the 7th day of ~~February~~, 2023.
March



Douglas Jemal

OPERATING AGREEMENT
OF
JEMAL'S CURTIS MALTING L.L.C.

THIS OPERATING AGREEMENT (this "Agreement") is made and entered into effective for all purposes and in all respects as of this 7th day of April, 2022 (the "Effective Date") by and among DOUGLAS JEMAL, THE MONETTE L. MISHAN 2020 TRUST, THE JENNIFER S. SITT 2020 TRUST, THE SALLY D. SHALOM 2020 TRUST and THE KIM CAYRE 2020 TRUST (individually and collectively, the "Members").

WHEREAS, the parties hereto desire to set forth herein their agreements and understandings with respect to the formation of the limited liability company and their future dealings;

NOW, THEREFORE, in consideration of the foregoing, of the mutual promises herein contained and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending legally to be bound, hereby covenant and agree as follows:

ARTICLE I
DEFINITIONS

Section 1.1. Defined Terms. The terms used in this Agreement with their initial letters capitalized, shall, unless otherwise expressly provided herein, have the meanings specified in this Section 1.1. When used in this Agreement, the following terms shall have the meanings set forth below:

1.1.1. "Act" shall mean the New York Limited Liability Company Law, as the same may be amended from time to time.

1.1.2. "Affiliate" shall mean any individual or Entity, directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with a Member.

1.1.3. "Agreement" shall mean this Operating Agreement and all exhibits attached hereto, as originally executed and as amended from time to time in writing.

1.1.4. "Available Cash" of the Company shall mean all cash funds of the Company on hand from time to time (other than cash funds obtained as contributions to the capital of the Company by the Members and cash funds obtained from loans (excluding excess refinancing proceeds) to the Company) after (i) payment of all operating expenses of the Company as of such time, (ii) provision for payment of all outstanding and unpaid current obligations of the Company as of such time, and (iii) provision for a reasonable working capital reserve for the Company.

1.1.5. “Bankruptcy” means, with respect to any Member: (i) an assignment for the benefit of creditors; (ii) a voluntary petition in bankruptcy; (iii) adjudication as a bankrupt or insolvent; (iv) the filing of a petition or answer seeking any reorganization, arrangement, liquidation or similar relief under any statute, regulation or law; (v) the filing of an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the Member in any proceeding of this nature; or (vi) seeking, consenting to, or acquiescing in the appointment of a trustee, receiver, or liquidator of such Member's properties or of all or any substantial part of the Member's properties.

1.1.6. “Capital Account” shall, with respect to each Member shall mean the Capital Contribution of a Member (as of any particular date) (i) increased by the Member's distributive share of profits, income and gain of the Company and (ii) decreased by the Member's distributive share of losses and deductions of the Company and distributions by the Company to such Member.

1.1.7. “Capital Contribution” or “Capital Contributions” shall mean and refer to the amount of cash, and/or the agreed fair market value of property (less the amount of indebtedness, if any, of such Member which is assumed by the Company and/or the amount of indebtedness, if any, to which such property is subject, as of the date of contribution), actually contributed by a Member to the capital of the Company, as well as any additional contributions actually made pursuant to this Agreement

1.1.8. “Code” shall mean the Internal Revenue Code of 1986, as amended. All references herein to Sections of the Code shall include any corresponding provision or provisions of succeeding law.

1.1.9. “Company” shall refer to Jemal’s Curtis Malting L.L.C.

1.1.10. “Company Accounting Year” shall mean and refer to the accounting year of the Company, ending December 31 of each year.

1.1.11. “Entity” shall mean any association, corporation, general partnership, limited partnership, limited liability company, joint venture, or any other business enterprise of every nature through which associates join together for the conduct of business.

1.1.12. “Interest” in the Company shall mean the entire ownership interest of a Member in the Company at any particular time.

1.1.13. “Managing Member” shall mean Douglas Jemal, whose execution of documents on behalf of the Company shall bind the Company when authorized by action of the Company pursuant to Article VII of this Agreement.

1.1.14. “Member” or “Members” shall mean and refer to those persons and/or Entities designated as such on Exhibit A attached hereto, either individually or collectively.

1.1.15. “Membership Interest” of a Member shall mean the percentage participation in the Company of such Member as set forth opposite the name of such Member under the column “Membership Interest” in Exhibit A attached hereto, as such percentage may be adjusted from time to time pursuant to the terms hereof.

1.1.16. “Pro Rata Part” means the proportion that a Membership Interest of a Member bears to the aggregate Interests in the Company of all Members.

1.1.17. “Substitute Member” shall mean any person or Entity who or which is admitted as a Member of the Company pursuant to Article X hereof.

ARTICLE II NAME, FORMATION, PURPOSE, RESIDENT AGENT AND TERM

Section 2.1. Name of Company. The name of the Company shall be Jemal’s Curtis Malting L.L.C.

Section 2.2. Formation of Company. Kevin Musheno shall act as organizer and form a limited liability company under the laws of the State of New York by the filing of Articles of Organization (the “Articles”) for the Company pursuant to the Act on behalf of the Members, and any and all additional Members and/or Substitute Members.

This Agreement is subject to, and governed by, the Act and the Articles of the Company to be filed with the State of New York. In the event of a direct conflict between the provisions of this Agreement and either the mandatory provisions of the Act or the Articles of the Company, such provisions of the Act or the Articles of the Company, as the case may be, will be controlling.

Section 2.3. Company Purpose. The general purposes of the Company are as set forth in the Articles, including, but not limited to, the ownership and development of the real property located in Buffalo, New York and commonly known as 1100 Niagara Street (the “Property”). The Company may exercise all powers reasonable or necessary to pursue the same. In addition, the Company may engage in and do any act concerning any or all lawful businesses for which limited liability companies may be organized according to the Act and to which the Members unanimously agree.

Section 2.4. Principal Office; Resident Agent. The principal office of the Company shall be located at 655 New York Avenue, NW, Suite 830, Washington, DC 20001. The Managing Member may change the principal office of the Company. The resident agent of the Company in the State of New York for service of process shall be The Corporation Service Company, or such other person or Entity as the Members may designate. The address of the resident agent is 80 State Street, Albany, NY 12207.

Section 2.5. Term. The term (the “Term”) of the Company, which shall mean and refer to the period of time that the Company shall continue in existence, commencing as of the

Effective Date and shall continue perpetually until terminated in accordance with the provisions of Section 11.1 hereof.

ARTICLE III CAPITAL CONTRIBUTIONS, LOANS, LIABILITIES AND SHARES

Section 3.1. Initial Contributions. Each Member has contributed to, or shall contribute to, the capital of the Company a capital contribution equal to the amount set forth next to his name in Exhibit A hereto. The parties acknowledge that such amounts represent the value of their respective interest in the Property based upon their prior ownership of the Property.

Section 3.2. Subsequent Contributions. No Member shall be required to make any Capital Contribution to the Company other than the initial Capital Contribution referenced in Section 3.1 hereof, except as may be agreed to buy such Member in writing. Additional capital may be contributed to the Company, but only upon the written consent of the Managing Member.

Section 3.3. Member Loans or Services. Loans or services by any Member to the Company shall not be considered contributions to the capital of the Company and shall be upon such terms as the Member and the Company may negotiate.

Section 3.4. Capital Account. An individual Capital Account shall be established and maintained on behalf of each Member, including any Substitute Member or additional Member who shall hereafter receive an Interest in the Company.

Section 3.5. Interest on Contribution. No interest shall be paid on any Capital Contribution.

Section 3.6. Withdrawal of Contribution. No Member shall have the right to withdraw his or her Capital Contribution, or to demand and receive property of the Company or any distribution in return for his or her Capital Contribution, except as may be specifically provided in this Agreement or required by law.

Section 3.7. Restoration of Negative Capital Account. Except as is specifically provided otherwise in this Agreement or in the Act, no Member shall have any liability or obligation to restore a negative or deficit balance in such Member's Capital Account.

Section 3.8. Liability to Creditors. No Member (in his or her capacity as a Member) shall be personally liable for losses, costs, expenses, liabilities or obligations of the Company in excess of his or her Capital Contributions, without such Member's express prior written consent.

ARTICLE IV PROFIT AND LOSSES

Section 4.1. Allocation of Profit and Losses.

4.1.1. “Profit” and “Loss” shall, for purposes of this Article IV, mean, for each fiscal year of the Company or other period, an amount equal to the Company’s taxable income, gain, loss or deduction for such year or period.

4.1.2. The distributive shares of each item of Profit, Loss, deduction, credit or basis of the Company for any Company Accounting Year or other period shall be allocated to the Members pro rata, in proportion to their respective Membership Interests.

ARTICLE V DISTRIBUTIONS

Section 5.1. Timing of Distribution. The Available Cash shall to the extent deemed available, be distributed on an annual basis (or more or less frequently if the Members unanimously agree in writing) in accordance with the provisions of this Article V.

Section 5.2. Proration of Distribution. Except to the extent that Available Cash shall be distributed upon termination of the Company pursuant to the terms hereof, the Available Cash generated during a Company Accounting Year shall be distributed during such Company Accounting Year to the Members, in proportion to their respective Membership Interests, provided no distributions shall be made to the Members until such time as all members have received a return of their Capital Contributions, which shall be made on a pro-rata basis..

ARTICLE VI LEGAL TITLE TO COMPANY ASSETS

Legal title to the Company Assets shall be held in the name of the Company, or in any other manner which the Members determine to be in the best interest of the Company. Without limiting the foregoing grant of authority, the Members, by unanimous written consent, may take and hold title, or arrange to have title taken and held in the name of others, as trustees or nominees for and or behalf of the Company.

ARTICLE VII MANAGEMENT AND CONTROL OF BUSINESS

Section 7.1. Initial Management. For so long as Douglas Jemal shall remain a Member of the Company, all powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under, the direction of Douglas Jemal, as the Managing Member of the Company.

Section 7.2. Succession of Management. Following the cessation of Douglas Jemal’s membership in the Company, all powers of the Company shall be exercised by or under the authority of, and the business and affairs of the Company shall be managed under, the direction of THE MONETTE L. MISHAN 2020 TRUST, THE JENNIFER S. SITT 2020 TRUST, THE SALLY D. SHALOM 2020 TRUST and THE KIM CAYRE 2020 TRUST, acting by a majority

vote of such Members with each such Member entitled to cast one (1) vote on each such measure.

Section 7.3. Compensation of Managing Member. The Managing Member and representatives of the Managing Member providing management or other services may receive such compensation as shall be duly approved by the Members.

ARTICLE VIII MEMBERS, INTERESTS, MEETINGS

Section 8.1. Names and Addresses of Members. The names of Members, their respective addresses, their initial Capital Contributions to the Company, and their respective Membership Interests in the Company are set forth on Exhibit A attached hereto and made a part hereof. A Member need not be an individual.

Section 8.2. Meetings of the Members.

8.2.1. The annual meeting of the Members shall be held at a reasonable hour on the second Tuesday of the second month of each Company Accounting Year, or at such other time as the Members may unanimously agree. Special meetings of Members may be called by any Member. Meetings of the Members shall be held at the principal office of the Company, or at such other place as the Members may mutually determine

8.2.2. Notice of meeting shall be delivered in accordance with applicable law. The Company shall deliver or mail written notice stating the date, time and place of any meeting. A Member may waive notice of any meeting, before or after the date of the meeting, by delivering a signed waiver to the Company for inclusion in the minutes of the Company.

8.2.3. At any meeting of Members, each Member entitled to vote shall have a number of votes equal his or her Membership Interest as set forth on Exhibit A hereto, as the same may be amended from time to time, multiplied by (ii) one hundred (100). At any meeting of Members, the presence of Members entitled to cast more than fifty one percent (51%) of the total votes of all Members entitled to vote at such meeting constitutes a quorum; provided, however, that, so long as there shall be two (2) Members, a quorum shall require attendance by both Members. Action on a matter is approved if it receives the approval of 2/3rds of the total Membership Interests of the Members entitled to vote at such meeting

8.2.4. Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting if the action is taken by all of the Members entitled to vote on the action. The action must be evidenced by one or more written consents describing the action to be taken, signed by all the Members entitled to vote on the action, and delivered to the Company for inclusion in the minutes.

8.2.5. Any or all Members may participate in any Company meeting of Members by, or through the use of, any means of communication by which all Members participating may

simultaneously hear each other during the meeting. A Member so participating is deemed to be present in person at the meeting.

ARTICLE IX ACCOUNTING AND RECORDS

Section 9.1. Records and Accounting. The books and records of the Company shall be kept, and the financial condition and the results of its operations recorded, in accordance with the accounting methods elected to be followed by the Company for Federal income tax purposes. The books and records of the Company shall reflect all Company transactions and shall be appropriate and adequate for the Company's business. The fiscal year of the Company for financial reporting and for Federal income tax purposes shall be the calendar year.

Section 9.2. Annual and Tax Information. The Members shall use their best efforts to cause the Company to deliver to each Member within sixty (60) days after the end of each calendar year all information necessary for the preparation of such Member's Federal income tax return. The Members agree to report on their returns such of the Company operations as are attributable to them and not to take reporting positions contrary to the Company's reporting positions.

Section 9.3. Accounting Decisions. All decisions as to accounting matters, except as otherwise specifically set forth herein, shall be made by the Managing Member in accordance with generally accepted accounting principles. The Managing Member may rely upon the advice of the Company's Accountants.

ARTICLE X ASSIGNABILITY

Section 10.1. Restriction on Transfer. No Member shall, without the written consent of the Managing Member, which may be granted or denied in such Managing Member's sole and unreviewable discretion, transfer, sell, encumber or dispose of his Membership Interest now owned or hereafter acquired. Additionally, no additional Members shall be admitted to the Company without the express consent of the Managing Member, except as otherwise expressly provided herein and subject to the terms and provisions of the Loan Documents.

Section 10.2. Transfer to Related Entity. Notwithstanding Section 10.1 above, a transfer by a Member to a spouse, lineal descendant or to a trust created by a Member for tax planning purposes shall be permitted without the consent of the Managing Member or any other Member.

ARTICLE XI DISSOLUTION AND LIQUIDATION

Section 11.1. Events of Dissolution. The Company shall be dissolved and shall commence winding up its affairs upon the first to occur of the following: (a) the time fixed in the Articles as the expiration of the term of the Company; (b) the vote of Members holding 80% or more of the

Membership Interests; (c) any event which makes it unlawful or impossible to carry on the Company's business; (d) the sale, disposition or abandonment of all or substantially all of the Company's property; (e) the entry of a decree of judicial dissolution under the Act; or (f) the death, retirement, resignation, expulsion, dissolution or bankruptcy of a Member, or any other event which terminates the membership of a Member in the Company, unless within ninety (90) days after such event a majority in interest of the remaining Members agree in writing to continue the business of the Company.

Section 11.2. Settling of Accounts. In settling accounts of the Company after its dissolution, the liabilities of the Company shall be paid in the following order, unless otherwise required by the Act: (i) to creditors, in the order of priority as provided by law, except Members of the Company on account of their Capital Contributions or Capital Accounts; and (ii) to Members of the Company in respect of their Capital Accounts.

Section 11.3. Articles of Dissolution. When all debts, liabilities, and obligations of the Company have been paid and discharged, or adequate provisions have been made therefor and all remaining property and assets of the Company have been distributed to the Members, Articles of Dissolution shall be prepared, executed, and filed with the New York Department of State in accordance with the Act.

ARTICLE XII INDEMNIFICATION

Section 12.1. Indemnification of Organizers or Members.

12.1.1. To the greatest extent not inconsistent with the laws and public policies of the State of New York, the Company shall indemnify any organizer of the Company, any Managing Member and any Member (any such organizer or Member who is a person, and any responsible officers, partners, shareholders, directors, or manager of such organizer or Member which is an Entity, hereinafter being referred to in this Article as an "individual") made a party to any proceeding because such individual is or was a Member, a Managing Member or the organizer, as a matter of right, against all liability incurred by such individual in connection with any proceeding.

12.1.2. The Company shall have the power, but not the obligation, to indemnify any individual who is or was an employee or agent of the Company to the same extent as if such individual was a Member or organizer of the Company.

12.1.3. Indemnification of an individual is permissible under this Section 12.1 only if:

(i) such individual conducted himself, herself or itself in good faith, and such individual reasonably believed that his, her or its conduct was in, or at least not opposed to, the Company's best interest;

(ii) in the case of any criminal proceeding, such individual had no reasonable cause to believe his or her conduct was unlawful; and

(iii) such individual is not adjudged in any such proceeding to be liable for gross negligence or willful misconduct in the performance of his or her duty. The termination of a proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent is not, in and of itself, determinative that the individual did not meet the standards of conduct described in this Section 12.1.3.

12.1.4. A determination as to whether indemnification or advancement of expenses is permissible shall be made by any one of the following procedures:

(i) By the Members by a majority vote consisting of Members not at the time parties to the proceeding; or

(ii) By special independent legal counsel selected by the Managing Member.

12.1.5. Nothing contained in this Section shall limit or preclude the exercise or be deemed exclusive of any right under the law, by contract or otherwise, relating to indemnification of or advancement of expenses to any individual who is or was a Member or organizer of the Company or is or was serving at the Company's request as a director, officer or partner, or serving as the Company manager, trustee, employee, or agent of a foreign or domestic partnership, association, limited liability company, company, corporation, joint venture, trust, employee benefit plan or other enterprise, whether for profit or not. Nothing contained in this Section shall limit the ability of the Company otherwise to indemnify or advance expenses to any individual. It is the intent of this Section to provide indemnification to Members and organizers of the Company to the fullest extent now or hereafter permitted by the law consistent with the terms and conditions of this Section.

ARTICLE XIII GENERAL PROVISIONS

Section 13.1. Notifications. Any notice, demand, consent, election, offer, approval, request, or other communication (collectively a "notice") required or permitted under this Agreement must be in writing and either delivered personally or sent by certified or registered mail, postage prepaid, return receipt requested. Any notice to be given hereunder by the Company shall be given by the Members. A notice must be addressed to a Member at the Member's last known address on the records of the Company. A notice to the Company must be addressed to the Company's principal office. A notice that is sent by mail will be deemed given two (2) business days after it is mailed. Any party may designate, by notice to all of the others, substitute addresses or addressees for notices; and, thereafter, notices are to be directed to those substitute addresses or addressees.

Section 13.2. Complete Agreement. This Agreement constitutes the complete and exclusive statement of the agreement among the Members. It supersedes all prior written and

oral statements, including any prior representation, statement, condition, or warranty. Except as expressly provided otherwise herein, this Agreement may not be amended without the written consent of all of the Members.

Section 13.3. Applicable Law. All questions concerning the construction, validity, and interpretation of this Agreement and the performance of the obligations imposed by this Agreement shall be governed by the internal law, not the law of conflicts, of the State of New York.

Section 13.4. Binding Provisions. This Agreement is binding upon, and inures to the benefit of, the parties hereto and their respective heirs, executors, administrators, personal and legal representatives, successors, and permitted assigns.

Section 13.5. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

[SIGNATURES ON FOLLOWING PAGE]

In Witness Whereof, the parties have executed, or caused this Agreement to be executed, under seal, as of the date set forth hereinabove.

MEMBERS:



Douglas Jernal

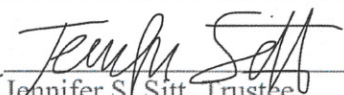
THE MONETTE L. MISHAN 2020 TRUST

By: _____
Monette L. Mishan, Trustee

By: 

Jennifer S. Sitt, Trustee

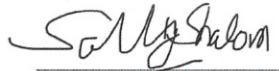
THE JENNIFER S. SITT 2020 TRUST

By: 

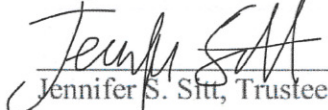
Jennifer S. Sitt, Trustee

By: _____
Monette L. Mishan, Trustee

THE SALLY D. SHALOM 2020 TRUST


By: 

Sally D. Shalom, Trustee

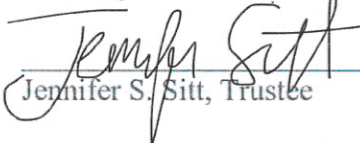
By: 

Jennifer S. Sitt, Trustee

THE KIM CAYRE 2020 TRUST

By: 


Kim Cayre, Trustee

By: 

Jennifer S. Sitt, Trustee

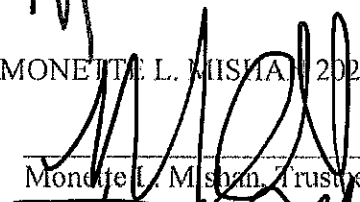
In Witness Whereof, the parties have executed, or caused this Agreement to be executed, under seal, as of the date set forth hereinabove.

MEMBERS:

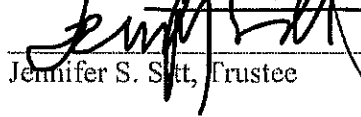


Douglas Jernal

THE MONETTE L. MISHAN 2020 TRUST

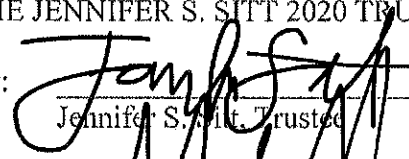
By: 

Monette L. Mishan, Trustee

By: 

Jennifer S. Sitt, Trustee

THE JENNIFER S. SITT 2020 TRUST

By: 

Jennifer S. Sitt, Trustee

By: 

Monette L. Mishan, Trustee

THE SALLY D. SHALOM 2020 TRUST

By: _____
Sally D. Shalom, Trustee

By: _____
Jennifer S. Sitt, Trustee

THE KIM CAYRE 2020 TRUST

By: _____
Kim Cayre, Trustee

By: _____
Jennifer S. Sitt, Trustee

EXHIBIT A

LLC members are as follows:

- Douglas Jemal
- The Monette L. Mishan 2020 Trust
- The Jennifer S. Si 2020 Trust
- The Sally D. Shalom 2020 Trust
- The Kim Cayre 2020 Trust

ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY INFORMATION



960 Busti Ave – Suite B-150 Buffalo, New York

Section VI – Requester Eligibility

Why the Requester Should be Considered a Volunteer.

Jemal's Curtis Malting L.L.C. has not operated or been involved with previous owners and/or operators of the Site at any time prior to purchasing the Site/parcels in 2022/2023. Contaminated materials were likely placed onsite prior to Jemal's Curtis Malting L.L.C. purchasing the parcels (1100, 1106 and 1110 Niagara Street) in 2022/2023 and Jemal's Curtis Malting L.L.C. has no legal relationship to the prior owners.

The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the parcels; and has acted with due care since taking ownership of the property, therefore, Jemal's Curtis Malting L.L.C. is entitled to Volunteer status under NY ECL27-1405(1)(b).

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION IX – Current/Previous Property Owner Operator Information

The Current Owner IS THE REQUESTOR

JEMAL'S CURTIS MALTING L.L.C.

Mr. Greg Baker – Director of Development and Construction
 655 New York Avenue NW Suite 830, Washington, DC 20001
 716-517-1104
 gbaker@douglasdev.com

Previous Property Owners

PREVIOUS OWNERS	LAST KNOWN ADDRESS/TELEPHONE	USE	RELATIONSHIP TO REQUESTOR
1100 Niagara Street			
1898 - Alexander Curtiss, Harlow Curtiss, Franklin D. Locke, Gustave Sobotka	Unknown	Malt House & Brewery	None
1911 - Fleischmann Company	1900 Brand Ave Baltimore, MD, 21209/ (410) 466-7317	Malt House	None
1920 - Cooperative Grange league Federation Exchange, Inc.,	in 1964 the Cooperative GLF Exchange and the Eastern States Farmers Exchange merged to form Agway, Inc.	Grain & Seed Storage	None
1964 - Agway	1122 Osborn Ave Riverhead, NY, 11901/ (631) 727-6677	Grain & Seed storage	None
1988 - Niagara View Properties, Inc.	140 North St, Buffalo, NY 14201/ (716)-882-5777	art gallery - Nina Freudenheim Gallery/Gallery	None
1996 – Erie County Foreclosure 1100 Parcel		Vacant	None
2012 - present– 1100 Niagara Street, LLC. (1100 Parcel only)	266 Elmwood Ave #281 Buffalo, New York 14222 917-213-2832	Vacant	None
1106/1110 Niagara St			
1925-1986 Co-Operative GLE Exchange	Unknown	Grain/feed storage & supply	None
1986-2005 - Modern Heat Treating and Forging, Inc.	1112 Niagara St Buffalo, NY 14213 716-884-2176	metal coating, engraving, heat treating,	None
2005 – Present -1110 Niagara Street II LLC (1106 & 1110 Parcels)	680 New Babcock Street Buffalo, NY 14206	Vacant	None

Previous Property Operators

PREVIOUS OPERATORS	LAST KNOWN ADDRESS/TELEPHONE	USE	RELATIONSHIP TO REQUESTOR
<u>1100 Niagara Street</u>			
1898 - Alexander Curtiss, Harlow Curtiss, Franklin D. Locke, Gustave Sobotka	Unknown	Malt House & Brewery	None
1911 - Fleischmann Company	1900 Brand Ave Baltimore, MD, 21209/ (410) 466-7317	Malt House	None
1920 - Cooperative Grange league Federation Exchange, Inc.,	in 1964 the Cooperative GLF Exchange and the Eastern States Farmers Exchange merged to form Agway, Inc.	Grain & Seed Storage	None
1964 - Agway	1122 Osborn Ave Riverhead, NY, 11901/ (631) 727-6677	Grain & Seed storage	None
1988 – 1996 - Nina Freudenheim	1100 Niagara Street	art gallery - Nina Freudenheim Gallery	None
1996 – Erie County Foreclosure 1100 Parcel		Vacant	None
2005 - 1110 Niagara Street II LLC (1106 & 1110 Parcels)	680 New Babcock Street Buffalo, NY 14206	Vacant	None
2012 – 1100 Niagara Street, LLC. (1100 Parcel only)	266 Elmwood Ave #281 Buffalo, New York 14222 917-213-2832	Vacant	None
<u>1106/1110 Niagara St</u>			
1925-1986 Co-Operative GLE Exchange	Unknown	Grain/feed storage & supply	None
1986-2005 - Modern Heat Treating and Forging, Inc.	1112 Niagara St Buffalo, NY 14213 716-884-2176	metal coating, engraving, heat treating,	None
2005 – Present -1110 Niagara Street II LLC (1106 & 1110 Parcels)	680 New Babcock Street Buffalo, NY 14206	Vacant	None

ATTACHMENT H

**SECTION XI: SITE CONTACT LIST INFORMATION
and
Document Repository Letter**



SECTION XI – Contact List Information – Site Contact List and Doc Repository Letter

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

Daniel Castle, AICP County Environment and Planning Commissioner
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202
Phone: (716) 858-8500

Erie County Legislator April N.M. Baskin District 2
790 East Delavan Avenue
Buffalo, NY 14215

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

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

Mr. Steve Weathers ECIDA
95 Perry Street
Buffalo, NY 14203

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

Commissioner Daniel Neaverth, Jr. Erie County Local Emergency
45 Elm Street
Buffalo, NY 14203

City of Buffalo Contacts:

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

Brendan R. Mehaffy - Director of Planning:
Executive Director
65 Niagara Square, Room 901
Buffalo, NY 14202

David A. Rivera
Niagara District Councilmember 1504 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
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
7 Broadcast Plaza
Buffalo, NY 14202
WJYE

ATTN: Environmental News Desk
1700 Rand Building
Buffalo, NY 14203

Business First
465 Main Street
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools and Day Cares:

Ms. Dawn M. DiNatale, Principal
PS 30 Frank A. Sedita Academy
21 Lowell Street
Buffalo, NY 14213

Aakta Patel, Principal
PS 18 Dr. Antonia Pantoja Community School of
Academic Excellence
750 West Avenue
Buffalo, NY 14213

Dr. William J. Mariani, Interim President D'Youville College
320 Porter Avenue
Buffalo, NY 14201

Ms. Florence Krieter, Principal
PS 212 Leonardo da Vinci High School 320 Porter Avenue
Buffalo, NY 14201

Lynn Piccirillo, Principal PS 45 International School
141 Hoyt Street
Buffalo, NY 14213

Mrs. Andrea Todoro, School Leader West Buffalo Charter School
113 Lafayette Avenue
Buffalo, NY 14213

Director
Kids World Day Care Center, Inc.
921 Niagara Street
Buffalo, NY 14213

Director
Antwanayja Day Care Center
257 Massachusetts Avenue
Buffalo, NY 14213

Edukids/ Rich's Family Center
Child care & day care
1200 Niagara Street
Buffalo, New York 14213
(716) 878-8006

Adjacent Property Owners

(1085 Niagara Street)
Naples Family Trust #2
1085 Niagara Street
Buffalo, New York 14213

(1088 Niagara Street)
9271 Group LLC
295 Main Street
Buffalo, NY 14203

(1106 Niagara Street)
Better Wire and Press
680 New Babcock St.
Buffalo, NY 14206

1095 Group, LLC
295 Main Street, Suite 210
Buffalo, New York, 14203

1115 Niagara Street
1115 NS Holdings, LLC
1111 Niagara Street
Buffalo, NY 14213

Document Repository – see attached letter
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

From: [April Tompkins](#)
To: [Peter Gorton](#)
Subject: RE: Document Repository - 1100 Niagara Street Site
Date: Tuesday, February 8, 2022 12:59:15 PM
Attachments: [Library Repository Letter.pdf](#)

CAUTION: This email originated from outside of the organization.

Good afternoon Peter,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company on behalf of 1100 Niagara, LLC for the Brownfield Cleanup Program at the 1100 Niagara Street Site, Buffalo, New York. These documents will be made available for public viewing at the Library(s) of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your document(s), and cover letter, to the Central Library and we will process according to our procedure and distribute to the location(s) of your choice. If you would like a confirmation that your document was received, you will need to include the request in your cover letter and provide an email address.

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- 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 or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together spiral bound or in a ring binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated. Although CD-ROMs cannot be used on public library computers, patrons may bring in

their personal laptop to view the disc in-house. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

This email has been sufficient for, and accepted by your company, for past/recent requests in place of the attached document requiring a signature. 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.

Regards,
April

From: Jeannine Doyle <doylejm@buffalolib.org>
Sent: Tuesday, February 8, 2022 12:21 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: FW: Document Repository

Please respond

From: Peter Gorton <pgorton@be3corp.com>
Sent: Tuesday, February 8, 2022 11:33 AM
To: Jeannine Doyle <doylejm@buffalolib.org>
Subject: Document Repository

CAUTION: This email originated from outside of the Library. Attachment and links **may not be safe!**

Hi Jeannine,

I am looking to use Buffalo & Erie County Public Library as a repository for two Brownfield sites that I will be working on. I have attached the letters for the site that we need pursuant to the BCP application. Please let me know if you have any questions and thank you for your past assistance with this on our other applications.

Thank you

Pete

Peter J. Gorton, MPH; CHCM
Partner/Vice President



BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

960 Busti Avenue, Suite B-150
Buffalo, New York, 14213

Office: 716.249.6880

Direct: 716.362.6534

Cell: 716.308-8220

 be3corp.com



Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.