

Annual Certification

Brownfield Cleanup Program 2250 Factory Outlet Blvd. Site

*Town of Niagara, New York
BCP Site No. C932127*

June 2009

0105-003-901

Prepared For:

NF-3rd Associates, LLC

Prepared By:



ANNUAL CERTIFICATION

**2250 FACTORY OUTLET BOULEVARD SITE
TOWN OF NIAGARA, NEW YORK**

BCP Site No. C932127

June 2009

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Prepared for:

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ANNUAL CERTIFICATION

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FORMS



Environmental Inspection Form Operation, Monitoring, & Maintenance Plan

Property Name: 2250 Factory Outlet Blvd Project No.: 105-003-901
Client: Benderson
Property Address: 2250 Factory Outlet Blvd City, State: NY Zip Code: 14304
Property ID: (Tax Assessment Map) 145.2-1-1 Section: Block: Lot(s):
Preparer's Name: Tom Behrendt Date/Time: 5/8/09 1500

CERTIFICATION

The results of this inspection were discussed with the Site Manager/Developer. Any corrective actions required have been identified and noted in this report, and a supplemental Corrective Action Form has been completed. Proper implementation of these corrective actions have been discussed with the Owner, agreed upon, and scheduled.

Preparer / Inspector: Tom Behrendt Date: 5/8/09

Signature: [Signature]

Next Scheduled Inspection Date: May 2010

Property Use Changes / Site Development

Has the property usage changed, or site been redeveloped since the last inspection?

☐ yes ☒ no ☐ N/A

If yes, please list with date: _____

Environmental Inspection Form Operation, Monitoring, & Maintenance Plan

New Information

Has any new information been brought to the owner/engineer's attention regarding any and/or all engineering and institutional controls and their operation and effectiveness?

☐ yes

☒ no

☐ N/A

Comments: _____

This space for Notes and Comments

(None)

Please include the following Attachments:

1. Site Sketch
 2. Photographs
-
-



Enclosure 1
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details		Box 1
Site No.	C932127	
Site Name	2250 factory outlet Blvd. Site	
Site Address:	2250 factory outlet Blvd.	Zip Code: 14304
City/Town:	Niagara, NY	
County:	Niagara	
Current Use:	Commercial - Bus station	
Intended Use:	Commercial - Bus station	

Verification of Site Details		Box 2	
		YES	NO
1.	Are the Site Details above, correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
5.	For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	<input type="checkbox"/>
6.	For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SITE NO. C932127

Description of Institutional Control

	<u>YES</u>	<u>NO</u>
1) Compliance with Site Management Plan	X	
2) Annual Certification	X	

Description of Engineering Control

<u>YES</u>	<u>NO</u>

Control Certification Statement

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (d) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control.
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

IC/EC CERTIFICATIONS
SITE NO. C932127

Box 5

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 & 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Mike DePriest at 570 Delaware Ave. Buffalo NY 14202
print name print business address

am certifying as Representative of NF-3rd Associates, LLC (Owner or Remedial Party)

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

Mike DePriest
Signature of Owner or Remedial Party Rendering Certification

6-23-09
Date

Box 6

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information and statements in Box 4 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Paul H. Werthman, P.E. at 2558 Hamburg Turnpike, Lackawanna, NY 14218
print name print business address

am certifying as a Qualified Environmental Professional for the owner (NF-3rd Associates, LLC)

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

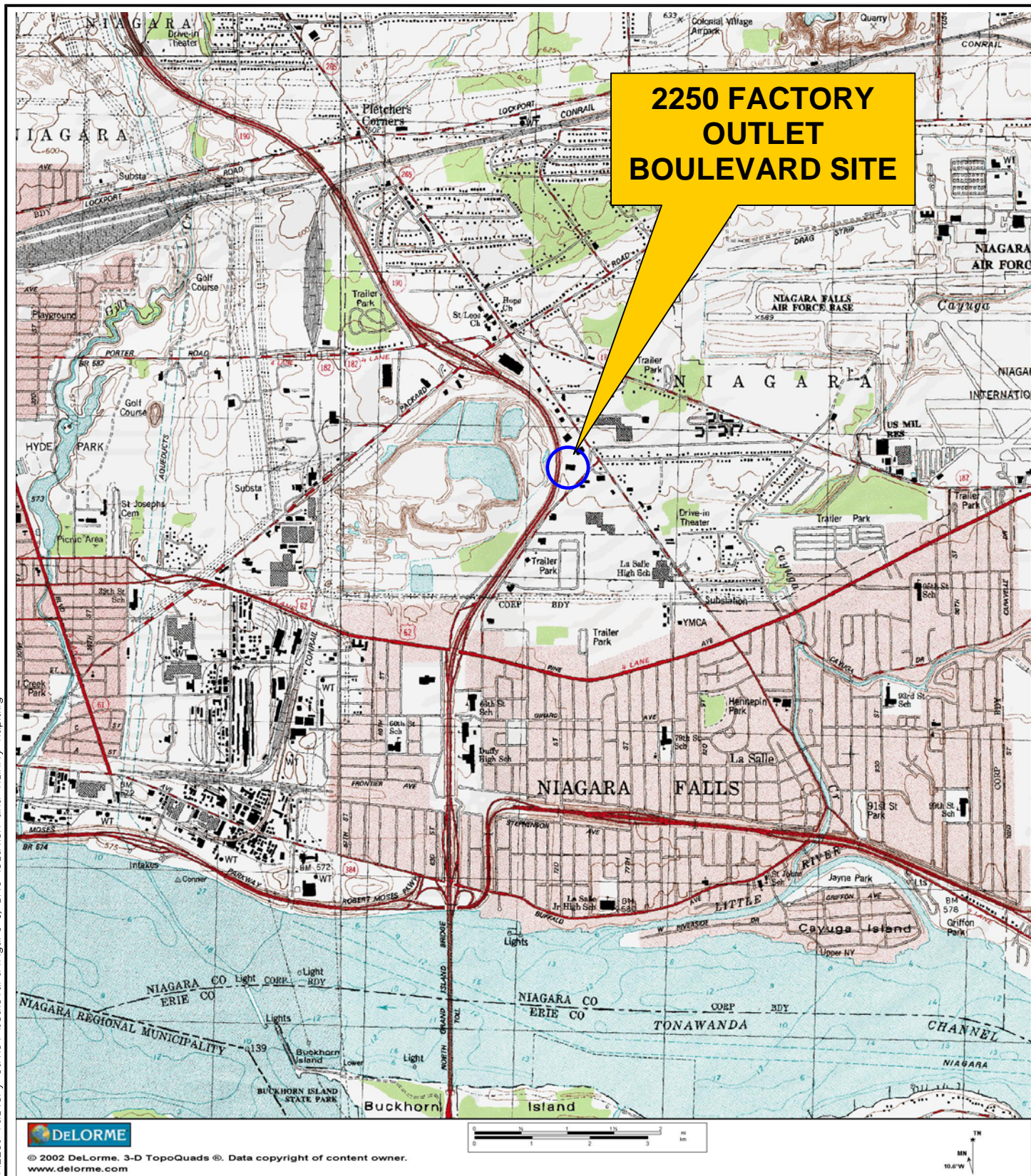
Paul H. Werthman, P.E.
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification

Stamp (if Required)

6/23/09
Date

FIGURES

FIGURE 1



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

PROJECT NO.: 0105-003-400

DATE: OCTOBER 2007

DRAFTED BY: NTM

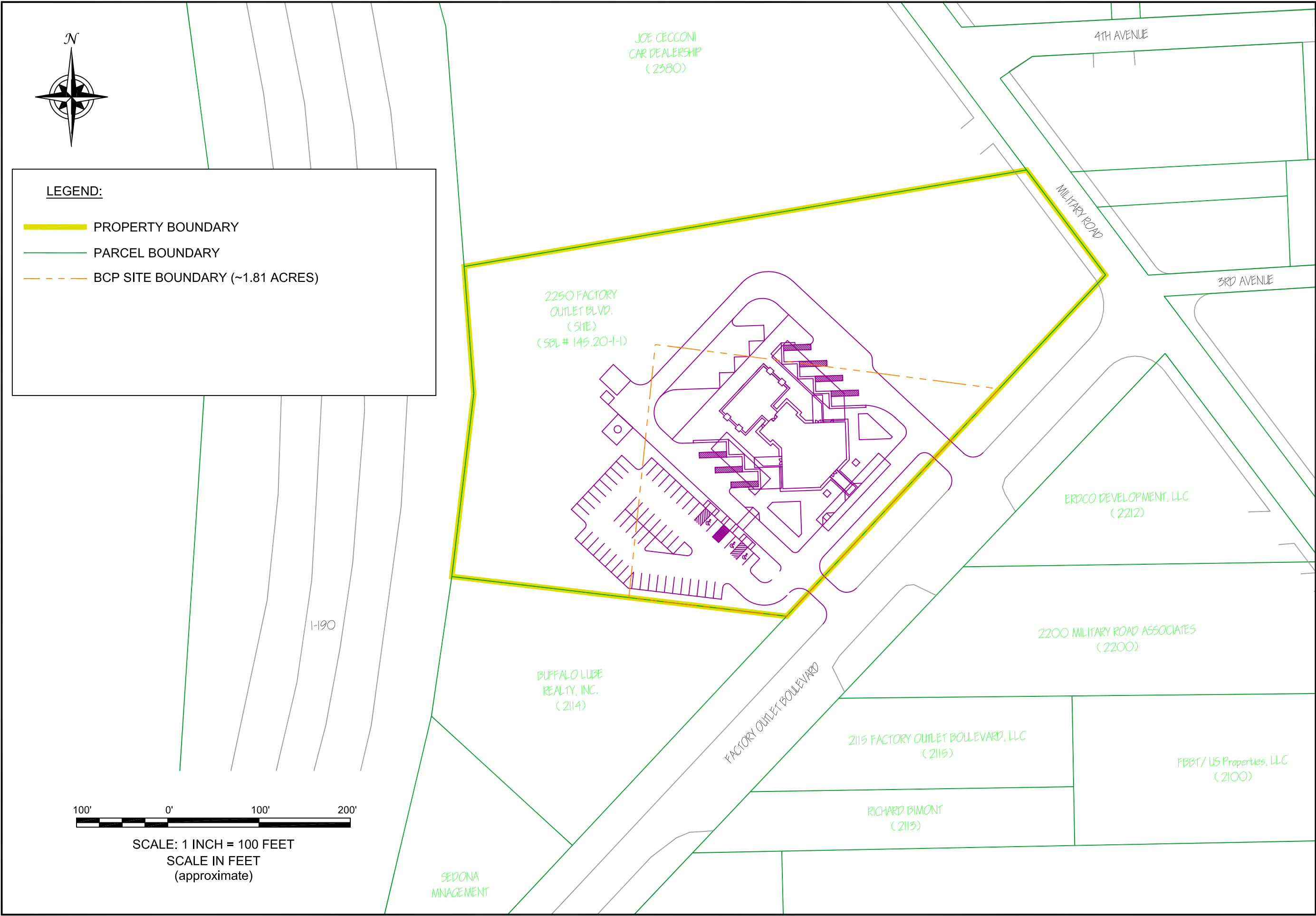
SITE LOCATION AND VICINITY MAP

OPERATION, MONITORING, AND MAINTENANCE PLAN

2250 FACTORY OUTLET BOULEVARD SITE
NIAGARA FALLS, NEW YORK

PREPARED FOR
NF - 3rd ASSOCIATES, LLC

FILEPATH:\cod\benchmark\benderson\2250 factory outlet boulevard\figure 1: site location and vicinity map.dwg



SITE PLAN

OPERATION, MONITORING, & MAINTENANCE PLAN
2250 FACTORY OUTLET BOULEVARD SITE
NIAGARA FALLS, NEW YORK

PREPARED FOR
NF - 3rd ASSOCIATED, LLC



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

JOB NO.: 0105-003-400


FIGURE 2

ATTACHMENT 1

SITE PHOTOGRAPHS

PHOTOGRAPHIC LOG

Client Name: NF-3rd Associates, LLC		Site Location: 2250 Factory Outlet Boulevard Site	Project No.: 0105-003-901
Photo No. 1	Date 05/09/08		
Direction Photo Taken:			
Description: Subject Property- View North.			

Photo No. 2	Date 05/09/08	
Direction Photo Taken:		
Description: Subject Property- View South.		

PHOTOGRAPHIC LOG

Client Name: NF-3rd Associates, LLC		Site Location: 2250 Factory Outlet Boulevard Site	Project No.: 0105-003-901
Photo No. 3	Date 05/09/08		
Direction Photo Taken:			
Description: Subject Property- View Southwest.			

Photo No. 4	Date 05/09/08	
Direction Photo Taken:		
Description: Subject Property- View Northeast.		