

Phase I Environmental Site Assessment Report

CSX (Former Penn 200 Yard) Site
Buffalo, New York

August 2006

0116-001-100

Prepared For:

Buffalo Urban Development Corporation

Prepared By:



PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
for
CSX (FORMER PENN 200 YARD) SITE
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1.0 EXECUTIVE SUMMARY

1.1 REPORT FINDINGS

The following details the findings of Benchmark Environmental Engineering and Science, PLLC (Benchmark) relative to all appropriate inquiries of recognized environmental conditions (RECs) for the CSX (former Penn 200 Yard) Site, Buffalo, Erie County, New York site in accordance with ASTM E1527-05. It should be noted that this Phase I Environmental Site Assessment (ESA) includes only a portion of what is required by the user to comply with all appropriate inquiries (See Appendix J). This section is provided for convenience to the reader. The reader is encouraged to read the entire report.

It is Benchmark's understanding that this assessment was requested by the Buffalo Urban Development Corporation (BUDC) (i.e., the User) for the purpose of meeting the all appropriate inquiries provisions necessary to qualify for landowner liability protections under CERCLA (See Appendix K).

1.1.1 Site Description

The subject property is identified as CSX Corporation (former Penn 200 Yard) Site (CSX Site), City of Buffalo, Erie County, New York (see Figures1). The subject property consists of 37.94 of vacant land located near the southern boundary of the City of Buffalo (see Figure 2).

1.1.2 Site Reconnaissance

The subject property is located in a vacant former railroad corridor and is generally covered with slag and gravel, which was apparently utilized as railroad ballast. The remainder of the site is generally covered with vegetation. There were no buildings located on-site at the time of the site inspection. Miscellaneous dumping was noted in various areas on-site. Materials observed included abandoned drums, scrap automobile parts, household items, tires, an abandoned tank, and railroad ties.

The following conditions indicative of releases or threatened releases of hazardous substances or petroleum products on, at, in, or to the subject property were identified.

- The subject site is currently covered with slag and gravel fill materials, related to past use of the site as a railroad corridor. Slag and other industrial fill materials contain highly variable and sometimes elevated concentrations of metals and semi-volatile organic compounds.
- Miscellaneous dumping was noted in various areas on-site. Materials observed included abandoned drums, scrap automobile parts, household items, tires, an abandoned tank, and railroad ties.

- Adjacent sites include Sherland, Inc. (NYSDEC inactive hazardous waste site), CertainTeed (portion of the former Hanna Furnace Corporation site), Herbert F. Darling Site (historic slag dumping area), St. Lawrence Cement and current/historic railroad properties.

1.1.3 Site History

The historical use of the subject property has been researched through review of historic maps, historic aerial photographs, municipal records, city directories, and/or other reasonably obtainable documents. In general, the historical site uses were determined to be as follows.

Date Range	Apparent Use	Source
1926 through 1986	Rail yard	Aerial photographs, Sanborn maps, Topographic maps
1995 to present	Vacant land	Aerial photographs

The following conditions indicative of releases or threatened releases of hazardous substances or petroleum products on, at, in, or to the subject property were identified based on historical research.

- The subject site was formerly used as a railroad corridor. Slag and other industrial fill materials used as rail ballasts contain highly variable and sometimes elevated concentrations of metals and semi-volatile organic compounds.
- Possible dumping or landfill activities were noted on the north and south adjacent properties from at least the 1960s through 2005.
- Historic adjacent sites included rail yards and heavy industrial sites related to steel manufacturing. These sites included Sherland, Inc. (current NYSDEC inactive hazardous waste site), the former Hanna Furnace Corporation site, Herbert F. Darling Site (historic slag dumping area) and St. Lawrence Cement.

1.1.4 Regulatory Information

A review of regulatory database information and any additional regulatory information identified the following conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, in, or to the subject property.

- An adjacent property, identified as the Hanna Furnace Corporation property, addressed at 1818 Fuhrmann Boulevard, is listed as a NY Voluntary Cleanup Program site, a RCRA SQG of hazardous waste and a FINDS site.
- An adjacent property, identified as NYSDEC Shenango Steel Mold # 915172 and Shenango Inc, addressed at 1800 Fuhrmann Boulevard, is listed as a RCRA-LQG of hazardous waste, a RCRA SQG of hazardous waste, a FINDS site and a State Hazardous Waste Site.

- An adjacent property, identified as Buffalo Lakeside Commerce Park, addressed at 1818 Fuhrmann Boulevard, is listed as an US Brownfields site, a NY Brownfields site and a NY Voluntary Cleanup Program site.
- An adjacent property, identified as Independent Concrete, addressed at 1751 Fuhrmann Boulevard, is listed as NY Spills site, a Historic NY Spills site, a NY Manifest site, an AST site and a Historic AST site.
- An adjacent property, identified as Jordan Forster Scrap Corp., addressed at 1818 Fuhrmann Boulevard, is listed as UST site, a Historic UST site and a Historic AST site.

1.1.5 Interviews

Interviews were conducted with BUDC personnel knowledgeable about the subject property. A environmental questionnaire was provided to the current site owner; however, a completed copy was not returned.

The following conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property were identified based on these interviews.

- The subject site was historically used for rail car storage.
- BUDC is aware of illegal dumping at the site.
- BUDC is aware that slag was used as rail bed ballast throughout the site.

1.2 CONCLUSIONS

We have performed this all appropriate inquiry in conformance with the scope and limitations of 40 CFR 312 for CSX (former Penn 200 Yard) Site, Buffalo, Erie County, New York. Any exceptions to, or deletions from, this practice are described within Section 1.4. Any data gaps are also discussed in Section 1.4.

This inquiry has revealed no conditions indicative of releases or threatened releases of hazardous substances or petroleum products on, at, in, or to the subject property (i.e., RECs) except for the following.

- The subject site was formerly used as a railroad corridor. Slag and other industrial fill materials used as rail ballasts contain highly variable and sometimes elevated concentrations of metals and semi-volatile organic compounds.
- Miscellaneous dumping was noted in various areas on-site. Materials observed included abandoned drums, scrap automobile parts, household items, tires, an abandoned tank, and railroad ties.
- Possible dumping or landfill activities were noted on the north and south adjacent properties from at least the 1960s through 2005.

- Adjacent sites included current and former rail yards and heavy industrial sites. These sites included Sherland, Inc. (current NYSDEC inactive hazardous waste site), the former Hanna Furnace Corporation site, Herbert F. Darling Site (historic slag dumping area) and St. Lawrence Cement.

This inquiry has revealed no conditions indicative of releases or threatened releases of hazardous substances or petroleum products on, at, in, or to the subject property that have previously been addressed or remediated (i.e., historical RECs).

1.3 OPINION

Based on the information contained in this report, it is the opinion of the environmental professional preparing this report that the following additional investigation is warranted.

- A Phase II ESA is recommended for the subject property. The Phase II ESA should include soil sample collection and analysis for VOCs, SVOCs, PCBs and metals and groundwater sample collection and analysis for VOCs and metals.

1.4 DATA GAPS

The following data gaps¹ were encountered in completion of this inquiry.

Type of Data Gap	Details of Data Gap	Sources Consulted	Significance
Regulatory Review	The NYSDEC files were not available for review at the time of report preparation.	NYSDEC Region 9, Buffalo, New York	This data gap did not limit Benchmark's ability to provide an opinion on RECs related to the site.
Interviews	The completed environmental questionnaire was not provided by the current owner.	Not applicable	This data gap did not limit Benchmark's ability to provide an opinion on RECs related to the site.
Interviews	The completed environmental questionnaire was not provided by the previous owner(s).	Not applicable	This data gap did not limit Benchmark's ability to provide an opinion on RECs related to the site.
Abstract of Title	The abstract of title was not available for review at the time of report preparation.	The title search was ordered by the BUDC.	This data gap did not limit Benchmark's ability to provide an opinion on RECs related to the site.

¹ A data gap is defined by 40 CFR 312.10 as "a lack of or inability to obtain information required by the standards and practices" of preparation of this document "despite good faith efforts by the environmental professional" or others to gather such information.

1.5 LIMITATIONS

To the best of our knowledge, the information contained in this report is true and accurate. Benchmark personnel have exercised due diligence in the compilation of the information contained herein appropriate to environmental professionals engaged in investigations of this sort. Benchmark makes no guarantees regarding the accuracy of information gained from other sources. Refer to Appendix I for additional limitations.

1.6 RELIANCE AND DECLARATION

Benchmark authorizes the Buffalo Urban Development Corporation (BUDC) to use this report in order to determine its interest in purchase of the above referenced subject property.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR part 312.

Reviewed by:

Michael Lesakowski
Project Manager

2.0 PURPOSE

The primary purpose of this assessment was to document the inquiry of the environmental professional for all appropriate inquiries for the subject property. Specifically, this document is intended to provide the “all appropriate inquiries” for the purposes of CERCLA Section 101(35)(B). Such is applicable to persons seeking to qualify for (i) the innocent landowner defense pursuant to CERCLA Sections 101(35) and 107(b)(3); (ii) the bona fide prospective purchaser liability protection pursuant to CERCLA Sections 101(40) and 107(r); and, (iii) the contiguous property owner liability protection pursuant to CERCLA Section 107(q). This report was not intended as part of the site characterization and assessment with use of a grant awarded under CERCLA Section 104(k)(2)(B). More specifically, the scope is intended to identify conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property.

3.0 SCOPE OF WORK

This Environmental Assessment report has been prepared in accordance with “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,” ASTM E 1527-05. This standard was devised to address the site assessment portion for *Innocent Landowners, Standards for Conducting All Appropriate Inquiries* (40 CFR 312). The scope of work is intended to identify conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property, via the following tasks.

A) Review of information provided by the person seeking liability protection relative to: environmental cleanup liens; specialized knowledge or experience regarding the subject property; relationship of the purchase price to the fair market value of the property, if the property were not contaminated; and, commonly known or reasonably available information about the subject property.

B) Interviews with past and present owners, operators and occupants.

C) Review of historical sources of information documenting the subject property’s first use.

D) Review of Federal, State, tribal and local government records, as defined in 40 CFR 312.26.

E) A visual inspection of the subject property and adjoining properties (to the extent possible).

F) Preparation of this written report on all appropriate inquiries.

4.0 SUBJECT PROPERTY/VICINITY DESCRIPTION

4.1 SITE RECONNAISSANCE

A visual site review of the subject property was completed to document site conditions and to identify recognized environmental conditions. The site reconnaissance included a walk-over of all accessible areas. Benchmark personnel were unaccompanied during the site inspection. Dense vegetation on certain areas of the property prevented a detailed inspection of the ground surface of the site.

The following summarizes Benchmark's observations.

4.1.1 Overview

General Site Information	
Name of Site	CSX Transportation Property
Site Address	No physical address identified
Municipality, County, State	City of Buffalo, Erie County, New York
Fronting Streets	NY State Route 5, Fuhrmann Boulevard
Site Size (acres)	37.9 +/-
Site Topography	Generally flat
Nearest Water Body	Lake Erie ~ 1000 feet west of Site
Exterior Conditions/Improvements	No Improvements

4.1.2 Storage Tanks

During the site inspection, there was no indication of any on-site USTs or ASTs for the containment of petroleum products (e.g., fill ports, vent pipes, accessways, etc.). However, one empty abandoned tank was observed on-site.

4.1.3 Hazardous or Regulated Materials

No hazardous and/or regulated materials were noted stored and/or utilized on the subject property at the time of the site inspection.

4.1.4 Solid, Hazardous or Regulated Waste

There was no evidence of hazardous or regulated waste generated on-site.

4.1.5 Staining, Corrosion, Stressed Vegetation and/or Dead Vegetation

During the site reconnaissance, there were no stained soils, stained pavement, stressed vegetation or corroded surfaces noted on-site.

4.1.6 Fill Dirt or Land Disposal

During the site reconnaissance, there was evidence of placement of slag and gravel fill materials on-site. The site is mainly composed of former rail line beds, and rail line slag fill is prominent across the site. In addition, miscellaneous dumping was noted in various areas on-site. Materials observed included abandoned drums, scrap automobile parts, household items, tires, an abandoned tank, and railroad ties.

4.1.7 Wastewaters

Although municipal sanitary and storm sewers service the area of subject property, there was no evidence of municipal sewers on-site. There was no evidence of any pits, ponds or lagoons used in connection with waste treatment or waste disposal.

4.1.8 Potable Water Supply/Wells

There was no evidence of municipal water supply, active or abandoned supply wells, drywells, monitoring wells or irrigation wells on-site.

4.1.9 Air Emissions

There were no process exhaust systems noted on-site at the time of the site investigation.

4.1.10 PCBs

No suspect PCB-containing materials were noted on-site.

4.1.11 Other Issues

At the time of the site inspection, there was no evidence of any other issues of concern, i.e. air quality, odors, etc., associated with the subject property.

4.2 ADJACENT SITE USE

The adjacent properties were visually inspected from the subject property at the time of the site reconnaissance. Physical limitations included heavy vegetation and restricted road access.

The surrounding property uses include the following:

Direction	Owner/Current Use	Apparent Past Use	Concerns
North	HF Darling (99 Tifft St) (Currently vacant)	Former railroad	- Three soil/slag large piles exist on-site - Historic fill/dumping area
South:	Sherland Inc. (Currently vacant)	Industrial	- NYSDEC inactive hazardous waste site - Historic steel manufacturing area

	Krog USC Associates, LLC (Occupant- CertainTeed Corporation) (Industrial use)	Industrial	- Current industrial use - Historic steel manufacturing area (former Hanna Furnace Corporation site)
	Downtown Development, Inc. (Currently vacant)	Unknown	- Miscellaneous dumping - Historic fill/dumping area - Adjacent to historic steel manufacturing area
East:	- Rail road	-Railroad	- Current/historic railroad
West:	St. Lawrence Cement (Cement plant)	- Similar/same as current	- Historic industrial use

4.3 SUBJECT SITE PHOTOGRAPHS

Photographs of the subject property were taken by Benchmark on August 2, 2006. Photographs were taken with the objective of documenting the physical condition of the subject property and any improvements thereon. Photographs are included in Appendix A.

4.4 SUMMARY OF OBSERVATIONS OF POTENTIAL CONCERNS

Based solely on observations made during the site inspection, the following conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property were identified:

- The subject site is currently covered with slag and gravel fill materials, related to past use of the site as a railroad corridor. Slag and other industrial fill materials contain highly variable and sometimes elevated concentrations of metals and semi-volatile organic compounds.
- Miscellaneous dumping was noted in various areas on-site. Materials observed included abandoned drums, scrap automobile parts, household items, tires, an abandoned tank, and railroad ties.
- Adjacent sites include Sherland, Inc. (NYSDEC inactive hazardous waste site), CertainTeed (portion of the former Hanna Furnace Corporation site), Herbert F. Darling Site (historic slag dumping area), St. Lawrence Cement and current/historic railroad properties.

5.0 SUBJECT PROPERTY HISTORY AND USE

The historical use of the subject property has been researched through review of historic maps, historic aerial photographs, municipal records, city directories, historic topographic maps, and/or other reasonably obtainable documents. The following summarizes Benchmark's historical research.

5.1 HISTORIC AERIAL PHOTOGRAPHS

Historical aerial photographs serve to reveal former topography, buildings, structures and man-made works such as canals, lagoons and railroads that may have been altered or may no longer be in existence.

Historical aerial photographs were provided by EDR, Erie County Public Works website and <http://earth.google.com>. Changes in land use and general subject property characteristics were noted and are described below. Copies of the aerial photographs are included in Appendix B. Observations of the subject property and surrounding properties are detailed below.

YEAR/SITE	OBSERVATIONS/PROPERTY USES
1926	
Subject Property	Rail yard
North	Rail yard
South	Vacant; railroad adjacent to the southeast portion of the site
East	Rail yard
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest
1951	
Subject Property	Rail yard
North	Vacant
South	Vacant; railroad adjacent to the southeast portion of the site
East	Rail yard; Apparent landfill activities beyond the railroad tracks
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest
1959	
Subject Property	Rail yard; Map does not show the southeast portion of the site
North	Vacant
South	Partially vacant; Industrial facility (Hanna Furnace); Map does not show the southeast adjacent properties
East	Map does show not the eastern-most portion of the site
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest
1966	
Subject Property	Rail yard
North	Vacant
South	Vacant cleared/disturbed land; railroad adjacent to the southeast portion of the site; Industrial facilities (Hanna Furnace, Shenango Steel and Mold)
East	Rail yard
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest

1978	
Subject Property	Rail yard
North	Vacant
South	Vacant cleared/disturbed land; railroad adjacent to the southeast portion of the site; Industrial facilities (Hanna Furnace, Shenango Steel and Mold)
East	Rail yard
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest
1983	
Subject Property	Rail yard
North	Vacant; disturbed land, potential dumping activities
South	Vacant cleared/disturbed land; railroad adjacent to the southeast portion of the site; Industrial facilities (Hanna Furnace, Shenango Steel and Mold)
East	Not shown on map
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Heavy industrial (Hanna Furnace) adjacent to the southwest
1995	
Subject Property	Vacant (Rail removed)
North	Vacant; disturbed land, potential dumping activities
South	Vacant; disturbed land
East	Rail lines
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Disturbed land (former Hanna Furnace) adjacent to the southwest
2003	
Subject Property	Vacant
North	Vacant; disturbed land, potential dumping activities
South	Vacant; disturbed land
East	Rail lines
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Disturbed land (former Hanna Furnace) adjacent to the southwest
2005	
Subject Property	Vacant
North	Vacant; disturbed land, potential dumping activities
South	Vacant; disturbed land
East	Rail lines
West	Fuhrmann Boulevard/Industrial adjacent to the northwest portion of the site; Industrial facility noted adjacent to the southwest

5.2 SANBORN MAPS

EDR provided historical maps dating 1917, 1940, 1950 and 1986. Based on those maps, included within the Appendix C of this report, the subject property the historical uses and those of adjacent properties are described as below.

YEAR /SITE	OCCUPANTS/PROPERTY USE
1917	
Subject Property	Vacant; Southeast portion of the site is not shown
North	Vacant
South	Vacant
East	Vacant; Southeast portion of the site is not shown
West	Vacant
1940	

Subject Property	Railroad tracks
North	Vacant
South	Railroad tracks/Ore dock
East	Railroad tracks
West	Heavy industrial (Hanna Furnace) to the southwest; Fuhrmann Boulevard is adjacent to the northwest portion of the site; Map does not show west of Fuhrmann Boulevard
1950	
Subject Property	Railroad tracks
North	Vacant
South	Railroad tracks/Ore dock
East	Railroad tracks
West	Heavy industrial (Hanna Furnace) to the southwest; Fuhrmann Boulevard is adjacent to the northwest portion of the site; Map does not show west of Fuhrmann Boulevard
1986	
Subject Property	Railroad tracks
North	Vacant
South	Railroad tracks; Shenango, Inc. Foundry
East	Railroad tracks
West	Railroad tracks; Fuhrmann Boulevard is adjacent to the northwest portion of the site; Map does not show west of Fuhrmann Boulevard

5.3 CITY DIRECTORIES

Historic Polk Directories were reviewed for additional information regarding the subject property. Past occupants of the subject property and those of adjacent/nearby properties have been identified through the Polk Directories as listed below.

YEAR	OCCUPANTS/PROPERTY USES
1942	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Hanna Furnace (1615 Fuhrmann Blvd.) Lehigh Cement (1615 Fuhrmann Blvd.)
1950	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Kozy's Service Station (1568 Fuhrmann Blvd.) Hanna Furnace (1751 Fuhrmann Blvd.) Lehigh Cement (1751 Fuhrmann Blvd.)
1962	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Hanna Furnace Corp. (1812 Fuhrmann Blvd.) West Shore Fuel (dock) (1812 Fuhrmann Blvd.) John W. Cowper Co., Inc. (1812 Fuhrmann Blvd.)
1967	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Shenango Inc. (1800 Fuhrmann Blvd.) Hanna Furnace Corp. (1812 Fuhrmann Blvd.) West Shore Fuel (dock) (1812 Fuhrmann Blvd.)
1975	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Vacant (1760 Fuhrmann Blvd.) Shenango Inc. (1800 Fuhrmann Blvd.) Hanna Furnace Corp. (1812-1818 Fuhrmann Blvd.)

1985	
Subject Property	Not listed
Adjacent/Nearby Properties (address)	Independent Cement (1751 Fuhrmann Blvd.) Buffalo Sand Blasting (1751 Fuhrmann Blvd.) Buffalo Tube and Core (1751 Fuhrmann Blvd.) NYPENN Elevators (1751 Fuhrmann Blvd.) Cement Transportation, Inc. (1751 Fuhrmann Blvd.)

5.4 HISTORIC TOPOGRAPHIC MAPS

Historic topographic maps, available through <http://historical.maptech.com> and DeLorme 3-D TopoQuads, were reviewed for additional information regarding the subject property. Copies of the maps are included in Appendix D. Observations of the subject property and surrounding properties are detailed below.

YEAR/SITE	OBSERVATIONS/PROPERTY USES
1901	
Subject Property	Vacant
Adjacent/Nearby Properties	Vacant
1948	
Subject Property	Rail lines
Adjacent/Nearby Properties	Rail lines
1995	
Subject Property	Rail lines
Adjacent/Nearby Properties	Rail lines; Apparent industrial facilities southwest of the site

5.5 MUNICIPAL RECORDS

Subject Property Information	
Sources	http://erie-gis.co.erie.ny.us
SBL No.	unknown
Size (acres)	37.9 +/-
Current Owner	Consolidated Rail Corporation
Past Owners	Not listed
Square Footage of Buildings	Not applicable
Date of Construction	Not applicable
Utilities Provided	Not listed

5.5.1 City of Buffalo Records

Benchmark personnel completed a records search at the City of Buffalo Building and Fire Departments. No pertinent records relative to environmental concerns were identified during the records search.

5.5.2 Abstract of Title

According to the Abstract of Title Search provided, the following summarizes site ownership.

Date	From	To
	(to be inserted upon receipt of Abstract of Title)	

5.6 PREVIOUS STUDIES

No previous studies were supplied for review relative to the subject property.

5.7 SUMMARY OF HISTORIC USES

The historical use of the subject property has been researched through review of historic maps, historic aerial photographs, municipal records, city directories and/or other reasonably obtainable documents, as detailed below.

Date Range	Apparent Use	Source
1926 through 1986	Rail yard	Aerial photographs, Sanborn maps, Topographic maps
1995 to present	Vacant land	Aerial photographs

The following conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property were identified based on historical research.

- The subject site was formerly used as a railroad corridor. Slag and other industrial fill materials used as rail ballasts contain highly variable and sometimes elevated concentrations of metals and semi-volatile organic compounds.
- Possible dumping or landfill activities were noted on the north and south adjacent properties from at least the 1960s through 2005.
- Historic adjacent sites included rail yards and heavy industrial sites related to steel manufacturing. These sites included Sherland, Inc. (current NYSDEC inactive hazardous waste site), the former Hanna Furnace Corporation site, Herbert F. Darling Site (historic slag dumping area) and St. Lawrence Cement.

6.0 PHYSICAL AND HYDROGEOLOGIC SETTING

The subject property is included on the Buffalo SE Quadrangle Topographic Map dated 1995. This map indicates that the subject property was a rail yard at that time.

Mapping indicates the surficial geology of the area to consist primarily of lacustrine silt and clay where the bedrock may be within one to three meters of the surface, may sporadically crop out and consists of a variable mantle of rock debris and glacial till. Lacustrine silt and clay was deposited in pro-glacial lakes and is generally laminated and calcareous. It has the potential for land instability. The thickness varies up to 100 meters.

Geologic mapping of the area reveals the primary underlying bedrock as belonging to the Hamilton Group, composed primarily of the Skaneateles Formation having Levanna Shale and Stafford Limestone Members. Thickness ranges from 60 to 150 meters.

The subject property does not appear to have any open water bodies or surficial water bodies located on-site. Regional groundwater would appear to flow in a western direction towards Lake Erie based on a review of geological/soils and USGS quadrangle maps. Localized groundwater flow could be influenced by utilities and/or other subsurface structures.

7.0 REGULATORY INFORMATION

Regulatory information involving the subject property was obtained through a commercial database search company, interviews with local municipalities and/or other knowledgeable persons, NYSDEC FOIA requests, and user-supplied information. The following summarizes the regulatory research.

7.1 ENVIRONMENTAL RECORDS DATABASE

Federal and state environmental regulatory information was provided by EDR. Databases were reviewed at the radii as defined in 40 CFR 312.26. It should be noted that the search radii has been adjusted to account for the size of the subject property to search from the approximate site boundary.

Any sites unplotable by EDR were also reviewed, to the extent practical based on the site name and address, to assess whether they are also present within their appropriate radii. Any listings for the subject property or any adjacent sites are included in the details below.

7.1.1 Subject Property

Based on the EDR report, the subject property was not identified in any on any of the state or federal environmental databases.

7.1.2 Adjacent Properties

An adjacent property, identified as the Hanna Furnace Corporation property, addressed at 1818 Fuhrmann Boulevard, is listed as a NY Voluntary Cleanup Program site, a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG) of hazardous waste and a Facility Index Systems (FINDS) site.

An adjacent property, identified as NYSDEC Shenango Steel Mold # 915172 and Shenango Inc, addressed at 1800 Fuhrmann Boulevard, is listed as a RCRA-Large Quantity Generator (LQG) of hazardous waste, a RCRA SQG of hazardous waste, a FINDS site and a State Hazardous Waste Site.

An adjacent property, identified as Buffalo Lakeside Commerce Park, addressed at 1818 Fuhrmann Boulevard, is listed as an US Brownfields site, a NY Brownfields site and a NY Voluntary Cleanup Program site.

An adjacent property, identified as Independent Concrete, addressed at 1751 Fuhrmann Boulevard, is listed as NY Spills site, a Historic NY Spills site, a NY Manifest site, an aboveground storage tank (AST) site and a Historic AST site.

An adjacent property, identified as Jordan Forster Scrap Corp., addressed at 1818 Fuhrmann Boulevard, is listed as Underground Storage Tank (UST) site, an Historic UST site and a Historic AST site.

7.1.3 Surrounding Properties

There is one CERCLIS-NFRAP listed site located within a one-mile radius of the site. The closest such site is located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

There is one RCRA CORRACTS listed facilities located within a one-mile radius of the subject property. The closest such site is located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

There is one RCRA-TSDF listed facility within a one-mile radius of the subject property. The closest such site is located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

In addition to the adjacent site listed above, there is one FINDS listed sites within a one-mile radius of the subject property. The Tifft Farm Playfield Building, addressed at 140 Tifft Street, is located over one-eighth of mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

There is one Hazardous Substance Waste Disposal Site (HSWDS) listed site within a one-mile radius of the subject property. This site is located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

In addition to the adjacent site noted above, there are seven State Hazardous Waste Site (SHWS) listed sites within a one-mile radius of the subject property. These sites are located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property and/or the regulatory status of the listed sites.

There are two Solid Waste Facilities/Landfill Site (SWF/LF) listed sites within a one-mile radius of the subject property. These sites are located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property and/or the regulatory status of the listed sites.

In addition to the adjacent NY Spill site listed above, there are two NY Spill sites and two spill sites attributed to LTANKS within a one-mile radius of the subject property. All of these spill sites and LTANKS site are considered “closed” by NYSDEC. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property and/or the regulatory status of the listed sites.

There is one Institutional Controls listed site within a one-mile radius of the subject property. All five of the spill sites are considered “closed” by NYSDEC. This site is located over one-half mile from the subject property. This information is not considered a recognized environmental condition at the subject property based on the distance to the subject property.

The discussion included above regarding adjacent and/or nearby properties is based on information supplied to Benchmark as well as observations of nearby properties at the time of the site reconnaissance. Further study would be required to positively confirm whether the subject property has been impacted by nearby properties.

7.2 NYSDEC RECORDS

To augment the information provided by EDR, a FOIA request was forwarded to the NYSDEC on July 31, 2006 for information concerning the subject property. To date, a complete response has not been received by this agency.

7.3 ENFORCEMENT ACTIONS/PERMITTED ACTIVITIES/INSTITUTIONAL CONTROLS

According to obtainable information to date, there have been no enforcement actions, orders or institutional controls imposed against the referenced subject property.

According to obtainable information to date, the subject property does not appear to be subject to any environmental permit activities.

7.4 SUMMARY OF REGULATORY INFORMATION

The following conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, in, or to the subject property were identified based on review of regulatory information.

- An adjacent property, identified as the Hanna Furnace Corporation property, addressed at 1818 Fuhrmann Boulevard, is listed as a NY Voluntary Cleanup Program site, a RCRA SQG of hazardous waste and a FINDS site.

- An adjacent property, identified as NYSDEC Shenango Steel Mold # 915172 and Shenango Inc, addressed at 1800 Fuhrmann Boulevard, is listed as a RCRA-LQG of hazardous waste, a RCRA SQG of hazardous waste, a FINDS site and a State Hazardous Waste Site.
- An adjacent property, identified as Buffalo Lakeside Commerce Park, addressed at 1818 Fuhrmann Boulevard, is listed as an US Brownfields site, a NY Brownfields site and a NY Voluntary Cleanup Program site.
- An adjacent property, identified as Independent Concrete, addressed at 1751 Fuhrmann Boulevard, is listed as NY Spills site, a Historic NY Spills site, a NY Manifest site, an AST site and a Historic AST site.
- An adjacent property, identified as Jordan Forster Scrap Corp., addressed at 1818 Fuhrmann Boulevard, is listed as UST site, an Historic UST site and a Historic AST site.

8.0 INTERVIEWS/USER PROVIDED INFORMATION

8.1.1 User Provided Information

As required under 40 CFR 312, those seeking liability protection under CERCLA, for which this report is prepared, must provide the environmental professional certain information and documentation (See Appendix J). Benchmark has requested that information from the appropriate party and the response to that inquiry is as follows (See Appendix H).

Environmental Liens

According to Mr. Peter Cammarata of BUDC, there are no environmental cleanup liens against the subject property that are filed or recorded under federal, tribal, state or local law.

Activity Use Limitations

According to Mr. Peter Cammarata of BUDC, there are no engineering controls, land use restrictions or institutional controls in place, filed or recorded under federal, tribal, state or local law.

Specialized knowledge or experience

According to Mr. Peter Cammarata, he has no specialized knowledge or experience regarding the subject property, the area surrounding the subject property, the conditions of adjoining properties or other experience relative to this inquiry indicative of releases or threatened releases at the subject property.

Purchase Price

According to Mr. Peter Cammarata, he has concluded that the purchase price of the subject property reflects the fair market value of that property, if the property were not contaminated.

Commonly Known or Reasonably Ascertainable Information

Mr. Cammarata has provided the following commonly known or reasonably ascertainable information regarding the subject property which may be indicative of releases or threatened releases at the subject property.

- The subject site was historically used for rail car storage

Obvious Indicators

Mr. Cammarata provided following obvious indicators that point to the presence or likely presence of contamination at property.

- BUDC is aware of illegal dumping at the site
- BUDC is aware that slag was used as rail bed ballast throughout the site

8.1.2 Site Owner Information

Benchmark also requested information from the current property owner and site contact relative to pending, threatened or past litigation, administrative proceedings or any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

The Environmental Questionnaire was provided to Mr. Cammarata, who forwarded it to a representative of the current owner. As of the date of this report, the completed questionnaire has not been provided to Benchmark. Any response information that would alter or affect the findings and conclusions of this report will be forwarded as an addendum to this report when it is received.

8.1.3 Previous Owner Information

Benchmark attempted to identify and contact the previous site owner contact relative to pending, threatened or past litigation, administrative proceedings or any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products.

Benchmark was not able to identify the previous owner of the subject property.

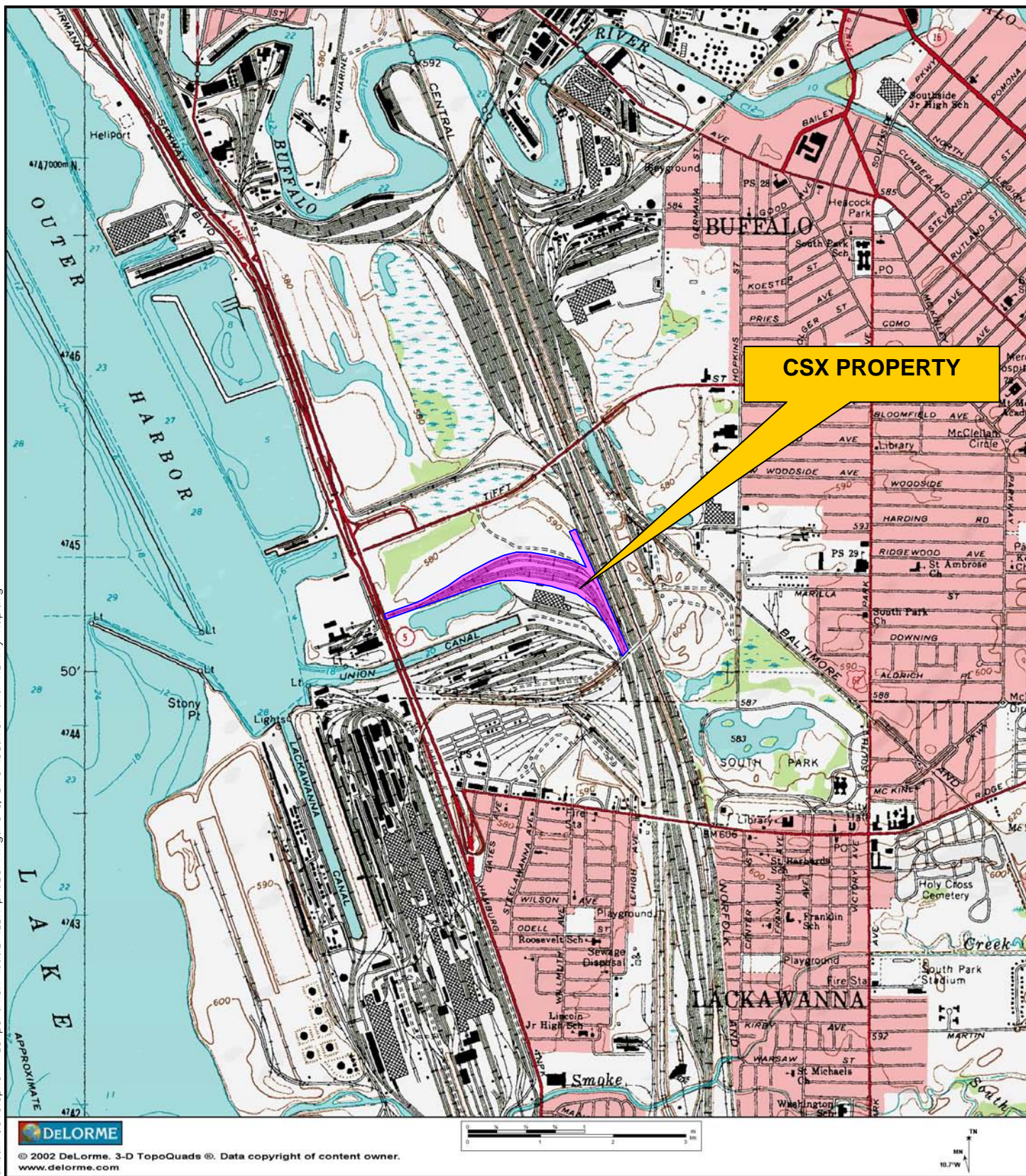
8.2 SUMMARY OF INTERVIEWS/USER PROVIDED INFORMATION

The following conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, in, or to the subject property were identified based on review of regulatory information.

- The subject site was historically used for rail car storage.
- BUDC is aware of illegal dumping at the site.
- BUDC is aware that slag was used as rail bed ballast throughout the site.

FIGURES

FIGURE 1



CSX PROPERTY



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726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0599

PROJECT NO.: 0116-001-100

DATE: AUGUST 2006

DRAFTED BY: BCH

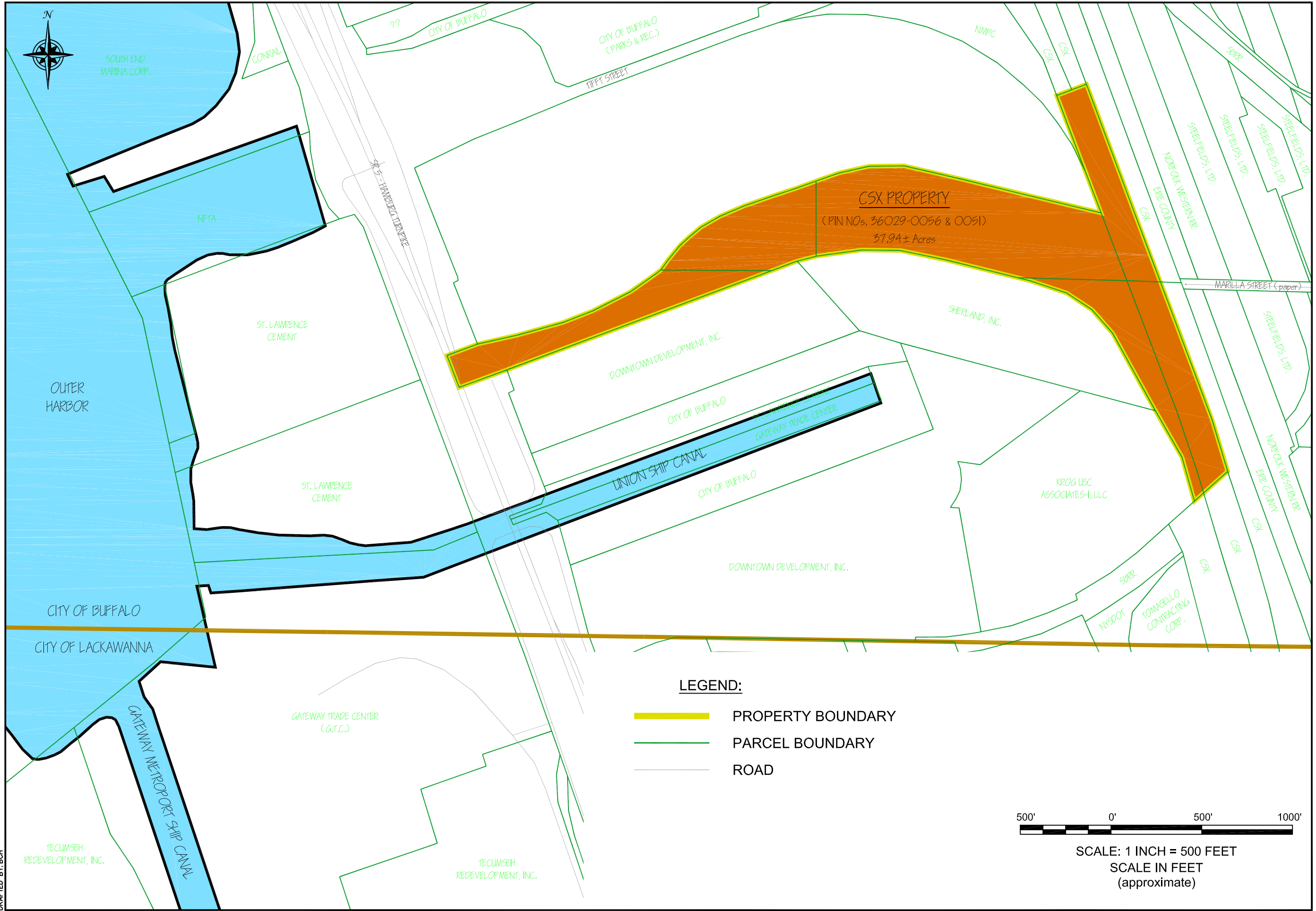
SITE LOCATION AND VICINITY MAP

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

DATE: AUGUST 2006
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726 EXCHANGE STREET
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BUFFALO, NEW YORK 14210
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BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

JOB NO.: 0116-001-100

SITE PLAN
PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

FIGURE 2

FIGURE 3

LEGEND:

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

CSX SITE

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



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SOIL TYPE MAP

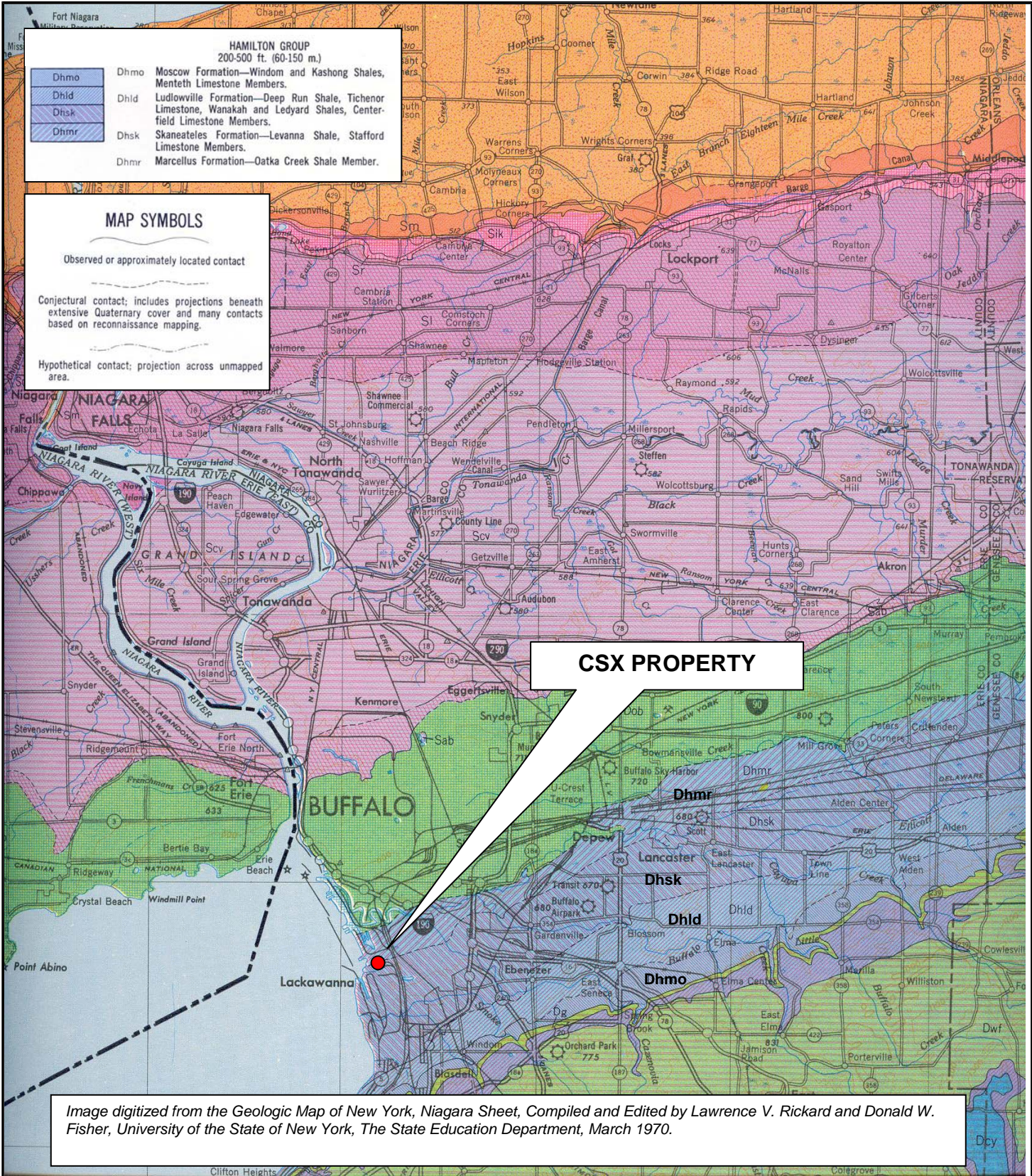
PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

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BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

FILEPATH: g:\cad\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 3\ soil type map.dwg

FIGURE 4



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REGIONAL BEDROCK MAP

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

APPENDIX A

SITE PHOTOGRAPHS

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Misc. dumping on adjacent site (Sherland Inc.) looking south

Photo 2: Misc. dumping on adjacent site (Sherland Inc.) looking south

Photo 3: Former foundation on adjacent site (Sherland Inc.) looking south

Photo 4: Railroad bridge on adjacent site looking East

CSX Site
Buffalo, New York

Photo Date: August 2, 2006



PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Former foundation on CSX site looking North
- Photo 2: Adjacent property (Krog, Certain-Teed plant) looking West
- Photo 3: Abandoned drums in western bank of site looking West
- Photo 4: Buried drum in western bank of site looking West

CSX Site
Buffalo, New York

Photo Date: August 2, 2006



PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Abandoned (some buried) automobile gasoline tanks on western bank of site looking West

Photo 2: Adjacent site (Marilla St. Landfill) looking East

Photo 3: Example of rail tie debris piles on site. Multiple piles throughout the site

Photo 4: Abandoned tank on site looking South

CSX Site
Buffalo, New York

Photo Date: August 2, 2006



PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Abandoned tank on CSX site looking East
- Photo 2: Abandoned transport containers looking West
- Photo 3: Drum found within transport container on site
- Photo 4: Tire debris pile on site looking South

CSX Site
Buffalo, New York

Photo Date: August 2, 2006



PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Slag/Soil pile on adjacent site (99 Tiff St) looking North

Photo 2: Coal/Coke debris on site looking West

Photo 3: Route 5 overpass at westernmost section of CSX site looking West

Photo 4: Abandoned rail bed (road) on western edge of CSX site (parallel to Fuhrmann) looking East

CSX Site
Buffalo, New York

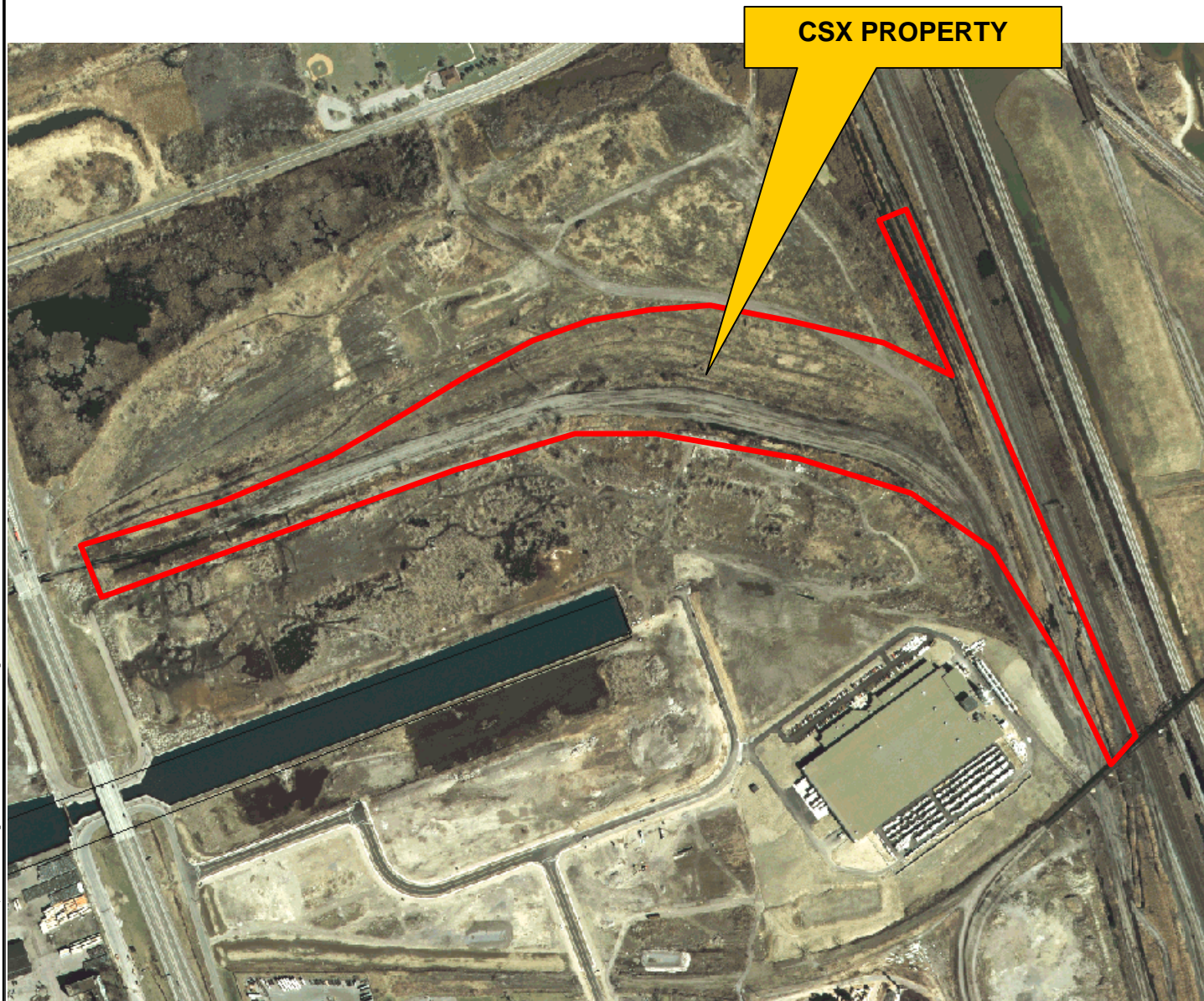
Photo Date: August 2, 2006



APPENDIX B

AERIAL PHOTOGRAPHS

FILEPATHg:\cad\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 11j 2005 aerial.dwg



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DATE: AUGUST 2006

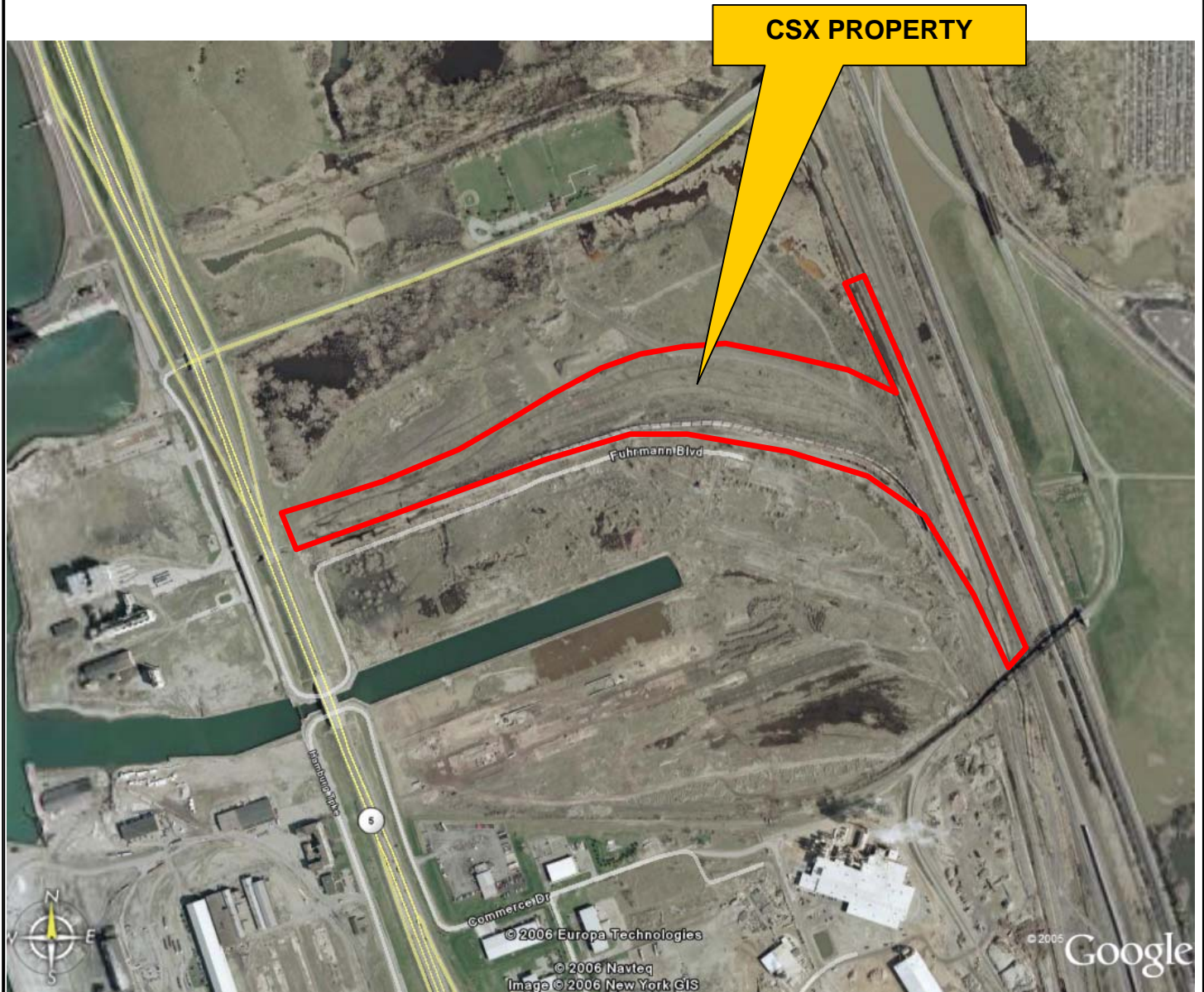
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2005 AERIAL PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

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FILEPATHg:\cad\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 10, 2003 aerial.dwg



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2003 AERIAL PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
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PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)



INQUIRY #: 1726113.4

YEAR: 1995

| = 833'



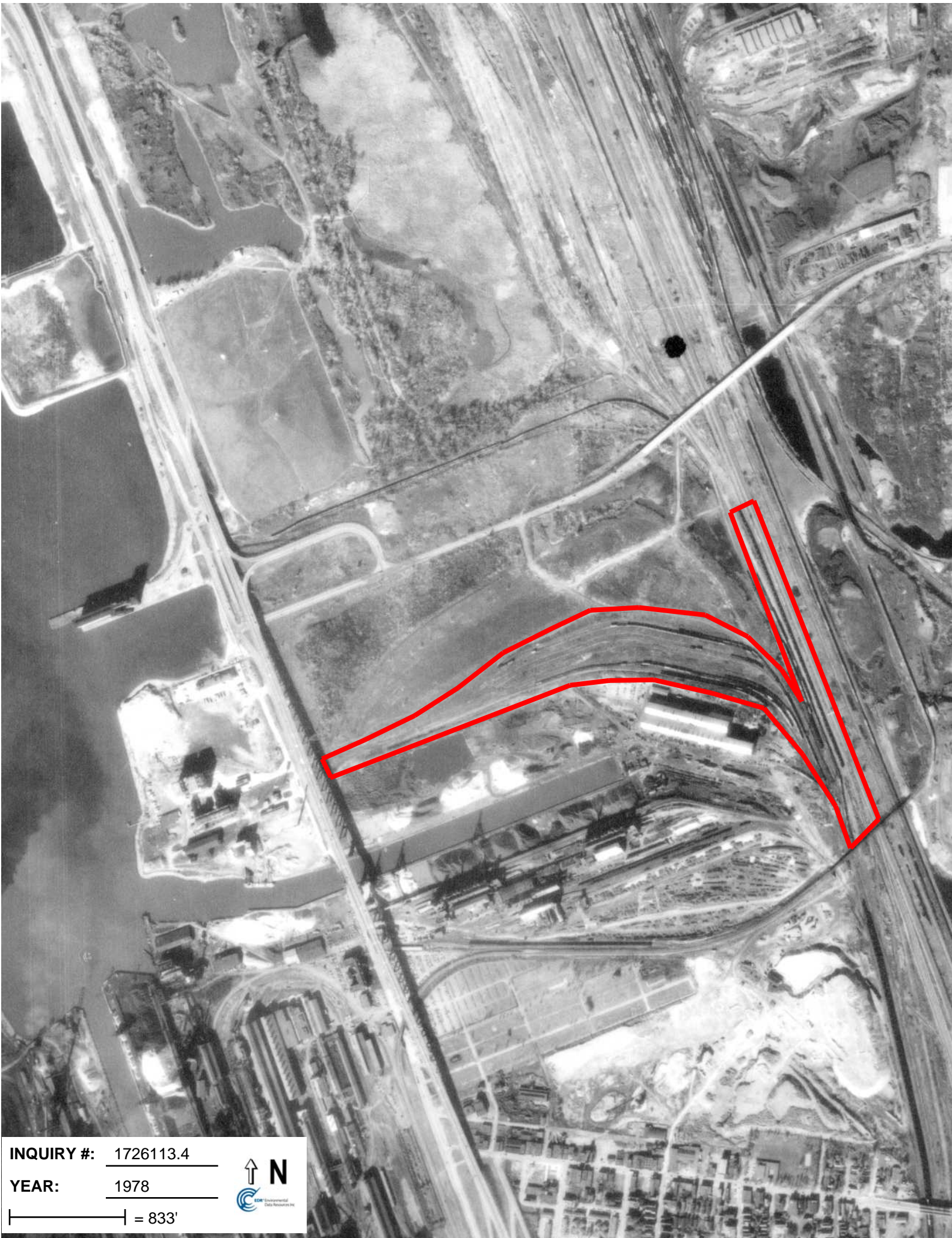


INQUIRY #: 1726113.4

YEAR: 1983

| = 750'





INQUIRY #: 1726113.4

YEAR: 1978

| = 833'



Environmental
Data Resources Inc.



INQUIRY #: 1726113.4

YEAR: 1966

| = 750'





INQUIRY #: 1726113.4

YEAR: 1959

| = 750'



FILEPATH\g\cod\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 9j 1951aerial.dwg



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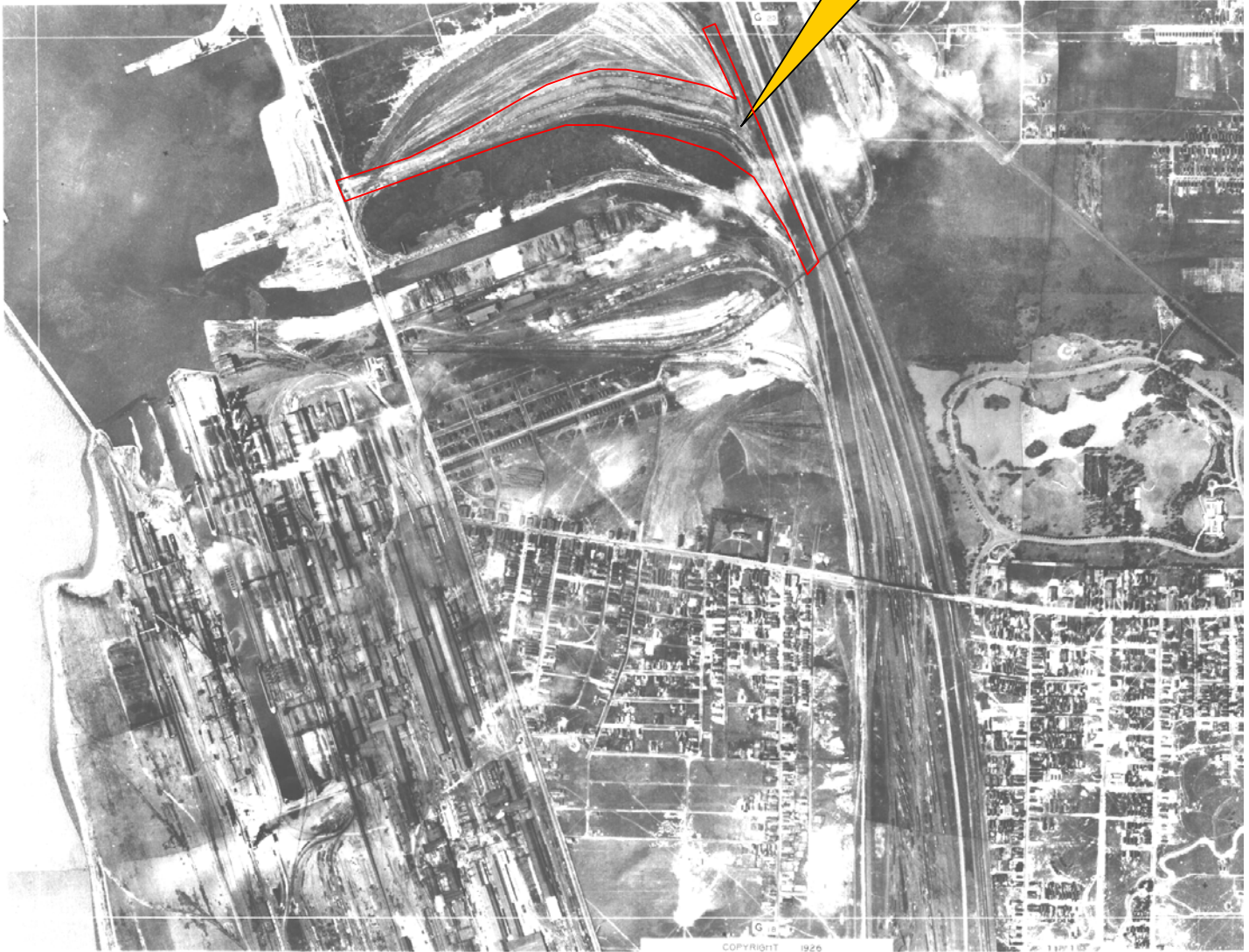
1951 AERIAL

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

CSX PROPERTY



AERIAL WORK BY RONKE & WASHBURN BUFFALO NEW YORK
ENGINEERING & MAP BY FAIRCHILD AERIAL SURVEYS INC NEW YORK

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1926 AERIAL PHASE I ENVIRONMENTAL SITE ASSESSMENT

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FILEPATH: g:\cad\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 8; 1926 aerial.dwg

APPENDIX C

SANBORN MAPS



"Linking Technology with Tradition"®

Sanborn® Map Report

Ship To: Mike Lesakowski
Benchmark
726 Exchange Street
Buffalo, NY 14210

Order Date: 7/31/2006 **Completion Date:** 8/2/2006

Inquiry #: 1726113.3s

P.O. #: NA

Site Name: 99 Tifft Street

Address: 99 Tifft Street

City/State: Buffalo, NY 14220

Cross Streets:

Customer Project: NA
1018713ERK 716-856-0599

Based on client-supplied information, fire insurance maps for the following years were identified

1917 - 2 Maps

1940 - 1 Map

1950 - 1 Map

1986 - 1 Map

Limited Permission to Photocopy

Total Maps: 5

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This User's Guide provides guidelines for accessing Sanborn Map® images and for transferring them to your Word Processor.

Reading Sanborn Maps

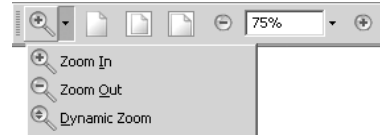
- Sanborn Maps document historical property use by displaying property information through words, abbreviations, and map symbols. The Sanborn Map Key provides information to help interpret the symbols and abbreviations used on Sanborn Maps. The Key is available from EDR's Web Site at: <http://www.edrnet.com/reports/samples/key.pdf>

Organization of Electronic Sanborn Image File

- Sanborn Map Report, listing years of coverage
- User's Guide
- Oldest Sanborn Map Image
- Most recent Sanborn Map Image

Navigating the Electronic Sanborn Image File

- Open file on screen.
- Identify TP (Target Property) on the most recent map.
- Find TP on older printed images.
- Using Acrobat® Reader®, zoom to 250% in order to view more clearly. (200-250% is the approximate equivalent scale of hardcopy Sanborn Maps.)
 - On the menu bar, click "View" and then "Zoom to..."
 - Or, use the magnifying tool and drag a box around the TP



Printing a Sanborn Map From the Electronic File

- EDR recommends printing images at 300 dpi (300 dpi prints faster than 600 dpi)
- To print only the TP area, cut and paste from Acrobat to your word processor application.

Acrobat Versions 6 and 7

- Go to the menu bar
- Click the "Select Tool"
- Draw a box around the area selected
- "Right click" on your mouse
- Select "Copy Image to Clipboard"
- Go to Word Processor such as Microsoft Word, paste and print.



Acrobat Version 5

- Go to the menu bar
- Click the "Graphics Select Tool"
- Draw a box around the area selected
- Go to "Menu"
- Highlight "Edit"
- Highlight "Copy"
- Go to Word Processor such as Microsoft Word, paste and print.



Important Information about Email Delivery of Electronic Sanborn Map Images

- Images are grouped into one file, up to 2MB.
- In cases where in excess of 6-7 map years are available, the file size typically exceeds 2MB. In these cases, you will receive multiple files, labeled as "1 of 3", "2 of 3", etc. including all available map years.
- Due to file size limitations, certain ISPs, including AOL, may occasionally delay or decline to deliver files. Please contact your ISP to identify their specific file size limitations.



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743

SCALE 100 FT. TO AN INCH

TIFFT 741 TO BE OPENED

NEW TIFFT TO BE OPENED

744

2

R R R ONE DOCK

745

Scale 100 Ft. to One Inch.
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743

L a k e E r i e
- Buffalo Harbor -

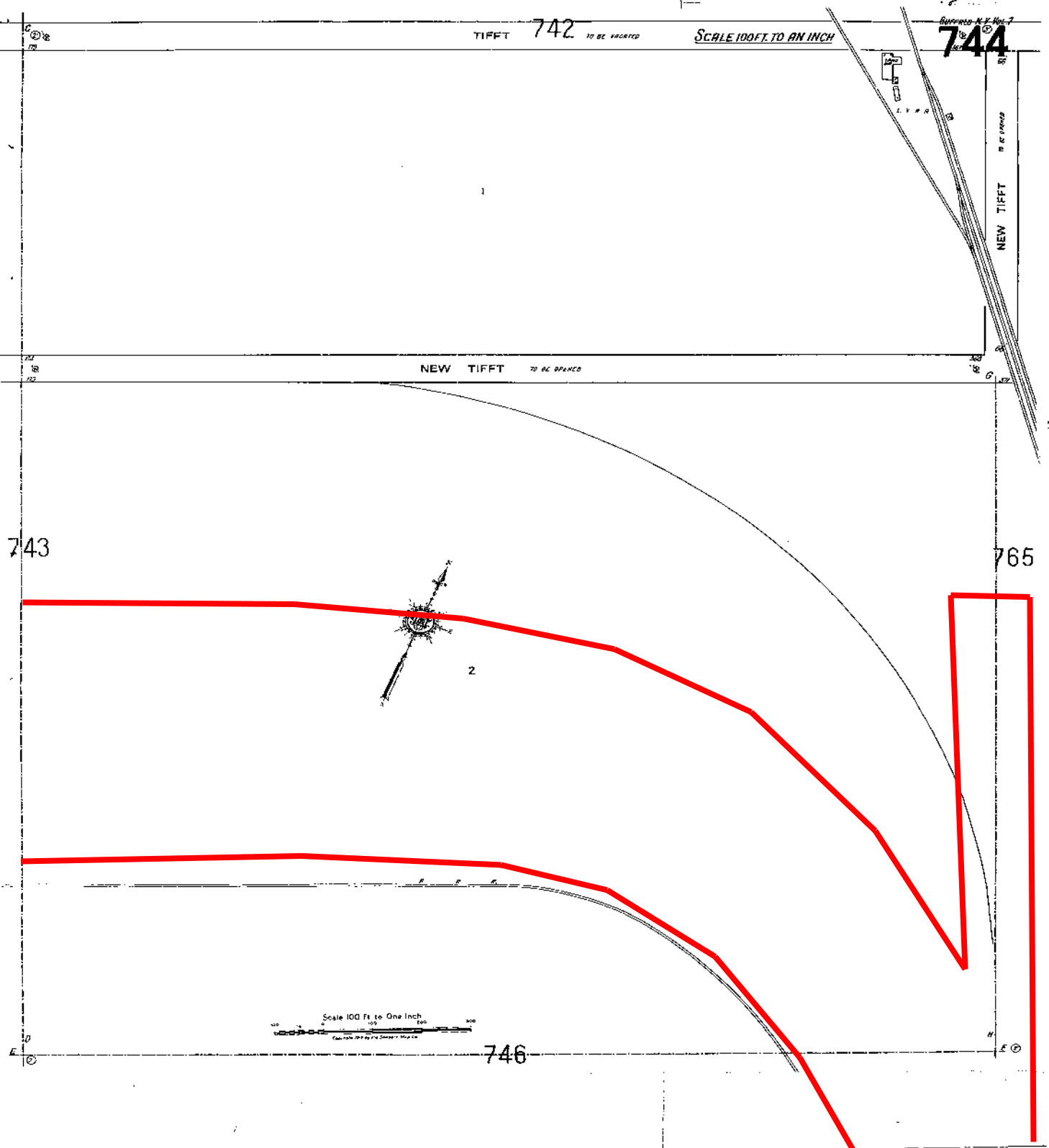
HAMBURG TURNPIKE



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BUFFALO, N.Y. VOL. 10

1081

(743-744-745-746-
755-756-VOL. 7)

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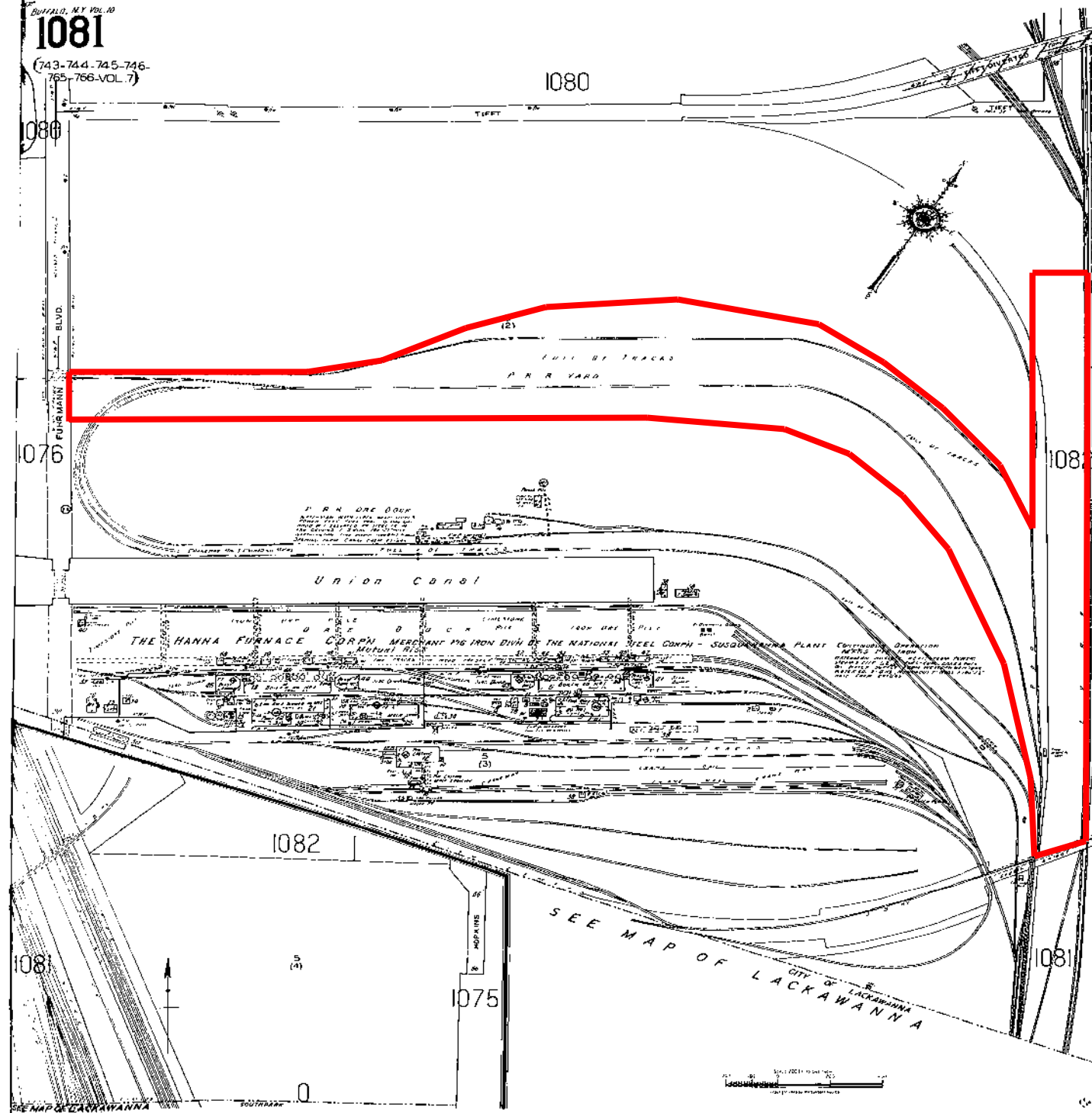
1081

1081

1075

1082

1081



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1081 E. Y. ... 087

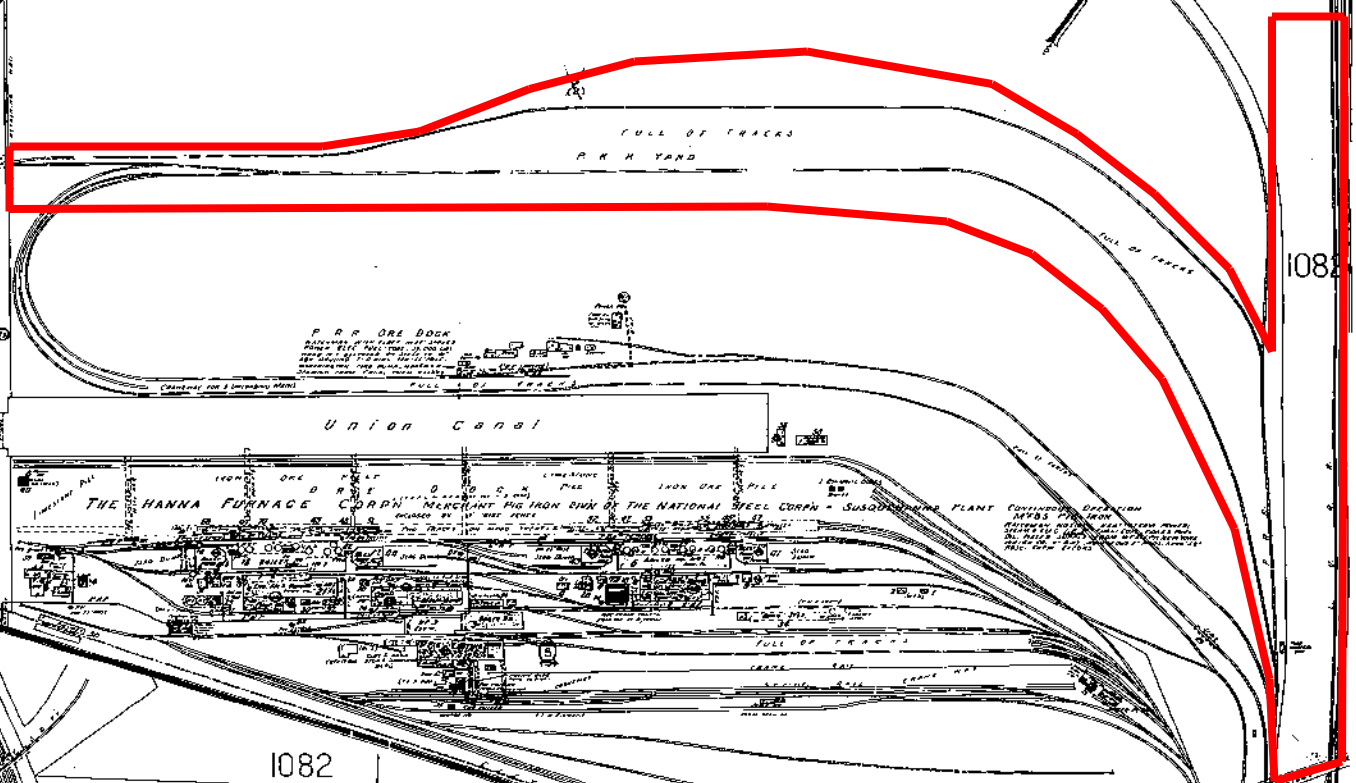
(743-744-745-746.
765-766-VOL. 7)

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1082

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SEE MAP OF LACKAWANNA

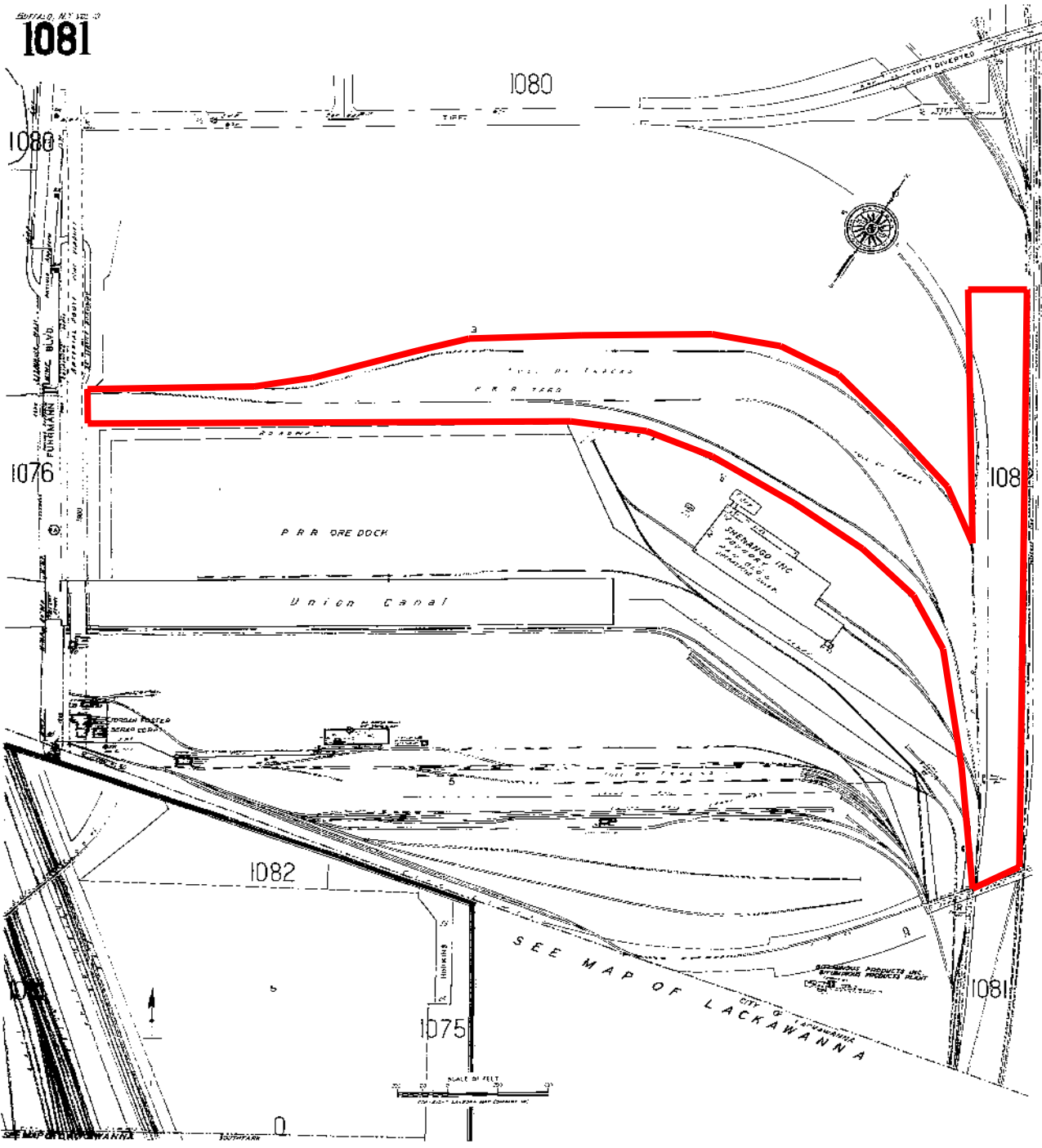


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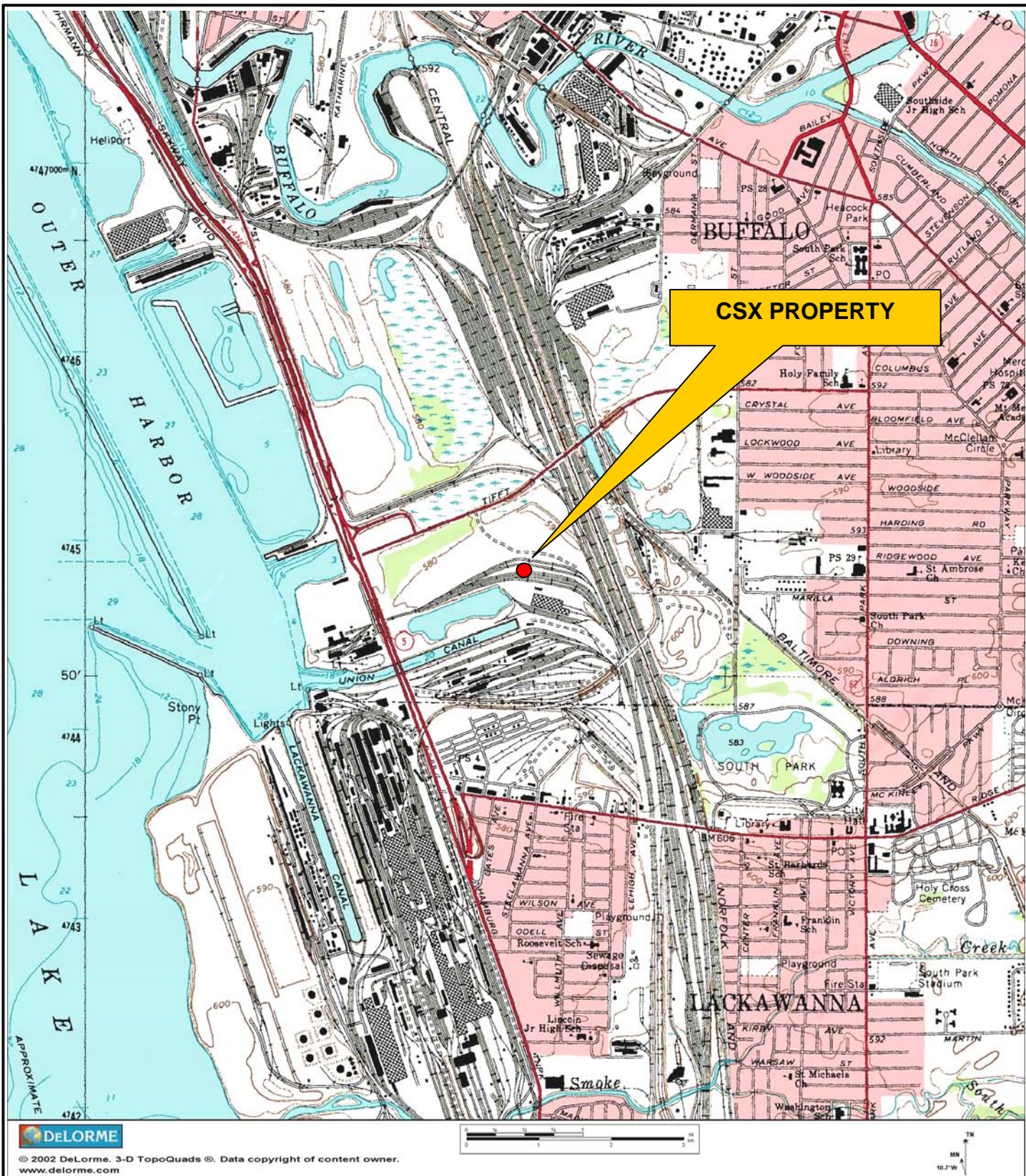
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APPENDIX D

HISTORICAL TOPOGRAPHIC MAPS

FILEPATHg:\cad\benchmark\buffalo urban development corporation (budc)\csx phase I\figure 7; current site topography - 1995.dwg



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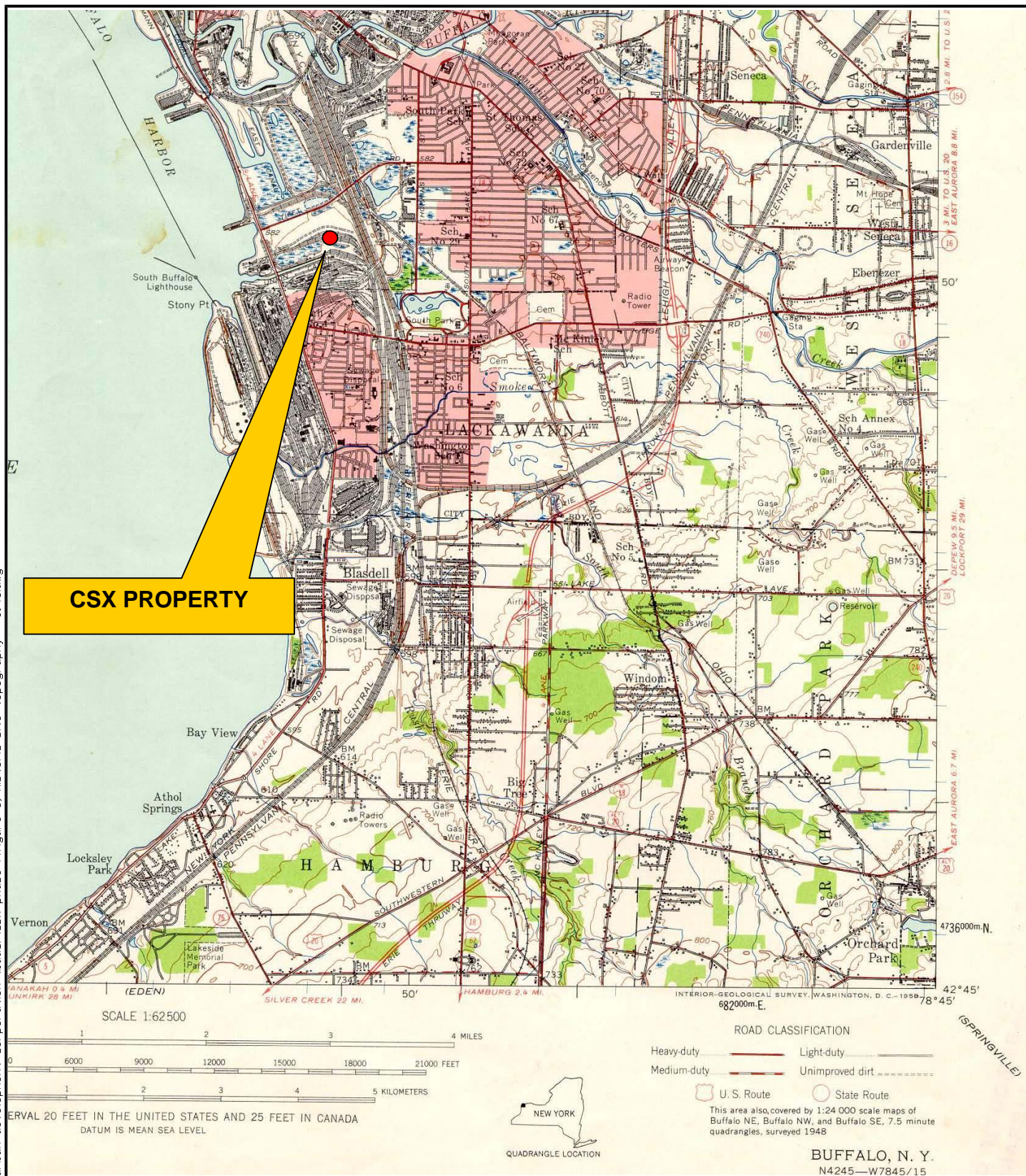
CURRENT SITE TOPOGRAPHY - 1995

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

FILEPATH: \\c:\ad\benchmark\buffalo urban development corporation (budc)\csx phase i\figure 6; historic site topography - 1948.dwg



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PROJECT NO.: 0116-001-100

DATE: AUGUST 2006

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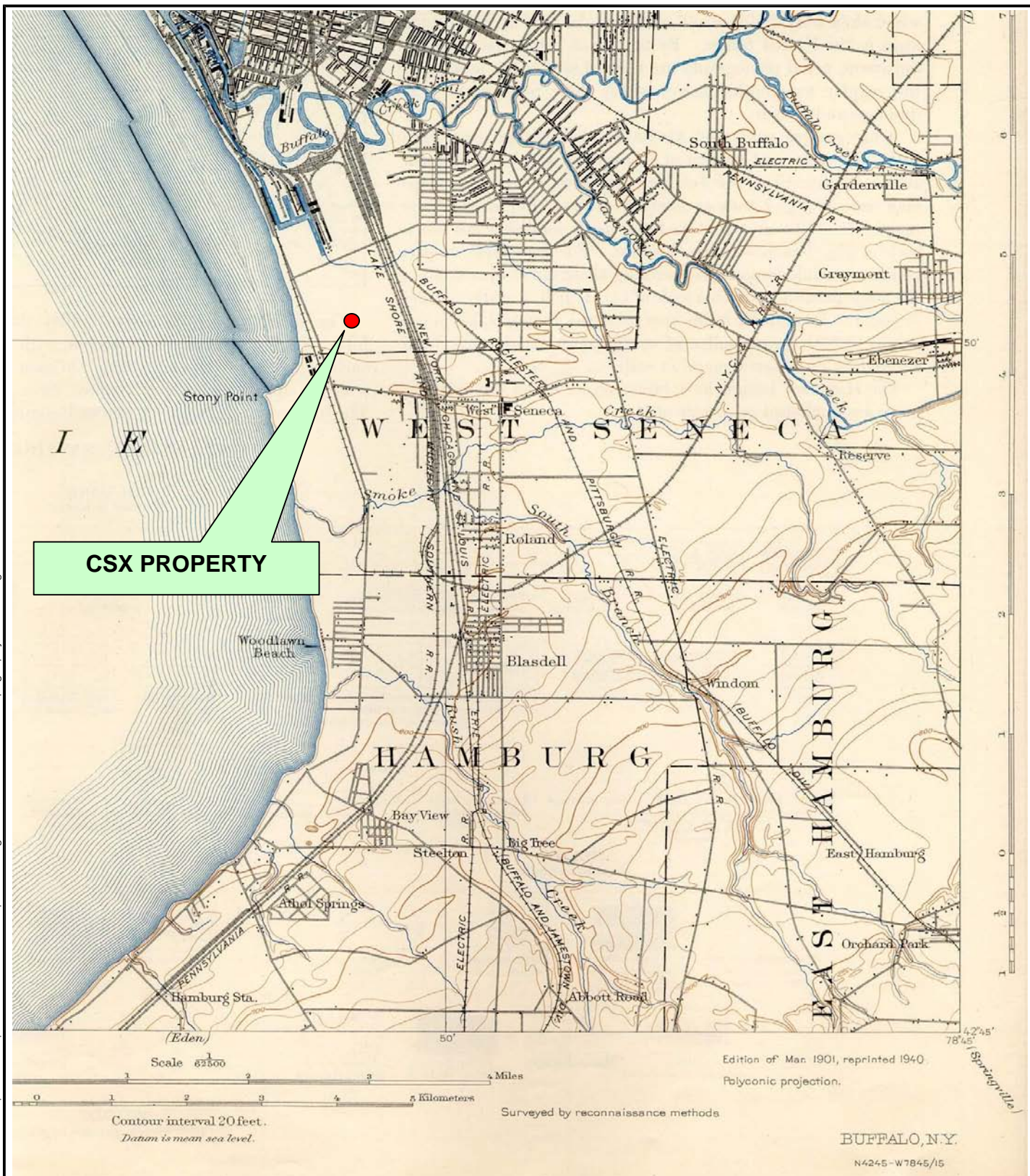
HISTORIC SITE TOPOGRAPHY - 1948

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO URBAN DEVELOPMENT CORPORATION (BUDC)

FILEPATH: g:\cad\benchmark\buffalo urban development corporation (budc)\csx phase I\figure 5j historic site topography - 1901.dwg



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PROJECT NO.: 0116-001-100

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HISTORIC SITE TOPOGRAPHY - 1901

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CSX PROPERTY
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