

Brownfield Cleanup Program Application

670 Ohio Street Site Buffalo, New York

March 2023 (revised April 2023)

0635-022-001

Prepared For:

710 Ohio Street Group, LLC



Prepared By:



Brownfield Cleanup Program Application

670 Ohio Street Site

Table of Contents

NYSDEC BCP Application Form	Pgs 1-9
List of Figures Figure 1 – Site Location and Vicinity Map Figure 2 – Site Plan (Aerial) Figure 3 – Tax Map Figure 4 – Surrounding Areas Map Figure 5 – NYS En-Zone Map Figure 6 – Disadvantaged Communities Map Figure 7 – Brownfield Opportunity Areas Map Figure 8 – Adjacent Property Owners Figure 9 – Zoning Map Figure 10 – Historic Investigation Locations and Areas of Concern Figure 11 – USDA Soil Type Map Figure 12 – Preliminary Project Schedule	
List of Tables Table 1 – Summary of Soil/Fill Sample Analytical Results	
BCP Application Appendix A – Supporting Information Section I; Property Information Section II; Project Description Section III; Land Use Factors Section IV; Property Environmental History Section V; Requestor Information Section VI; Requestor Eligibility Information Section IX; Current Property Owner/Operator Information Section XI; Contact List Information Exhibit A1 – Erie County Parcel Detail Report and Department of Real Property Tax Services Report & Owner History Exhibit A2 – Deed Information Exhibit A3 – NYS Corporation & Business Entity Database Information Exhibit A4 – Authorization to Sign Exhibit A5 – Organizational Chart Exhibit A6 – Document Repository Confirmation	Pgs A-1 to A-19
Environmental Reports Separately Attached on CD: TurnKey Environmental Restoration, LLC, <i>Phase I Environmental Site Assessment (ESA)</i> , March 30, 2022. TurnKey Environmental Restoration, LLC, <i>Phase II Environmental Investigation Report</i> , June 2022. TurnKey Environmental Restoration, LLC, <i>Supplemental Phase II Environmental Site Investigation</i> , December 7, 2022.	(on CD)

Copies of the previous investigation(s) are provided in a separate folder on the full electronic submittal CD:



**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM**

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

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C915396

☒

Yes

☐

No

BCP App Rev 14 – January 2023

SECTION I: Property Information

PROPOSED SITE NAME: 670 Ohio Street Site

ADDRESS/LOCATION: 670 Ohio Street

CITY/TOWN: Buffalo

ZIP CODE 14203

MUNICIPALITY (LIST ALL IF MORE THAN ONE): City of Buffalo

COUNTY: Erie

SITE SIZE (ACRES) 6.22

LATITUDE:

LONGITUDE:

42 ° 51 ' 28.72 " -78 ° 51 ' 56.62 "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS. [See Appendix A; Section I](#)

Parcel Address	Section	Block	Lot	Acreage
670 Ohio Street	122.18	2	2.1	6.22

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description. See Appendix A; Section I	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map) See Figures 1 through 4	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) See Figure 5 If yes, identify census tract: <u>5</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information. See Figure 6	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. See Figure 7	<input checked="" type="radio"/>	<input type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: ____	<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div> Chemical Bulk Storage (CBS) NYSDEC Site No. 9-000117 (ICS No. 9-178387) is listed as "inactive" RCRA-Large Quantity Generator (LQG) USEPA The greater property is listed as a RCRA-LQG under EPA ID NYD002108629	<input checked="" type="radio"/>	<input type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? See Appendix A; Section I	<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 10-12 of this form.	NA <input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	NA <input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	NA <input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.		
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>		

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

See Appendix A; Section II
See Figure 12

SECTION III: Land Use Factors

See Appendix A; Section III

1. What is the property's current municipal zoning designation? D-IL

2. What uses are allowed by the property's current zoning (select all that apply)?

See Figure 9

Residential ☐ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☐ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

☒ N/A

☐ ☐

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation and additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

See Appendix A; Section IV

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

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

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

*Please describe other known contaminants and the media affected:

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

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

See Appendix A; Section IV
See Figure 10

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

Are the required drawings included with this application?

☒ YES

☐ NO

- Indicate Past Land Uses (check all that apply):

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

Other: Past uses of the Site include manufacturing of chemicals (i.e. lacquers, shoe cement, and adhesives) from at least 1925 through approximately 2008. Additional operations of environmental concern included a machine shop, filling station, and railroad tracks.

SECTION V: Requestor Information

See Appendix A; Section V

NAME: 710 Ohio Street Group, LLC

ADDRESS: 1231 Delaware Avenue, Suite 201

CITY/TOWN: Buffalo

ZIP CODE 14209

PHONE: (716) 462-3277

EMAIL: sam@apollodismantle.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

See Appendix A; Section VI

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
PARTICIPANT <input type="checkbox"/> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>		VOLUNTEER See Appendix A; Section VI <input checked="" type="checkbox"/> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ If the requestor is not the current owner, proof of site access sufficient to complete remediation must be provided. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site. Is this proof attached? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Sam DeFranks

ADDRESS: 1231 Delaware Avenue, Suite 201

CITY: Buffalo

ZIP CODE: 14209

PHONE: (716) 462-3277

EMAIL: sam@apollodismantle.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Mr. Thomas H. Forbes, P.E.

COMPANY: Benchmark Civil/Environmental Engineering & Geology, PLLC

ADDRESS: 2558 Hamburg Turnpike, Suite 300

CITY: Buffalo

ZIP CODE: 14218

PHONE: (716) 856-0599

EMAIL: tforbes@bm-tk.com

REQUESTOR'S ATTORNEY (CONTACT NAME): Bridget A. Williams

COMPANY: McCarthy Williams, PLLC

ADDRESS: 471 Delaware Avenue

CITY: Buffalo

ZIP CODE: 14202

PHONE: (716) 463-2400

EMAIL: bwilliams@mccarthy-williams.com

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: 710 Ohio Street Group, LLC

CONTACT NAME: Sam DeFranks

ADDRESS: 1231 Delaware Avenue, Suite 201

CITY: Buffalo

ZIP CODE: 14209

PHONE: (716) 462-3277

EMAIL: sam@apollodismantle.com

OWNERSHIP START DATE: February 24, 2023

CURRENT OPERATOR: Same as requestor

CONTACT NAME: Same as requestor

ADDRESS: Same as requestor

CITY: Same as requestor

ZIP CODE: Same as requestor

PHONE: Same as requestor

EMAIL: Same as requestor

OPERATION START DATE: December 2011

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

See Appendix A; Section XI

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties. See Figure 8
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am Authorized Member (title) of 710 Ohio Street Group, LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 3/24/2023

Signature: _____

Print Name: Sam DeFranks

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF) on an external storage device (such as thumb drive or CD), must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT SUPPORTING DOCUMENTS WITH THE HARD COPY APPLICATION FORM.
Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Surrounding Areas Map
Figure 5	NYS En-Zone Map
Figure 6	Disadvantaged Communities Map
Figure 7	Brownfield Opportunity Areas Map
Figure 8	Adjacent Property Owners
Figure 9	Zoning Map
Figure 10	Historic Investigation Locations and Areas of Concern
Figure 11	USDA Soils Type Map
Figure 12	Preliminary Project Schedule

FIGURE 1

E:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 1: Site Location and Vicinity Map.dwg



SCALE: 1 INCH = 2000 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: T0635-022-001

DATE: JANUARY 2023

DRAFTED BY: CMS

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

670 OHIO STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
710 OHIO STREET GROUP, LLC

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC **IMPORTANT:** THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

FIGURE 2

F:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 2, Site Plan (Aerial).dwg



150' 0' 150' 300'

SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)

LEGEND:



BCP SITE BOUNDARY
PARCEL BOUNDARY



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: T0635-022-001

DATE: DECEMBER 2022

DRAFTED BY: CMS

SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

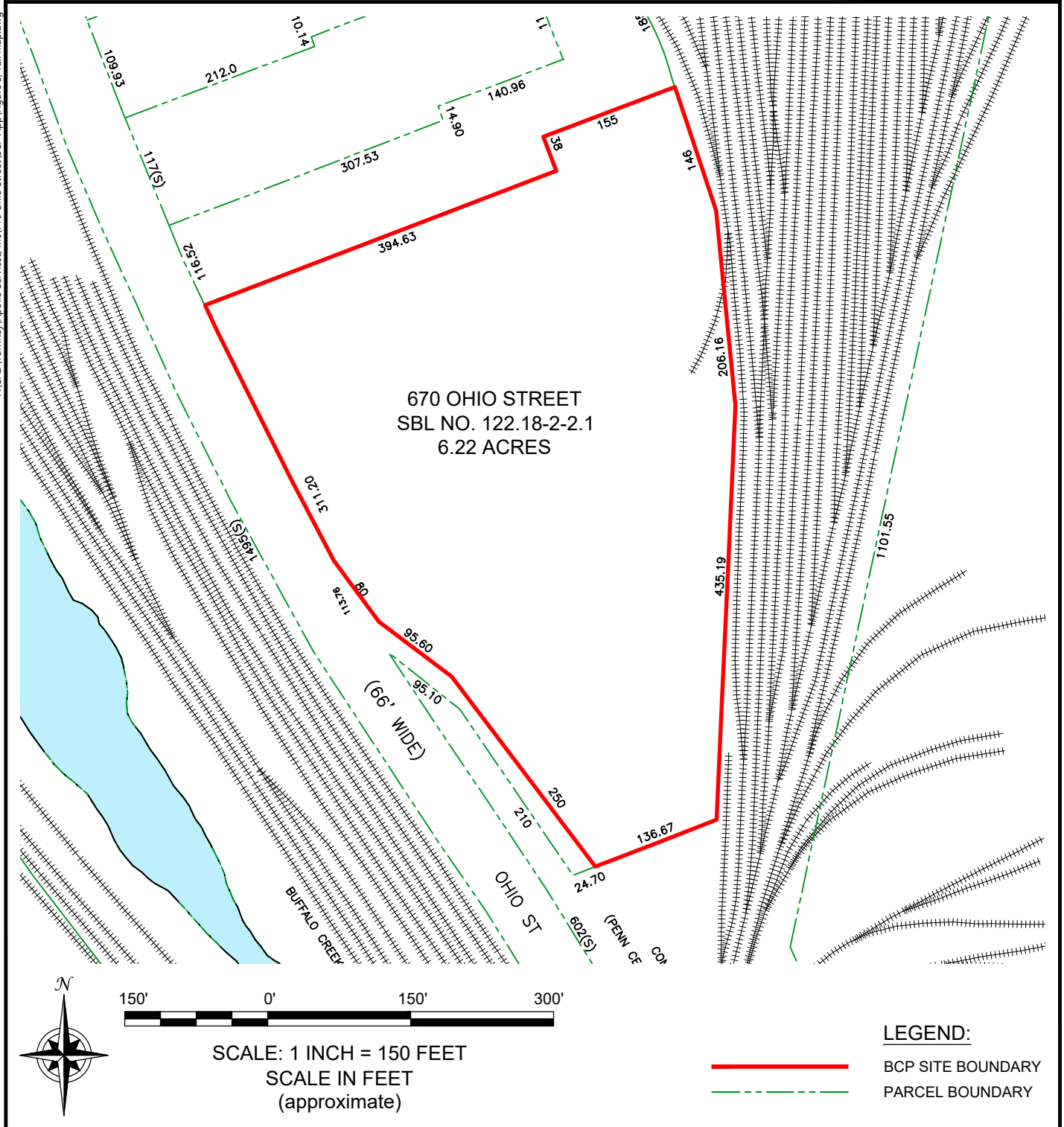
670 OHIO STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
710 OHIO STREET GROUP, LLC

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FIGURE 3

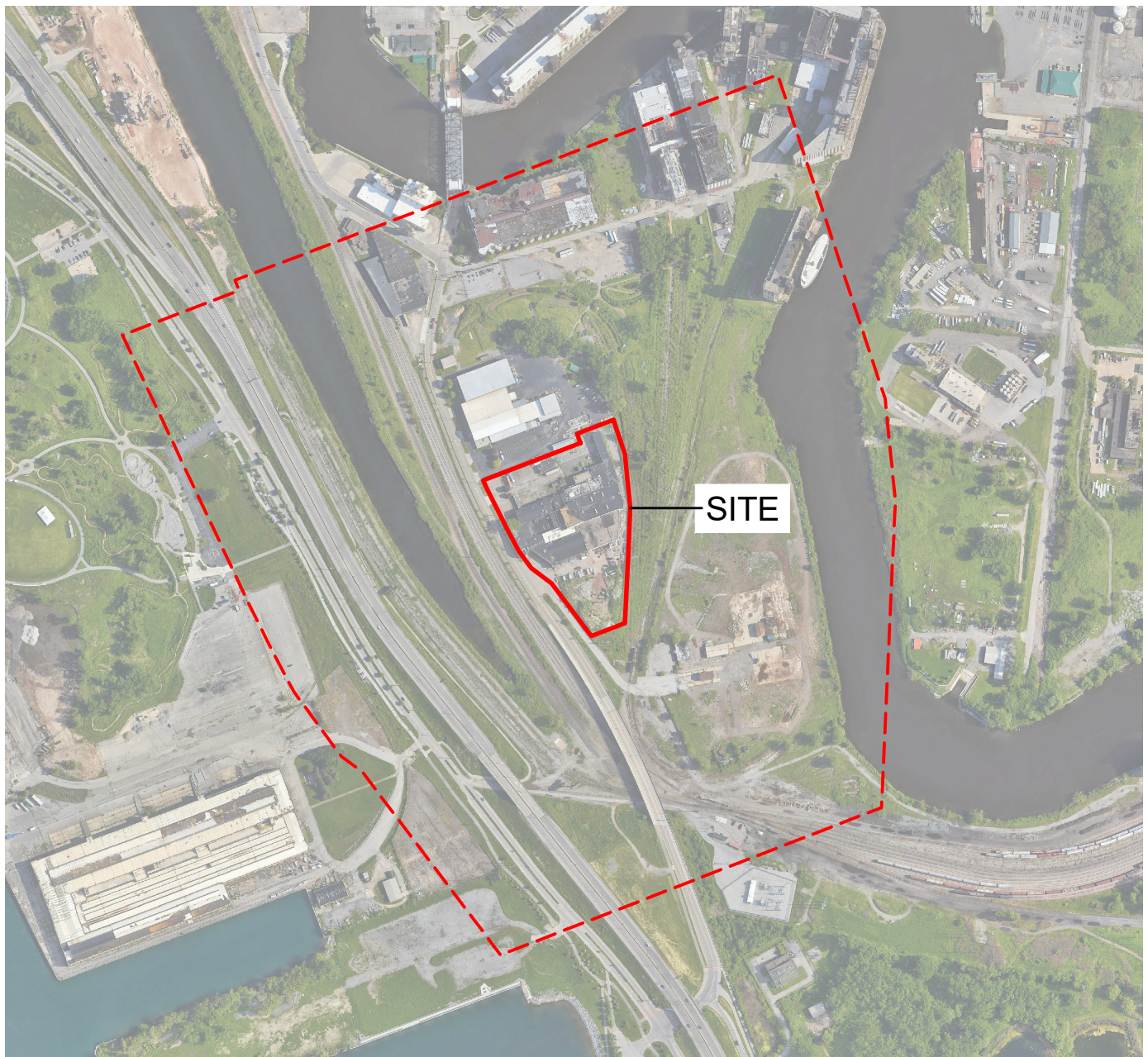
F:\CAD\TurnKeyApollo Services, Inc\710 Ohio Street\BCP App\Figure 3, Tax Map.dwg



<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p>IN ASSOCIATION WITH</p> </div> </div> <p style="font-size: small; text-align: center;">2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">PROJECT NO.: T0635-022-001</td> </tr> <tr> <td style="padding: 2px;">DATE: DECEMBER 2022</td> </tr> <tr> <td style="padding: 2px;">DRAFTED BY: CMS</td> </tr> </table>	PROJECT NO.: T0635-022-001	DATE: DECEMBER 2022	DRAFTED BY: CMS	<h2 style="margin: 0;">TAX MAP</h2> <p style="margin: 10px 0 0 0;">BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p style="margin: 10px 0 0 0;">670 OHIO STREET SITE BUFFALO, NEW YORK</p> <p style="margin: 10px 0 0 0;">PREPARED FOR 710 OHIO STREET GROUP, LLC</p> <p style="font-size: x-small; margin-top: 10px;"> DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC. </p>
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DATE: DECEMBER 2022				
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FIGURE 4

F:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 4: Surrounding Areas Map.dwg



SCALE: 1 INCH = 600 FEET
SCALE IN FEET
(approximate)

LEGEND:

—— BCP SITE BOUNDARY
- - - - 1000' SETBACK



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SURROUNDING AREAS MAP

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FIGURE 5

F:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 5: NYS En-Zone Map.dwg



SCALE: 1 INCH = 1000 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- TYPE "A"
- TYPE "AB"



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NYS EN-ZONE MAP

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FIGURE 6

F:\CAD\Turnkey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 6: Disadvantaged Communities Map.dwg



1500' 0' 1500' 3000'

SCALE: 1 INCH = 1500 FEET
SCALE IN FEET
(approximate)



LEGEND:

BCP SITE BOUNDARY
DRAFT DISADVANTAGED COMMUNITIES



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DISADVANTAGED COMMUNITIES MAP

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FIGURE 7

F:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 7: Brownfield Opportunity Areas Map.dwg



SCALE: 1 INCH = 1500 FEET
SCALE IN FEET
(approximate)

LEGEND:

-  BCP SITE BOUNDARY
-  BUFFALO RIVER CORRIDOR BOA
-  BUFFALO HARBOR BOA
-  SOUTH BUFFALO BOA



IN
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WITH



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PROJECT NO.: T0635-022-001

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BROWNFIELD OPPORTUNITY AREA MAP

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BUFFALO, NEW YORK

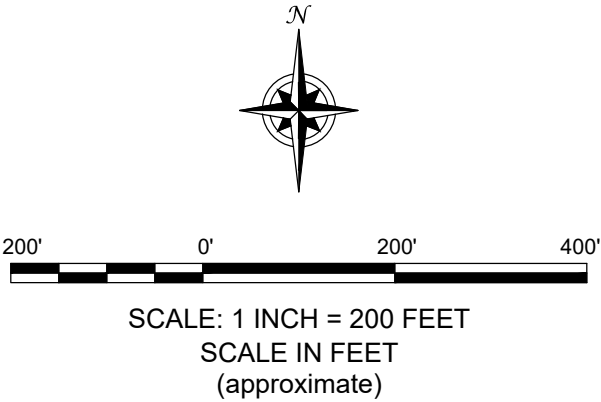
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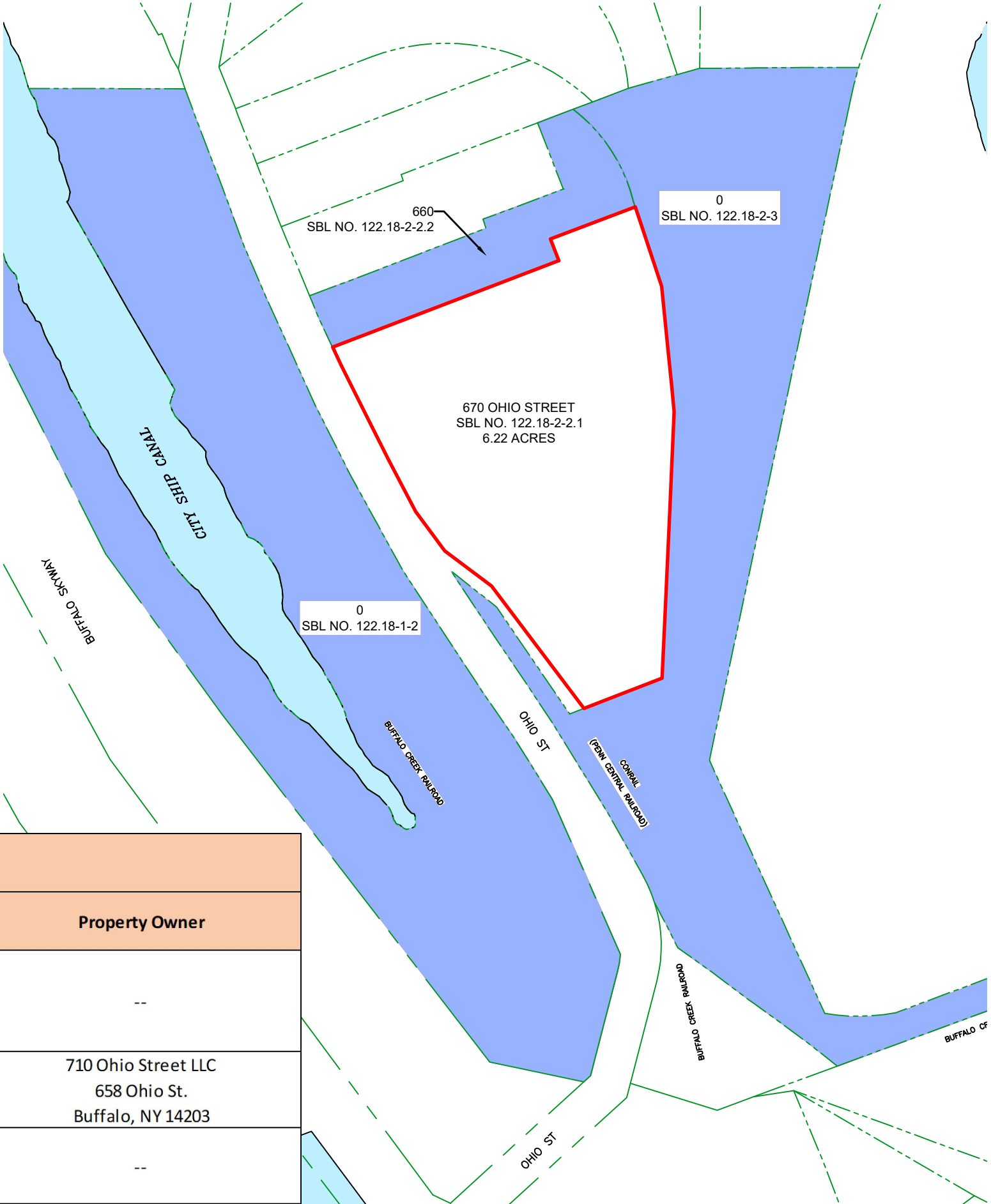
F:\CAD\TurnKey\Apollo Services, Inc\710 Ohio Street\BCP App\Figure 8, Adjacent Property Owners.dwg

DATE: DECEMBER 2022
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- LEGEND:**
- BCP SITE BOUNDARY
 - PARCEL BOUNDARY
 - ADJACENT PROPERTY



Adjacent Property Addresses				
No	Street	S.B.L.	Property Description	Property Owner
0	--	122.18-2-3	Railroad	--
660	Ohio Street	122.18-2-2.2	Warehouse	710 Ohio Street LLC 658 Ohio St. Buffalo, NY 14203
0	--	122.18-1-2	Railroad	--



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
670 OHIO STREET SITE
BUFFALO, NEW YORK

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JOB NO.: T0635-022-001

FIGURE 8

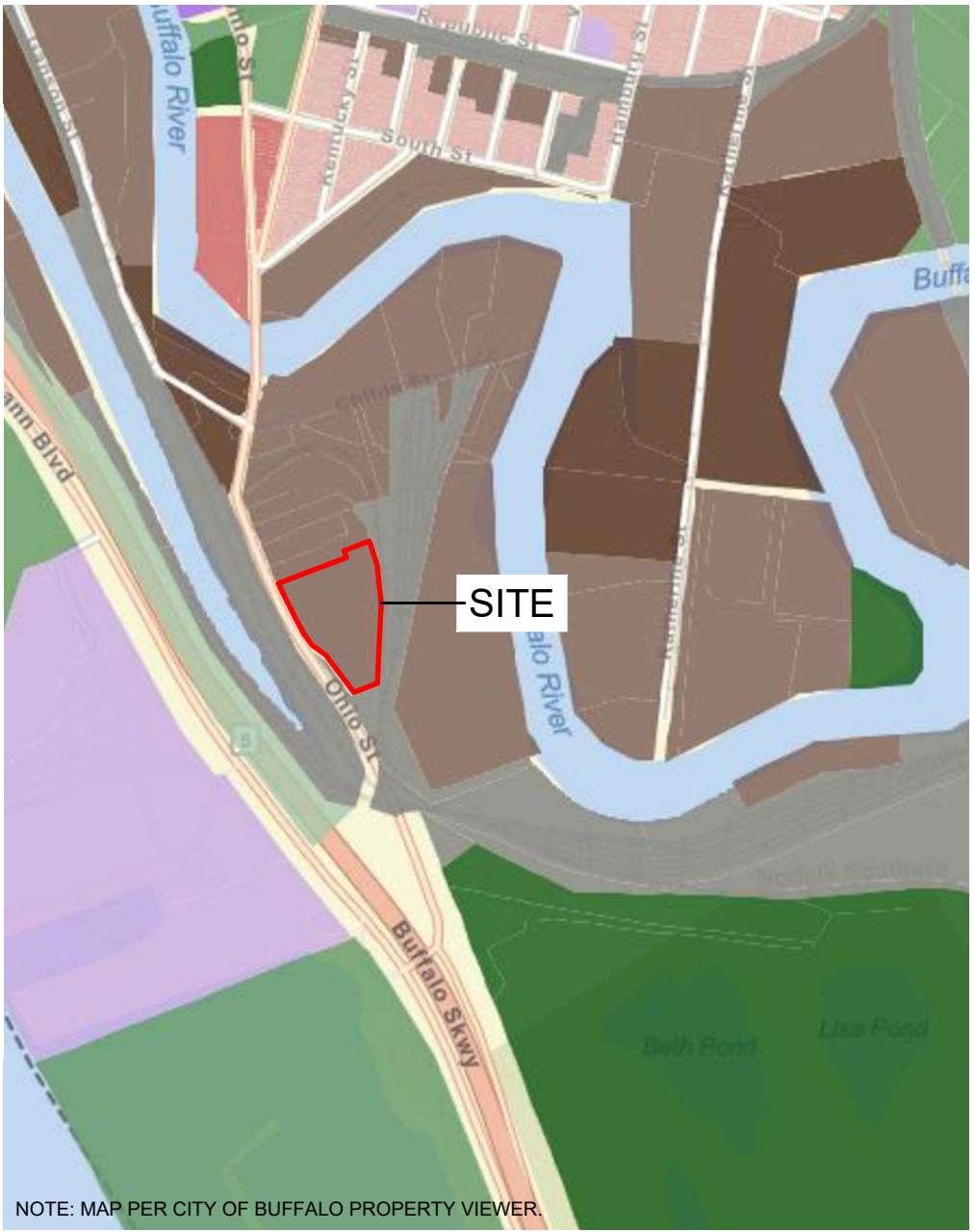
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FIGURE 9

F:\CAD\TurnKeyApollo Services, Inc\710 Ohio Street\BCP App\Figure 9: Zoning Map.dwg

LEGEND:

- BCP SITE BOUNDARY
- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)
- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)
- N-3C (Mixed-Use Center)
- N-3E (Mixed-Use Edge)
- N-3R (Residential)
- N-4-30 (Single Family)
- N-4-50 (Single Family)
- D-OS (Square)
- D-OG (Green)
- D-ON (Natural)
- D-R (Residential Campus)
- D-E (Educational Campus)
- D-M (Medical Campus)
- D-S (Retail Strip)
- D-C (Flex Commercial)
- D-IL (Light Industrial)
- D-IH (Heavy Industrial)
- C-R (Rail Corridor)





NOTE: MAP PER CITY OF BUFFALO PROPERTY VIEWER.



SCALE: 1 INCH = 1000 FEET
SCALE IN FEET
(approximate)





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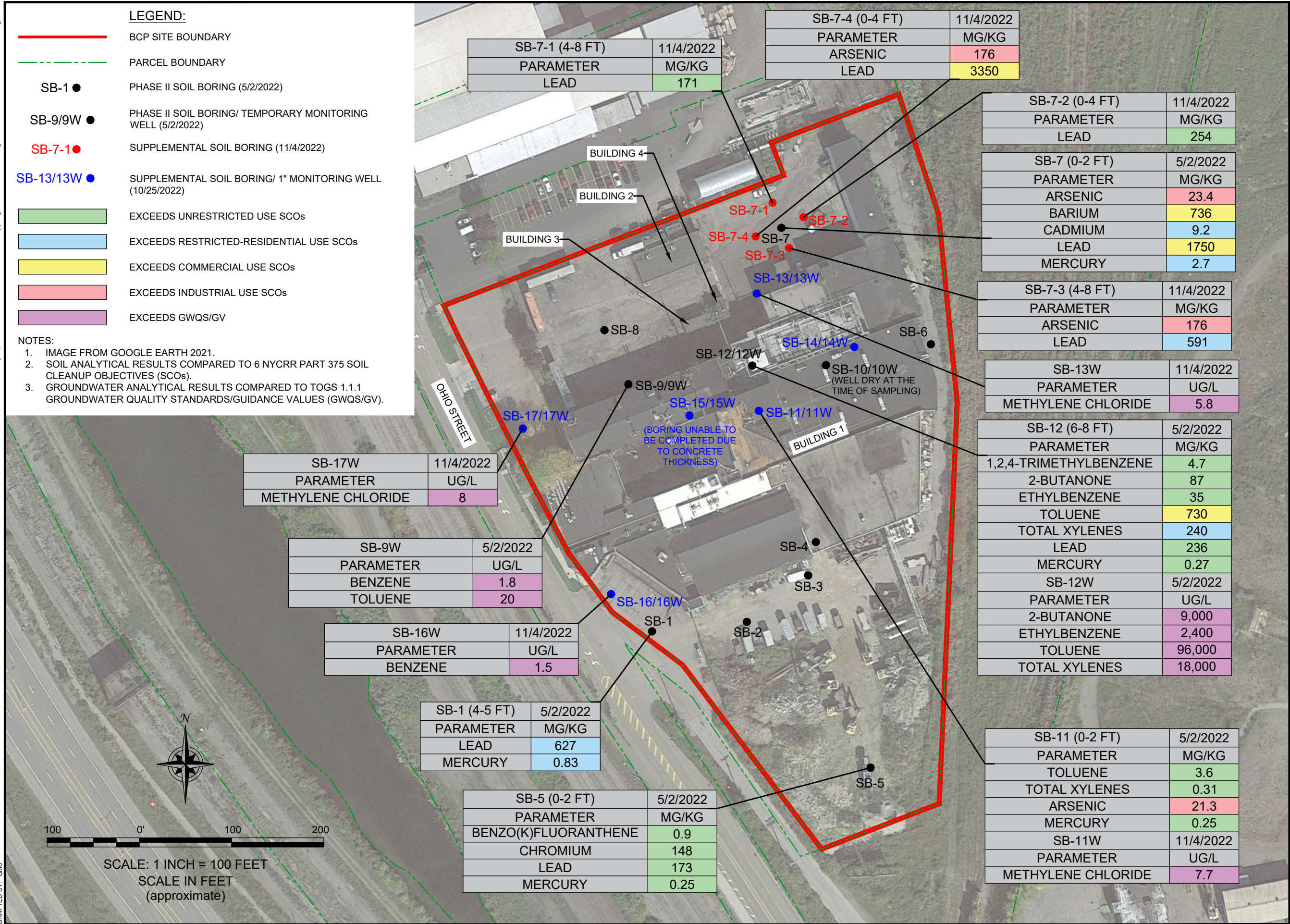
ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

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HISTORIC INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION

670 OHIO STREET SITE
BUFFALO, NEW YORK

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FIGURE 10

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FIGURE 11

F:\CADD\TurnKeyApollo Services, Inc\710 Ohio Street\BCP App\Figure 11: USDA Soil Type Map.dwg



LEGEND:

——— BCP SITE BOUNDARY

MAP UNIT LEGEND

MAP UNIT SYMBOL	MAP UNIT NAME
Ud	URBAN LAND

NOTE: MAP PER USDA WEBSOIL SURVEY



SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)



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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

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TABLE

Table 1 – Summary of Soil/Fill and Groundwater Sample Analytical Results

Table 1

Summary of Soil/Fill and Groundwater Sample Analytical Results
Brownfield Cleanup Program Application
670 Ohio Street Site
Buffalo, New York

Analytes Exceeding CSCOs	Detections Exceeding CP-51 SCLs or USCOs	Detections Exceeding CSCOs	Maximum Detection (ppm)	CP-51 SCL or USCO (ppm)	CSCO (ppm)	Depth (fbgs)
Phase II Soil/Fill Investigation Results						
1,2,4-trimethylbenzene	1	0	4.7	3.6	190	6-8
2-Butanone (MEK)	1	0	87	0.12	100	6-8
Ethylbenzene	1	0	35	1	390	6-8
Toluene	2	1	730	0.7	500	6-8
Xylenes, total	2	0	240	0.26	500	0-2; 6-8
Arsenic	4	4	176	13	16	0-2; 4-8
Barium	1	1	736	350	400	0-2
Cadmium	1	0	9.2	2.5	9.3	0-2
Chromium	1	0	148	180	1500	0-2
Lead	8	2	3350	63	1000	0-2; 0-4; 4-5; 4-8; 6-8
Mercury	5	0	2.7	0.81	2.8	0-2; 4-5; 6-8
Analytes Exceeding AWQS	Detections Exceeding AWQS		Maximum Detection (ppb)		AWQS (ppb)	
Phase II Groundwater Investigation Results						
2-Butanone (MEK)	1		9000		50	
Benzene	2		1.8		1	
Ethylbenzene	1		2400		5	
Methylene Chloride	3		8		5	
Xylenes, total	1		18000		5	
Toluene	2		96000		5	

Definitions:

CSCO = 6 NYCRR Part 375 Commercial Use Soil Cleanup Objective (SCO)

USCO = 6 NYCRR Part 375 Unrestricted Use SCO

CP-51 SCL = NYSDEC Commissioner Policy (CP) 51 Soil Cleanup Level (SCL)

ppm = parts per million

ppb = parts per billion

fbgs = feet below ground surface

AWQS = Class GA Ambient Water Quality Standards

BCP APPLICATION PART A – SECTIONS I - XI

SECTION I – PROPERTY INFORMATION

SECTION II – PROJECT DESCRIPTION

SECTION III – LAND USE FACTORS

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION V – REQUESTOR INFORMATION

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

SECTION IX – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION XI – CONTACT LIST INFORMATION

EXHIBIT A1 – ERIE COUNTY PARCEL DETAIL REPORT AND DEPARTMENT OF
REAL PROPERTY TAX SERVICES REPORT & OWNER HISTORY

EXHIBIT A2 – DEED INFORMATION AND METES AND BOUNDS

EXHIBIT A3 – NYS CORPORATION & BUSINESS ENTITY DATABASE
INFORMATION

EXHIBIT A4 – AUTHORIZATION TO SIGN

EXHIBIT A5 – ORGANIZATIONAL CHART

EXHIBIT A6 –DOCUMENT REPOSITORY CONFIRMATION

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

SECTION I – PROPERTY INFORMATION

Parcel Description

The 670 Ohio Street Site (hereinafter, the “Project Site” or the “Site”), subject to this BCP application, consists of one (1) tax parcel totaling approximately ±6.22-acres, located in a highly developed commercial and industrial use area in the City of Buffalo, Erie County, New York (see Figures 1 through 4), and is further identified as:

- **670 Ohio Street, S.B.L. No. 122.18-2-2.1, ±6.22-acres**

A drawing of the tax map parcels is provided as Figure 3. The boundaries of the proposed BCP Site correspond with the tax boundaries. The Erie County parcel detail report and Department of Real Property Tax Services report for the property are attached for reference as Exhibit A1. It should be noted that although Apollo Services, Inc. is currently listed as owner in these property reports, the Department of Real Property Tax Services owner history section indicates 710 Ohio Street Group, LLC is the current owner as of February 24, 2023.

710 Ohio Street Group, LLC is the current owner of the property. As such, no access agreement is required. Deed information is provided as Exhibit A2 of the BCP application package.

According to NYSDEC Environmental Zone (EN-Zone) mapping, 100% of the Site is located within a Type A EN-Zone Census Tract 5 (see Figure 5).

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is located within a Disadvantaged Communities census tract (see Figure 6).

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

According to The NYS Department of State (DOS) Brownfield Redevelopment, the Site is located within the Buffalo River Corridor Brownfield Opportunity Area (BOA) (see Figure 7).

The Site is not listed on the Registry of Inactive Hazardous Waste Disposal Sites and is not currently the subject of investigation as a Potential Site.

Easements and Permits

710 Ohio Street Group LLC is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-way along Ohio Street. The Site has access to municipal sanitary sewer, electric, natural-gas, and public water.

The Site is listed in the NYSDEC Chemical Bulk Storage (CBS) database as an “inactive” chemical manufacturing facility under Site No. 9-000117 (ICS No. 9-178387).

The greater property addressed as 710 Ohio Street is listed as a Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) under USEPA I.D. No. NYD002108629.

710 Ohio Street Group LLC is not aware of any other easements or restrictions on the Site.

Location

The Site is located on the east side of Ohio Street. The Site is bordered by an industrial warehouse and manufacturing facility to the north, railroad and vacant land to the south, railroad and a former industrial scrap yard to the east, and Ohio Street and railroad to the west. The Site is located in a highly developed industrial and commercial area of the City of Buffalo, Erie County, New York (see Figures 2 and 4). Site coordinates are Latitude 42° 51’

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

28.72” N and Longitude -78° 51’ 56.62” W. Adjacent property owners are identified on Figure 8.

Site Features

The Site is currently improved with four (4) structures. Building 1 is a former industrial facility occupied by a chemical manufacturing operation and is currently utilized for equipment storage for a construction company; Building 2 is a vacant former storage building; Building 3 is a former transformer house; and Building 4 is a former boiler house (see Figure 2). Historic operations across the Site include manufacturing of chemicals (i.e. lacquers, shoe cement and adhesives) from at least 1925 through approximately 2008. Additional operations included a machine shop, a filling station, and railroad tracks. Petroleum and chlorinated volatile organic compound (VOC), polycyclic aromatic hydrocarbon (PAH), and metals impacts along with the presence of urban fill materials were identified through previous investigation at the Site.

Zoning and Land Use

According to the Buffalo Green Code Unified Development Ordinance (January 3, 2017), the project area, planned as a commercial warehouse and office development, is consistent with the zoning assigned to the Site (see Figure 9). The current zoning for the Site is D-IL which is defined as Light Industrial: site intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from, mixed-use residential neighborhoods, and are typically located adjacent to highway, rail, and water access points. Planned reuse of the Site as a commercial warehouse and office development, with existing buildings either demolished or renovated or new buildings constructed is consistent with the Unified Development Ordinance zoning.

The Site is currently used commercially for equipment storage. Portions of the Site are also currently vacant/underutilized. The surrounding parcels are as follows:

- north – warehouse and manufacturing;

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

- south – rail/vacant land;
- east – rail/vacant land and former scrap yard; and
- west – rail/vacant land.

Figure 8 identifies the adjacent property owners.

Past Use of the Site

Based on historic records and previous investigations, the Site was primarily used for manufacturing of chemicals (i.e. lacquers, shoe cement and adhesives) from at least 1925 through approximately 2008. Additional operations included a machine shop, filling station, and railroad tracks. Portions of the Site are currently used as equipment storage for a construction company while the remainder of the Site is vacant former industrial. Figure 10 identifies areas of concern related to past use of the Site.

The historic uses of the Site have impacted the Site as evidenced by petroleum and chlorinated VOCs (pVOCs and cVOCs, respectively), PAHs, and metals contamination detected during the previous investigations.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards Lake Erie, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban land (Ud). These soils consist of nearly level areas of urban land and mixed percentages of Udorthents, Getzville, Odessa, and/or Mardin soils (see Figure 11). Soils within the City of Buffalo are characterized as urban land (Ud) with the soil surface typically covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Regional groundwater appears to flow west towards Lake Erie; however, regional groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions. It should also be noted that the Buffalo River is located to the east of the Site which may cause local groundwater to flow east toward the Buffalo River ultimately draining into Lake Erie.

Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells to assess and characterize groundwater flow patterns and quality are planned to be installed during the Remedial Investigation.

Environmental Assessment

Past uses of the Site including chemical manufacturing operations (i.e. lacquers, shoe cement, and adhesives), a machine shop, filling station, and railroad tracks have resulted in impacts to the Site. Due to numerous changes in development and environment typical of the City of Buffalo, widespread fill materials were observed across the Site with field evidence of impact and/or analytical concerns. Elevated PID readings were noted within Building 1 proximate former chemical tanks. Laboratory analytical results indicate soil/fill is impacted by pVOCs, PAHs, and metals with concentrations exceeding Commercial Use Soil Cleanup Objectives (CSCOs) and/or Industrial Use SCOs (ISCOs) across the Site. pVOCs and cVOCs were identified exceeding Class GA Groundwater Quality Standards (GWQS) at six (6) monitoring well locations (SB-9/9W, SB-11/11W through SB-13/13W, SB-16/16W and SB-17/17W) during the previous investigations. Figure 10 identifies the historic environmental impacts identified in the previous investigations and elevated soil and groundwater concentrations with comparison to applicable SCOs and GWQS, respectively.

Soil – Fill material consisting of black fines, cinders, sand and gravel with intermingled brick fragments was encountered across the Site at depths ranging between 1 foot below ground surface (fbgs) and 13 fbgs. Select locations were noted containing ash (SB-5, SB-6, and SB-10/10W), glass (SB-7 and SB-10/10W), or white chalky material (SB-1) intermingled with fill

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

material. Analytical results indicate pVOCs, PAHs, and metals impacts across the Site. Elevated PID readings were observed at two (2) investigation locations within Building 1 (SB-9/9W and SB-12/12W) proximate to former chemical tank locations per historic Sanborn maps with the highest PID reading of over 3,000 ppm at SB-12/12W. Chemical odors were also identified at SB-12/12W.

Laboratory analytical results indicate elevated pVOCs, PAHs, and metals exceeding NYSDEC Commissioner Policy (CP) 51 Soil Cleanup Levels (SCLs)/6NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (USCOs), Commercial Use SCOs (CSCOs), and/or Industrial Use SCOs (ISCOs). Specifically, toluene (730 mg/kg) was identified exceeding its CSCO of 500 mg/kg at SB12/12W from 6-8 fbgs. 1,2,4-trimethylebenzene (4.7 mg/kg), 2-butanone (87 mg/kg), ethylbenzene (35 mg/kg), and total xylenes (240 mg/kg) exceeded their respective CP-51 SCLs/USCOs at SB-12/12W from 6-8 fbgs. Toluene (3.6 mg/kg) and total xylenes (0.31 mg/kg) were identified exceeding their respective CP-51 SCLs/USCOs at SB-7 from 0-2 fbgs. Benzo(k)fluoranthene (0.5 mg/kg) was detected exceeding its respective CP-51 SCL/USCO of 0.8 mg/kg at SB-5 from 0-2 fbgs. Arsenic was identified exceeding its ISCO of 16 ppm at SB-7 from 0-2 fbgs (23.4 mg/kg); SB-7-3 from 4-8 fbgs (176 mg/kg); SB-7-4 from 0-4 fbgs (176 mg/kg); and SB-11 from 0-2 fbgs (21.3 mg/kg). Barium was identified exceeding its CSCO of 400 mg/kg at SB-7 from 0-2 fbgs (736 mg/kg). Cadmium was detected exceeding its USCO of 2.5 mg/kg at SB-11 from 0-2 fbgs (9.2 mg/kg). Chromium was detected exceeding its USCO of 31 mg/kg at SB-5 from 0-2 fbgs (148 mg/kg). Lead was identified exceeding its CSCO of 1,000 mg/kg at SB-7 from 0-2 fbgs (1,750 mg/kg) and SB-7-4 from 0-4 fbgs (3,350 mg/kg). Lead was also detected exceeding its USCO of 63 mg/kg at six (6) additional locations across the Site [SB-1 4-5 fbgs (627 mg/kg), SB-5 0-2 fbgs (173 mg/kg), SB-12/12W 6-8 fbgs (236 mg/kg), SB-7-1 4-8 fbgs (171 mg/kg), SB-7-2 0-4 fbgs (254 mg/kg), and SB-7-3 4-8 fbgs (591 mg/kg)]. Mercury was detected exceeding its USCO of 0.18 mg/kg at five (5) locations across the Site [SB-1 4-5 fbgs (0.83 mg/kg), SB-5 0-2 fbgs (0.25 mg/kg), SB-7 0-2 fbgs (2.7 mg/kg), SB-11 0-2 fbgs (0.25 mg/kg), and SB-12/12W 6-8 fbgs (0.27 mg/kg)].

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Elevated laboratory analytical results exceeding the Track 4 Commercial Use SCOs (the intended reuse) were detected in five (5) of the sampled locations.

Groundwater – Analytical results indicate pVOCs and cVOCs impacts at six (6) sampled locations (SB-9/9W, SB-11/11W through SB-13/13W, SB-16/16W, and SB-17/17W) with the most significant exceedances above Class GA GWQS identified at SB-12/12W. Specifically, benzene was identified exceeding its GWQS of 1 ug/L at SB-9/9W (1.8 ug/L) and SB-16/16W (1.5 ug/L). Toluene was identified exceeding its GWQS of 5 ug/L at SB-9/9W (20 ug/L). Methylene chloride was identified exceeding its GWQS of 5 ug/L at SB-11/11W (7.7 ug/L), SB-13/13W (5.8 ug/L), and SB-17/17W (8 ug/L). Numerous VOCs were identified at SB-12/12W exceeding their respective GWQS. Specifically, 2-butanone (9,000 ug/L) exceeded its GWQS of 50 ug/L and ethylbenzene (2,400 ug/L), toluene (96,000 ug/L), and total xylenes (18,000 ug/L) all exceeded their respective GWQS of 5 ug/L.

Historic investigation locations are shown on Figure 10 and analytical exceedance results are summarized on Table 1.

Historic documents and previous investigation reports are provided electronically on the enclosed CD in Appendix A.

SECTION II – PROJECT DESCRIPTION

710 Ohio Street Group, LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (BCP), and is submitting this BCP Application for eligibility acceptance into the program.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

710 Ohio Street Group, LLC, has prepared a Remedial Investigation Work Plan for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI), upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 12.

The Volunteer plans to redevelop the entire ±6.22-acre BCP Site, with certain existing buildings and/or portions of buildings being demolished or renovated, and new buildings constructed. The Site Redevelopment Plan estimates capital investment of approximately \$12,000,000 to \$14,000,000 to investigate, remediate, and redevelop the Site.

The Project will result in the remediation and redevelopment of an environmentally-impacted Site within a commercial and industrial area in the City of Buffalo, Erie County, New York.

SECTION III – LAND USE FACTORS

Current Zoning

The current zoning for the Site is D-IL (Light Industrial: site intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from, mixed-use residential neighborhoods, and are typically located adjacent to highway, rail, and water access points) consistent with the Buffalo Green Code Unified Development Ordinance (see Figure 9). The planned redevelopment of the Site as a commercial warehouse and office development is consistent with the City of Buffalo current Zoning and Land Use plans.

Current Use

The Site is currently improved with four (4) buildings with asphalt paved parking areas covering the exterior. Building 1 is a former industrial facility occupied by a chemical manufacturing operation currently utilized for equipment storage for a construction

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

company; Building 2 is a vacant former storage building; Building 3 is a former transformer house; and Building 4 is a former boiler house.

Historic operation of the Site as chemical manufacturing from at least 1925 until approximately 2008 and other uses of environmental concern including a filling station, machine shop, and railroad has impacted the Site with pVOCs, cVOCs, PAHs, and metals. Previous investigations have identified pVOCs, cVOCs, PAHs, and metals contamination onsite that will require remediation.

Planned Future Use

The Volunteer plans to redevelop the entire ±6.22-acre Site, with certain existing buildings and/or portions of buildings being demolished or renovated, and new buildings constructed.

The planned redevelopment is consistent with the historic and recent development patterns within the City of Buffalo.

The Site is not planned to be a renewable energy facility as defined in Section 66-p of the Public Service Law.

Based on the current zoning for the Site, D-IL (Light Industrial¹), the proposed redevelopment is consistent with current zoning and City of Buffalo Green Code Unified Development Ordinance.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings completed for the Site are provided below. Investigation locations and associated analytical results are provided on

¹ According to the Land Use Plan of the Buffalo Green Code Light Industrial areas are defined as areas intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from, mixed-use residential neighborhoods, and are typically located adjacent to highway, rail, and water access points.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Figure 10. A summary of analytical results exceeding CSCOs is provided as Table 1. Electronic copies of the referenced reports are provided individually in a separate electronic folder, identified as Previous Investigation Reports, on the enclosed CD.

Phase I Environmental Site Assessment

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase I Environmental Site Assessment (ESA) for 670 Ohio Street, Buffalo, New York on March 30, 2022 (date of Site inspection).

Below is a summary of the historic uses and Recognized Environmental Concerns (RECs) as they relate to 670 Ohio Street.

Approximate Years	Reported or Suspected Use	Owner/Occupant
At least 1894- prior to 1925	Vacant land/ Railroad	Unknown
1925-Present	Industrial with historical operations including manufacturing of lacquers and shoe cement, a filling station (western portion of the Site), and a machine shop. Current operations include construction equipment storage.	Past owners/occupants include Pierce & Stevens Chemical Corp, Henkel adhesives & sealants,

The specific RECs identified for the Site included the following:

- The long heavy industrial history of the Site with manufacturing of lacquer and shoe cement, railroad tracks, drum storage, and various process/chemical tanks and petroleum underground storage tanks, USTs (including those associated with a former filling station on the western portion of the Site).
- The black staining noted during the Site reconnaissance due to the potential for environmental impacts.
- Apparent fill piles on the southern portion of the Site and the potential for impacted fill material on other parts of the Site due to its history and urban location.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Phase II Environmental Investigation Report

TurnKey completed a Phase II Environmental Investigation on the Site on May 2, 2022. Twelve (12) soil borings (designated SB-1 through SB-12) were completed across the Site to characterize and analyze on-Site soil/fill. Three (3) soil borings were converted into temporary one-inch diameter monitoring wells (designated as SB-9/9W, SB-10/10W, and SB-12/12W) to characterize and analyze on-Site groundwater conditions. Findings of the Phase II are detailed below:

- The Site has a history of heavy industrial usage with operations including manufacturing of lacquers and shoe cement. Additional operations of environmental concern included a machine shop and a filling station.
- The highest PID reading identified during the work was over 3,000 ppm in a former chemical storage tank area (per Sanborns) in Building 1 at SB-12/12W. Chemical odors were also identified at this location. In addition, as further detailed below, laboratory analytical results revealed subsurface soil and groundwater VOC impacts.
- Fill materials were identified across the Site at depths ranging between 1 fbg and 13 fbg.
- Metals, including arsenic, barium, and lead were detected in soil/fill at concentrations exceeding CSCOs and/or ISCOs.
- VOC-impacted soil with petroleum VOCs exceeding CP-51 SCLs and/or Part 375 SCOs (RRSCOs and CSCOs) were identified within Building 1 in the former chemical storage tank area at SB-11 and SB-12/12W. In addition, VOC-impacted groundwater was identified in areas within or proximate to the former chemical storage tank area at SB-9/9W and SB-12/12W. The most significant VOC concentrations in groundwater, with petroleum and chlorinated VOC exceedances, were identified under Building 1 at SB-12/12W.
- We understand that this Site is being considered for redevelopment. Based on the findings detailed above, the Site is a potential candidate for the New York State Brownfield Cleanup Program (BCP). Regardless of whether the BCP is pursued, impacted soil/fill materials present on-Site will require exposure control, remediation, and/or proper soil management either prior to or during the redevelopment project.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Supplemental Phase II Environmental Site Investigation

TurnKey completed a Supplemental Phase II Environmental Site Investigation on October 25, 2022 and November 4, 2022 to further investigate the extents of soil and groundwater impacts on-Site. Findings of the Supplemental Phase II are detailed below:

- SB-7 Soil/Fill Delineation – four soil/fill samples, one sample from each delineation boring, was selected for laboratory analysis of arsenic, barium, and lead. As summarized on Table 1, arsenic exceeds its respective Industrial SCO (ISCO) of 16 milligrams per kilogram (mg/kg) at SB-7-3 (176 mg/kg) and SB-7-4 (176 mg/kg). Lead exceeds its RRSCO of 400 mg/kg at SB-7-3 (591 mg/kg) and it also exceeds its Commercial SCO (CSCO) of 1,000 mg/kg at SB-7-4 (3,350 mg/kg). Barium does not exceed its Part 375 Unrestricted Soil Cleanup Objective (USCO) in any of the samples. One soil/fill sample, a representative composite soil/fill sample from each delineation boring, was submitted to the laboratory for Toxicity Characteristic Leaching Procedure (TCLP) metals analysis for waste characterization purposes. Laboratory analytical results indicate that the soil/fill in the SB-7 area is not characteristically hazardous for metals.
- SB-12/12W VOCs Soil/Fill and Groundwater Delineation – As summarized on Table 1, no VOCs were detected at concentrations exceeding their respective CP-51 SCLs or USCOs in the supplemental soil/fill samples collected during the work from SB-11/11W, SB-13/13W, SB-14/14W, SB-16/16W, and SB-17/17W. As summarized on Table 2, benzene slightly exceeded its Groundwater Quality Standard (GWQS) of 1 microgram per liter (ug/L) at SB-16/16W (1.5 ug/L). Remaining VOCs were either not detected at concentrations above laboratory detection limits or concentrations were below their respective GWQS. Of note, relative low concentrations of methylene chloride were reported by the laboratory; however, methylene chloride is a common laboratory contaminant, and methylene chloride was also identified in the laboratory blank. Therefore, TurnKey does not suspect that the methylene chloride concentrations are indicative of actual groundwater conditions at the Site.

In conclusion, elevated arsenic and lead concentrations are present in soil/fill in the SB-7 Area, which extend further to the south and west of the initial SB-7 location and at least to the location of SB-13. No exceedances of metals were identified in soil/fill samples collected north and east of SB-7.

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Regarding delineation of VOCs, soil/fill and groundwater VOC impacts detected in the area of the original SB-12/12W sample location appear to be localized to that area. No VOC exceedances were identified in supplemental soil/fill samples and VOCs in supplemental groundwater samples were either detected below laboratory detection limits or at low concentrations that very slightly exceed drinking water standards.

SECTION V – REQUESTOR INFORMATION

The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for 710 Ohio Street Group, LLC is attached as Exhibit A3.

Benchmark Civil/Environmental Engineering and Geology, PLLC, a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project. McCarthy Williams, PLLC will be acting as the Volunteer's attorney.

710 Ohio Street Group, LLC member/owner information is attached which includes the Joint Unanimous Written Consent of the Shareholders and Officers (Exhibit A4) and the Owner Organizational Chart (Exhibit A5).

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, 710 Ohio Street Group, LLC, qualifies as a "Volunteer" in accordance with NY ECL 27-1405(1)(b) and 6 NYCRR 375-3.2(b)(2).

On-Site contamination is likely related to the historic use of the Site as chemical manufacturing facility, machine shop, filling station, and railroad. Applicant's liability arises solely from having taken title to the property after the contaminants had already been released at the Site. The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

the Site; therefore, 710 Ohio Street, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

SECTION IX – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Information for the previous and current owners/operators is provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
670 Ohio Street (Historic Addresses: 710-720 Ohio Street)			
Current Owner/Operator			
710 Ohio Street Group, LLC 1231 Delaware Avenue, Suite 201 Buffalo, New York 716-462-3277	Commercial equipment storage/vacant	February 24, 2023 to Current	Owner/Applicant
Previous Owners/Operators			
Owner(s): Apollo Services Inc. 4511 Hyde Park Boulevard Niagara Falls, New York (716) 278-9419	Commercial	December 19, 2011 to February 24, 2023	Former Owner
Henkel Corp. 710 Ohio Street Buffalo, New York	Commercial / Industrial	1925 ~ 2011	None – No relationship
Sovereign Commercial Group, Inc. (merged into Henkel Corp. December 31, 2005) 710 Ohio Street Buffalo, New York	Commercial / Industrial	2005	
Operators: Pierce & Stevens Inc. (denatured alcohol, chemicals, turpentine, paint manufacturers, lacquers, adhesives, solvents) – 710 Ohio Street, Buffalo, New York	Commercial / Industrial	1925 ~ 2001	None – No relationship

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Penna Railroad – 710 Ohio Street, Buffalo, New York		1950 ~ 1955	
Fabulen Floor Finish – 710 Ohio Street, Buffalo, New York		1960	
Pratt & Lambert – 75 Tonawanda Steet, Buffalo, New York		1975	
Henkel Adhesives & Sealants/Sovereign Specialty Chemicals – 710 Ohio Street, Buffalo, New York		2008	

SECTION XI – CONTACT LIST INFORMATION

Site Contact List

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project's duration.

Erie County Contacts:

Honorable Mark Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Mr. John K. Gilmour
Erie County Legislator – District 9
5630 Camp Road
Hamburg, NY 14075

Mr. Daniel Castle, AICP
Commissioner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Thomas E. Baines, Esq.
Deputy Commissioner of Planning & Economic Development
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Mr. Mark Rountree
Chief Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Ms. Bonnie Lawrence
Deputy Commissioner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Robert M. Graber
Erie County Legislature Clerk
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Mr. John Cappellino
President & CEO
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

Ms. Gale Burstein, MD, MPH, FAAP
Commissioner of Health
Erie County Department of Health
95 Franklin Street
Buffalo, NY 14202

Mr. Daniel J. Neaverth, Jr.
Commissioner
Erie County Department of Homeland Security
& Emergency Services
45 Elm Street
Buffalo, NY 14203

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Square, Room 201
Buffalo, NY 14202

Christopher Scanlon
Council President Pro Tempore
South District
65 Niagara Square, Room 1401
Buffalo, NY 14202

James K. Morrell, Chairman
City of Buffalo
Planning Board
920 City Hall
Buffalo, NY 14202

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Supplier of Potable Water:

Buffalo Water Department
Veolia Water
2 Porter Avenue
Buffalo, NY 14201

Local News Media:

Buffalo News
ATTN: Mr. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

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

Business First
ATTN: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools:

Jamie St. John, Principal
PS #131 The Academy School
425 South Park Avenue
Buffalo, NY 14204

Erin Lawson, Principal
Buffalo Creek Academy
528 South Park Avenue
Buffalo, NY 14204

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Lisa Lovallo-Coyle, Principal
PS #33 Bilingual Center
157 Elk Street
Buffalo, NY 14210

PS #28 Center for Innovation, Technology, and
Training
1515 South Park Avenue
Buffalo, NY 14211

Michael Morris, Principal
PS #206 South Park
150 Southside Parkway
Buffalo, NY 14220

Other Interested Parties:

WNY Director
Citizens Environmental Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

Ms. April Tompkins
Re: Document Repository
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

APPENDIX A
BCP Application
Section I – Section XII
670 Ohio Street Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 8).

Adjacent Property Address				Property Owner Mailing Address
No.	Street	S.B.L. No.	Property Use	
0	--	122.18-2-3	Railroad	--
660	Ohio Street	122.18-2-2.2	Warehouse	710 Ohio Street LLC 658 Ohio Street Buffalo, NY 14203
0	--	122.18-1-2	Railroad	--

Document Repository

The Buffalo and Erie County Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included as Exhibit A6.

EXHIBITS

Erie County On-Line Mapping System

Parcel Detail Report

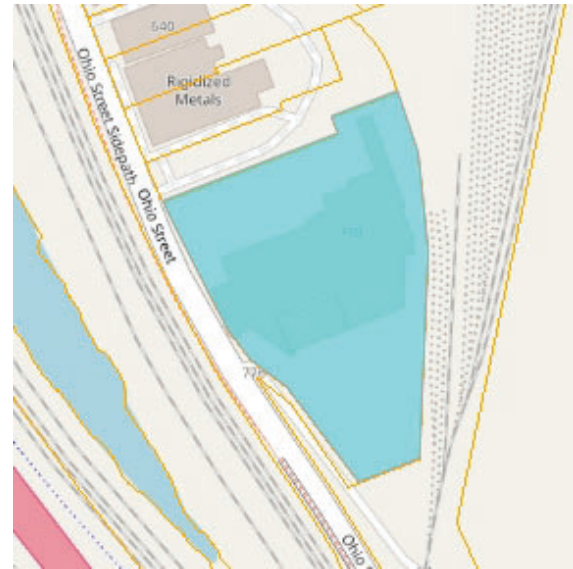
Report generated:

12/22/2022 3:10:07 PM

Exhibit A1



Parcel Overview Map



Parcel Detail Map

PIN: 1402001221800002002100

SBL: 122.18-2-2.1

Address: 670 OHIO

Owner 1: APOLLO SERVICES INC

Owner 2:

Mailing Address: 4511 HYDE PARK BLVD

City/Zip: NIAGARA FALLS NY 14305

Municipality: City of Buffalo

Property Class: 710

Class Description: C - Manufacture

Front: 0

Depth: 0

Deed Roll: 1

Deed Book: 11214

Deed Page: 389

Deed Date:

Acreage: 6.22256588

Total Assessment: \$1,000,000

Land Assessment: \$310,000

County Taxes: \$1,000,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Department of Real Property Tax Services

Exhibit A1

[Real Property Home Page](#)
[Home](#) [Make Online Payment](#) [Tax Inquiry](#) [Parcel Search](#)
[Help?](#)
[Français](#)

Version: 5.1.1407.887

Real Property Information			
Parcel Status	ACTIVE	City/Town	Buffalo
S-B-L	122.18-2-2.1	Owner	APOLLO SERVICES INC
Property Location	670 OHIO	Mailing Address	
Property Class	710 MANUFACTURE	Line 2	STE 201
Assessment	\$ 1,000,000.00	Line 3	
Taxable	\$ 1,000,000.00	Street	1231 DELAWARE AVE
Desc	969.78 S BFLO RIVER	City/State	BUFFALO NY
Desc	136.66 IRR N S REAR	Zip	14209
Deed Book	11214	Deed Page	389
Frontage	0.00	Depth	0.00
Year Built		Square Ft	
Beds		Baths	
FirePlace		School	BUFFALO SCHOOL DIST
		SWIS	140200
		Acres	5.96

[Owner History](#)
[Tax Payment History](#)
[Google Maps](#)

Department of

Real Property Tax Services

Exhibit A1

[Real Property Home Page](#)

[Home](#) [Make Online Payment](#) [Tax Inquiry](#) [Parcel Search](#)

[Help?](#)

[Français](#)

Version: 5.1.1407.887

Owner	Book Page / Date
HENKEL CORP	1760 278 *05/15/1925*
HENKEL CORP	1907 429 *02/27/1928*
HENKEL CORP	3277 247 *07/16/1942*
HENKEL CORP	5518 439 *04/16/1954*
HENKEL CORP	11122 4983 *12/04/2006*
HENKEL CORP	11133 2411 *08/15/2007*
APOLLO SERVICES INC	11214 389 *12/19/2011*
710 OHIO STREET GROUP LLC	11414 3791 *02/24/2023*

[Back to Property Information](#)

Exhibit A2

QUITCLAIM DEED

FILED

FEB 24 2023

ERIE COUNTY
CLERK'S OFFICE

THIS INDENTURE, made the 1st day of February, two thousand and twenty-three,
between

APOLLO SERVICES INC., a corporation organized under the laws of New York having a mailing
address of 1231 Delaware Ave., Buffalo, New York 14209,

party of the first part, and

710 OHIO STREET GROUP, LLC, a limited liability company organized under the laws of New
York having a mailing address of 1231 Delaware Ave., Buffalo, New York 14209,

WITNESSETH, that the party of the first part, in consideration of one and no more dollars,
lawful money of the United States, paid by the party of the first part, the heirs and assigns forever,
and quitclaim unto the party of the second part, the heirs and assigns forever

ALL THAT TRACT OR PARCEL OF LAND s
Erie, and State of New York, more particularly described
DATE: 2/24/2023
TIME: 1:48:21 PM
RECEIPT: 23026470

TOGETHER with the appurtenances and all the
part in and to said premises,
BRIDGET WILLIAMS
ACCOUNT #: 0

TO HAVE AND TO HOLD the premises herein
the heirs or successors and assigns of the party of the second part,
ITEM - 01 DEED
RECD: 2/24/2023 1:52:01 PM
FILE: 2023033965 BK/PG D 11414/3791

The word "party" shall be construed as if it read "parties" in this deed.
Deed Sequence: TT2022014316
APOLLO SERVICES INC
710 OHIO STREET GROUP LLC

This deed is subject to the trust provisions of Section 300 of the Real Property Law.

IN WITNESS WHEREOF, the party of the first part, duly authorized officer the day and year first above written
Recording Fees 85.00
RP5217 CNTY \$9 9.00
RP5217 ST-NON RES \$241 241.00
TP584 10.00
Subtotal 345.00

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE IMMEDIATELY FOLLOWING]

TOTAL DUE \$345.00
PAID TOTAL \$345.00
PAID CHECK \$345.00
Check #0498: 345.00

REC BY: Maily (ING)
COUNTY RECORDER

Department of State

Division of Corporations

Exhibit A3

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

**ENTITY NAME:** 710 OHIO STREET GROUP, LLC**DOS ID:** 6314427**FOREIGN LEGAL NAME:****FICTITIOUS NAME:****ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW**ENTITY STATUS:** ACTIVE**DATE OF INITIAL DOS FILING:** 10/28/2021**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 10/28/2021**INACTIVE DATE:****FOREIGN FORMATION DATE:****STATEMENT STATUS:** CURRENT**COUNTY:** ERIE**NEXT STATEMENT DUE DATE:** 10/31/2023**JURISDICTION:** NEW YORK, UNITED STATES**NFP CATEGORY:**

ENTITY DISPLAY

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

Service of Process Name and Address

Name: MCCARTHY WILLIAMS, PLLC**Address:** 471 DELAWARE AVENUE, BUFFALO, NY, UNITED STATES, 14202

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:**Address:**

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share
-------------	------------------	-----------------

Exhibit A3

710 OHIO STREET GROUP, LLC
JOINT UNANIMOUS WRITTEN CONSENT
OF THE SHAREHOLDERS AND OFFICERS

December 20, 2022

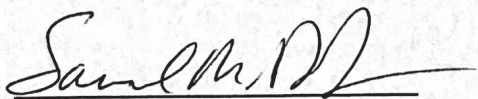
The undersigned and Authorized Members of **710 Ohio Street Group, LLC**, a New York domestic limited liability corporation (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Sam DeFranks** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 670 Ohio Street (S.B.L. No. 122.18-2-2.1), Buffalo, New York; and be it further

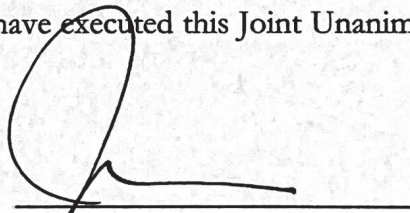
RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolution; and be it further

RESOLVED, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the forgoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

IN WITNESS WHEREOF, the undersigned have executed this Joint Unanimous Written Consent as of the date set forth above.

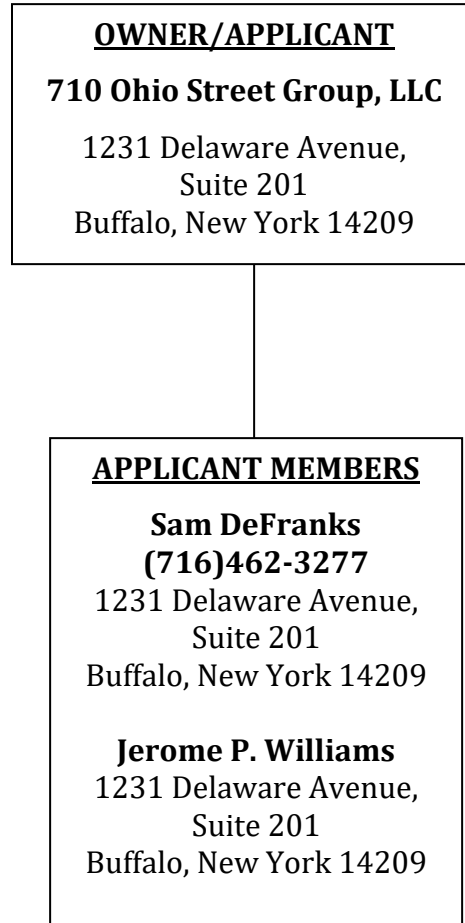


Name: Sam DeFranks
Authorized Member



Name: Jerome P. Williams
Authorized Member

670 OHIO STREET SITE
ORGANIZATIONAL CHART





December 28, 2022

Ms. April Tompkins
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program
670 Ohio Street Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Civil/Environmental Engineering & Geology, PLLC, in association with TurnKey Environmental Restoration, LLC would like to request the Buffalo & Erie County Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact me if you have questions or require additional information.

Sincerely,
Benchmark Civil/Environmental Engineering & Geology, PLLC
TurnKey Environmental Restoration, LLC

A handwritten signature in black ink that reads "Chad M. Schuster".

Chad M. Schuster
Environmental Scientist

File: 0635-022-001

From: [April Tompkins](#)
To: [Chad Schuster](#)
Subject: Re: Document Repository Request - 670 Ohio Street Site
Date: Thursday, December 29, 2022 4:44:34 PM

Good afternoon Chad,

This is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents submitted by your company for the Brownfield Cleanup Program at 670 Ohio Street Site, Buffalo, New York. These documents will be made available for public viewing at the City of Tonawanda Library and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

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

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

. Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.

. If you would like the documents distributed at libraries other than Central, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.

. Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.

. You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated. Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disk in-house. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,
April

April Tompkins, Senior Library Clerk

Office of Chief Operating Officer
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-845-9053
E-mail: tompkinsa@buffalolib.org

From: Chad Schuster <cschuster@bm-tk.com>
Sent: Wednesday, December 28, 2022 2:46 PM
To: April Tompkins
Subject: Document Repository Request - 670 Ohio Street Site

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

Dear Ms. Tompkins:

Please find attached a letter of transmittal request the Buffalo and Erie County Library act as the document repository for the 670 Ohio Street Site. Please respond at your earliest convenience and feel free to contact me if you have any questions.

Sincerely,

Chad M. Schuster
Engineer/Scientist
cschuster@bm-tk.com <<mailto:cschuster@bm-tk.com>>

Benchmark Civil/Environmental Engineering & Geology, PLLC
[www.benchmarkturnkey.com](http://www.turnkeyllc.com) <<http://www.turnkeyllc.com>>
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Cell: (716) 346-2818, Facsimile: (716) 856-0583

Strong Advocates | Effective Solutions | Integrated Implementation

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Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on Facebook <<https://www.facebook.com/buffalolibcentral?ref=ts>>, Twitter <<https://twitter.com/buffalolib>>, Instagram <<https://www.instagram.com/buffalolib>>, Pinterest <<https://www.pinterest.com/buffalolib>>, Flickr <<https://www.flickr.com/photos/buffalolib>> and on our podcast All Booked Up! <<https://soundcloud.com/allbookedup>> Information: 716-858-8900 or <http://www.buffalolib.org>.

<<http://www.BuffaloLib.org>>

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