October 15, 2012

Mr. Giles Kavanagh
Jergo, LLC
58 Tracy Street
Buffalo, New York 14201

RE: Phase I Environmental Assessment Report
Former Grain Elevator
1100 Niagara Street
Buffalo, New York 14213

Dear Mr. Kavanagh:

Enclosed please find the *Phase I Environmental Assessment Report* (Phase I ESA) report concerning the former grain elevator located at 1100 Niagara Street in Buffalo, New York (the property). This report was prepared by Groundwater & Environmental Services, Inc., (GES), of Cheektowaga, New York, on behalf of Jergo, LLC.

As you are aware, there is refuse strewn throughout the main building, storage building and front office space consisting of film, gear molds, wooden doors, bricks, blocks, various steel parts, rods and augers, some film canisters, and other general refuse. In addition, a thorough evaluation of the interior of the building was difficult due to the lack of interior lighting throughout the building, and safety concerns regarding access to the "high" floor within the main building.

This Phase I ESA has revealed of recognized environmental conditions (RECs) attributable to the Property in accordance with the ASTM Standard Practice E 1527. Based upon the nature of the available information reviewed and referenced in this Phase I ESA, the following RECs were found within the building:

- There is 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 are 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.

The following RECs were found outside of the building on the property:

- 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. Used medical syringes were also observed scattered among the debris piles. The origin of this material is from off-site and it is unknown if this material may have contamination associated with it.
- There are two propane tanks on site near the front entry way to the building; a 20-pound cylinder just to the right of the entry way, and a 40 pound cylinder alongside of the office building near the entry way to the main building.

The following are suspect environmental conditions (SECs) that were observed or discovered within the interior of the building during the completion of this Phase I ESA:

- The interior brick building walls are stained a dark brownish color. This could have been from the use of a coating to seal the brick through time, or could be related to past industrial practices that occurred within the building.
- Industrial cleaning fluids were reportedly within the building immediately to right of the main building entry way.
- There are a number of sumps on the main floor of the building that have been filled in with either soil or concrete.
- There is a drain on the main floor of the building that may have historically received cleaning fluids from on site industrial processes. It is unknown where this drain discharges.
- There is a sump under the mezzanine approximately two feet deep that is filled with sediment and water. The chemical nature of the sediment and water in this sump are unknown
- There is a shaft under the grain elevators/bins with standing water, sediment and refuse in it. The chemical nature of sediment and water are unknown.
- There is a drain in the basement boiler room that likely received condensate from the boiler. It is unknown where this drain discharges.

The following SEC was found outside of the building on the property:

- There are pole mounted transformers along the electric right of way along the south property boundary with Albany Street.

The following SECs were discovered as part of our site visit and electronics data file search using Sanborn property maps, and review of City of Buffalo files:

- To the east of Niagara Street, Keystone Chromium Corporation operated a chrome plating facility from before 1951 to after 1986. There may have releases of heavy metals and/or solvents to soil that migrated down to the groundwater table. Since the this facility was located upgradient of 1100 Niagara Street, any groundwater contamination that may have occurred as result of their manufacturing processes may have migrated through time downgradient onto the 1100 Niagara Street property.
- In addition, the industrial manufacturing processes used at Keystone Chromium Corporation may have caused releases of heavy metals to the environment via the air or soil routes in and around the location of the plant.
- Immediately south of the 1100 Niagara Street, an oil distribution facility was in place from before 1925 until after 1951. This facility reportedly had petroleum storage tanks on location, which may have leaked creating soil and groundwater contamination. Since this location is sidegradient to general flow direction, it is unknown whether or not there are any impacts to soil and groundwater from industrial activities at this site, or whether or not potential impacts have effected soil and groundwater at 1100 Niagara Street.
- Immediately adjacent to the north, Modern Heat Treating and Fabricating has had a facility since before 1986 but after 1981. Modern treats metal products. There is a 1,500 gallon tank for methanol located on site. There is a potential for the release of heavy metals and/or solvents from this facility. It is unknown whether or not there have been any releases, or whether they would affect soil and groundwater quality at 1100 Niagara Street.
- Immediately west of 1100 Niagara Street is a railroad right of way. Historically, various chemical, petroleum and metal products and various other products are transported by rail. It is unknown if there have been any spills by rail transportation in the immediate vicinity of 1100 Niagara Street that may have impacted site soils or groundwater.

Please feel free to contact me if you have questions with respect to this report or need additional information at (800) 287-7857, extension 4350.

Sincerely,

GROUNDWATER & ENVIRONMENTAL SERVICES, INC.

Norman K. Wohlabaugh, PG, CPG
Site Operations Manager

Enclosures

Phase I Environmental Site Assessment Report

Former Grain Elevator
1100 Niagara Street
Buffalo, New York 14213

October 15, 2012

Prepared for:
Mr. Giles Kavanagh
Jergo, LLC
58 Tracey Street
Buffalo, New York 14201

Prepared by:
Groundwater & Environmental Services, Inc.
495 Aero Drive, Suite 3
Cheektowaga, New York 14225

Prepared by:	*Reviewed by:*
Eric D. Popken	Norman K. Wohlabaugh, PG, CPG
Project Manager	Site Operations Manager

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Former Grain Elevator
1100 Niagara Street
DeWitt, New York 13206

Groundwater & Environmental Services, Inc., (GES), of Cheektowaga, New York, has completed an All Appropriate Inquiry (AAI) Phase I Environmental Site Assessment (Phase I ESA) for the property identified as the former grain elevator facility located at 1100 Niagara Street in the city of Buffalo, Erie County, New York (the Property). GES completed this Phase I ESA in accordance with the GES Standard Terms & Conditions, dated August 30, 2012, and the American Society for Testing and Materials (ASTM) Standard Practice E 1527. This Phase I ESA was performed for the purpose of satisfying the due diligence qualification requirements for the innocent landowner defense to liability under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as defined in 42 United States Code (USC) 9601 (35)(B), and Environmental Protection Agency regulations at 40 Code of Federal Regulation (CFR) Part 312, 70 Federal Regulation 66070, November 1, 2005.

EXECUTIVE SUMMARY TABLE

Item	Yes/No	Report Reference
Open Spills/Release Case(s)	No	None reported per NYSDEC.
Closed Spills/Release Case(s)	No	None reported per NYSDEC.
Above Ground Storage Tanks	No	None observed, reported or permitted
Underground Storage Tank (UST) Systems	No	None observed, reported or permitted.
Former UST Systems	No	None observed, reported or permitted.
Drainage Ditches or Culverts	Yes	West of property along Railroad Right of way.
Drums	Yes	Some observed for the collection of rainwater from leaking roof
Fill Dirt	Yes	Along southern property line.
Floor Drains	Yes	One drain in Main Room; one in Boiler Room (basement)
Waste Management Activities	Yes	General refuse throughout building
Hazardous Substances/Petroleum Products	Yes	Leaking drum reportedly removed from storage building.
Solid Waste Disposal	No	None observed or reported.
Separators, Oil-Water	No	None observed or reported.
Spills or Releases Surface	Yes	In storage building
Stains or Corrosion on Floors, Walls, Ceilings	Yes	General brownish staining on interior walls of the main building. Staining and odor was also detected on the wall and concrete floor of the storage building at one location where a drum had reportedly leaked. Contents reportedly oil. Oil was absorbed with sawdust and the area was reportedly scrubbed clean.

EXECUTIVE SUMMARY TABLE

(Continued)

Item	Yes/No	Report Reference
Stormwater Discharges from property	Yes	Stormwater from the property likely drains to the drainage swale observed along the western property boundary. There were no obvious indications (e.g. stressed vegetation, soil staining, unusual odors) of potential environmental concerns.
Railroad Spurs	Yes	A former railroad spur was observed bordering the western property boundary. There is also a turntable still in place. There were no obvious indications (e.g. stressed vegetation, soil staining, unusual odors) of potential environmental concern in this area.
Catch Basins	Yes	One was observed immediately adjacent to the north of the property on Modern Heat Treating and Forging. No staining was observed,
Stressed or Dead Vegetation	No	None observed or reported.
Sumps, Floor Vaults or Pits	Yes	Various pits and decommissioned sumps on the main floor of the building.
Adjacent Property – Recognized Environmental Conditions	No	None observed; however Keystone Chromium Corporation was located upgradient of the Property, based on an assumed regional groundwater flow direction to the west toward the Niagara River. In addition, petroleum distribution was historically located to the south of the property (Sidegradient). Last, Modern Heat Treating and Forging is located sidegradient to the north wide permitted underground storage tank.

The Property has been developed since 1899 as an industrial facility. In 1889, it was vacant land. In 1899 it had been developed as the C. G. Curtiss Malting Drum House. In 1925 it 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.

GES conducted a review of the appropriate federal and state environmental records in accordance with the ASTM Standard Practice E 1527 in order to identify sites or facilities of known or suspected environmental conditions, which could have an adverse impact on the Property. Based on the review of the appropriate environmental records, the Property was not listed in any local, state or federal database as having a reported spill or release incident; as having a current or historic aboveground storage tank (AST) or UST, and was not identified a hazardous waster generator or handler or treatment, storage or disposal (TSD) facility. However, there were adjoining properties located north, south, east, and west of the Property that were identified by GES as a site or facility that could have an adverse impact on the Property.

Based on the Phase I ESA scope of work and the information and data summarized in the report, this Phase I ESA has revealed evidence of recognized environmental conditions (RECs) attributable to the Property in accordance with the ASTM Standard Practice E 1527. In addition, during the preparation of this Phase I ESA, suspect environmental conditions (SECs) were also recognized that may have impacted the property. Based upon the nature of the available information reviewed and referenced in this Phase I ESA, the following RECs were found within the building:

- There is 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 are 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 that may contain PCBs.

The following RECs were found outside of the building on the property:

- 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. Used medical syringes were also observed scattered among the debris piles. The origin of this material is from off-site and it is unknown if this material may have contamination associated with it.
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The following SECs were discovered as part of our site visit and electronics data file search using Sanborn property maps, and review of City of Buffalo files:

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- In addition, the industrial manufacturing processes used at Keystone Chromium Corporation may have caused releases of heavy metals to the environment via the air or soil routes in and around the location of the plant.
- Immediately south of the 1100 Niagara Street, an oil distribution facility was in place from before 1925 until after 1951. This facility reportedly had petroleum storage tanks on location, which may have leaked creating soil and groundwater contamination. Since this location is sidegradient to general flow direction, it is unknown whether or not there are any impacts to soil and groundwater from industrial activities at this site, or whether or not potential impacts have effected soil and groundwater at 1100 Niagara Street.
- Immediately adjacent to the north, Modern Heat Treating and Fabricating has had a facility since before 1986 but after 1981. Modern treats metal products. There is a 1,500 gallon tank for methanol located on site. There is a potential for the release of heavy metals and/or solvents from this facility. It is unknown whether or not there have been any releases, or whether they would affect soil and groundwater quality at 1100 Niagara Street.
- Immediately west of 1100 Niagara Street is a railroad right of way. Historically, various chemical, petroleum and metal products are various other products are transported by rail. It is unknown if there have been any spills by rail transportation in the immediate vicinity of 1100 Niagara Street that may have impacted site soils or groundwater.

1.0 INTRODUCTION

Jergo, LLC, (Jergo) retained Groundwater & Environmental Services, Inc., (GES) to complete an All Appropriate Inquiry (AAI) Phase I Environmental Site Assessment (Phase I ESA) of the former grain elevator located at 1100 Niagara Street in Buffalo, Erie County, New York (the Property, see **Figure 1**). The Property is referenced as the former grain elevator facility, which includes a vacant commercial building that redeveloped previously housed administrative offices, a film development area and a newspaper production and printing area. A 1996 survey map showing the plan view of the building and the property boundaries is provided as **Figure 2**.

1.1 Objective

GES completed this AAI Phase I ESA in general accordance with the GES Standard Terms & Conditions, dated August30, 2012, and in accordance with the standard practice guidelines established in the American Society for Testing and Materials (ASTM) Standard Practice E 1527. This Phase I ESA was intended to satisfy one of the requirements to qualify for the "innocent landowner defense" of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as cited in the 1986 Superfund Amendments and Reauthorization Act (SARA) legislation, 42 United States Code (USC) 9601(35)(B).

The purpose of the Phase I ESA was to establish an information base for assessing the potential for recognized environmental conditions at the Property. This information will be used to evaluate potential environmental liabilities associated with the Property. The term **"recognized environmental conditions"** means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release or a material threat of a release of any hazardous substances or petroleum products into structures on the Property or into the ground, groundwater or surface water of the Property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

ASTM Standard Practice E 1527 defines **"material threat"** as "a physically observable or obvious threat, which is reasonably likely to lead to a release that, in the opinion of the environmental professional, is threatening and might result in impact to public health or the environment." It is not sufficient to establish a site feature as a **"**recognized environmental condition" just because it exists. In order to establish a site feature as a **"**recognized environmental condition", there "must be compelling evidence that either 1) the hazardous substance or petroleum product was released from its container or operation onto (or into) the surface or 2) by virtue of the condition of the container or state of the operation that stores or handles such products, there is reasonable concern in the foreseeable future that such materials will be released to the surface of the property" (New and Improved Site Assessment Standard, Revisions to the ASTM Phase I Standards Represent Significant Interpretive Changes for Both Users and Environmental Professionals, ASTM Standardization News Insight, March 2001, [www.astm.org/snews/march-2001/insight-mar01.html], Pages 3 and 4).

In keeping with the intent of an "innocent landowner defense", GES identifies "**suspect environmental conditions**" in order to identify site features, if present, that in the opinion of GES may be potential environmental concerns but that do not otherwise meet the definition of recognized environmental conditions. The term suspect environmental conditions has been recommended by the ASTM Task Group for ASTM Standard Practice E 1527 and is defined as "information obtained during the preparation of the Phase I environmental site assessment suggesting the presence of any hazardous substances or petroleum products at a property that, in the opinion of the environmental professional, may indicate an existing release, past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. Upon further evaluation by the environmental professional, the identified suspect environmental condition may or may not be determined to be a recognized environmental condition" (ASTM Update, Environmental Site Assessment Report Volume VII, Number 9, EDR Business Information Services, South Port, Connecticut, September 2002, Page 8).

1.2 Scope of Work

This Phase I ESA included the following components in order for GES staff to assess the potential for recognized environmental conditions at the Property:

- GES conducted a review of appropriate federal, state, county and local environmental regulatory agency databases, public records and client-provided data (if available) pertaining to the Property and the surrounding area, which could be obtained within a reasonable time frame. These data were used in an effort to identify suspect on-site and/or off-site facilities or sites that have a potential risk to adversely impact the Property, and historic land usage and property occupancy information to aid with the identification of recognized environmental conditions in connection with the Property.

- GES conducted interviews with the pending purchaser of the Property concerning their knowledge of environmental concerns associated with the Property. Local government officials from the county health department, fire department and other appropriate local agencies, if applicable, were also contacted about known environmental problems on the Property or in the area.

- GES conducted a "walk-through" site reconnaissance of the Property (including the interior and exterior of buildings and structures to visually identify potential environmental concerns that may likely indicate the presence of such items as hazardous or toxic materials, hazardous wastes, petroleum products, underground and above ground storage tanks, dry wells, septic tanks, PCB-containing equipment, areas of stained or discolored soil, surface water, pavement and/or flooring and areas of stressed or dead vegetation. A visual assessment of the adjacent properties also was conducted from the Property and from the adjacent public right-of-ways to detect the presence of off-site environmental concerns that potentially could have an adverse impact on the Property. Color photographs were taken to document the current conditions of the Property and adjoining properties at the time of the GES site reconnaissance (see **Appendix A**).

1.3 Significant Assumptions

This Phase I ESA was conducted in accordance with ASTM Standard Practice ASTM E 1527 to insure that methodologies used constitute an all appropriate inquiry into the prior uses of the Property are consistent with good commercial and customary practice in order to identify and analyze environmental conditions that constitute existing, past, or potential environmental risks associated with a property. Performance, in accord with these standards is intended to reduce, but not eliminate uncertainty with respect to the potential for recognized environmental conditions associated with a property.

The following assumptions were set forth due to data or information that was either not available or was not provided to GES:

- The regional groundwater flow direction in the vicinity of the Property was estimated to be in a westerly direction based on our review of the USGS topographical map, and the property's proximity to the Niagara River. Please refer to **Section 4.0** for further details.

- Correspondence from Freedom of Information Act (FOIA) requests submitted by GES to the New York State Department of Environmental Conservation (NYSDEC) is pending at this time. The facility at the Property reportedly has been vacant/empty since mid 1980s.

1.4 Limitations and Exceptions

Please note that the Phase I ESA scope of work does not include non-CERCLA issues such as an assessment for Asbestos-containing building materials, Radon, Lead-based paint, Lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, mold, high voltage power lines, geophysical surveys and other non-scope items.

The GES site reconnaissance and observations were limited to accessible areas inside and outside the building at the Property. Areas such as the building's rooftop, the elevated floor in the main room were not accessed due tom safety concerns. Areas or spaces concealed by floors, walls, or ceilings the grain elevators, and the shaft under the grain elevator and utility vaults were deemed inaccessible and not observed during the GES site reconnaissance. Dense vegetation growth was present along the southern building foundation where fill material has been for some time, limiting visual observations in this area of the Property.

1.5 Special Terms and Conditions

No investigation can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. **Consequently, this report in no way expresses any warranty or guarantee with respect to recognized environmental conditions at the Property.** However, the standard of care exercised for these professional services was performed in accordance with customary principles and accepted practices in the area of environmental science and engineering and in accordance with the ASTM Standard Practice E 1527 for conducting a Phase I ESA.

In addition, every reasonable effort was made to ensure that the information presented in this report is materially complete and accurate.

The conclusions of this report are based solely upon observations made during this evaluation. GES' opinions should not be construed as relating to health and safety issues, directly. Should additional information become available, this information should be reviewed by GES and the conclusions herein modified, as appropriate. In addition, this report should not be construed as verification of compliance by the present owners or operators of the Property with federal, state, or local laws and regulations.

Information provided by Third Parties was used in assessing the Property conditions. The accuracy of the conclusions made from this information is inherently based on the accuracy of the information provided. It must be recognized that the limited scope of services may have precluded recognition of contamination at the Property. The absence of contamination recognition in this report cannot be interpreted as a warranty, expressed or implied, that no contamination exists at the Property, and GES cannot be held liable for damages if contamination of some type is discovered in the future.

This report should not be considered as a recommendation to purchase, sell, lease, or develop the Property, and the opinions contained herein are not legal opinions. To evaluate the information contained in this report, the reader must understand the limitations associated with this assessment. Specifically, the services included in this project have been performed in accordance with the Standard Terms and Conditions, dated August30, 2012, between Jergo and GES.

1.6 User Reliance

This report is provided for the sole use and benefit of the parties listed below and may not be used or relied upon by any other party whatsoever. Reliance on this report by a party other than those parties listed below shall be at the party's sole risk unless that party has written authorization from GES to use this document. The purpose of this restriction is to attempt to protect the interest of parties for whom the report may not be appropriately directed.

- Jergo, LLC.; and
- Groundwater & Environmental Services, Inc.

2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The subject Property is located at 1100 Niagara in the City of Buffalo, Erie County, New York. The nearest cross street is Albany Street. The property consists of approximately 1.03 acres of land with approximate geographical coordinates for the Property are 42 degrees, 54 minutes, 47.88 seconds North (Latitude) by 78 degrees. 53 minutes, 59.64 seconds West (Longitude). A Site Location Map for the general Property location and a survey map showing the plan view of the building and property boundaries are provided as **Figure 1** and **Figure 2,** respectively.

The Property is located on the east side of Niagara Street and is comprised of one rectangular parcel (SBL Number 99.41-1-14.111).

A legal description for the subject Property has not been provided to GES.

Source(s): ***United States Geological Survey (USGS), Topographic Map, 7.5-Minute Series, Buffalo Northwest, New York, 1950.***

Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York 4213, September 5, 2012.

GES site reconnaissance observations from September 7, 2012.

2.2 Site Vicinity and Characteristics

The Property is zoned industrial and is located in an area consisting primarily of commercial and industrial businesses located along the east and west sides of Niagara Street. The Property is accessed via an entryway from Niagara Street (**Figure 2**). The northern 2/3 of the 1100 Niagara Street parcel currently contains an empty building that previously was occupied by the Grange league Federation. The southern 1/3 of the 1100 Niagara Street Parcel is an unimproved grassy area where disposal of soil as well as construction and demolition has occurred.

Source(s): ***GES site reconnaissance observations from September 7, 2012.***

Oral communications obtained on September 7, 2012, from Mr. Pearce Kamke, representative of the seller and building custodian.

Oral communications obtained on September 1, 2012 from Mr. Giles Kavanagh, prospective buyer of the property.

2.3 Current Uses of Property

The property is currently unoccupied. The Property reportedly ceased to function as a grain warehouse in the mid 1980s. A portion of the building (western 1/3) was subsequently used as an art gallery in the late 1980s. Site photographs were taken during the GES site reconnaissance visit and are provided in **Appendix A**. See **Section 4.0** below for historical use.

Source(s): ***GES site reconnaissance observations from September 7, 2012.***

Oral communications obtained on September 7, 2012, from Mr. Pearce Kamke, representative of the seller and building custodian

Oral communications obtained on September1, 2012 from Mr. Giles Kavanagh, prospective buyer of the property.

2.4 Description of Structures, Roads, and Improvements

At the time of the GES site reconnaissance visit on September 7, 2012, the following buildings and improvements were observed on the Property:

- **Former Grange League Federation Exchange Inc, 1100 Niagara Street**. Building reportedly constructed between 1889 and 1899.
  - **Number of Stories:** Three story brick/concrete slab-on-grade construction for 2/3 of the building (warehouse). Six grain storage silos 5-stories tall attached along the south side of the building. Basement under the western 1/3 of the building. Single story wood frame office space (later built) attached to the main building between the warehouse and Niagara Street. Attached below grade "storage area" along the south side of the building east of the grain elevators.
  - **Building Square Footage:** Approximately 25,200 square feet original building; approximately 2,400 square feet for the wood frame building in front.
  - **Building Use:** Currently vacant/empty, but previously utilized by Grange League Federation Exchange Inc for grain warehousing. The zoning classification is reportedly industrial.
  - **Exterior Finishes:** Primarily "white" painted brick with some concrete block. Former large arched windows have been "bricked in". Building roof is flat and reportedly tiled. There is asphalt roofing material over the "storage area" along the south side of the building.
  - **Interior Finishes:** Mostly brick throughout, with the exception of the western 1/3 of the main building that was reportedly used as an art gallery after the grainery closed. The wood frame building attached to the front of the brick grainery building is dry wall. Floors are concrete throughout the grainery. Floors within the wood frame office building at the front of the property are wood.
  - **Sanitary Waste System:** Reportedly City of Buffalo.
  - **Stormwater Disposal:** No catch basins were observed at the site; however there is a storm drain immediately north of the property at the door of Modern Heating and is a storm drain manhole in the southwest corner of the property maintained by the City of Buffalo.
  - **Water Supply(s):** Reportedly City of Buffalo.
  - **Solid Waste Disposal:** Since the property is presently unoccupied, there are no active waste disposal activities on the property. However, there is a substantial amount of solid waste material strewn throughout the building consisting of old gear forms from Oliver Gear (immediately adjacent to the north), wood doors, old film, steel augers, blocks, bricks and general refuse. In addition, several propane cylinders were observed on the site: two near the front entry way to the grainery (one 20 pound tank and one 40 pound tank), and another 20 pound propane tank in the southwest corner of the property.
  - **Other Public Utilities:** Overhead electric service enters the Property near the southeast corner of the Property and travels the entire length of the property along the southern property boundary. The overhead electric service has pole mounted transformers. The building is likely also connected to a natural gas service line. Location of the underground natural gas line was not observed, however a natural gas distribution manifold (for meters) is located near the front of the building along Niagara Street.

- **Road/alleys/parking:** The parking lot on the 1100 Niagara Street is constructed of asphalt pavement and is located in front of the building. An unimproved section of Albany Street is present immediately south of the property.
- **Rail Spur:** An inactive rail spur and turn table is located along the west/south west side of the property.

Source(s): ***GES site reconnaissance observations from September 7, 2012.***

Oral communications obtained on September 7, 2012, from Mr. Pearce Kamke, custodian for the owner of the property.

Oral communications obtained on September 1, 2012, from Mr. Giles Kavanagh, prospective purchaser of the property.

2.5 Current Uses of Adjoining Properties

Details concerning the surrounding land use in the vicinity of the Property are provided as follows:

North: Modern Heat Treating & Forging is immediately adjacent to the north and is attached to the 1100 Niagara Street property. The north building wall of the 1100 Niagara Street property and the south wall of the Modern Heat Treating & Forging Facility is shared between both properties. West of Modern Heat Treating & Forging, Oliver Gear is immediately north of the 1100 Niagara Street property and shares the wall common to both properties.

South: To the south of the property is Albany Street, and then vacant land which was formerly an oil distribution facility.

East: To the east is Niagara Street, and then vacant land that was formerly Keystone Chromium Corporation.

West: The western property boundary is bordered by a railroad, then the New York State Thruway. Further west is the Black Rock Canal.

Source(s): ***GES site reconnaissance observations from September 7, 2012.***

Environmental Data Resources, Inc., <u>The EDR Radius Map Report with GeoCheck</u>, 1100 Niagara Street, Buffalo New York 14213, September 5, 2012.

2.6 General Geologic Setting

The Environmental Data Resources, Inc., (EDR) <u>Radius Map Report with GeoCheck</u> provides a summary of the dominant near surface soil type and composition that may be present at the Property or in the general area of the Property. This information was obtained by EDR from the U.S. Department of Agriculture's Soil Conservation Service. The dominant soil type at the Property was reported as urban land, which may consist of non-native or altered fill material.

The thickness the urban soil type was not reported.

The bedrock stratigraphic unit that underlies the unconsolidated soil at the Property was identified as a portion of the Silurian System of the Paleozoic Era. The series is the

Upper Silurian (Cayuga). Details concerning sedimentary rock type and the depth to bedrock were not reported.

Source(s): ***Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York 14213.***

2.7 General Hydrogeologic Setting

The EDR Radius Map Report with GeoCheck indicated that EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR reportedly has reviewed investigative reports submitted to regulatory authorities by environmental professionals at select sites within a one (1) mile search radius of the Property. The data obtained by EDR from these investigative reports included the date of the report, the groundwater flow direction as determined hydrogeologically, and the depth to water table.

The EDR Radius Map Report with GeoCheck did not report a site-specific groundwater flow direction or depth to groundwater for the subject Property. However, based on the general topography observed during the site visit and review of the USGS topographical map, the regional groundwater flow is likely to be in a westerly direction toward the Niagara River. The local groundwater flow direction at the Property may vary from the regional flow direction and could be influenced by local drainage features. Site-specific data obtained from permanent groundwater monitoring wells placed at the Property would be needed to determine the local groundwater flow direction at the Property.

Source(s): ***Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York 14213.***

USGS, Topographic Map, 7.5-Minute Series, Buffalo Northwest Quadrangle Map, 1965.

2.8 Flood Plain Setting

A flood plain is the area adjoining a river, stream, drain, or lake that is utilized to convey floodwaters during high water events. The flood plain is primarily divided into two (2) categories: (1) the 100-year flood zone and, (2) the 500-year flood zone. The 100-year flood zone is defined as having a one (1) percent or higher chance of floodwaters reaching that level of floodwater conveyance.

Many cities participate in the National Flood Insurance Program and usually have Flood Insurance Rate Maps developed by the Federal Emergency Management Association (FEMA) or an equivalent map. The FEMA maps typically have designated three primary zones of flooding potential. These zones are identified as A, B, and C.

An area identified as a "Zone A" is located in the 100-year flood zone, a "Zone B" area is located in the 500-year flood zone, a "Zone C" is located in an area of minimal flooding potential, and a "Zone X" is located in an area determined to be outside the 500-year flood zone.

Based on the review of the EDR Overview Map and Detail Map, the Property is not located inside the limits of the 100 year or 500 year flood zone associated with the Niagara River.

Source(s): ***Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York 14213.***

USGS, Topographic Map, 7.5-Minute Series, Buffalo Northwest Quadrangle Map, 1965.

3.0 USER PROVIDED INFORMATION

ASTM Standard Practice E 1527 defines a "**User**" as "the party seeking to use Practice E 1527 to complete an environmental site assessment of the property". In the case of this Phase I ESA, the User is identified as Collins Pipe. The subsections below summarize information obtained from the User during interviews conducted by GES and data reported by the User in correspondence and a completed Phase I ESA questionnaire concerning the Property.

3.1 Title Records

A current title records report has not been provided by the User.

3.2 Environmental Liens or Activity and Use Limitations

Mr. Giles Kavanagh was not aware of any environmental liens or activity and use limitations concerning the Property.

Source(s): ***Oral communication obtained from Mr. Giles Kavanagh September 11, 2012, and Mr. Martin Doster, NYSDEC Region 9***

3.3 Specialized Knowledge

Mr. Giles Kavanagh did have specialized knowledge of the Property in that it was originally 191 feet tall and burned down to its present level in the 1920's, which is comprised of brick, ceramic roof tiles and concrete.

Source(s): Oral communications obtained from Giles Kavanagh on September 11, 2012

3.4 Commonly Known or Reasonably Ascertainable Information

Mr. Giles Kavanagh was not aware of commonly known or reasonably ascertainable information about the Property.

Source(s): Oral communications obtained from Giles Kavanagh on September 11, 2012

3.5 Valuation Reduction for Environmental Issues

Mr. Giles Kavanagh indicated that the purchase price being paid for the Property reasonably reflects the fair market value of the Property.

Source(s): Oral communications obtained from Giles Kavanagh on September 11, 2012

3.6 Owner, Property Manager and Occupant Information

The Phase I ESA interview was conducted by GES with Mr. Pearce Kamke, the Seller's representative. See **Section 8.0** for interview details.

Source(s): Oral communications obtained from Mr. Pearce Kamke, on September 7, 2012.

3.7 Reason for Performing Phase I ESA

This Phase I ESA was conducted for Jergo, LLC as part of a pending purchase agreement for the Property.

4.0 SITE HISTORICAL INFORMATION

GES reviewed appropriate historical sources and documentation in order to identify obvious uses of the Property from the present back to the Property's obvious first developed use or back to 1889, whichever is earlier. The historical services consulted included but not limited to, aerial photographs, Sanborn fire insurance maps, historical USGS topographic maps, city directories and county or local government records, where available. GES' evaluation is summarized in the following subsections below.

4.1 Historical Aerial Photographs

Aerial photographs are a historical resource that can provide a chronological "snapshot" of past land use and development and where potential environmental concerns may exist at a particular site or area. GES contacted EDR on September 4, 2012, and requested a historical aerial photograph search for the Property and surrounding properties.

On September 5, 2012, EDR certified that an aerial photography search was conducted and aerial photography coverage was available of the Property and surrounding properties. Please refer to **Table 4.1** below for a summary of the aerial photographs and The EDR Aerial Photo Decade Package report in **Appendix E** to view the photographs.

Table 4.1
Historic Aerial Photography Observations

YEAR	SCALE	OBSERVATIONS
1959	1 inch = 500 feet (approx.)	The Property contains one building in similar location as to the current structure at the Property. Commercial/industrial facilities similar in size and shape to the present-day buildings are present north, south, and east of the Property. There were no obvious indications (e.g. debris piles, areas of stained or stressed vegetation) of potential environmental concern, if present, to the Property that are clearly visible or identified in this aerial photograph.
1966	1 inch = 500 feet (approx.)	The same observations for the 1959 historic aerial photograph description apply to the 1966 observations.
1978	1 inch = 750 feet (approx.)	The same observations for the 1966 historic aerial photograph description apply to the 1978 observations. Due to the poor resolution and minute scaling of the photograph, no obvious indications (e.g. debris piles, areas of stained or stressed vegetation) of potential environmental concern, if present, to the Property that are clearly visible or identified in this aerial photograph.
1983	1 inch = 500 feet (approx.)	The same observations for the 1978 historic aerial photograph description apply to the 1983 observations with the exception of the condition of the land south of the Property, which in 1983 is vacant of any buildings or structures and appears to be utilized as parking.

Table 4.1 Continued on Next Page.

Table 4.1
Historic Aerial Photography Observations

(Continued)

YEAR	SCALE	OBSERVATIONS
1985	1 inch = 1,000 feet (approx.)	The same observations for the 1983 historic aerial photograph description apply to the 1985 observations. Due to the poor resolution and minute scaling of the photograph, no obvious indications (e.g. debris piles, areas of stained or stressed vegetation) of potential environmental concern, if present, to the Property that are clearly visible or identified in this aerial photograph.
1995	1 inch = 500 feet (approx.)	The same observations for the 1978 historic aerial photograph description apply to the 1995 observations.
2006	1 inch = 500 feet (approx.)	The same observations for the 1995 historic aerial photograph description apply to the 2006 observations.
2008	1 inch = 500 feet (approx.)	The same observations for the 2006 historic aerial photograph description apply to the 2008 observations.

From the aerial photographs, GES identified that the Property was developed with a commercial/industrial-type building as far back as 1959. Other than the general presence of commercial/industrial buildings in the surrounding areas, GES identified no apparent recognized environmental conditions from the review of the historical aerial photographs.

Source(s): ***Environmental Data Resources, Inc., The EDR Aerial Photo Decade Package, 1100 Niagara Street, Buffalo, New York 14213, September 5, 2012.***

4.2 Sanborn Fire Insurance Maps

Fire insurance maps identify the locations and types of industrial, commercial and residential properties and identify potential fire hazards existing within individual structures. Many times, areas of environmental concern, such as the location of former aboveground storage tanks (ASTs), USTs, or other areas of hazardous substance storage, can be identified by referencing the fire insurance maps. GES contacted EDR on September 4, 2012 and requested a Sanborn fire insurance map search for the Property and surrounding properties.

On September 5, 2012, EDR certified that a map search was conducted. A copy of The EDR Sanborn Map Report is provided in Appendix D. Please refer to **Table 4.2** below for a summary of the Sanborn Maps reviewed by GES and **Appendix E** for a copy of the available Sanborn Maps.

Table 4.2
Sanborn Fire Insurance Map Observations

YEAR	SCALE	OBSERVATIONS
1889	1 inch = 150 feet	The 1889 Sanborn map shows that the Property is vacant. Land to the north is also shown as vacant. The property to the south contains a brewing company, which consists of several structures and an artesian well. A blacksmith is located to the southwest. A railroad right of way, followed by dwellings are located to the west, followed by a tow path for the Erie Canal.
1899	1 inch = 150 feet	The 1899 Sanborn map shows that the Property contains several structures including a warehouse, a grain elevator, and a railroad turntable. No obvious indications of potential environmental concern at the Property based on the 1899 Sanborn map. Surrounding properties consist of a brewery to the south, a blacksmith shop to the southwest, and a greenhouse to the east. A railroad right of way, followed by dwellings is located to the west, followed by a tow path for the Erie Canal.
1925	1 inch = 150 feet	The 1925 Sanborn map shows that the Property contains similar structures as in 1899, with some additional warehouse spaced added to the structures. Vacant land exists to the north. To the south, an oil distribution facility exists; several underground storage tanks are noted at this property. A filling station is located to the southwest; an underground storage tank is noted at this property.
1951	1 inch = 150 feet	The 1951 Sanborn map shows that the Property contains similar structures as in 1925. A warehouse is located directly to the north. To the south, an oil distribution facility similar to the one displayed on the 1925 map exists; several underground storage tanks are noted at this property. A filling station is located to the southwest. Several industrial facilities are located to the east and north of the property. A railroad right of way, followed by dwellings is located to the west.
1981	1 inch = 150 feet	The 1981 Sanborn map shows that the Property contains similar structures as in 1951. A warehouse is located directly to the north. To the south, the land is vacant. A filling station is located to the southwest. Several industrial facilities are located to the east and north of the property. A railroad right of way, followed by a highway is located to the west.
1986	1 inch = 150 feet	The 1981 Sanborn map shows that the Property contains similar structures as in 1951. A warehouse is located directly to the north, however it is noted that is used for forging. To the south, the land is vacant. A filling station is located to the southwest. Several industrial facilities are located to the east and north of the property. A railroad right of way, followed by a highway is located to the west.

Source(s): ***Environmental Data Resources, Inc., Certified Sanborn Map Report, 1100 Niagara Street, Buffalo, New York 14213, September 5, 2012.***

4.3 Historical USGS Topographic Maps

USGS topographic maps are produced and published by the Department of the Interior at various scales for the entire United States. USGS topographic maps depict the topography of the Earth's surface that is portrayed by contour lines which follow the land surface or the bottom of a body of water of constant elevation above or below sea level. USGS topographic maps also can include key map features such as buildings and other structural improvements, roadways, railroads, transmission lines, pipelines, state and federal landmarks or points of interest, vegetation, bodies of water, and local, state and federal boundaries, landmarks and points of interest. GES contacted EDR on September 4, 2012, and requested an USGS topographic map search for the Property and surrounding properties.

On September 5, 2012, EDR certified that USGS topographic map coverage was available for the Property and surrounding properties. Please refer to **Table 4.3** below for a summary of the USGS topographic maps reviewed by GES, and **Appendix E** for copies of the historic USGS topographic maps made available by EDR in their EDR Historical Topographic Map Report.

Table 4.3
Historic USGS Topographic Map Observations

YEAR	SCALE (Approximate)	OBSERVATIONS
1901	1: 62,500	The 1901 USGS topographic map does not show any structures or improvements in the general vicinity of the Property and surrounding properties.
1948	1: 62,500	The 1948 USGS topographic map does show a structure on the Property similar in shape to the structure observed in the aerial photographs and the Sanborn maps. Numerous other buildings in the surrounding are shown on the map.
1949	1: 25,000	Similar observations for the 1949 USGS topographic map as described above for the 1948 USGS topographic map.
1950	1: 24,000	Similar observations for the 1950 USGS topographic map as described above for the 1949 USGS topographic map.
1965	1: 24,000	There are no buildings displayed on the 1965 map for the Property or the near vicinity. This appears to be the case for the entire area covered by the map.

GES identified no apparent recognized environmental conditions from the review of the historical topographic maps.

Source(s): ***Environmental Data Resources, Inc., EDR Historical Topographic Map Report, 1100 Niagara Street, Buffalo, New York 14213, September 5, 2012.***

4.4 City Directories

City directories list the resident's name, street address, and sometimes even the resident's occupation for a given year. They also frequently contain similar information about commercial and business establishments, thus providing specific names and addresses of

establishments over time. City directories allow a researcher to build a history of a property and surrounding area over time, and may give an indication if an area has been occupied by an occupant that may have caused environmental problems. GES contacted EDR on September 4, 2012, and requested a city directory search for the Property and surrounding properties identified on Firestone Drive and Ridings Road.

On September 5, 2012, EDR certified that a search was conducted by EDR of the city directory data made available to EDR. Please refer to **Table 4.4** and **Table 4.5** on the next pages for a summary of the city directory abstract findings and **Appendix E** for a copy of The EDR-City Directory Image Report, completed September 5, 2012.

Table 4.4
City Directory Summary for Subject Property (1)

OCCUPANT (business type or service)	YEAR(S)
No findings were found for the subject Property at 1100 Niagara Street. However, for 1096 Niagara Street the following was found.	Not applicable
Cooperative Grange League, Federation Exchange	1925, 1930
Cooperative G L F Mills Inc.	1935, 1940, 1946, 1950, 1960, 1964
AGWAY INC SEED MILL	1970, 1975, 1980
Keystone Corporation commercial platers & finishers	1975
Vacant	1985, 1992
EMPIRE DEMOLITION & DEVELOPMENT	2001

Notes to Table 4.4:

(1) A historic Property identification search was conducted by EDR in order to determine past Property occupancy and/or land use at the Property. A historic Property identification listed in **bold** represents a non-residential listing (e.g. commercial, business, and industrial).

Table 4.5
City Directory Summary for Immediate Surrounding Properties (1)

OCCUPANT (business type or service)	YEAR(S)	STREET ADDRESS	LOCATION WITH RESPECT TO PROPERTY
Allied Automotive Supply	1955	3 Albany Street	Adjacent off-site property located due south of the subject Property.
Keystone Chromium Corp annex	1955, 1950, 1946	76 Albany St	Adjacent off-site property located due east of the subject Property.

COSUMA auto repair & service	2008	1073 Niagara	Adjacent off-site property located due south of the subject Property.
MIKEN SYSTEMS	2001, 1998, 1985	1050 Niagara Street, 1060 Niagara Street, 1068 Niagara Street	Adjacent off-site property located due east of the subject Property.
Sale Niagara Inc Lithographers	1992, 1985, 1975		
Royston Paper Products	1975		
Niagara Lithograph	1964, 1960, 1955, 1950, 1946, 1940, 1935, 1930		
Arena Tile Distributors	1970, 1964	1070 Niagara Street, 1088 Niagara Street	Adjacent off-site property located due south of the subject Property.
Gulf Service Station Gas	1960		
Gulf Oil Corp Dist	1955, 1950, 1946		
Hydride Oil & Fuel	1940, 1935, 1930		
Texaco Service Gas	2001	1073 Niagara Street	Adjacent off-site property located due southeast of the subject Property.
Sunoco Gas Station	1998, 1985		
Niagara & Fargo Texaco Gas Station	1992, 1980, 1975		
Vacant	1970		
J & J Service Gas Station	1964		
Harris Amoco Gas Station	1960		
Impolite Gas Station	1955		
Morgan Dave T Filling Station	1950, 1964, 1940, 1935, 1930		
KEYSTONE Corporation, platters, Keystone Chromium	2001, 1998, 1992, 1985, 1980, 1970, 1964, 1960, 1955, 1950, 1946, 1940, 1935, 1930	1095 Niagara Street	Adjacent off-site property located due east of the subject Property.
Parker Rust Proof Corp.	1955, 1950, 1946, 1940, 1935, 1930		
Modern Heat Treating & Forging	2001, 1998, 1992, 1985	1112 Niagara Street	Adjacent off-site property located due north of the subject Property.

Notes to Table 4.5:

(1) An off-site property identification search was conducted by EDR in order to determine past adjacent sites or facilities located north, south, east and west of the subject Property. The occupant of an off-site property identified in **bold** represents a non-residential listing (e.g. commercial, business, and industrial).

The facility at the Property has been occupied since at least 1925 with commercial and/or industrial occupants in the surrounding properties. Please refer to **Sections 5.1** and **5.2** for additional information concerning the adjoining facilities. GES identified no apparent recognized environmental conditions from the review of the city directory summary.

Source(s): Environmental Data Resources, Inc., The EDR-City Directory Image Report, 1100 Niagara Street, Buffalo, New York 14213, September 5, 2012.

4.5 City or County Property Tax Records

GES reviewed the online public records obtained online from the Erie County Internet Mapping Service on September 5, 2012. The current Property owner of the subject property is identified as Big Sky Seeding Company. Copies of property tax assessment records for the Property are **Appendix E** of this report.

Source(s): Erie County Internet Mapping Service, http://gis1.erie.gov/GC/ErieCountyNY/default.htm

5.0 ENVIRONMENTAL RECORDS REVIEW

GES conducted a review of the appropriate federal and state environmental records in accordance with the ASTM Standard Practice E 1527 in order to identify sites or facilities of known or suspected environmental conditions, which could have an adverse impact on the Property. These data were obtained from a contracted data research firm, EDR, and are assumed to be complete and accurate. The EDR environmental data are summarized in The EDR Radius Map Report with GeoCheck (the EDR report) provided in **Appendix B**.

In addition, GES conducted a review of supplemental federal, state and local environmental records to enhance and supplement the federal and state sources required within the ASTM Standard Practice E 1527. The supplemental environmental data included information obtained from federal and state databases searched by EDR and summarized in the EDR report.

For the purpose of assigning potential risk for confirmed or suspect off-site contaminated sources (identified in **Sections 5.1** and **5.2** below), GES considers the relative location of the off-site facilities with respect to the subject Property and with respect to the expected local or regional groundwater flow directions. The regional groundwater flow direction in the vicinity of the Property is estimated to be in a westerly direction towards Lake Erie (see **Section 2.7** for additional details). The local groundwater flow direction at the Property is not known, and may vary from the regional flow direction due to possible influences by local drainage features seasonal groundwater level fluctuations, subsurface geology, active pumping of area water wells, if present, surface topography and/or other local site features. GES would consider off-site facilities or sites that reportedly have had an adverse impact to the environment and are located upgradient of the Property as a potential environmental concern to the Property. GES considers off-site facilities or sites that reportedly have had an adverse impact to the environment and are located either downgradient or crossgradient with respect to the location of the Property as not an environmental concern to the Property. Off-site facilities or sites that reportedly have not had an adverse impact to the environment and are located to the downgradient, crossgradient or upgradient of the Property also would not be considered an environmental concern to the Property.

The current availability of municipal water at the Property and in the general surrounding area of the Property helps reduce the risk for human exposure and ingestion of possible contaminated groundwater, if present, at the Property.

5.1 Standard and Supplemental Federal and State Environmental Record Sources

The standard (or required) federal and state environmental record sources and the approximate minimum search distances are as follows (see **Tables 5.1a, 5.1b** and **5.2** on next page). Supplemental environmental records may be checked at the discretion of the environmental professional to enhance and supplement the federal and state sources identified. The records are as follows:

Table 5.1a
Standard and Supplemental Federal and State Environmental Record Sources

STANDARD FEDERAL DATABASE SOURCES		
RECORD SOURCE	**DATE OF ACTIVE LIST (1)**	**APPROXIMATE MINIMUM SEARCH DISTANCE (MILES)**
NPL LISTS (NPL, Proposed NPL, NPL Liens, Delisted NPL)	3/1/12 3/30/94 (Liens)	1.00 Subject Property Only (Liens)
CERCLIS LISTS (CERCLIS and Federal Facility)	3/12/12 (CERCLIS) 2/16/11 (Federal Facility)	0.50 (CERCLIS) 1.00 (Federal Facility)
CERC-NFRAP LIST (Closed Sites)	3/12/12	0.50
RCRA CORRACTS LIST	1/10/12	1.00
RCRA TSD FACILITIES LIST	3/12/12	0.50
RCRA GENERATOR LISTS (LQG, SQG, CESQG)	5/15/12	0.25
INSTITUTIONAL AND ENGINEERING CONTROLS LISTS	1/10/12	0.50
ERNS LIST	6/14/12	Subject Property Only
STANDARD STATE DATABASE SOURCES		
RECORD SOURCE	**DATE OF ACTIVE LIST (1)**	**APPROXIMATE MINIMUM SEARCH DISTANCE (MILES)**
NYSDEC SHWS AND VAPOR REOPENED LISTS	6/21/12 (SHWS) 7/3/12 (Vapor Reopened)	1.00
NYSDEC SWF/LF LIST	8/110/12	0.50
NYSDEC LEAKING STORAGE TANK LIST (LTANKS and Historic LTANKS)	7/3/12 (LTANKS) 7/14/05 (Historic LTANKS)	0.50
NYSDEC STORAGE TANK LISTS (TANKS, UST, CBS UST, MOSF UST, AST, CBS AST, MOSF AST, MOSF, CBS, FEMA UST, HIST UST, HIST AST)	8/10/12 (TANKS, MOSF, CBS) 8/10/12 (UST, AST) 8/10/02 (CBS UST & AST, MOSF UST & AST) 4/12/10 (FEMA UST) 7/20/06 (HIST UST & AST)	Subject Property Only (HIST AST) 0.25 (MOSF AST, UST, HIST UST) 0.50 (all others)
INSTITUTIONAL AND ENGINEERING CONTROLS LISTS (ENG Controls, INST Control and RES DECL)	6/21/12 (ENG & INST) 2/11/11 (RES DECL)	0.125 (RES DECL) 0.50 (ENG & INST)
NYSDEC VCP SITES	6/21/12	0.50
NYSDEC BROWNFIELD SITES (ERP and Brownfields)	6/21/12	0.50
LOCAL LANDFILL/SOLID WASTE DISPOSAL SITES (ODI, SWRCY, SWTIRE)	9/17/04 (ODI) 8/10/12 (SWRCY) 11/30/06 (SWTIRE)	0.50
LOCAL HAZARDOUS WASTE/ CONTAMINATED SITES (U.S. CDL, DEL SHWS, U.S. HIST CDL)	7/16/12 (CDL) 6/21/12 (DEL SHWS) 3/30/09 (Historic CDL)	Subject Property Only (CDL and Historic CDL) 1.00 (DEL SHWS)
LOCAL LAND RECORDS (LIENS 2, LUCIS, LIENS)	6/14/12 (LIENS 2 1/11/07 (LUCIS) 3/9/12 (LIENS)	Subject Property Only (LIENS & LIENS 2) 0.50 (LUCIS)
EMERGENCY RELEASE REPORTS (HMIRS, Spills, NYSDEC HIST Spills)	11/11/11 (HMIRS) 5/9/12 (Spills) 7/14/05 (HIST Spills)	Subject Property Only (HMIRS) 0.125 (Spills & HIST Spills)

Notes to Table 5.1 on Next Page.

Notes to Table 5.1:

(1) The "Date of Active List" refers to the date the data referenced in the applicable federal or state database was made active and available by EDR in their report dated September 5, 2012. See the EDR report in **Appendix B** for further details.

AST	=	Aboveground Storage Tank.
CBS	=	Chemical Bulk Storage Database Sites.
CDL	=	Clandestine Drug Labs (U.S. Drug Enforcement Administration).
CERCLA	=	Comprehensive Environmental Response, Compensation, and Liability Act.
CERCLIS	=	Comprehensive Environmental Response, Compensation and Liability Information System.
CESQG	=	Conditionally Exempt Small Quantity Generator.
CORRACTS	=	Resource Conservation and Recovery Information System – Corrective Action Sites.
ENG Controls	=	Engineering Controls.
ERNS	=	Emergency Response Notification System.
ERP	=	Environmental Restoration Program (Brownfields).
FEMA	=	Federal Emergency Management Agency.
HIST	=	Historic.
HMIRS		Hazardous Materials Information Reporting System (U.S. Department of Transportation.
INST Control	=	Institutional Control.
LIENS	=	Spill Liens Information from the Oil Spill Fund (Office of the State Comptroller).
LIENS 2	=	CERCLA Lien Information (U.S. EPA).
LQG	=	Large Quantity Generator (RCRA).
LTANKS	=	Leaking Storage Tank Sites (Can be AST or UST sites).
LUCIS	=	Land Use Control Information System (U.S. Department of the Navy).
LUST	=	Leaking Underground Storage Tank.
MOSF	=	Major Oil Storage Facilities.
NFRAP	=	No Further Remedial Action Planned.
NPL	=	National Priority List.
NYSDEC	=	New York State Department of Environmental Conservation.
ODI	=	Open Dump Inventory (U.S. EPA).
PBS	=	Petroleum Bulk Storage Database Sites (NYSDEC). Same as UST sites.
RCRA	=	Resource Conservation and Recovery Act.
RCRIS	=	Resource Conservation and Recovery Information System.
RES DECL	=	Restrictive Declarations (land use restrictions).
SHWS	=	Inactive Hazardous Waste Disposal Sites in New York State.
SQG	=	Small Quantity Generator (RCRA).
SWF/LF	=	Permitted Solid Waste Facilities / Landfills.
SWRCY	=	Registered Recycling Facility.
SWTIRE	=	Registered Waste Tire Storage and Facility.
TSD	=	Treatment, Storage and Disposal Facilities (RCRA).
U.S.	=	United States.
U.S. EPA	=	United States Environmental Protection Agency.
UST	=	Underground Storage Tank.
VCP	=	Voluntary Cleanup Program.

See the EDR Report provided in Appendix B, Pages GR-1 through GR-14 for complete descriptions.

Table 5.1b
Supplemental Federal, State and Local Environmental Record Sources

SUPPLEMENTAL FEDERAL DATABASE SOURCES		
RECORD SOURCE	**DATE OF LIST (1)**	**APPROXIMATE MINIMUM SEARCH DISTANCE (MILES)**
RCRA-NonGen	5/15/12	0.25
DOD	1/11/07	1.00
DOT OPS LIST	11/11/11	SUBJECT PROPERTY ONLY
FUDS LIST	12/2/10	1.00
CONSENT LIST	3/1/12	1.00
ROD	6/14/12	1.00
UMTRA LIST	3/1/12	0.50
MINES LIST	9/29/11	0.25
TRIS LIST	1/10/12	0.50
TSCA LIST	12/2/10	0.50
FTTS LIST	5/11/09	0.50
HIST FTTS LIST	4/10/07	0.50
SSTS LIST	2/25/11	0.50
ICIS LIST	1/10/12	0.50
PADS LIST	2/16/11	0.50
MLTS LIST	9/13/11	0.50
RADINFO LIST	3/1/12	0.50
FINDS LIST	3/1/12	0.50
RAATS LIST	8/7/95	0.50
INDIAN RESERVATION LIST	1/11/07	1.00
SCRD DRYCLEANERS LIST	5/2/11	0.50
PCB TRANSFORMER LIST	1/10/12	SUBJECT PROPERTY ONLY
COAL GAS DOE	10/22/09	0.50
FEDLAND	1/11/07	NOT REPORTED
COAL ASH EPA	3/21/11	0.50
SUPPLEMENTAL STATE DATABASE SOURCES		
RECORD SOURCE	**DATE OF ACTIVE LIST (1)**	**APPROXIMATE MINIMUM SEARCH DISTANCE (MILES)**
HSWDS LIST	11/30/06	0.50
UIC LIST	8/10/12	SUBJECT PROPERTY ONLY
MANIFEST	3/9/12	0.25
DRYCLEANERS	1/25/12	0.25
SPDES LIST	8/14/12	SUBJECT PROPERTY ONLY
AIRS LIST	11/3/11	SUBJECT PROPERTY ONLY
E DESIGNATION LIST	8/10/12	0.125
COAL ASH	5/4/12	0.50
FINANCIAL ASSURANCE 1	8/14/12	SUBJECT PROPERTY ONLY
FINANCIAL ASSURANCE 2	12/11/08	SUBJECT PROPERTY ONLY

Notes to Table 5.1b:

(1) The "Date of Active List" refers to the date the data referenced in the applicable federal or state database was made active and available by EDR in their May 11, 2012, EDR report. See the EDR report in **Appendix B** for further details.

Notes to Table 5.1b:

AIRS = Air Emissions Data, NYSDEC.
COAL ASH = Coal Ash Disposal Site Listing, NYSDEC.
COAL ASH DOE = Steam-Electric Plan Operation Data, Department of Energy.
COAL ASH EPA = Coal Combustion Residues Surface Impoundments List, U.S. EPA.

CONSENT	=	Superfund (CERCLA) Consent Decrees, Department of Justice.
DOD	=	Department of Defense Sites, USGS
DOT OPS	=	Office of Pipeline Safety Incident and Accident Data, Department of Transportation.
DRYCLEANERS	=	Registered Dry-cleaning Facilities, NYSDEC.
E DESIGNATION	=	Environmental Designation Site Listing, New York City Department of City Planning.
FEDLAND	=	Federal and Indian Lands, USGS.
FIFRA	=	Federal Insecticide, Fungicide and Rodenticide Act.
FINDS	=	Facility Index System/Facility Identification Initiative Program Summary Report, U.S. EPA.
FTTS	=	FIFRA/TSCA Tracking System, U.S. EPA and Office of Prevention, Pesticides and Toxic Substances.
FTTS INSP	=	FIFRA/TSCA Tracking System Inspections and Enforcements, U.S. EPA.
FUDS	=	Formerly Used Defense Sites, U.S. Army Corps of Engineers.
HIST FTTS	=	Historic FIFRA/TSCA Tracking System Administrative Case Listings, U.S. EPA.
HSWDS	=	Hazardous Substance Waste Disposal Site Inventory, NYSDEC.
ICIS	=	Integrated Compliance Information System, U.S. EPA.
MINES	=	Mines Master Index File for active mine sites opened since 1971, Department of Labor, Mine Safety and Health Administration.
MANIFEST	=	Facility and Manifest Data for tracking hazardous waste from transporters through TSD facilities, NYSDEC.
MLTS	=	Material Licensing Tracking System for Sites that Possess/Use Radioactive Material, Nuclear Regulatory Commission.
PADS	=	Polychlorinated biphenyls (PCB) Activity Database System for tracking PCB generators and TSD facilities, U.S. EPA.
PCB	=	PCB Transformer Registration Database, U.S. EPA.
RAATS	=	RCRA Administrative Action Tracking System, U.S. EPA.
RADINFO	=	Radiation Information Database, U.S. EPA.
RCRA-NonGen	=	RCRA Non Generators, U.S. EPA.
ROD	=	Records of Decision, U.S. EPA.
SCRD	=	State Coalition for Remediation of Drycleaners Listing, U.S. EPA.
SPDES	=	State Pollution Discharge Elimination System, NYSDEC.
SSTS	=	Section 7 (of FIFRA) Tracking Systems for Registered Pesticide-Producing Facilities.
TSCA	=	Toxic Substance Control Act, U.S. EPA.
TRIS	=	Toxic Chemical Release Inventory System, U.S. EPA.
UIC	=	Underground Injection Control Wells, NYSDEC.
UMTRA	=	Uranium Mill Tailings Sites, Department of Labor, Mine Safety and Health Administration.

See the EDR Report provided in Appendix B, Pages GR-14 through GR-26 for complete descriptions.

Table 5.2
Sites Identified from Standard and Supplemental
Federal and State Environmental Record Sources

FACILITY OR SITE NAME	FACILITY OR SITE ADDRESS	PROXIMITY TO PROPERTY	DATABASE SOURCE(S)	COMMENTS
Near the Corner	1095 Niagara Street & Albany Street	ESE <1/8 mile	NY Spills	(a)
Keystone Corp	1095 Niagara Street	ESE <1/8 mile	RCRA-NonGen FINDS MANIFEST NY Spills NY Hist Spills	(b)
Lazarony Anthony H Filling Station	1088 Niagara Street	SSE <1/8 mile	EDR Historical Auto Stations	(c)
Casticrone Concrete	Niagara St & Albany St	SSE <1.8 mile	NY Spills	(d)
Roadside	Fargo & Niagara	SSE <1/8 mile	NY Spills	(e)
Modern Heat Treating & Forging	1112 Niagara Street	NNE <1/8 mile	RCRA-NonGen FINDS CBS UST CBS AST MANIFEST CBS	(f)
Niagara-Fargo Sunoco Niagara-Fargo Service	1073 Niagara Street	South <1/8 mile	HIST LTANKS UST LTANKS HIST UST AST HIST AST NY Spills	(g)
COSUMA Auto Rpr & Serv Niagara & Fargo Texaco	1073 Niagara Street	South <1/8 mile	EDR Historical Auto Stations	(h)
Lazarony Anthony H Gulf Service Gas Station.	1070 Niagara Street	South <1/8 mile	EDR Historical Auto Stations	(i)
Vacant Parking Lot	1050-1080 Niagara Street	South <1/8 mile	NY Spills	(j)

Comments to Table 5.2:

(a) This site was identified in the NY Spills database. On January 2, 2008, two drums containing cooking grease were abandoned at the site. A contractor was hired by NYSDEC to dispose of the drums. The spill was closed on June 18, 2008. This finding is not considered a recognized environmental concern to the Property.

(b) This facility is located east-southeast and adjacent to the subject Property, and was identified in the RCRA-NonGen, FINDS, MANIFEST, NY Spills, NY Hist Spills databases. According to the EDR report, the facility has been historically classified as a hazardous waste large quantity generator, specifically of waste water and solutions from electroplating operations. The facility has been noted to have received three written informal notices of violations. On August 31, 1992 a spill was reported to NYSDEC, Spill #9206401 was assigned. Chromic acid was washed into the sewer from a release from a heat exchange unit. The spill was closed on October 20, 1992. This finding is not considered a recognized environmental concern to the Property.

(c) This former facility was identified in the EDR Historical Auto Stations databases as existing in 1950 and 1955.

(d) This facility was identified in the NY Spills database. On February 1, 2006, 5 gallons of cure and seal was spilled into the sewer. Spill #0512643 was assigned. The spill was closed on February 2, 2006. This finding is not considered a recognized environmental concern to the Property.

(e) This facility was identified in the NY Spills database. On August 4, 2005, a liquid material called "hard butter" was spilled due to equipment failure. Spill #0550754 was assigned. The spill was cleaned up and closed on August 5, 2005. This finding is not considered a recognized environmental concern to the Property.

(f) This facility was identified in the RCRA-NonGen, FINDS, CBS UST, CBS AST, MANIFEST, and CBS databases. This facility has been identified as historically being a hazardous waste large quantity generator, specifically of waste containing lead. This facility formerly contained a 1,400 gallon underground storage tank used for the storage of methanol. This tank was closed in place in 1998. In 1998, 1,000 gallon above ground storage tank used for the storage of methanol was installed.

(g) This facility was identified in the HIST LTANKS, UST, LTANKS, HIST UST, AST, HIST AST, and NY Spills databases. In 1986, a leaking underground storage tank was identified at the property. It is noted that 100 gallons of petroleum had leaked. In 2010, an inventory of the existing equipment on-site was made, including three 6,000 gallon underground storage tanks, and one existing 275 gallon above ground storage tank. Two 275 gallon above ground storage tanks were removed. The date is not noted. In 2001 a spill was reported when one of the underground storage tanks failed testing. Spill #0175515 was assigned. The spill has not yet been closed. It is noted that there were numerous drums of waste oil on-site with spillage around them, poor housekeeping, PBS violations, and no leak detection or inventory reconciliation.

(h) This former facility was identified in the EDR Historical Auto Stations databases as existing in from 1930 through 2008 under numerous names and brands.

(i) This former facility was identified in the EDR Historical Auto Stations databases as existing in from 1935 through 1960.

(j) This site was identified in the NY Spills database. On May 17, 2002, a spill was reported when three underground storage tanks were found during a subsurface investigation. It was noted that the property was a former gas station. The spill has not yet been closed.

Source(s): ***Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York; September 5, 2012.***

New York State Department of Environmental Conservation: Spill Incident Database Search (a world-wide website for online NYSDEC spill incident data found at http://www.dec.ny.gov/chemical/8437.html.

5.3 County and State Environmental File Review

Requests to review public records under the Freedom of Information Act (FOIA) were submitted by GES on October 10, 2012, to the NYSDEC. The purpose of the FOIA requests was to obtain potential environmental data, if available, concerning environmental concerns, if present, that may be associated with the subject Property that has reported to the NYSDEC. The results and findings of the FOIA requests submitted to the NYSDEC are pending at the time of this Phase I ESA report.

Source(s): ***New York State Department of Environmental Conservation, Freedom of Information Office, Region 9, 270 Michigan Avenue, Buffalo, New York 14203. A NYSDEC response is pending at this time.***

6.0 PREVIOUS ENVIRONMENTAL REPORTS

6. Environmental Reports

There were no environmental reports for this site that were known by the potential purchaser or by personnel at NYSDEC Region 9 that were contacted..

6.2 Phase II Environmental Site Assessment(s)

There were no environmental records or documentation identified by or provided to GES concerning past Phase II ESAs or other subsurface investigations conducted at the Property.

6.3 Corrective Action or Remedial Investigation(s)

There were no environmental records or documentation identified by or provided to GES concerning environmental corrective actions of remedial assessments conducted at the Property.

7.0 ENVIRONMENTAL PERMITS

There were no environmental permits or facility registrations related to past operations and facilities or former occupants of the Property. According to the EDR database report, the Property was not identified in the UST or AST databases (for current or past registered storage tanks), the RCRA database (for current or past hazardous waste generators, transporters and/or TSD facilities), the SPDES database (for wastewater discharge), the AIRS database (for toxic air emissions) or any other state or federal regulatory database.

Source(s): ***Environmental Data Resources, Inc., The EDR Radius Map Report with GeoCheck, 1100 Niagara Street, Buffalo, New York; September 5, 2012***

7.1 INTERVIEW AND SITE RECONNAISSANCE INFORMATION

GES environmental professionals conducted interviews with knowledgeable individuals and a site reconnaissance to visually observe the Property, including any buildings or structures on the Property. The GES interviews and site reconnaissance were conducted in an attempt to identify recognized environmental conditions in connection with the Property.

7.1.1 Methodology and Limiting Conditions

There were no conditions encountered during the completion of the Phase I ESA which limited the use of the ASTM Standard Practice E 1527 except for those noted in **Section 1.4**. On September 7, 2012, GES conducted site reconnaissance of the Property. A GES representative accompanied by Mr. Pearce Kamke, representative of the seller and property custodian, walked and observed the interior rooms of the vacant building, walked and observed the exterior perimeter of the vacant building, walked and observed the paved driveway and parking areas and walked and observed the accessible property boundaries, grass areas and other outside areas at the Property. The adjoining properties located north, south, east and west of the Property were observed from the Property and public right-of-ways including Albany Road to the south of the property, and the railroad right of way to the west of the property.

7.1.2 Interviews

The following people were interviewed or consulted:

Name	Title and Organization
Mr. Giles Kavanagh	Prospective Buyer; Jergo LLC
Mr. Pearce Kamke	Seller's Representative and Property Custodian

According to Mr. Pearce Kamke, the existing building at the Property has been vacant since the late 1980s when the western 1/3 of the building was used as an art gallery. Prior to that time, it was used as a grain distribution facility into the early 1980s. Since the late 1980s, the building was used several times a year for entertainment purposes such as Halloween parties and such.

Source(s): Oral communications obtained on September 7, 2012, from Mr. Pearce Kamke, seller's representative and building custodian.

7.1.3 Interior and Exterior Site Reconnaissance Observations

The GES site reconnaissance was conducted at the Property on September 7, 2012. Site reconnaissance photographs are provided in **Appendix A**. The GES site reconnaissance observations are summarized in **Table 7.1** (see next page). A copy of the GES Phase I ESA Field Checklist is provided in **Appendix E**.

Table 7.1
Interior and Exterior Site Reconnaissance Observations
Former Grain Distribution Warehouse
1100 Niagara Street in Buffalo, New York

Issue	Observed During Site Visit		Observations/Comments
	Yes	No	
Above Ground Storage Tanks	☐	☒	None observed.
Construction / Demolition Debris	☒	☐	C & D debris was observed along the grassy area just south of the building consisting of soil and concrete.
Drainage Ditches or Culverts	☒	☐	A drainage swale is located along the western property boundary between the property and the railroad right of way. There were no obvious indications (e.g. stressed vegetation, soil staining, unusual odors) of potential environmental concern in the immediate area of the drainage swale that were clearly visible or identified at the time of the site reconnaissance.
Drums	☒	☐	Five plastic drums were observed inside the building in the former art gallery for the collection of rain water from roof leaks.
Fill Dirt	☒	☐	Fill was observed along the grassy area just south of the building as pile intermixed with C & D debris.
Floor Drains	☒	☐	Two floor drains were observed: one on the first floor just before the mezzanine area; a second was observed in the basement in the boiler room. There were no obvious indications (e.g. floor staining, unusual odors) of potential environmental concern, if present, in the immediate area of each floor drain that were clearly visible or identified at the time of the site reconnaissance.
Hazardous Substances / Petroleum Products	☐	☒	None observed.
Hydraulic Lift Systems	☐	☒	None observed.
Odors, Unusual	☐	☒	At the area storage area a drum spill had had been cleaned up.
Pits, Ponds, Lagoons	☒	☐	Several apparent “pits” have been filled in located just before the mezzanine.
Pools of Liquids	☒	☐	A pool of water was observed in a sump underneath the mezzanine area of the first floor. Sump was “sticked” and appeared to be approximately two feet deep. Water was also present in a shaft under the westernmost grain storage bin along the south side of the building.
Railroad Spurs	☒	☐	A former railroad spur was observed bordering the western property boundary

Table 7.1
Interior and Exterior Site Reconnaissance Observations
Former Grain Distribution Warehouse
1100 Niagara Street in Buffalo, New York

			along with a turn table. The rail spur was reportedly used to off load grain. There were no obvious indications (e.g. stressed vegetation, soil staining, unusual odors) of potential environmental concern in the immediate vicinity of the rail spur that were clearly visible or identified at the time of the site reconnaissance. See **Section 1.4**.
Septic Systems	☐	☒	None observed.
Solid Waste Disposal	☒	☐	There is a substantial amount of solid waste material strewn throughout the building consisting of old gear forms from Oliver Gear (immediately adjacent to the north), wood doors, old film, steel augers, blocks, bricks and general refuse. In addition, several propane cylinders were observed on the site: two near the front entry way to the grainery (one 20 pound tank and one 40 pound tank), and another 20 pound propane tank in the southwest corner of the property.
Solvents	☐	☒	None observed.

Table 7.1
Interior and Exterior Site Reconnaissance Observations
Former Grain Distribution Warehouse
1100 Niagara Street in Buffalo, New York

(Continued)

Issue	Observed During Site Visit		Observations/Comments Yes
	Yes	No	
Separators, Oil-Water	☐	☒	None observed.
Spills or Releases, Surface	☒	☐	None observed.
Stained Soil or Pavement	☐	☒	None observed.
Stains or Corrosion on Floors, Walls, Ceilings	☒	☐	Staining was observed on the south wall and concrete floor inside the former storage building approximately ½ the way down the building.
Stormwater Discharges from Property	☒	☐	One stormwater drain was observed just north of the property in front of the loading door for Modern Heating and Forging. There were no obvious indications (e.g. pavement staining, unusual odors) of potential environmental concern in the immediate area of either catch basin that were clearly visible or identified at the time of the site reconnaissance.
Stressed or Dead Vegetation	☐	☒	None observed.
Sumps, Floor Vaults or Pits	☒	☐	Several apparent "pits" have been filled in located just before the mezzanine. In addition, there was a water-filled sump observed underneath the mezzanine area of the first floor. The sump was "sticked" and appeared to be approximately two feet deep. There was also a water-filled shaft observed under the westernmost grain storage bin along the south side of the building.
Underground Storage Tank Systems (Existing or Active)	☐	☒	None observed or reported.
Underground Storage Tank Systems (Former)	☐	☒	None observed or reported.
Underground Storage Tanks (Heating or Fuel-Oil)	☐	☒	None observed or reported.
Underground Storage Tanks (Used/Waste Oil)	☐	☒	None observed or reported.
Unidentified Substances	☐	☒	None observed.
Wastewater Discharges from Property	☐	☒	None observed.
Wells: Abandoned, Monitoring, Irrigation, Injection, Dry Wells	☐	☒	None observed.

GES identified several recognized environmental conditions (RECs) based on the visual observations noted on September 7, 2012:

- Inside the building, several sumps have been filled just before the mezzanine area
- There is a sump under the mezzanine approximately two feet deep filled with water;
- There is a water-filled shaft under the westernmost grain silo in southwest corner of the building;
- There is staining on the wall and floor of the storage building reportedly from an oil drum that was compromised; and
- Fill soils along with construction & demolition debris have been placed along the southern length of the building that is of unknown origin.
- ***Source(s): GES Site reconnaissance observations from September 7, 2012.***

8.0 FINDINGS, CONCLUSIONS AND OPINIONS

GES has performed a Phase I ESA in conformance with the scope and limitations of ASTM Standard Practice E 1527 for the property located at 1100 Niagara Street identified as a former grain distribution facility in Buffalo, New York (the Property).

The Property has been developed since 1899 as an industrial facility. In 1889, it was vacant land. In 1899 it had been developed as the C. G. Curtiss Malting Drum House. In 1925 it had been developed as the Co-Operative Grange League Federation Exchange, Inc consisting of a steel, brick, cement and wood structure 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.

GES conducted a review of the appropriate federal and state environmental records in accordance with the ASTM Standard Practice E 1527 in order to identify sites or facilities of known or suspected environmental conditions, which could have an adverse impact on the Property. Based on the review of the appropriate environmental records, the Property was not listed in any local, state or federal database as having a reported spill or release incident; as having a current or historic AST or UST, and was not identified a hazardous waster generator, handler or TSD facility. There are however properties located north, south and east the Property that were identified by GES as a site or facility that could have an adverse impact on the Property.

This Phase I ESA has revealed of recognized environmental conditions (RECs) attributable to the Property in accordance with the ASTM Standard Practice E 1527. Based upon the nature of the available information reviewed and referenced in this Phase I ESA, the following RECs were found within the building:

- There is 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 are 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.

The following RECs were found outside of the building on the property:

- 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. Used medical syringes were also observed scattered around the debris piles. The origin of this material is from off-site and it is unknown if this material may have contamination associated with it.
- There are two propane tanks on site near the front entry way to the building; a 20-pound cylinder just to the right of the entry way, and a 40 pound cylinder alongside of the office building near the entry way to the main building.

The following are suspect environmental conditions (SECs) that were observed or discovered within the interior of the building during the completion of this Phase I ESA:

- The interior brick building walls are stained a dark brownish color. This could have been from the use of a coating to seal the brick through time, or could be related to past industrial practices that occurred within the building.
- Industrial cleaning fluids were reportedly within the building immediately to right of the main building entry way.
- There are a number of sumps on the main floor of the building that have been filled in with either soil or concrete.
- There is a drain on the main floor of the building that may have historically received cleaning fluids from on site industrial processes. It is unknown where this drain discharges.
- There is a sump under the mezzanine approximately two feet deep that is filled with sediment and water. The chemical nature of the sediment and water in this sump are unknown
- There is a shaft under the grain elevators/bins with standing water, sediment and refuse in it. The chemical nature of sediment and water are unknown.
- There is a drain in the basement boiler room that likely received condensate from the boiler. It is unknown where this drain discharges.

The following SEC was found outside of the building on the property:

- There are pole mounted transformers along the electric right of way along the south property boundary with Albany Street.

The following SECs were discovered as part of our site visit and electronics data file search using Sanborn property maps, and review of City of Buffalo files:

- To the east of Niagara Street, Keystone Chromium Corporation operated a chrome plating facility from before 1951 to after 1986. There may have releases of heavy metals and/or solvents to soil that migrated down to the groundwater table. Since the this facility was located upgradient of 1100 Niagara Street, any groundwater contamination that may have occurred as result of their manufacturing processes may have migrated through time downgradient onto the 1100 Niagara Street property.
- In addition, the industrial manufacturing processes used at Keystone Chromium Corporation may have caused releases of heavy metals to the environment via the air or soil routes in and around the location of the plant.
- Immediately south of the 1100 Niagara Street, an oil distribution facility was in place from before 1925 until after 1951. This facility reportedly had petroleum storage tanks on location, which may have leaked creating soil and groundwater contamination. Since this location is sidegradient to general flow direction, it is unknown whether or not there are any impacts to soil and groundwater from industrial activities at this site, or whether or not potential impacts have effected soil and groundwater at 1100 Niagara Street.
- Immediately adjacent to the north, Modern Heat Treating and Fabricating has had a facility since before 1986 but after 1981. Modern treats metal products. There is a 1,500 gallon tank for methanol located on site. There is a potential for the release of heavy metals and/or solvents from this facility. It is unknown whether or not there have been any releases, or whether they would effect soil and groundwater quality at 1100 Niagara Street.
- Immediately west of 1100 Niagara Street is a railroad right of way. Historically, various chemical, petroleum and metal products and various other products are transported by rail. It is unknown if there have been any spills by rail transportation in the immediate vicinity of 1100 Niagara Street that may have impacted site soils or groundwater.

Based on the Phase I ESA scope of work and the information and data summarized in the report, this Phase I ESA has revealed evidence of recognized environmental conditions and suspect environmental conditions attributable to the Property in accordance with the ASTM Standard Practice E 1527.

9.0 RECOMMENDATIONS

GES has performed a Phase I ESA in conformance with the scope and limitations of ASTM Standard Practice E 1527 for the property identified as the former grain distribution facility located at 1100 Niagara Street, in the City of Buffalo, Erie County, New York (the Property).

A Phase II investigation is recommended to ascertain potential environmental impacts from the RECS and SECs that were discovered during completion of the Phase I ESA. The Phase II investigation should involve the investigation of the site specific RECs/SECs as well characterization of general site soil and groundwater conditions.

10.0 DATA GAPS AND DATA FAILURE

ASTM Standard Practice E 1527 defines "**data gap**" as "a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information". Dense vegetation growth was present along the southern portion of the Property in the vicinity of the debris piles and along the western property boundary where former railroad spur right-of-way is present. These conditions limited GES' accessibility for visual observations of this area.

A "**data failure**" is defined by the ASTM Standard Practice E 1527 as "a failure to achieve the historical research objectives" that is outlined in the ASTM Standard Practice E 1527 "even after reviewing the standard historical sources…that are reasonably ascertainable and likely to be useful". FOIA information is pending from NYSDEC. Please note that the lack of this information may be considered a data failure, but is not considered a material limitation for the completion of this Phase I ESA report based on the availability and review of other historic data that identified the historic use of the Property back to when it was first developed.

11.0 QUALIFICATIONS OF PROFESSIONALS

GES has completed a Phase I ESA for the property identified as the grain elevator located at 1100 Niagara Street in the City of Buffalo, Erie County, New York. This Phase I ESA was conducted using methods and procedures consistent with customary practices designed to conform to acceptable industry standards.

The GES personnel that performed this Phase I ESA consisted of environmental professionals that have training and expertise in performing Phase I ESAs. A project geologist conducted the interview(s) and site reconnaissance and prepared the Phase I ESA report. A GES Senior Project Manager provided quality assurance/quality control, and technical reviews of the Phase I ESA report. The qualifications of the GES professionals who participated in this Phase I ESA are provided in **Appendix F**.

FIGURES

APPENDIX A

GES SITE RECONNAISSANCE PHOTOGRAPHS

APPENDIX B

EDR RADIUS MAP REPORT WITH GEOCHECK

APPENDIX C

PHASE I ESA QUESTIONNAIRE AND FIELD RECORDS

APPENDIX D

HISTORICAL USE
DATABASE REPORTS AND DOCUMENTATION

THE EDR AERIAL PHOTO DECADE PACKAGE

CERTIFIED SANBORN MAP REPORT

EDR HISTORICAL TOPOGRAPHIC MAP REPORT

THE EDR-CITY DIRECTORY IMAGE REPORT

STATE, COUNTY, OR CITY GOVERNMENT RECORDS

APPENDIX E

QUALIFICATIONS OF PARTICIPATING GROUNDWATER & ENVIRONMENTAL SERVICES, INC., PROFESSIONALS