

# Brownfield Cleanup Program Application

401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York

February 2014

0294-013-001

Prepared For:

Merani Hospitality, Inc.



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0599 | fax: (716) 856-0583



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)**



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY BCP SITE #:
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08/2013

<b>Section I. Requestor Information</b>		
NAME <b>Merani Hospitality, Inc.</b>		
ADDRESS <b>7001 Buffalo Avenue</b>		
CITY/TOWN <b>Niagara Falls</b>		ZIP CODE <b>14304</b>
PHONE <b>(716) 236-7510</b>	FAX	E-MAIL <b>faisal@meranico.com</b>
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. (See Attachment 1)</p> <p>-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and New York State Education Law. <b>Documents that are not properly certified will not be approved under the BCP.</b></p> <p align="right"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
NAME OF REQUESTOR'S REPRESENTATIVE <b>Mr. Faisal Merani</b>		
ADDRESS <b>7001 Buffalo Avenue</b>		
CITY/TOWN <b>Niagara Falls</b>		ZIP CODE <b>14304</b>
PHONE <b>(716) 236-7510</b>	FAX	E-MAIL <b>faisal@meranico.com</b>
NAME OF REQUESTOR'S CONSULTANT <b>Mr. Michael Lesakowski (TurnKey Environmental Restoration, LLC)</b>		
ADDRESS <b>2558 Hamburg Turnpike, Suite 300</b>		
CITY/TOWN <b>Buffalo, New York</b>		ZIP CODE <b>14218</b>
PHONE <b>(716) 856-0635</b>	FAX <b>(716) 856-0583</b>	E-MAIL <b>mlesakowski@benchmarkturnkey.com</b>
NAME OF REQUESTOR'S ATTORNEY <b>Mr. Craig Slater, Esq. (The Slater Law Firm, PLLC)</b>		
ADDRESS <b>26 Mississippi Street, Suite 400</b>		
CITY/TOWN <b>Buffalo, New York</b>		ZIP CODE <b>14203</b>
PHONE <b>(716) 845-6760</b>	FAX <b>(716) 845-6764</b>	E-MAIL <b>cslater@cslaterlaw.com</b>
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:		
<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.  NOTE: By checking this box, the requestor 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.	
Requestor Relationship to Property (check one):		
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input type="checkbox"/> Yes <input type="checkbox"/> No -Proof of site access must be submitted for non-owners		

**Section II. Property Information**

Check here if this application is to request significant changes to property set forth in an existing BCA:

Existing BCP site number: \_\_\_\_\_

PROPERTY NAME 401, 402, & 430 Buffalo Avenue Site

ADDRESS/LOCATION 401, 402, & 430 Buffalo Avenue CITY/TOWN Niagara Falls ZIP CODE 14303

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of Niagara Falls

COUNTY Niagara SITE SIZE (ACRES) 6.2

LATITUDE (degrees/minutes/seconds) N43 ° 04 ' 56 " LONGITUDE (degrees/minutes/seconds) W79 ° 03 ' 22 "

HORIZONTAL COLLECTION METHOD:  SURVEY  GPS  MAP HORIZONTAL REFERENCE DATUM: NAD 83

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address Parcel No. Section No. Block No. Lot No. Acreage

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
401 Buffalo Avenue	401	159.39	2	9	3.8
402 Buffalo Avenue	402	159.54	1	46	0.35
430 Buffalo Avenue	430	159.54	1	45	2.05

- Do the property boundaries correspond to tax map metes and bounds?  Yes  No  
If no, please attach a metes and bounds description of the property.
- Is the required property map attached to the application? (application will not be processed without map)  Yes  No
- Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?  Yes  No  
For more information please see Empire State Development's [website](#).  
If yes, identify area (name) A and B; Census Tract 211  
Percentage of property in En-zone (check one):  0-49%  50-99%  100%
- Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: \_\_\_\_\_  Yes  No

5. Property Description Narrative:

See Attachment 2

6. List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
Niagara Mohawk (1957)	Utility (See Attachment 2)
New York Telephone Company (1974)	Utility

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
None / Unknown		

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**Section III. Current Property Owner/Operator Information**

OWNER'S NAME Merani Hospitality, Inc.

ADDRESS 7001 Buffalo Avenue

CITY/TOWN Niagara Falls

ZIP CODE 14304

PHONE (716)236-7510

FAX

E-MAIL faisal@meranico.com

OPERATOR'S NAME same as owner - currently vacant

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- 1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
- 2. Is the requestor subject to an existing order relating to contamination at the site?  Yes  No
- 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No
- 4. Has the requestor been determined to have violated any provision of ECL Article 27?  Yes  No
- 5. Has the requestor previously been denied entry to the BCP?  Yes  No
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?  Yes  No
- 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?  Yes  No
- 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?  Yes  No
- 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?  Yes  No

**Section V. Property Eligibility Information (Please refer to ECL § 27-1405)**

- 1. Is the property, or was any portion of the property, listed on the National Priorities List?  Yes  No  
If yes, please provide relevant information as an attachment.
- 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?  Yes  No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
- 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  Yes  No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
- 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?  Yes  No  
If yes, please provide: Order # \_\_\_\_\_
- 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  Yes  No  
If yes, please provide explanation as an attachment.

**Section VI. Project Description**

What stage is the project starting at?  Investigation  Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule (See Attachment 3)



## Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

### 1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2):  Yes  No

### 2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs	x				
Metals	x				
Pesticides					
PCBs					
Other*					

\*Please describe: \_\_\_\_\_

### 3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X	X			
Chlorinated Solvents	X	X			
Other VOCs					
SVOCs	X				
Metals	X	X			
Pesticides	X	X			
PCBs	X				
Other*					

\*Please describe: \_\_\_\_\_

### 4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- Above Ground Pipeline or Tank  
  Lagoons or Ponds  
  Underground Pipeline or Tank  
  Surface Spill or Discharge  
 Routine Industrial Operations  
  Dumping or Burial of Wastes  
  Septic tank/lateral field  
  Adjacent Property  
 Drums or Storage Containers  
  Seepage Pit or Dry Well  
  Foundry Sand  
  Electroplating  
 Coal Gas Manufacture  
  Industrial Accident  
  Unknown

Other: Historic manufacturing operations - See Attachment 3 and 4

### 5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- Coal Gas Manufacturing  
  Manufacturing  
  Agricultural Co-op  
  Dry Cleaner  
  Salvage Yard  
  Bulk Plant  
 Pipeline  
  Service Station  
  Landfill  
  Tannery  
  Electroplating  
  Unknown

Other: Commercial manufacturing operation, including USTs

### 6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

(See Attachment 4)

## Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. (See Attachment 5)
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (\*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property. (See Attachment 6)

## Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use:  Residential  Commercial  Industrial  Vacant  Recreational (check all that apply)  
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation:  Unrestricted  Residential  Commercial  Industrial (check all that apply)  
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

4. Is the proposed use consistent with applicable zoning laws/maps? (See Attachment 7)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------------------------------------------------------------------------------	---------------------------------------------------------------------

5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? (See Attachment 7)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
------------------------------------------------------------------------	---------------------------------------------------------------------

7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--------------------------------------------------------------------------------	---------------------------------------------------------------------

8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------------------------------------------------------	---------------------------------------------------------------------

9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------------------------------------------	---------------------------------------------------------------------

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? (See Attachment 7)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? (See Attachment 7)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

12. Are there floodplains within ½ mile? (See Attachment 7)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------------------------------	---------------------------------------------------------------------

13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--------------------------------------------------------------------------------	---------------------------------------------------------------------

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. (See Attachment 7)	
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15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. (See Attachment 7)	
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16. Describe the geography and geology of the site in an attachment. (See Attachment 7)	
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**Section X. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(By an requestor other than an individual)

I hereby affirm that I am CEO (title) of Merani Hospitality, Inc (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 1/16/14 Signature:  Print Name: FAISAL MERANI

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

**MERANI HOSPITALITY, INC**

**JOINT UNANIMOUS WRITTEN CONSENT  
OF THE SHAREHOLDERS AND OFFICERS**

January 14, 2014

The undersigned the sole shareholder of **MERANI HOSPITALITY, INC**, a New York limited 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 FAISAL MERANI (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 BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 401, 402, & 430 Buffalo Ave, Niagara Falls, 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 resolutions; 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 foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

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



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Name: Faisal Merani  
President and Sole Shareholder



## LIST OF SUPPLEMENTAL INFORMATION

*NYSDEC Brownfield Cleanup Program Application*

*401, 402, and 430 Buffalo Avenue Site*

*Niagara Falls, New York*

Attachment No.	Section No.	Section Title	Question No.	Description
1	I	Requestor Information	--	NYS Department of State Corporation & Business Entity Database
			5	Property Description Site Photolog
2	II	Property Description	2	Figure 1 - Site Location and Vicinity Map (USGS) Figure 2 - Site Plan (Aerial) Figure 3 - Parcel Map Figure 4 - Tax Map Figure 5 - Property Base Map Figure 6 - Nearby Land Use / Zoning Map Figure 7 - Adjacent Property Owners Map Figure 8 - En-Zone Map
3	V	Property Eligibility Information		Project Description & Eligibility Statement
	VI	Project Description		Figure 9 - Estimated Project Schedule
4	VII	Property Environmental History	1	Previous Environmental Reports Summary
			5	Past Land Uses
			6	List of Previous Property Owners and Operators
5	VIII	Contact List Information		Brownfield Site Contact List
				Adjacent Property Owner List
6	VIII	Document Respository		Document Repository Confirmation Letter
			3 & 14	Adjacent Land Uses and Development Patterns
			4	Nearby Land Use/Zoning
			5	Comprehensive Land Use Plans
			10	Figure 10 - Cultural Resources
7	IX	Land Use Factors	11	Figure 11 - Natural Resource Map
			12	Figure 12 - Wetland & Floodplain Map
			15	Groundwater Vulnerability Assessment
				Site Geography/Geology
			16	Figure 13 - Soils Map



# ATTACHMENT 1

## BCP Application – Section I

### REQUESTER INFORMATION

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY  
DATABASE



# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 20, 2013.

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Selected Entity Name: MERANI HOSPITALITY, INC.

Selected Entity Status Information

**Current Entity Name:** MERANI HOSPITALITY, INC.

**DOS ID #:** 3828676

**Initial DOS Filing Date:** JULY 01, 2009

**County:** NIAGARA

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

GOLD AND GOLD  
345 BUFFALO AVENUE  
NIAGARA FALLS, NEW YORK, 14303

**Chief Executive Officer**

FAISAL MERANI  
7001 BUFFALO AVENUE  
NIAGARA FALLS, NEW YORK, 14304

**Principal Executive Office**

MERANI HOSPITALITY, INC.  
7001 BUFFALO AVENUE  
NIAGARA FALLS, NEW YORK, 14304

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which

would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

### **\*Stock Information**

<b># of Shares</b>	<b>Type of Stock</b>	<b>\$ Value per Share</b>
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
JUL 01, 2009	Actual	MERANI HOSPITALITY, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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# ATTACHMENT 2

## BCP Application – Section II

### PROPERTY INFORMATION

#### PROPERTY DESCRIPTION

#### SITE PHOTOLOG

FIGURE 1; SITE LOCATION AND VICINITY MAP

FIGURE 2; SITE PLAN (AERIAL)

FIGURE 3; PARCEL MAP

FIGURE 4; TAX MAP

FIGURE 5; PROPERTY BASE MAP

FIGURE 6; NEARBY LAND USE/ ZONING MAP

FIGURE 7; ADJACENT PROPERTY OWNERS MAP

FIGURE 8; EN-ZONE MAP

PROPERTY TITLE (CD ENCLOSED)

**ATTACHMENT 2**  
**BCP Application Section II**  
**Property Information**  
**401, 402, & 430 Buffalo Avenue Site**

**SECTION II - QUESTIONS 1-4**

**PARCEL DESCRIPTION**

The subject property (hereinafter, the “Project Site” or the “Site”) subject to the BCP application is comprised of three (3) adjoining parcels totaling an approximate 6.2 acres, located in a highly developed mixed use commercial and residential area of the City of Niagara Falls, Niagara County, New York (see Figures 1 and 2).

The parcels included in this application are described as:

- **401 Buffalo Avenue, S.B.L. # 159.13-2-9, 3.8 acres**
- **402 Buffalo Avenue, S.B.L. # 159.54-1-46, 0.35 acres**
- **430 Buffalo Avenue, S.B.L. # 159.54-1-45, 2.05 acres**

Niagara County On-Line Mapping System - Parcel Detail Report pages for each parcel are attached. Parcel and tax boundaries correspond to the City of Niagara Falls map boundaries (see Figures 3 and 4).

The Site is bound by 4<sup>th</sup> Street to the west, 6<sup>th</sup> Street and Holly Place to the east, a public alleyway from 4<sup>th</sup> Street the 6<sup>th</sup> Street to the north, and the Robert Moses State Parkway with the Niagara River beyond to the south. Buffalo Avenue intersects the property from east to west (see Figure 5).

Land use surrounding the Site includes commercial and residential properties to the north, Robert Moses Parkway to the south with the Niagara beyond, residential properties to the east, and vacant and residential properties to the west (see Figure 6). Adjacent property owners are identified on Figure 7.

**ATTACHMENT 2**  
**BCP Application Section II**  
**Property Information**  
**401, 402, & 430 Buffalo Avenue Site**

The Site is located within Census Tract 211 (2000 Census Data) and is 100% included in the applicable En-Zone 021100, meeting both the A and B Eligibility Criteria (see Figure 8).

**SECTION II - QUESTION 5**

**PROPERTY DESCRIPTION NARRATIVE**

The 401 Buffalo Avenue parcel is currently improved with a vacant municipally-condemned former hotel and conference center, parking areas and vegetated/landscaped areas. Based on a 2013 Site inspection, multiple recognized environmental conditions (RECs) were identified on Site. RECs identified during the inspection included:

- Oil-leaking former hotel operation equipment in the basement, including compressors, elevator equipment, and transformers;
- Wide-spread floor staining in the basement associated with former mechanical system equipment (as noted above);
- Improper storage and handling of hazardous chemicals, including corrosive boiler chemicals, solvents, lubricants, degreasers, paints, thinners, hydraulic oils and maintenance equipment fuels, pesticides and herbicides, pool and water treatment chemicals;
- Former transformer vessels with staining noted;
- Sumps, floor drains and vent stacks noted in basement. Staining noted proximate to several floor drains;
- Numerous ASTs of unknown contents in the basement;
- Universal and e-waste throughout the building

Additional observations included potential asbestos containing materials (ACMs), mold, chipping paint, vandalism, illegal dumping, theft of copper piping, and compromised structural components including roof and walls. The City of Niagara Falls has condemned the structure. A photolog of the site inspection is included in Attachment 2.

**ATTACHMENT 2**  
**BCP Application Section II**  
**Property Information**  
**401, 402, & 430 Buffalo Avenue Site**

Historically, Union Carbide and Carbon Corporation (Union Carbide Corp.) owned and operated the parcel from at least 1917 to the 1960's. No information regarding Union Carbide's use and/or operation of the parcel was able for review. The existing hotel was original developed in the early 1980's by Niagara Hotels, Inc.

The 402 and 430 Buffalo Avenue parcels are currently vacant, though historically were part of the large manufacturing facility owned and operated by National Biscuit Co / Shredded Wheat Company. Manufacturing began on Site in at least 1914, and operations included underground storage tanks (USTs) noted as fuel oil. Baking ovens, likely utilizing the noted fuel oil, were located across the manufacturing facility (including both 402 and 430 Buffalo Avenue parcels) for drying raw materials, heating the various buildings and operations, and baking final products. Additional operations included paper box manufacturing and printing, material handling and shipping equipment, maintenance of manufacturing equipment and vehicles, likely application of pesticides and herbicides related to raw food material and finished goods storage, and use and storage of paint, solvents, thinners, grease and lubricants common among former manufacturing operations. It is also likely that significant amounts of demolition debris from the former factory are located on the vacant Site.

**QUESTIONS 6 AND 7**

Utility easements have been granted to Niagara Mohawk Power Corporation (1957) and the New York Telephone Company (1974), as stated within the Title documents which are provided electronically in Attachment 2.

Based on review of the on-line NYSDEC Environmental Site Database and USEPA ECHO database, no permits were issued for the Site.



## SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Subject property – 401 Buffalo Ave Parcel – Building condemned notice.

Photo 2: Subject property – 401 Buffalo Ave Parcel – Building condition.

Photo 3: Subject property – 401 Buffalo Ave Parcel – Building condition.

Photo 4: Subject property – 401 Buffalo Ave Parcel – Basement transformers with stained floor.

401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York

Photo Date: November 28, 2013



## SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: Subject property – 401 Buffalo Ave Parcel – Basement AST.

Photo 6: Subject property – 401 Buffalo Ave Parcel – Basement AST.

Photo 7: Subject property – 401 Buffalo Ave Parcel – Basement AST.

Photo 8: Subject property – 401 Buffalo Ave Parcel – Hydraulic oil 5-gallon bucket.

401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York

Photo Date: November 28, 2013





## SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:

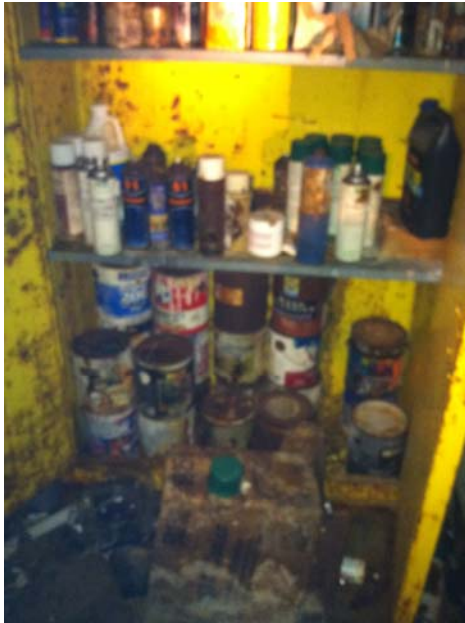


Photo 12:



Photo 9: Subject property – 401 Buffalo Ave Parcel – Electrical panel.

Photo 10: Subject property – 401 Buffalo Ave Parcel – Chemical containers.

Photo 11: Subject property – 401 Buffalo Ave Parcel – Flammable material storage.

Photo 12: Subject property – 401 Buffalo Ave Parcel – Machinery with oil pan and oil stained floors.

**401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York**

Photo Date: November 28, 2013



## SITE PHOTOGRAPHS

Photo 13:



Photo 14:



Photo 15:



Photo 16:



Photo 13: Subject property – 401 Buffalo Ave Parcel – Chemical containers.

Photo 14: Subject property – 401 Buffalo Ave Parcel – Machinery with oil collection pan.

Photo 15: Subject property – 401 Buffalo Ave Parcel – Machinery with oil collection pan and oil stained floors.

Photo 16: Subject property – 401 Buffalo Ave Parcel – Machinery with oil collection pan and oil stained floors.

401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York


Photo Date: November 28, 2013





**FIGURE 1**



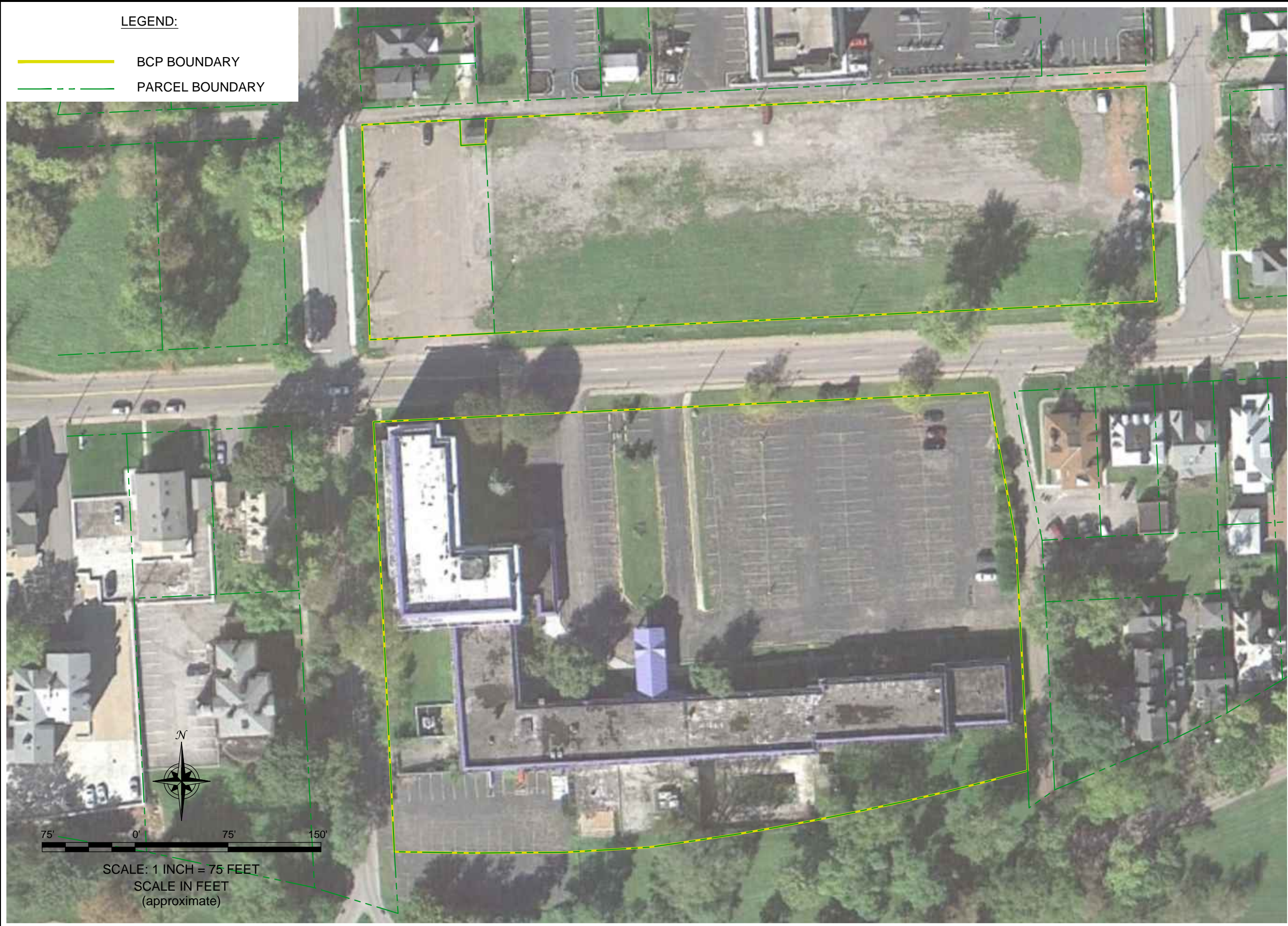
 <p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0635</p>	PROJECT NO.: 0294-013-001
	DATE: FEBRUARY 2014
	DRAFTED BY: JGT

**SITE LOCATION AND VICINITY MAP**  
 BROWNFIELD CLEANUP PROGRAM APPLICATION  
 401, 402, & 430 BUFFALO AVENUE SITE  
 NIAGARA FALLS, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.

**DISCLAIMER:**  
 PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.



DATE: FEBRUARY 2014  
DRAFTED BY: JGT



**LEGEND:**

- BCP BOUNDARY
- - - PARCEL BOUNDARY

**SITE PLAN (AERIAL)**

BROWNFIELD CLEANUP PROGRAM APPLICATION  
401, 402, & 430 BUFFALO AVENUE SITE

PREPARED FOR  
NIAGARA FALLS, NEW YORK  
MERANI HOSPITALITY, INC.



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

JOB NO.: 0294-013-001

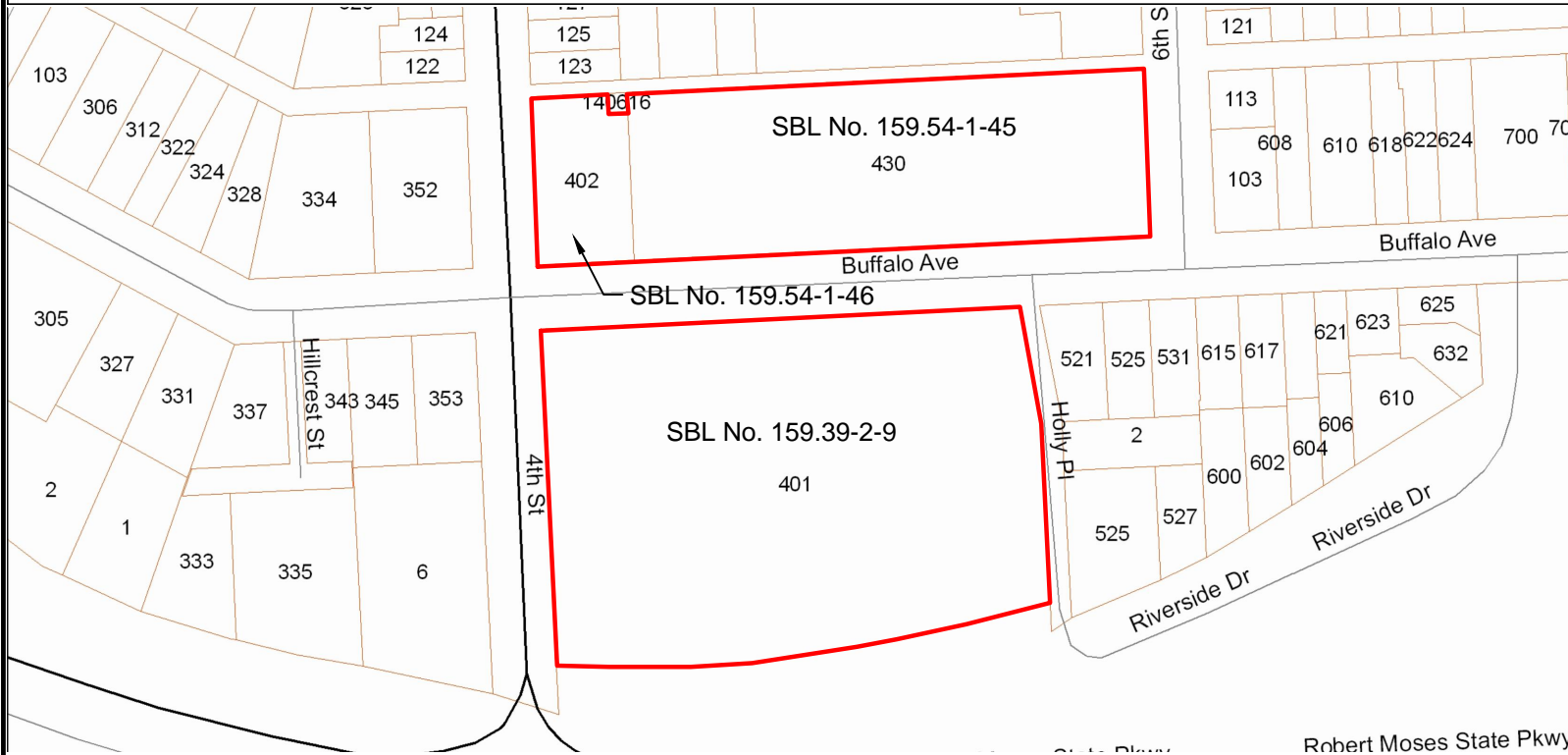
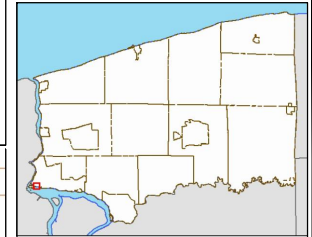
**FIGURE 2**

DISCLAIMER: PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.





# Niagara County On-Line Mapping System



- Legend**
- Streets and Highways
    - Interstate
    - Primary State Road
    - Secondary State Road
    - County Road
    - Local Road
  - Parcels

0.1 0 0.04 0.1 Miles

Niagara County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing.

NIAGARA COUNTY, NEW YORK  
DEPARTMENT OF REAL PROPERTY SERVICES



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

## PARCEL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR  
MERANI HOSPITALITY, INC.

PROJECT NO.: 0294-013-001

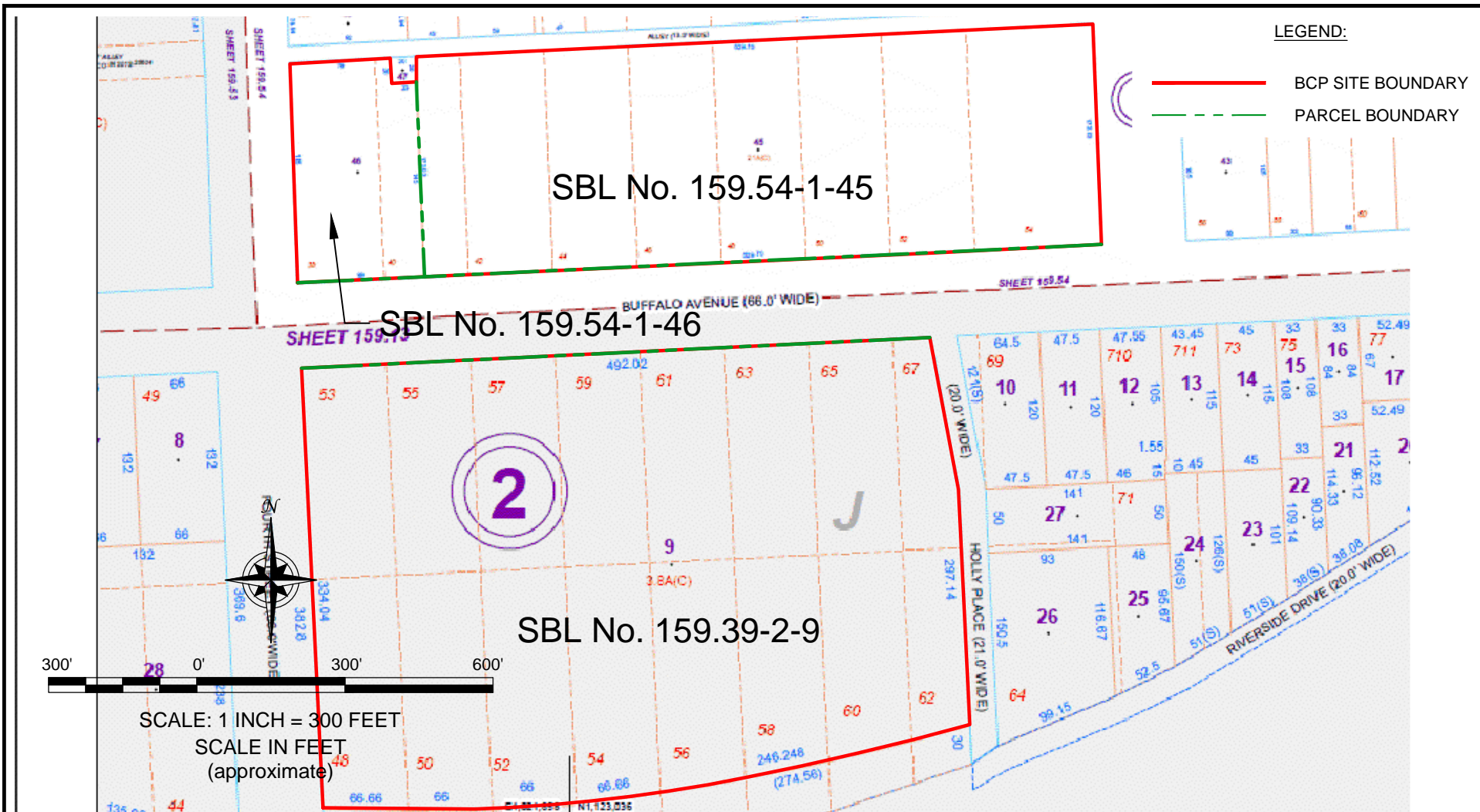

DATE: FEBRUARY 2014

DRAFTED BY: JGT

FIGURE 3

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.

2556 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

DRAFTED BY: JGT

**TAX MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR  
MERANI HOSPITALITY, INC.

**FIGURE 4**

**DISCLAIMER:**  
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# Niagara County On-Line Mapping System Parcel Detail Report

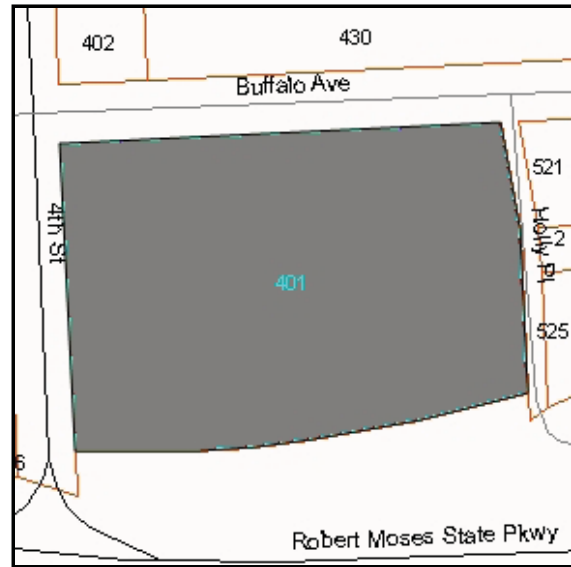
Address: 401 Buffalo Ave

SBL: 159.13-2-9

Report generated: 10/7/2013 3:15:17 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 159.13-2-9  
**SBL:** 1590130002009000  
**Address:** 401 Buffalo Ave  
**Municipality:** 291100 - Niagara Falls  
**Owner:** Niagara County IDA  
**Frontage:**  
**Depth:** 0  
**Acreage:** 3.8  
**Property Class:** 414  
**Total Assessment:** \$2,900,000  
**Land Assessment:** \$413,800  
**School District Code:** 291100  
**School District Name:** NIAGARA FALLS (F)  
**XY-Coordinates:** 1021938 , 1123236  
**Deed Book:** 2009  
**Deed Page:** 17925  
**Sale Date:** 2009/09/23  
**Sale Price:** 1950000  
**Sqft Living Area:** 0  
**Grade:**                      **Condition:**

**Year Built:** 0  
**Building Style:**  
**Districts:**  
- **Agricultural:**  
- **County Sewer:**  
- **Drainage:**  
- **Fire:**  
- **Fire Protection:**  
- **Firemans Retirement Area:**  
- **Gas Lighting:**  
- **Light:**  
- **Paving:**  
- **Refuse:** RD291  
- **Road Improvement:**  
- **Sewer:**  
- **Special Parking:**  
- **Sewers:**  
- **Storm Water:**  
- **Village Sewer:**  
- **Water:**

# Niagara County On-Line Mapping System Parcel Detail Report

Address: 430 Buffalo Ave

SBL: 159.54-1-45

Report generated: 10/7/2013 3:21:17 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 159.54-1-45  
**SBL:** 1590540001045000  
**Address:** 430 Buffalo Ave  
**Municipality:** 291100 - Niagara Falls  
**Owner:** Orbit Properties LLC  
**Frontage:**  
**Depth:** 168.6  
**Acreage:** 2.05  
**Property Class:** 438  
**Total Assessment:** \$274,400  
**Land Assessment:** \$274,400  
**School District Code:** 291100  
**School District Name:** NIAGARA FALLS (F)  
**XY-Coordinates:** 1021998 , 1123566  
**Deed Book:** 2009  
**Deed Page:** 14809  
**Sale Date:** 2009/08/07  
**Sale Price:** 0  
**Sqft Living Area:** 0  
**Grade:**                      **Condition:**

**Year Built:** 0  
**Building Style:**  
**Districts:**  
- **Agricultural:**  
- **County Sewer:**  
- **Drainage:**  
- **Fire:**  
- **Fire Protection:**  
- **Firemans Retirement Area:**  
- **Gas Lighting:**  
- **Light:**  
- **Paving:**  
- **Refuse:** RD291  
- **Road Improvement:**  
- **Sewer:**  
- **Special Parking:**  
- **Sewers:**  
- **Storm Water:**  
- **Village Sewer:**  
- **Water:**

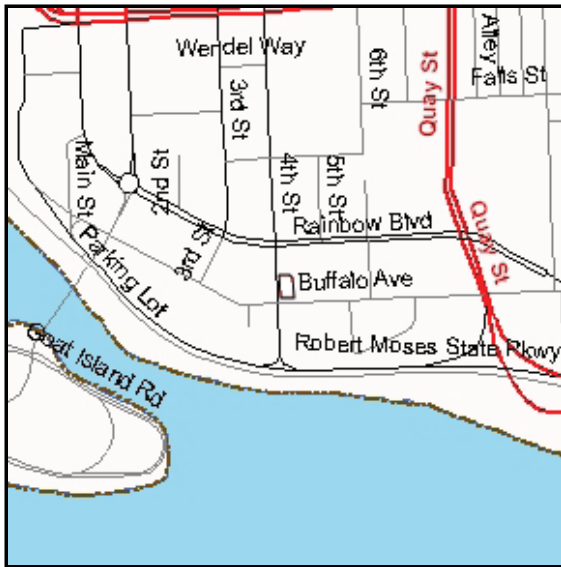


# Niagara County On-Line Mapping System Parcel Detail Report

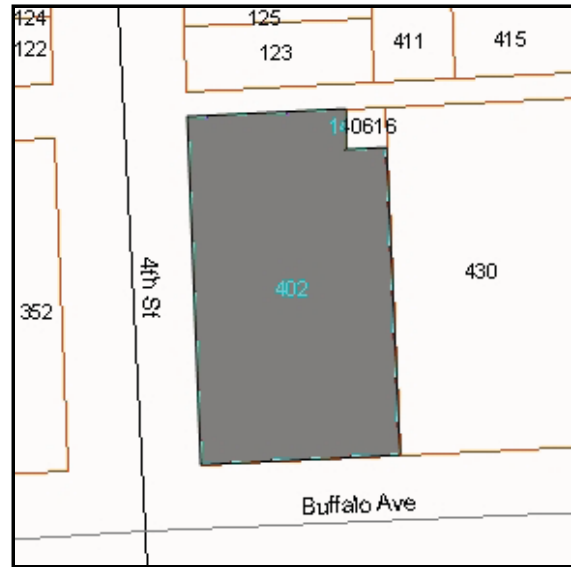
Address: 402 Buffalo Ave

SBL: 159.54-1-46

Report generated: 10/7/2013 3:18:23 PM



Parcel Overview Map

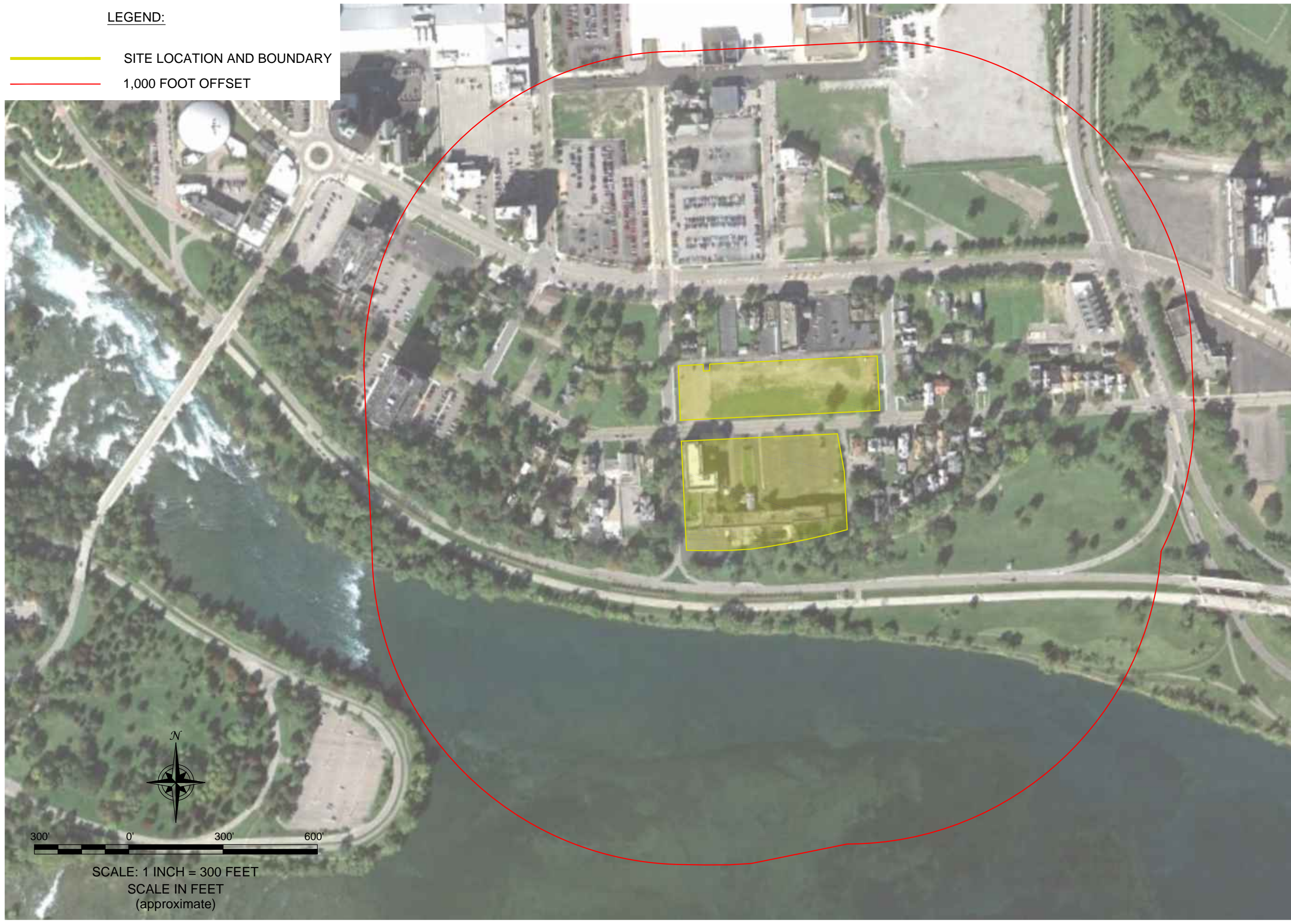


Parcel Detail Map

**PIN:** 159.54-1-46  
**SBL:** 1590540001046000  
**Address:** 402 Buffalo Ave  
**Municipality:** 291100 - Niagara Falls  
**Owner:** Orbit Properties LLC  
**Frontage:**  
**Depth:** 155  
**Acreage:** 0.35  
**Property Class:** 438  
**Total Assessment:** \$47,800  
**Land Assessment:** \$47,800  
**School District Code:** 291100  
**School District Name:** NIAGARA FALLS (F)  
**XY-Coordinates:** 1021688 , 1123546  
**Deed Book:**  
**Deed Page:**  
**Sale Date:**  
**Sale Price:** 0  
**Sqft Living Area:** 0  
**Grade:**                      **Condition:**

**Year Built:** 0  
**Building Style:**  
**Districts:**  
- **Agricultural:**  
- **County Sewer:**  
- **Drainage:**  
- **Fire:**  
- **Fire Protection:**  
- **Firemans Retirement Area:**  
- **Gas Lighting:**  
- **Light:**  
- **Paving:**  
- **Refuse:** RD291  
- **Road Improvement:**  
- **Sewer:**  
- **Special Parking:**  
- **Sewers:**  
- **Storm Water:**  
- **Village Sewer:**  
- **Water:**

DATE: FEBRUARY 2014  
DRAFTED BY: JGT



**LEGEND:**

- SITE LOCATION AND BOUNDARY
- 1,000 FOOT OFFSET

**PROPERTY BASEMAP (1,000' SETBACK)**

BROWNFIELD CLEANUP PROGRAM APPLICATION  
 401, 402, & 430 BUFFALO AVENUE SITE  
 BUFFALO, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.



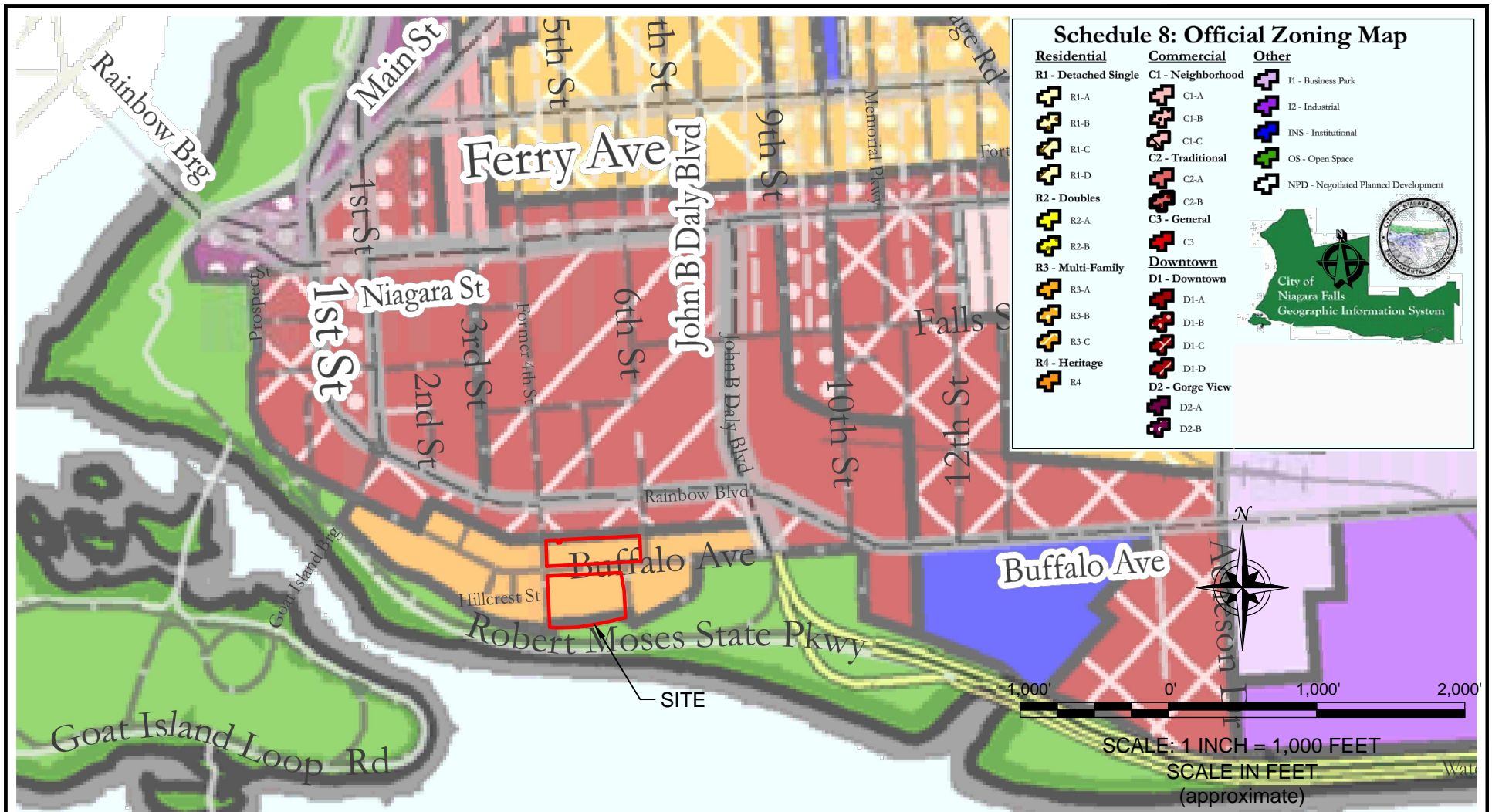

2558 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 856-0635

JOB NO.: 0294-013-001

**FIGURE 5**

DISCLAIMER: PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.



**TURNKEY**  
 ENVIRONMENTAL  
 RESTORATION, LLC

2556 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 856-0835

PROJECT NO.: 0294-013-001  
 DATE: FEBRUARY 2014  
 DRAFTED BY: JGT

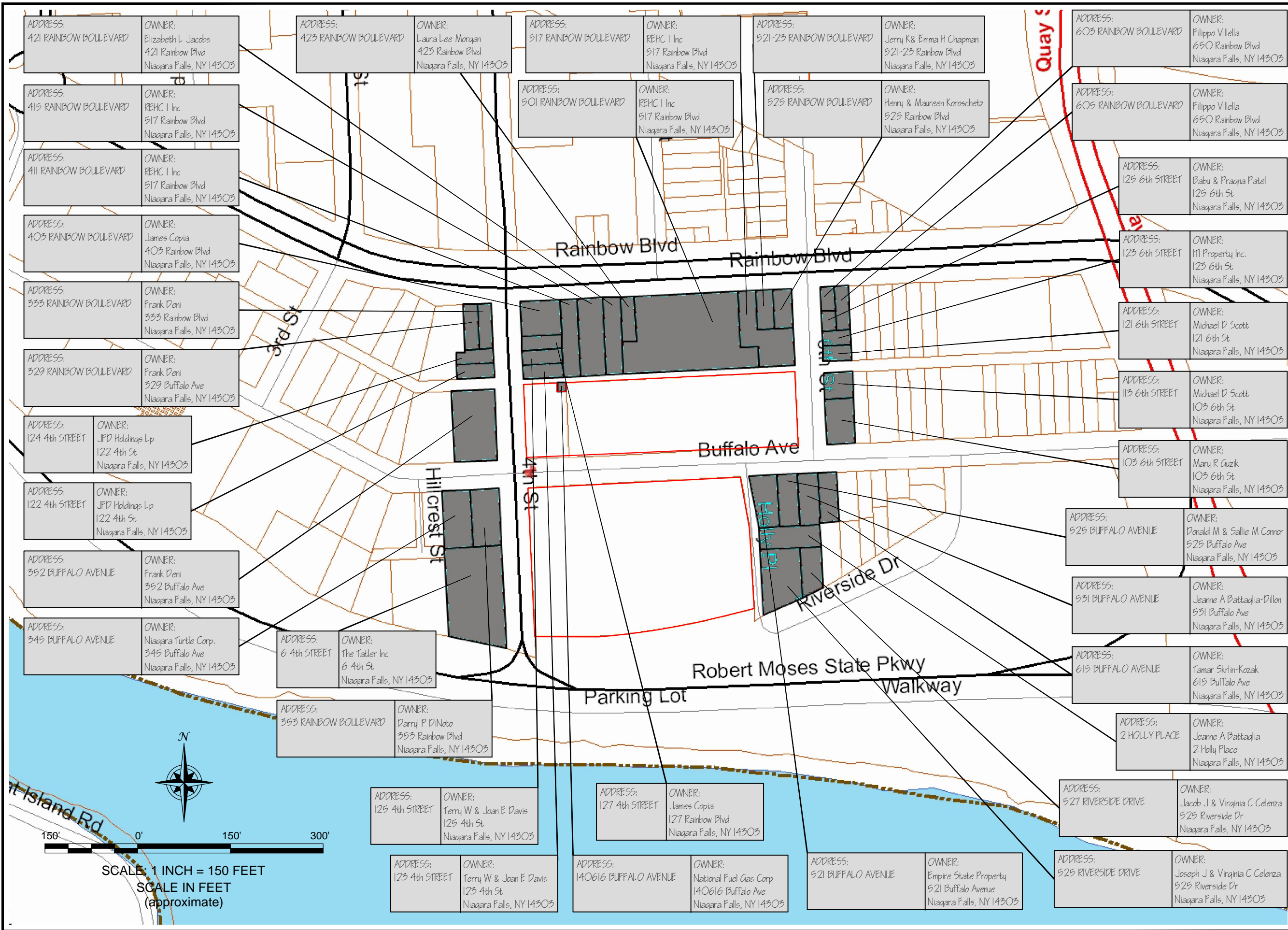
## NEARBY LAND USE/ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION  
 401, 402, & 430 BUFFALO AVENUE SITE  
 NIAGARA FALLS, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.

**FIGURE 6**

**DISCLAIMER:**  
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DATE: FEBRUARY 2014  
DRAFTED BY: JGT

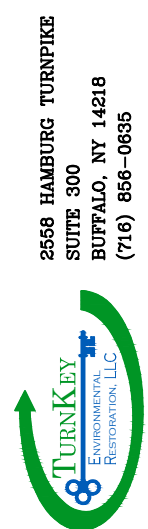


### ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION  
 401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.

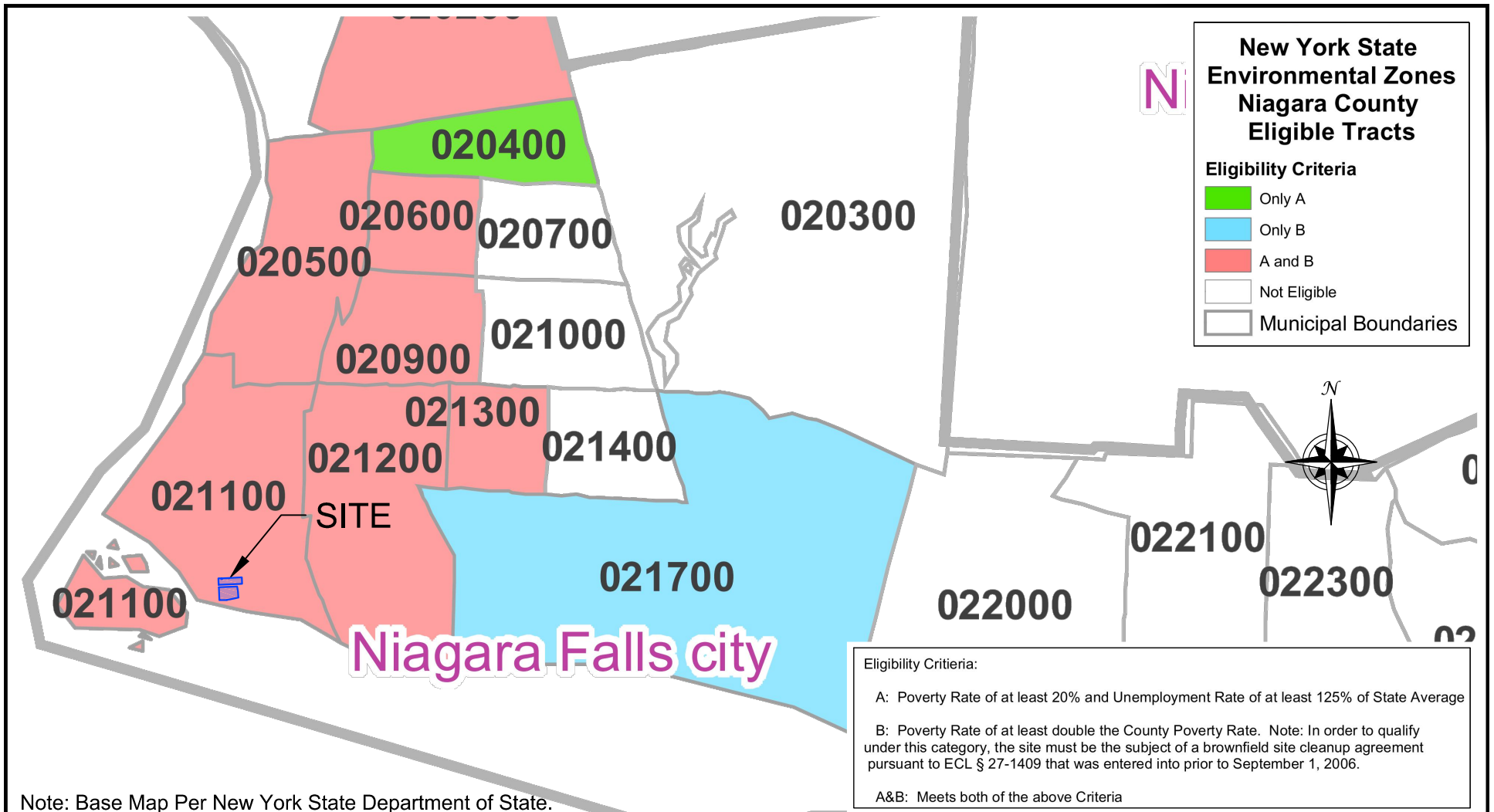

## FIGURE 7



JOB NO.: 0294-013-001

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**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

DRAFTED BY: JGT

**EN-ZONE MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR  
MERANI HOSPITALITY, INC.

**FIGURE 8**

**DISCLAIMER:**  
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# STEWART TITLE INSURANCE COMPANY

175 Hawley Street  
Lockport, New York 14094  
Phone (716) 438-0680 Fax (716) 438-2923  
NCCO Hall Phone (716) 433-3585  
NCCO Hall Fax (716) 433-5817

ABSTRACT NO. 11-189664

ORDER NO. 11-189664

STEWART TITLE INSURANCE COMPANY, a New York Corporation, for a valuable consideration to it paid, hereby certifies and guarantees (pursuant to New York Insurance Law section 6403(b)(1)) to the record owners of an interest in or a specific lien against the real estate described below, that there are no TAX SALES, now a lien against the real estate described on the tax rolls referred to herein, now payable, except as follows:

---

## INFORMATION PURPOSES ONLY

ASSESSED TO:	NIAGARA COUNTY IDA
TAX ACCOUNT NO:	159.13-2-9
STREET ADDRESS:	401 BUFFALO AVENUE
MUNICIPALITY:	291100 - CITY OF NIAGARA FALLS
PROPERTY DESCRIPTION:	159.13-2-9
SCHOOL DISTRICT:	291100 - NIAGARA FALLS
PROPERTY CLASS:	414
ROLL YEAR	2013
TOTAL ASSESSED VALUE :	\$ 2,900,000.00
ACREAGE:	3.80

---

ABOVE STATED AMOUNTS, IF ANY, DO NOT INCLUDE APPLICABLE INTEREST, PENALTY OR LATE CHARGE .

NO SEARCH INCLUDED FOR CITY, VILLAGE OR SCHOOL TAXES OR ANY LOCAL ASSESSMENTS .

THIS SEARCH DOES NOT COVER ANY APPLICABLE COUNTY OR CITY WATER, PURE WATER OR SEWER CHARGES.

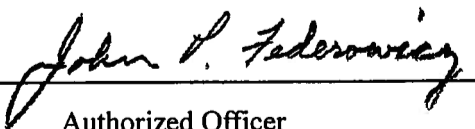
PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTIONS 302 AND 520, THE REAL ESTATE TAX LIABILITY MAY BE AFFECTED UPON TRANSFER OF TITLE, IF THE PREMISES HAVE A PARTIAL OR FULL EXEMPTION.

---

STEWART TITLE INSURANCE COMPANY

Dated: September 27, 2013

By

  
Authorized Officer

1. PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 43 and Lot No. 44 of the Mile Reserve and also being part of Subdivision Lot Nos. 48, 50, 52, 54, 56, 58, 60, 62 and 67 and all of Subdivision Lots Nos. 53, 55, 57, 59, 61, 63 and 65 as shown on a map of the Village of Niagara Falls (now City of Niagara Falls) made by Jesse P. Haines, Surveyor, 1861 and filed in the Niagara County Clerk's Office on December 20 1861 under Cover No. 389, is bounded and described as follows:

BEGINNING at the intersection of the south line of Buffalo Avenue with the east line of 4th Street, which point is the northwest corner of Subdivision Lot No. 53; thence southerly along the east line of 4th Street 334.04 feet more or less to the north line of land conveyed to the People of the State of New York by deed recorded in the Niagara County Clerk's Office in Liber 1278 of Deeds at page 394 on January 16 1958; thence easterly along the said north line of the following 5 courses and distances; south  $88^{\circ} 43' 00''$  east 66.66 feet; thence north  $89^{\circ} 56' 00''$  east 66 feet; thence north  $86^{\circ} 43' 15''$  east 66.0 feet; thence north  $82^{\circ} 04' 45''$  east 66.66 feet to an iron pin; thence curving to the left on a 2000 foot radius 246.248 feet to an iron pin on the west line of Holly Place as conveyed and dedicated to the City of Niagara Falls by Dedication recorded in the Niagara County Clerk's Office in Liber 521 of Deeds at page 122 on December 11 1926; thence northerly along said west line of Holly Place 297.14 feet more or less to the south line of Buffalo Avenue; thence westerly along the south line of Buffalo Avenue a measured distance of 492.02 feet more or less to the point of beginning.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 43 of the Mile Reserve and also being Subdivision Lot No. 38 and the westerly  $\frac{1}{2}$  of Subdivision Lot No. 40 as shown on a map of the Village of Niagara Falls (now City of Niagara Falls) made by Jesse P. Haines, Surveyor, 1861 and filed in Niagara County Clerk's Office on December 20 1861 under Cover No. 389, is bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of Buffalo Avenue and the easterly line of 4th Street; thence northerly along the easterly line of 4th Street 165 feet to an alley; thence easterly along the southerly line of said alley 79 feet to land conveyed to Iroquois Gas Corporation by deed recorded in Liber 1368 of Deeds at page 359 on May 3 1961; thence southerly along the westerly line of said lands 20 feet; thence easterly along the southerly line of said lands 20 feet; thence southerly and parallel to the easterly line



of 4th Street 145 feet to the northerly line of Buffalo Avenue; thence westerly along the northerly line of Buffalo Avenue 99 feet to the point of beginning.

PARCEL "C"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lots Nos. 43 and 44 of the Mile Reserve and more particularly described as being Subdivision Lots Nos. 42, 44, 46, 48, 50, 52, 54 and the east  $\frac{1}{2}$  of Subdivision Lot No. 40 on the north side of Buffalo Avenue (formerly Buffalo Street) as shown on a map of the Village (now City) of Niagara Falls, Niagara County, N.Y., made by Jesse P. Haines, Surveyor, in 1861 and filed in the Niagara County Clerk's Office on December 20 1861, now under Cover No. 389, more particularly bounded and described as follows:

BEGINNING at the point of intersection of the north line of Buffalo Avenue and the west line of Sixth Street; thence westerly along the north line of Buffalo Avenue 529.70 feet to a point; thence north at an interior angle of  $89^{\circ} 40'$ , 172.03 feet to a point; thence easterly along a line parallel with the north line of Buffalo Avenue 529.70 feet to a point in the westerly line of Sixth Street; thence south along the westerly line of Sixth Street 172.03 feet to the point and place of beginning.

---

Henry D. Perky and  
Susanna M. Perky, his wife

Warranty Deed

2. TO

The Natural Food Company

(No search against grantors)

Dated February 5 1901  
Acknowledged February 5 1901  
Recorded February 23 1901 in

Liber 277 of Deeds at page 170  
Consideration \$1.00

Conveys Parcels "B" and "C" et al. Recites grantor will warrant title to the title of said premises except as against certain mortgages as follows: 1) To Lavinia P. T. Pettebone for \$24,000.00 (see mortgage recorded in Liber 273 of Mortgages at page 22, since discharged); 2) To Edmund S. Wheeler and another as Executor for \$12,000.00 (see mortgage recorded in Liber 273 of Mortgages at page 24, since discharged); 3) To Julia P. Osborne for \$13,000.00 (see mortgage recorded in Liber 273 of Mortgages at page 36, since discharged); 4) To Ann E. Rae for \$2,650.00 (see mortgage recorded in Liber 273 of Mortgages at page 32, since discharged); 5) To Margaret J. R. Cookman for \$5150.00 (see mortgage recorded in Liber 273 of Mortgages at page 38, since discharged); 6) To James R. Wright for \$4,900.00 (see mortgage recorded in Liber 273 of Mortgages at page 34, since discharged); 7) To Margaret G. Mahoney for \$3,400.00 (see mortgage recorded in Liber 273 of Mortgages at page 42, since discharged); 8) To Joseph A. Barton and another as Executor for \$8,000.00 (see mortgage recorded in Liber 250 of Mortgages at page 148, since discharged); 9) To mortgage held by Cornelia G. Robinson of \$4,000.00; 10) To mortgage given to the Fairview Home for Friendless Children for \$2500.00; 11) Mortgage held by Niagara County Savings Bank for \$2500.00 (see mortgage recorded in Liber 248 of Mortgages at page 14, since discharged); 12) Mortgage held by Julia Porter for \$2500.00 and 13) any unpaid assessments for paving Susanna M. Perky signs and acknowledges by Henry D. Perky as attorney-in-fact.

---

Henry D. Perky and  
Susanna M. Perky, his wife

Quit Claim Deed

3. TO

The Natural Food Company

(No search against grantors)

Dated June 18 1901  
Acknowledged June 22 1901  
Recorded June 28 1901 in

Liber 254 of Deeds at page 440  
Consideration \$1.00

Conveys that part of Parcel "A" in Subdivision Lots Nos. 65, 67, 60 and 62 as shown on a map of the Village of Niagara Falls (now City of Niagara Falls) made by Jesse P. Haines, Surveyor, 1861 and filed in the Niagara County Clerk's Office on December 20 1861 under Cover No. 389.

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Henry D. Perky and  
Susanna M. Perky, his wife

Quit Claim Deed

4. TO

Dated June 18 1901  
Acknowledged June 22 1901  
Recorded June 28 1901 in

The Natural Food Company

Liber 254 of Deeds at page 443  
Consideration \$1.00

(No search against grantors)

Conveys that part of Parcel "A" in Subdivision Lots Nos. 53, 55, 57, 59, 61 and 63 on Buffalo Street and Lots Nos. 48, 50, 52, 54, 56 and 58 on River Street as shown on a map of the Village of Niagara Falls (now City of Niagara Falls) made by Jesse P. Haines, Surveyor, 1861 and filed in the Niagara County Clerk's Office on December 20 1861 under Cover No. 389 et al.

-----  
In the Matter

Certificate of Incorporation  
File No. 628

5. OF

Natural Food Company

Filed December 14 1900 in  
Secretary of State's Office

Filed December 17 1900 in  
Niagara County Clerk's Office

Recites a corporation formed pursuant to the provisions of the Business Corporation Law, as amended by an act entitled "An Act to amend the Business Corporation Law, approved May 18 1892" and as since from time to time amended. Duration: 100 years.

-----  
In the Matter

Certified Copy of Order to Change Name  
File No. 628

6. OF

Natural Food Company

Filed April 7 1908 in  
Secretary of State's Office

Filed July 8 1947 in  
Niagara County Clerk's Office

Supreme Court Erie County

Granted April 2 1908

Ordered that the petitioner, be and is hereby authorized and empowered to assume another corporate name, "The Shredded Wheat Company" on and after May 15 1908.

-----  
In the Matter

Declaration

7. OF

The Shredded Wheat Company

Dated June 8 1909  
Acknowledged June 8 1909  
Recorded June 11 1909 in

Liber 344 of Deeds at page 220



The Shredded Wheat Company, does make and file this declaration of its purpose and intention that the alley aforesaid laid out at the width of 13.06 feet in about the year 1901 running between Fourth Street and Sixth Street in the City of Niagara Falls, is and shall remain a private alley and disclaims any dedication to the public, and further disclaims any right to the public in and to the use of the alley 27.06 feet wide as shown on map made by Jesse P. Hanes, in 1861, the same having been abandoned at and prior to the acquisition of said fee by the undersigned.

-----  
The Shredded Wheat Co.

Dedication

8.

TO

Dated December 3 1926

City of Niagara Falls

Acknowledged December 3 1926

Recorded December 11 1926 in

(No search against second party)

Liber 521 of Deeds at page 122

First party hereby dedicates the same as and for a public street or avenue to be forever used as such, and for that purpose, does for value received, hereby grant, bargain and sell unto the said City of Niagara Falls the fee thereof.

Hereto annexed is a map or plan, showing the said street hereby dedicated, the width whereof is 20 feet and 21 feet, and reference is hereby made to a map of Jesse P. Haines of 1861, filed in Niagara County Clerk's Office, on the 20<sup>th</sup> day of December 1861 showing the same premises.

This grant shall become effectual upon its acceptance by the City of Niagara Falls.

Being a strip of land lying in the southwest corner of Lot No. 44 of the Mile Reserve between Buffalo Avenue and the New York State Reservation, bounded and described as follows:

Commencing at a point in the south line of Buffalo Avenue, which point is distant east 27.82 feet measured along the southerly line of Buffalo Avenue from the west line of Lot No. 67 as shown on the Jessie P. Haines Map of 1861; thence in a southerly direction along a line which line makes an angle of 82° 17' 46" with the south line of Buffalo Avenue, measured from the east to the south 122.39 feet to a point; thence still in a southerly direction along a line parallel to the easterly line of Lots Nos. 67 and 62 as shown on the Jessie P. Haines Map 204.76 feet more or less to the northerly line of the New York State Reservation; thence in an easterly direction along the northerly line of the New York State Reservation about 21.95 feet to a point in the east line of Lot No. 62; thence in a northerly direction along the east line of Lots Nos. 62 and 67 about 200.5 feet to a point which point is distant south from the southerly line of Buffalo Avenue measured at right angles thereto, 120 feet; thence in a westerly direction and at right angles to the easterly line of Lot No. 67, 12 inches to a point; thence in a northwesterly direction about 121.09 feet to a point in the southerly line of

Buffalo Avenue, which point is distant westerly from the easterly line of Lot No. 67, 18 feet measured along the southerly line of Buffalo Avenue; thence in a westerly direction along the southerly line of Buffalo Avenue 20.18 feet to the place of beginning.

The true intent being to describe a strip of land 20 feet and 21 feet in width from Buffalo Avenue to the New York State Reservation across Lots Nos. 67 and 62, as shown on the Jessie P. Haines map of 1861, and map hereto attached.

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In the Matter	Certificate of Dissolution
9. OF	Recorded April 2 1930 in Niagara County Clerk's Office in
The Shredded Wheat Company	Liber 41 of Miscellaneous Records at page 243

Recites Certificate of Dissolution of The Shredded Wheat Company has been filed with the Secretary of State's Office on April 1 1930.

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The Shredded Wheat Company	Warranty Deed
10. TO	Dated April 30 1930 Acknowledged April 30 1930 Recorded May 23 1930 in
National Biscuit Company	Liber 563 of Deeds at page 325 Consideration \$1.00 and more

Conveys premises et al.

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In the Matter	Certificate of Incorporation
11. OF	File No. 2849
National Biscuit Company	Filed February 3 1898 in Secretary of State's Office
	Filed June 27 1931 in Niagara County Clerk's Office

Recites a company under and by virtue of the provisions of an Act of the Legislature of the State of New Jersey entitled "An Act concerning Corporations, Revision of 1896", approved April 21 1896, and the several supplements thereto. Duration: 99 years.

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National Biscuit Company

Deed (C Vs Gr)

12. TO

Nottingham Terrace Corp.

Dated February 29 1956  
Acknowledged February 29 1956  
Recorded April 9 1956 in

Liber 1216 of Deeds at page 62  
Consideration \$1.00 and more

*vs 38 to 54*

Conveys premises et al. Including all right, title and interest, if any, of the grantor in and to any land lying in the bed of any street, road or avenue opened or proposed, in front of or adjoining any of the above described parcels to the center line thereof.

In the Matter

Certificate of Incorporation  
File No. 4985

13. OF

Nottingham Terrace Corp.

Filed *Jan 25, 1956* in  
Secretary of State's Office

Filed November 5 1956 in  
Niagara County Clerk's Office

Recites a stock corporation formed pursuant to the provisions of the Stock Corporation Law of the State of New York. Duration: perpetual.

Nottingham Terrace Corp.

Warranty Deed

14. TO

Union Carbide and Carbon Corporation

Dated October 10 1956  
Acknowledged October 10 1956  
Recorded October 11 1956 in

Liber 1237 of Deeds at page 446  
Consideration \$1.00 and more

Conveys Parcel "C" et al. Together with the fee to the alley running from Fourth Street to Sixth Street as shown on map referred to in Parcel B above adjacent to the above Parcels "A" and "B" and to the center line thereof. Together with all the rights of first party under any permits and licenses running to first party or to any former owners of the premises for the erection of any structure or structures, on, under or above the street or streets, alley or alleys on which said premises may abut.

Nottingham Terrace Corp.

Quit Claim Deed

15. TO

Union Carbide and Carbon Corporation

Dated October 5 1956  
Acknowledged October 10 1956  
Recorded October 11 1956 in

Liber 1237 of Deeds at page 450  
Consideration \$1.00 and more

Conveys Parcel "C" et al. Together with the fee to the alley running from Fourth Street to Sixth Street adjacent to the above Parcels "A" and "B" and to the center line thereof. This deed is given for the purpose of conveying the above described premises according to the actual boundary lines thereof as occupied by National Biscuit Company and its predecessors in interest. Together with all the rights of first party under any permits and licenses running to first party or to any former owners of the premises for the erection of any structure or structures, on, under or above the street or streets, alley or alleys on which said premises may abut.

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16.	In the Matter OF Union Carbide and Carbon Corporation	Certificate of Incorporation File No. 1601  Filed November 1 1917 in Secretary of State's Office  Filed November 2 1917 in Niagara County Clerk's Office
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Recites a corporation pursuant to the provisions of the Business Corporations Law of the State of New York. Duration: perpetual.

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17.	In the Matter OF Union Carbide and Carbon Corporation	Restated Certificate of Incorporation File No. 1601  Filed November 14 1960 in Secretary of State's Office  Filed December 2 1960 in Niagara County Clerk's Office
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Recites said corporation is formed pursuant to Section 40 of the Stock Corporation Law. The name of the corporation shall be Union Carbide Corporation. Duration: perpetual.

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18.	Union Carbide Corporation  TO  Niagara Mohawk Power Corporation  (No search against second party)	Easement  Dated July 24 1957 Acknowledged August 1 1957 Recorded June 8 1973 in  Liber 1544 of Deeds at page 829
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First party hereby grants to second party, their successors and assigns forever, the right, privilege and easements, now and from time to time hereafter, to construct, reconstruct, operate and maintain electric power transmission and distribution lines and telephonic communication lines and to place, inspect, repair, remove, reconstruct and replace wires, towers, poles, guys, stubs, anchors, structures and appurtenances



incident to said lines over, along, through and upon land owned by first party situated in the City of Niagara Falls, County of Niagara and State of New York, at the location shown in red upon Niagara Mohawk Power Corporation's Drawing No. A-9269-W, dated May 29 1957, attached hereto and made a part hereof. Upon certain terms and conditions.

Union Carbide Corporation  
(formerly named Union Carbide  
and Carbon Corporation)

Quit Claim Deed

Dated June 6 1966  
Acknowledged June 6 1966  
Recorded June 30 1966 in

19. TO

The Niagara County Community  
College Foundation

Liber 1452 of Deeds at page 97 997  
No Consideration

Conveys lands situate in the City of Niagara Falls, County of Niagara and State of New York, being parts of Lots Nos. 43 and 44 of the Mile Reserve, bounded and described as follows: Commencing at a point in the northerly line of Buffalo Avenue distant 99.41 feet east of the intersection of the north line of Buffalo Avenue with the east line of Fourth Street measured along the north line of Buffalo Avenue; running thence northerly parallel to the east line of Fourth Street 171.90 feet more or less to a point 7 feet northerly of the north line of Lot No. 40 as said lot is shown on a map of the Village of Niagara Falls, New York made by Jesse P. Haines, Surveyor, in 1861 and filed in Niagara County Clerk's Office now under Cover No. 389; running thence easterly and along a line parallel to and distant 7 feet northerly from the north line of Lots Nos. 40, 42, 44, 46, 48, 50, 52 and 54 of the north side of Buffalo Avenue as laid down on said map, a distance of 530.12 feet to the west line of Sixth Street; running thence southerly and along the west line of Sixth Street and also the east line of Lot No. 54, 165.30 feet to the north line of Buffalo Avenue; running thence westerly along the north line of Buffalo Avenue 530.19 feet to the point or place of beginning, et al.

Together with the fee to the alley running from Fourth Street to Sixth Street adjacent to the above Parcels "A" and "B" and to the center line thereof. Together with all right, title and interest, if any, of the grantor in and to any streets and roads abutting the above described premises to the center lines thereof.

Subject, however, to easement rights heretofore on the 24th day of July, 1957 granted by Union Carbide Corporation to Niagara Mohawk Power Corporation.

To have and to hold the premises herein granted unto grantee, its successors and assigns until such time as the major part of said premises shall no longer be used by grantee for educational purposes only, at which time fee simple title to said premises shall revert to grantor free and clear of all liens and encumbrances; provided, however, that such possibility of reverter shall expire upon the death of the last to survive of the

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**19. CONT**

now living children of Senator Robert F. Kennedy and upon such expiration then to grantee, its successors and assigns forever

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**20. CHARTER**

In Re  
The Niagara County Community  
College Foundation  
File No. 6602

Filed: 9-24-1965 in State Education Department  
Filed: 9-28-1965 in Niagara County Clerk's Office

Recites being a higher education corporation organized and existing under the laws of the State of New York

Amendment to Charter filed 3-28-1973 changes name of the corporation to The Niagara Educational Foundation

Resolution filed 3-29-1973 authorizing Board of Trustees to execute the necessary legal papers to deed premises at 430 Buffalo Avenue back to Union Carbide Corporation as of 3-1-1973, in accordance with the decision of Union Carbide Co. to exercise the reverter clause contained in the Grant of 6-6-1966

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**21. WARRANTY DEED**

The Niagara Educational  
Foundation, formerly named  
The Niagara County Community  
College Foundation  
TO  
Union Carbide Corporation

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*Instrument Date:* 3-1-1973  
*Acknowledged Date:* 3-27-1973  
*Record Date:* 3-29-1973  
*Instrument Location:* Liber 1541 of Deeds; Page 1169

Conveys same premises as described in above Deed No. 19 and more

Together with and subject to same as in above Deed No. 19

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**22. DEED COVENANT AGAINST GRANTOR**

Union Carbide Corporation  
TO  
Niasher Realty, Inc.

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*Instrument Date:* 5-24-1973  
*Acknowledged Date:* 5-24-1973  
*Record Date:* 6-8-1973  
*Instrument Location:* Liber 1544 of Deeds; Page 800

# 22 (continued)

*Consideration:* \$1.00 and more

Conveys Parcel "C" and more

Together with all right, title and interest, if any, of the first party to the alley running from Fourth Street to Sixth Street as shown on map referred to in Parcel B above adjacent to the above Parcels A and B and to the center line thereof. Together with all the rights of first party under any permits and licenses running to first party or to any former owners of the premises for the erection of any structure or structures, on, under or above the street or streets, alley or alleys on which said premises may abut. Subject, however, to easement rights heretofore on the 24th day of July, 1957 granted by Union Carbide Corporation to Niagara Mohawk Power Corporation

\*\*\*\*\* END OF PAGE \*\*\*\*\*

In the Matter  
23. OF

Niasher Realty Inc.

Certified Copy Certificate  
of Incorporation  
File No. 6816

Filed May 20 1957 in  
Secretary of State's Office

Filed January 13 1967 in  
Niagara County Clerk's Office

Recites a corporation formed pursuant to Article 2 of the Stock Corporation Law of New York.

Duration: perpetual.

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24. Niasher Realty, Inc.

TO

Elizabeth R. Gellman  
and Cecele M. Dautch

Warranty Deed

Dated June 9 19--  
Acknowledged June 9 1973  
Recorded August 15 1973 in

Liber 1547 of Deeds at page 1020  
Consideration \$1.00 and no more

Conveys Parcel "C" et al. Together with all right, title and interest, if any, of first party to the alley running from Fourth Street to Sixth Street as shown on map referred to in Parcel B above adjacent to the above Parcels A and B and to the center line thereof. Together with all the rights of first party under any permits and licenses running to first party or to any former owners of the premises for the erection of any structure or structures, on, under or above the street or streets, alley or alleys on which said premises may abut. Subject, however, to easement rights heretofore on the 24th day of July, 1957 granted by Union Carbide Corporation to Niagara Mohawk Power Corporation. Subject to mortgage dated June 8 1973 between Niasher Realty Inc. and Union Carbide Corporation in the amount of \$200,000.00 recorded in Niagara County Clerk's Office on June 8 1973 in Liber 1263 Page 929, since discharged.

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25. Elizabeth R. Gellman  
and Cecele M. Dautch

TO

New York Telephone Company

(No search against second party)

Easement

Dated June 11 1974  
Acknowledged June 11 1974  
Recorded June 18 1974 in

Liber 1558 of Deeds at page 786

First parties hereby grant unto second party, its successor sand assigns, the right, privilege and authority to place, operate, maintain and at its pleasure remove a communication system consisting of buried cables, terminals, as the grantee may from time to time require together with the rights of ingress and egress upon, across, over and under the property which the undersigned has an interest, situate in the City of



Niagara Falls, County of Niagara and State of New York. Northerly side of Buffalo Avenue, west of Sixth Street to be located within 55 feet of the centerline of the existing pavement. In the event of future development of property by grantor, grantee will relocate plant elsewhere on property of grantor, at no expense to grantor. Upon certain terms and conditions.

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26. Elizabeth R. Gellman  
and Cecele M. Dautch  
TO  
Niasher Realty, Inc.

Warranty Deed  
Dated May 1 1984  
Acknowledged May 1 1984  
Recorded December 13 1984 in  
Liber 1922 of Deeds at page 55  
Consideration \$1.00 and more

Conveys Parcel "C" et al. Together with all right, title and interest, if any, of first party to the alley running from Fourth Street to Sixth Street as shown on map referred to in Parcel B above adjacent to the above Parcels A and B and to the center line thereof. Together with all the rights of first party under any permits and licenses running to first party or to any former owners of the premises for the erection of any structure or structures, on, under or above the street or streets, alley or alleys on which said premises may abut. Subject, however, to easement rights heretofore on the 24th day of July, 1957 granted by Union Carbide Corporation to Niagara Mohawk Power Corporation.

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27. Niasher Realty, Inc.  
WITH  
Debbie-Dan Properties Inc.  
(No search against second party)

Option Agreement  
Dated November 14 1986  
Acknowledged -----  
Recorded July 2 1987 in  
Liber 2044 of Deeds at page 350

First party grants to second party an option to purchase Parcel "C" for the sum of \$261,600.00. Upon certain terms and conditions.

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28. Niasher Realty, Inc.  
TO  
Debbie-Dan Properties, Inc.

Warranty Deed  
Dated December 30 1988  
Acknowledged December 30 1988  
Recorded February 13 1989 in  
Liber 2174 of Deeds at page 281  
Consideration \$1.00 and more

Conveys Parcel "C".

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29. Niasher Realty, Inc. TO Debbie-Dan Properties, Inc. Quit Claim Deed Dated December 30 1988 Acknowledged December 30 1988 Recorded February 13 1989 in Liber 2174 of Deeds at page 283 Consideration \$1.00

Conveys Parcel "C". Together with the fee to the alley running from Fourth Street adjacent to the above-described premises and to the center line thereof.

30. In the Matter OF Niagara Hotels, Inc. Certificate of Incorporation File No. 12595 Filed January 8 1986 in Secretary of State's Office Filed February 10 1986 in Niagara County Clerk's Office

Recites a corporation formed under Section 402 of the Business Corporation Law.

31. In the Matter OF Niagara Hotels, Inc. Certificate of Amendment of Certificate of Incorporation File No. 12595 Filed August 15 1986 in Secretary of State's Office Filed September 2 1986 in Niagara County Clerk's Office

Recites said corporation was formed under Section 805 of the Business Corporation Law. The name of the corporation is hereby changed from Niagara Hotels, Inc. to Debbie-Dan Properties, Inc.

32. Nottingham Terrace Corp. TO Parkway Inn, Inc. Warranty Deed Dated June 29 1962 Acknowledged June 29 1962 Recorded June 29 1962 in Liber 1397 of Deeds at page 5 Consideration \$1.00 and more

Conveys Parcels "A" and "B". Including all right, title and interest, if any, of the grantor in and to any land lying in the bed of any street, road or avenue opened or proposed, in front of or adjoining any of the above described parcels to the center line thereof. Subject to any and all liens and encumbrances of record against the premises hereby conveyed which second party does hereby assume and agree to pay according to the terms thereof.

33. In the Matter Certificate of Incorporation  
OF File No. 5022  
Treadway Inn of Niagara Falls, Inc. Filed December 21 1956 in Secretary of State's Office  
Filed January 9 1957 in Niagara County Clerk's Office

Recites a corporation formed pursuant to Article Two of the Stock Corporation Law of the State of New York. Duration: perpetual.

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34. In the Matter Certificate of Amendment of Certificate of Incorporation  
OF File No. 5022  
Treadway Inn of Niagara Falls, Inc. Filed August 31 1961 in Secretary of State's Office  
Filed September 13 1961 in Niagara County Clerk's Office

Recites the name of the corporation is amended to Parkway Inn, Inc.

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35. In the Matter Certificate of Merger  
OF File No. 5022  
Parkway Inn, Inc. Filed December 23 1969 in Secretary of State's Office  
Filed February 11 1970 in Niagara County Clerk's Office

Recites said corporation was formed under Section 905 of the Business Corporation Law. The name of the subsidiary corporation to be merged is Parkway Inn, Inc. The name under which Parkway Inn, Inc. was formed is Treadway Inn of Niagara Falls, Inc. The name of the surviving corporation is Amgot, Inc.

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36. In the Matter Certificate of Incorporation  
OF File No. 7087  
Amgot, Inc. Filed March 13 1968 in Secretary of State's Office  
Filed May 28 1968 in Niagara County Clerk's Office

Recites said corporation is formed under Section 402 of the Business Corporation Law of the State of New York.

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Amgot, Inc. surviving corporation  
of merger with Parkway Inn, Inc.

Warranty Deed

37. TO

Dated March 10 1970  
Acknowledged March 10 1970  
Recorded March 11 1970 in

Porter Properties, Inc. and  
P & G Pancake House, Inc.,  
tenants in common and not  
as joint tenants

Liber 1503 of Deeds at page 635  
Consideration \$1.00 and more

Conveys Parcels "A" and "B". Together with all right, title and interest in and to the fee to the alley running from 4th Street to 6th Street along the rear of the above described premises. Subject to mortgages held by the Western Savings Bank of Buffalo, evidence of which was recorded in Liber 354 of Assignments at page 444 in Niagara County Clerk's Office on April 14 1965. The present balance is \$1,825,312.16 as of February 1 1970. Subject to mortgages held by Marine Midland Trust Company of Western New York, evidence of which was recorded in Liber 377 of Assignments at page 989 in the Niagara County Clerk's Office on May 29 1968. The balance as of February 1 1970 is \$1,000,000.00.

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In the Matter

Certificate of Incorporation  
File No. 7339

38. OF

Porter Properties, Inc.

Filed May 20 1969 in  
Secretary of State's Office

Filed August 11 1969 in  
Niagara County Clerk's Office

Recites a corporation formed under Section 402 of the Business Corporation Law.

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In the Matter

Certificate of Incorporation  
File No. 8988

39. OF

P & G Pancake House, Inc.

Filed November 13 1961 in  
Secretary of State's Office

Filed October 16 1974 in  
Niagara County Clerk's Office

Recites a corporation formed pursuant to Article Two of the Stock Corporation Law of the State of New York. Duration: perpetual.

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In the Matter

Certificate of Amendment of  
Certificate of Incorporation  
File No. 8988

40. OF

P & G Pancake House, Inc.

Filed December 13 1971 in  
Secretary of State's Office

Filed October 16 1974 in  
Niagara County Clerk's Office

Recites said corporation was formed under Section 805 of the Business Corporation Law. The Certificate of Incorporation is hereby amended to read the name of the corporation is P & G Consolidated, Inc.

Porter Properties, Inc. and  
P & G Consolidated, Inc.

Warranty Deed

41. TO

Dated November 1 1986  
Acknowledged November 1 1986  
Recorded November 14 1986 in

Debbie-Dan Properties, Inc.

Liber 2028 of Deeds at page 19  
Consideration \$1.00 and more

Conveys Parcels "A" and "B". Together with all right, title and interest in and to the fee to the alley running from 4th Street to 6th along the rear of the above described premises.

Debbie-Dan Properties, Inc.

Mortgage

42. TO

Dated November 14 1986  
Acknowledged November 14 1986  
Recorded November 14 1986 in

Marine Midland Bank, N.A.

Liber 1804 of Mortgages at page 257  
Given to secure \$3,000,000.00 on  
Parcels "A" and "B". Recites being a  
purchase money mortgage.

Debbie-Dan Properties, Inc.

Mortgage

43. TO

Dated November 14 1986  
Acknowledged November 14 1986  
Recorded November 14 1986 in

Porter Properties, Inc. and  
P & G Consolidated, Inc. d/b/a  
Parkway Ramada Inn

Liber 1805 of Mortgages at page 1  
Given to secure \$434,014.00 on  
Parcels "A" and "B".

Debbie-Dan Properties, Inc.

Assignment of Rents

44. TO

Dated November 14 1986  
Acknowledged November 14 1986  
Recorded November 14 1986 in

Marine Midland Bank, N.A.

Liber 2028 of Deeds at page 56

Assigns all rents due or to become due on Parcels "A" and "B" as additional security on Mortgage No. 42 above.



Parkway Ramada Inn, a partnership consisting of Porter Properties, Inc. and P & G Consolidated, Inc.

Assignment

Dated December 24 1986  
Acknowledged December 24 1986  
Recorded December 30 1986 in

45. TO

P & G Consolidated, Inc.  
and Porter Properties, Inc.

Liber 531 of Assignments,  
Releases and Discharges at page 312

Assigns Mortgage No. 43 above.

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P & G Consolidated, Inc.

Assignment

46. TO

Neil S. Goodman,  
Seymour I. Goodman  
and Leonard Pleskow

Dated December 24 1986  
Acknowledged December 24 1986  
Recorded December 30 1986 in

Liber 531 of Assignments, Releases  
and Discharges at page 314

Assigns to each of the assignees 1/3 undivided interest in a 50% undivided interest in Mortgage No. 43 above.

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Debbie-Dan Properties, Inc.

Mortgage

47. TO

Marine Midland Bank, N.A.

Dated March 12 1987  
Acknowledged March 12 1987  
Recorded March 13 1987 in

Liber 1834 of Mortgages at page 330

Given to secure \$500,000.00 on Parcels "A" and "B". Recites this mortgage represents a portion of the mortgage in the face amount of \$3,000,000.00, recorded November 14 1986 in Liber 1804 of Mortgages at page 257, of which only \$2,500,000.00 was actually advanced. A mortgage tax of \$30,000.00 was paid on the original \$3,000,000.00 mortgage at the time of recording.

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Debbie-Dan Properties, Inc.

Mortgage

48. TO

Home & City Savings Bank

Dated November 10 1988  
Acknowledged November 10 1988  
Recorded November 30 1988 in

Liber 2014 of Mortgages at page 147  
Given to secure \$999,517.12 on  
Parcels "A" and "B".

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49. Marine Midland Bank, N.A. Assignment  
TO Dated November 25 1988  
Home & City Savings Bank Acknowledged November 25 1988  
Recorded November 30 1988 in  
Liber 578 of Assignments, Releases  
and Discharges at page 260

Assigns Mortgage No. 42 above.

50. Marine Midland Bank, N.A. Assignment  
TO Dated November 25 1988  
Home & City Savings Bank Acknowledged November 25 1988  
Recorded November 30 1988 in  
Liber 578 of Assignments, Releases  
and Discharges at page 288

Assigns Mortgage No. 47 above.

51. Debbie-Dan Properties, Inc. Consolidation and Modification  
WITH Agreement  
Home & City Savings Bank Dated November 10 1988  
Acknowledged November 10 1988  
Recorded November 30 1988 in  
Liber 578 of Assignments, Releases  
and Discharges at page 261

Consolidates the lien of Mortgages Nos. 42, 47 and 48 above to form a single lien in the amount of \$3,800,000.00, modifies the terms thereof.

52. Porter Properties, Inc., Subordination Agreement  
Leonard Pleskow, Dated November 15 1988  
Seymour I. Goodman Acknowledged November 15 1988  
and Neil S. Goodman Recorded November 30 1988 in  
WITH Liber 578 of Assignments, Releases  
Home & City Savings Bank and Discharges at page 267

First party hereby subordinates the lien of Mortgage No. 43 above to the lien in last above agreement.

NOTE: Leonard Pleskow signs and acknowledges only.

Porter Properties, Inc.,  
Leonard Pleskow,  
Seymour I. Goodman  
and Neil S. Goodman

Subordination Agreement

Dated November 12 1988  
Acknowledged November 12 1988  
Recorded November 30 1988 in

53. WITH

Home & City Savings Bank

Liber 578 of Assignments, Releases  
and Discharges at page 272

First parties hereby subordinate the lien of Mortgage No. 43 above to the lien in Agreement No. 51 above. NOTE: Porter Properties, Inc. signs and acknowledges only.

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Porter Properties, Inc.,  
Leonard Pleskow,  
Seymour I. Goodman  
and Neil S. Goodman

Subordination Agreement

Dated November 15 1988  
Acknowledged November 15 1988  
Recorded November 30 1988 in

54. WITH

Home & City Savings Bank

Liber 578 of Assignments, Releases  
and Discharges at page 277

First parties hereby subordinate the lien of Mortgage No. 43 above to the lien in Agreement No. 51 above. NOTE: Seymour I. Goodman and Neil S. Goodman sign and acknowledge only.

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Debbie-Dan Properties, Inc.

Spreading Agreement

Dated February 13 1989  
Acknowledged February 13 1989  
Recorded February 13 1989 in

55. WITH

Home & City Savings Bank

Liber 584 of Assignments, Releases  
and Discharges at page 62

First party hereby agrees with second party to spread the lien of Mortgages Nos. 42, 43 and 48 above to cover premises.

---

Debbie-Dan Properties, Inc

Mortgage

Dated November 17 1989  
Acknowledged November 17 1989  
Recorded November 20 1989 in

56. TO

Home & City Savings Bank

Liber 2119 of Mortgages at page 332  
Given to secure \$100,000.00 on premises.

---

Debbie-Dan Properties, Inc  
57. TO Assignment of Rents  
Home & City Savings Bank  
Dated November 17 1989  
Acknowledged November 17 1989  
Recorded November 20 1989 in  
Liber 2230 of Deeds at page 34

Assigns all rents due or to become due as additional security on last above mortgage.

Porter Properties, Inc.,  
Leonard Pleskow,  
Seymour I. Goodman  
and Neil S. Goodman  
58. WITH Subordination Agreement  
Home & City Savings Bank  
Dated November 17 1989  
Acknowledged October 24 1989  
and October 5 1989  
Recorded November 30 1989 in  
Liber 605 of Assignments, Releases  
and Discharges at page 293

First parties hereby subordinate the lien of Mortgage No. 43 above to the lien in Agreement No. 51 above.

59. NOTE We find no merger proceedings from Home & City Savings Bank to Trustco Bank New York.

Trustco Bank New York, successor  
by merger to Home & City Savings Bank  
60. VS Supreme Court Niagara County  
Lis Pendens to foreclose  
Mortgages Nos. 42, 47 and 48 above  
Filed March 10 1993  
Debbie-Dan Properties, Inc. d/b/a Ramada  
Inn, Eugene Guido, Carole Guido, Niagara  
Falls Sightseeing by Sheridan, Inc., Porter  
Properties, Inc., Leonard Pleskow, Seymour  
I. Goodman, Neil S. Goodman, First Peoples  
Bank of New Jersey, A.B.T.S. Investment  
Corporation, Buffalo Hotel Supply  
Company, Inc., Heath and Company,  
Textron Financial Corporation, General  
Electric Capital Corporation, New York  
State Department of Taxation and Finance,  
"John Doe" and "Mary Roe", (said names  
being fictitious and intended to designate any  
and all persons, partnerships, corporations,  
or other entities in possession of the  
premises, as a tenant or otherwise and/or any  
and all persons or entities having or claiming  
to have an interest in said premises)

Recorded in Liber 70 of  
Lis Pendens at page 242  
Roemer and Featherstonehaugh, P.C.  
Attorneys

(Index No. 83023)

61. In the Matter OF United States Bankruptcy Court for the Western District of New York  
Debbie Dan Properties, Inc., debtor Proceeding No. BK-93-10760 Chapter 7 Filed March 15 1993

62. Daniel W. Bishara, Referee Referee's Deed  
TO Dated May 5 1994  
Trustco Bank New York Acknowledged May 5 1994 Recorded May 10 1994 in  
Liber 2514 of Deeds at page 82  
Consideration \$1,999,999.99

Conveys premises, being on the foreclosure of Mortgage Nos. 42, 47 and 48 above. Together with the fee to the alley running from Fourth Street adjacent to the above-described premises and to the center line thereof.

63. NOTE We find no Certificate of Incorporation for Trustco Bank of New York filed in the Niagara County Clerk's Office.

64. Trustco Bank of New York Warranty Deed  
TO Dated December 15 1994  
American Niagara Hotels, Inc. Acknowledged December 15 1994 Recorded December 22 1994 in  
Liber 2557 of Deeds at page 55  
Consideration \$10.00 and more

Conveys premises. Together with all of the grantor's right, title and interest, if any, in and to the fee to the alley running from Fourth Street to Sixth Street adjacent to the above-described premises and to the center line thereof. Subject to all conditions, easements, restrictions and covenants of record. Recites this conveyance does not constitute all or substantially all of the grantor's assets and is made in the regular course of business of the grantor.

65. In the Matter OF Certificate of Incorporation File No. 15888  
American Niagara Hotels, Inc. Filed July 12 1994 in Secretary of State's Office  
Filed August 29 1994 in Niagara County Clerk's Office



Recites a corporation formed pursuant to Section 402 of the Business Corporation Law of the State of New York.

---

American Niagara Hotels, Inc. Deed (C Vs Gr Acts)  
66. TO Dated November 26 1999  
Family Enterprises Limited Acknowledged November 26 1999  
Liability Company Recorded December 3 1999 in  
Liber 2980 of Deeds at page 76  
Consideration \$1.00 and more

Conveys premises. Subject to all covenants, easements, restrictions and other matters of record.  
Recites this conveyance is made with the consent of the shareholders and directors of grantor.

---

67. NOTE Under this Certificate a full search has also been made against Days Inn of America, Inc. and Days Inn - Niagara Falls from November 26 1999 to March 11 2005.

---

68. NOTE We find no Certificate of Business or Certificate of Incorporation for either Family Enterprises Limited Liability Company, Days Inn of America, Inc. or Days Inn - Niagara Falls on file in the Niagara County Clerk's Office. *New York LLC filed 5/11/99*

---

Family Enterprises Limited Liability Company Mortgage  
69. TO Dated December 1 1999  
General Electric Capital Acknowledged November 30 1999  
Corporation Recorded December 3 1999 in  
Liber 4028 of Mortgages at page 322  
Given to secure \$2,250,000.00 on premises.

---

Family Enterprises Limited Liability Company Assignment of Rents  
70. TO Dated December 1 1999  
General Electric Capital Acknowledged November 30 1999  
Corporation Recorded December 3 1999 in  
Liber 2980 of Deeds at page 138

Assigns all rents now due or to become due on premises as additional security for last above mortgage.

---

Days Inn of America, Inc.

Declaration of License Agreement

71. TO

Family Enterprises, LLC

Dated November 24 1999  
Acknowledged November 24 1999  
Recorded January 2 2000

Liber 3076 of Deeds at page 297

Grants the right and license to operate certain lodging premises located at 401 Buffalo Avenue, Niagara Falls, NY 14303, as a "Days Inn" from the date the Licensee is authorized for a period of fifteen years. Subject to earlier termination as provided in the License Agreement. Upon certain terms and conditions.

*Recites that this instrument is not an encumbrance + that ① has no lien or security interest in the premises.*

Family Enterprises Limited  
Liability Company

Financing Statement No. 7293727

72. TO

General Electric Capital  
Corporation

Filed June 7 2000

Covers: All of debtors fixtures now existing or hereafter acquired on premises.

Family Enterprises Limited  
Liability Company d/b/a  
Days Inn - Niagara Falls

Mortgage

73. TO

Empire State Certified  
Development Corporation

Dated February 5 2001  
Acknowledged February 5 2001  
Recorded April 11 2001 in

Liber 4311 of Mortgages at page 54

Given to secure \$1,000,000.00 on premises. Recites this mortgage is subordinate to a first mortgage in favor of General Electric Capital Corporation in the face amount of \$2,250,000.00 which mortgage was recorded in the Office of the Niagara County Clerk prior to the recording of this instrument.

Family Enterprises Limited  
Liability Company d/b/a  
Days Inn - Niagara Falls

Assignment of Leases, Rents and Profits

74. TO

Empire State Certified  
Development Corporation

Dated February 5 2001  
Acknowledged February 5 2001  
Recorded April 11 2001 in

Liber 3108 of Deeds at page 281

Assigns all rents now due or to become due as additional security on last above mortgage. Recites being subordinate to Assignment of Rents No. 70 above. Recites assignee does hereby sell, assign and transfer unto the United States Small Business Administration all of Assignee's right, title and interest in and

to this Assignment of Leases, Rents and Profits. NOTE: Empire State Certified Development Corporation acknowledges February 1 2001.

---

Family Enterprises Limited  
Liability Company d/b/a  
Days Inn - Niagara Falls

Financing Statement No. 7297316

Filed April 11 2001

75. TO

Empire State Certified  
Development Corporation

Covers: All debtors now owned or hereafter acquired machinery, furniture, fixtures, equipment, inventory, accounts, personal property, buildings, structures and building materials on premises. Recites Assignee: U.S. Small Business Administration, 111 West Huron Street, Room 1311, Buffalo, New York 14202.

---

Empire State Certified  
Development Corporation

Assignment

76. TO

U.S. Small Business Administration,  
as Agency of the United States  
Government

Dated February 5 2001  
Acknowledged February 1 2001  
Recorded April 11 2001 in

Liber 1323 of Assignments, Releases  
and Discharges at page 58

Assigns Mortgage No. 73 above. Recites it being expressly understood and agreed that the Assignor covenants that the Assignee is not acting as a nominee of the mortgagor, and that the mortgage continues to serve as a bona fide obligation of the mortgagor.

---

Family Enterprises Limited  
Liability Company

Mortgage

77. TO

Administrator of the Small Business  
Administration, as Agency of the  
Government of the United States  
of America

Dated January 24 2002  
Acknowledged January 28 2002  
Recorded January 28 2002 in

Liber 4573 of Mortgages at page 399  
Given to secure \$442,700.00 on premises.

---

Family Enterprises Limited  
Liability Company

Financing Statement No. 7298639

78. TO

Empire State Certified  
Development Corporation

Filed March 14 2002

Covers: All personal property, fixtures, equipment, inventory, accounts, chattel paper, fixtures, leases, rents, security deposits, income and profits, contracts, books and records, options and agreements, plans and specifications, insurance proceeds and condemnation award etc. on premises.

---

In the Matter  
79. OF  
City of Niagara Falls  
List of Delinquent 2002 School Taxes  
(File No. 117119)

Supreme Court Niagara County  
List of Delinquent Taxes

Cert No. 939  
SBL No. 159.13-2-9  
Ward/Pro 2/0320  
Property 401 Buffalo Avenue  
Owner: Family Enterprises  
Amount \$96,380.52

Cert No. 1416  
SBL No. 159.54-1-45  
Ward/Pro 2/0306  
Property 430 Buffalo Avenue  
Owner: Family Enterprises  
Amount \$8,815.16

Cert No. 1417  
SBL No. 159.54-1-46  
Ward/Pro 2/0304  
Property 402 Buffalo Avenue  
Owner: Family Enterprises  
Amount \$757.32

Filed October 7 2003

Pursuant to Section 1122 of the Real Property Tax Law of the State of New York, by the City of  
Niagara Falls.

---

In the Matter  
80. OF  
City of Niagara Falls  
List of Delinquent 2001 School Taxes  
(File No. 117120)

Supreme Court Niagara County  
List of Delinquent Taxes

Cert No. 1388  
SBL No. 159.13-2-9  
Ward/Pro 2/0320  
Property 401 Buffalo Avenue  
Owner: Family Enterprises  
Amount \$148,621.26

Cert No. 2097  
SBL No. 159.54-1-45  
Ward/Pro 2/0306  
Property 430 Buffalo Avenue  
Owner: Family Enterprises  
Amount \$8,259.42

Cert No. 2098  
SBL No. 159.54-1-46  
Ward/Pro 2/0304  
Property 402 Buffalo Avenue  
Owner: Family Enterprises

Amount \$1,438.77

Filed October 7 2003

Pursuant to Section 1122 of the Real Property Tax Law of the State of New York, by the City of  
Niagara Falls.

---

In the Matter

List of Delinquent Taxes

81.

OF

The Foreclosure of Tax Liens  
By Proceeding In Rem  
Pursuant to Article 11 of the  
Real Property Tax Law by  
the County of Niagara

(Index No. 117771)

SBL No. 159.13-2-9  
Property 401 Buffalo Avenue  
Owner Family Enterprises

SBL No. 159.54-1-45  
Property 430 Buffalo Avenue  
Owner Family Enterprises

SBL No. 159.54-1-46  
Property 402 Buffalo Avenue  
Owner Family Enterprises

Filed December 10 2003

Pursuant to Section 1122 of the Real Property Tax Law of the State of New York, by the County  
of Niagara.

---

M & T Credit Corporation

Supreme Court Erie County

82.

VS

Family Enterprises Limited  
Liability Company and others  
401 Buffalo Avenue  
Niagara Falls, NY 14303

Amount \$112,043.01  
Filed July 27 2004

Getman & Biryla  
Attorneys

(No search against the judgment creditor herein)

---

General Electric Capital  
Corporation

Supreme Court Niagara County

83.

VS

Family Enterprises Limited Liability  
Company; John Prozeralik; John  
Prozeralik Enterprises, Inc.; U.S.  
Small Business Administration;  
Administrator of the Small Business  
Administration; Frank A. Amendola;  
Grace Burruano; Michael Amico;  
M & T Credit Corporation; Empire  
State Certified Development Corporation  
and John Doe

Lis Pendens to foreclose  
Mortgage No. 69 above  
Filed September 16 2004

Phillips, Lytle et al  
Attorneys

Notice of Pendency of Non-Judicial  
Foreclosure pursuant to Article 14 of the  
Real Property Actions and Proceedings  
Law.

NOTE No Summons and Complaint  
filed herewith.

---

(Index No. 120468)



Affidavit

84. OF

John Prozeralik

See Affidavit at next page.

REST OF PAGE BLANK

Affidavit

Verified October 14 2004  
Recorded October 14 2004 in

Liber 3294 of Deeds at page 907

JUDGMENT AFFIDAVIT

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:

~~Re: Premises commonly known as 461 RAINBOW BOULEVARD, NIAGARA FALLS, NEW YORK~~

JOHN PROZERALIK, being duly sworn, hereby deposes and says that:

1. He resides at 1965 MILITARY ROAD, NIAGARA FALLS, NEW YORK
2. My attention has been called to certain judgments, ~~tax liens, warrants or other recorded encumbrances or liens.~~ *in favor of MET Credit Corporation against Family Enterprises LLC and me filed in Erie Co*
3. ~~There are no judgments, tax liens, warrants, attachments or other encumbrances or liens of any nature whatsoever against either or us, nor have we ever been adjudicated incompetent or bankrupt.~~ *Said judgment was satisfied and a satisfaction piece filed in Erie County on*
4. ~~I have been known by the names in which this affidavit is made for the last ten years.~~ *October 5, 2004*
5. This affidavit is made with the knowledge that any prudent purchaser and/or mortgagee of the above-described premises will rely upon the veracity of all statements made herein in dealing with the premises.

*John Prozeralik*  
JOHN PROZERALIK

Sworn to before me this  
*14* day of *October*, 2004.

*[Signature]*  
Notary Public  
BILLY V. OLIVIERO  
NOTARY PUBLIC NEW YORK STATE  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES 3/19/06

COPY

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

LIBER 3294 PAGE 0909

M&T CREDIT CORPORATION,

Index No: 4914-04

Plaintiff,

SATISFACTION OF JUDGMENT

vs.

FAMILY ENTERPRISES LIMITED  
LIABILITY COMPANY, INDIVIDUALLY  
and d/b/a DAYS INN RIVERVIEW,  
JOHN PROZERLIK

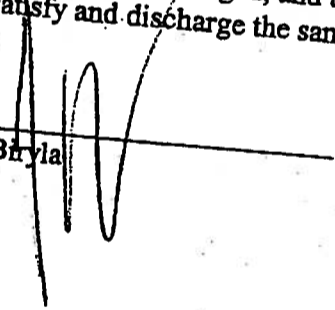
Defendants.

STATE OF NEW YORK )  
COUNTY OF ERIE : SS.  
CITY OF BUFFALO )

WHEREAS, a Judgment was recovered on the 22nd day of July, 2004, in the above-entitled action for the sum of \$112,043.01 as payment in full, which Judgment was, on the 22nd day of July, 2004, duly entered in the Judgment Book in the Office of the Clerk of the above-named Court and said Judgment has been wholly paid, and it being further certified that there are no outstanding Executions with any Sheriff or Marshal of any County of the State of New York.

THEREFORE, satisfaction of said Judgment is hereby acknowledged, and the Clerk of said Court is hereby authorized and directed to cancel, satisfy and discharge the same.

Richard J. Biryła

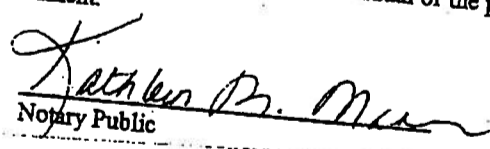


STATE OF NEW YORK )  
COUNTY OF ERIE : SS.  
CITY OF BUFFALO )

On the 1st day of October, 2004, before me, the undersigned, a notary public in and for said state, personally appeared RICHARD J. BIRYLA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

**FILED**

OCT - 5 - 2004

  
Notary Public

H:\ClientMatters\m&tcrfam.jgmtsat.100104.wpd  
**ERIE COUNTY  
CLERK'S OFFICE**

KATHLEEN M. MANN  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires March 4, 2007

New York State Department  
of Labor Unemployment  
Insurance Division

Warrant

Amount \$442.03  
Filed November 3 2004

85. VS

Family Enterprises, LLC  
d/b/a Days Inn Rivernion  
401 Buffalo Avenue  
Niagara Falls, NY 14304-4001

(No search against  
Days Inn Rivernion)

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In the Matter

List of Delinquent Taxes

86. OF

The Foreclosure of Tax Liens  
By Proceeding In Rem  
Pursuant to Article 11 of the  
Real Property Tax Law by  
the County of Niagara

SBL No. 159.13-2-9  
Property 401 Buffalo Avenue  
Owner Family Enterprises

SBL No. 159.54-1-45  
Property 430 Buffalo Avenue  
Owner Family Enterprises

(Index No. 120984)

SBL No. 159.54-1-46  
Property 402 Buffalo Avenue  
Owner Family Enterprises

Filed November 9 2004

Pursuant to Section 1122 of the Real Property Tax Law of the State of New York, by the County  
of Niagara.

---

New York State Department  
of Taxation and Finance

Warrant No. 4548958

87. VS

Amount \$121,517.44  
Filed November 19 2004

John Prozeralik, Individually  
and as a Responsible Person  
of Family Enterprises  
Limited Liability Co.  
1965 Military Road  
Niagara Falls, NY 14304-1724

(No search against  
John Prozeralik)

---

New York State Department  
of Taxation and Finance

Warrant No. 4548954

88. VS

Amount \$121,517.46  
Filed November 19 2004

Family Enterprises Limited  
Liability Company  
T/A Days Inn River Inn  
401 Buffalo Avenue  
Niagara Falls, NY 14303-1318

(No search against  
Days Inn River Inn)

---

New York State Department  
of Taxation and Finance

Warrant No. 4549086

89. VS

Amount \$1,388.02  
Filed December 2 2004

Family Enterprises Limited  
Liability Company  
T/A Days Inn River Inn  
401 Buffalo Avenue  
Niagara Falls, NY 14303-1318

(No search against  
Days Inn River Inn)

---

Cash Cunningham, Auctioneer,  
on behalf of Family Enterprises,  
Limited Liability Company

Auctioneer's Deed

90. TO

Dated January 11 2005  
Acknowledged January 11 2005  
Recorded March 14 2005 in

General Electric Capital  
Corporation

Liber 3310 of Deeds at page 404  
Consideration \$2,700,000.00

Conveys premises, being on the foreclosure of Mortgage No. 69 above.

---

91. NOTE We find no Certificate of Incorporation filed in the Niagara County Clerk's Office for General Electric Capital Corporation.

---

Family Enterprises Limited  
Liability

Financing Statement Continuation  
No. 7300353

92. TO

Filed March 30 2005

General Electric Capital  
Corporation

Continues Financing Statement No. 72 above.

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**MONROE TITLE INSURANCE CORPORATION**  
**ABSTRACT CERTIFICATE**

MONROE TITLE INSURANCE CORPORATION ("Corporation"), a New York Corporation, for good consideration paid, CERTIFIES AND GUARANTEES to the current record owner(s) of an interest in or specific lien upon the premises described at the last Set-Out(s) No(s). 1 preceding this Certificate (the "Subject Premises") and their successors in interest of record that:

1. (a) It has searched the indices listed **alphabetically** in Section 6 of this Certificate maintained in the County Clerk's Office and the County Surrogate's Court for the county in which the Subject Premises is located against the names of the parties appearing in the Abstract as owning or having an interest in the Subject Premises, during the record periods of such ownership from and including **June 18 1901 at 8:59 AM as to Parcel "A" and from February 5 1901 at 8:59 AM as to Parcels "B" and "C"** ("Start Date(s)", or the date or period specified below for such index, to the date of this Certificate.  
(b) It has searched the United States Bankruptcy Court for the Western District of New York, for: *Bankruptcy Proceedings (for 20 years)*.
2. It has searched the Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number or the section, block and lot number of the Subject Premises.
3. It found the matters set forth in the Abstract at Set-Outs 2 through 92; said matters are correctly set forth therein; and, except as specified in Section 4 of this Certificate, there is nothing more in those indices which appears to affect the Subject Premises, or any part thereof.
4. The following matters which appear to affect the Subject Premises are not set forth in the Abstract after the Start Date:
  - (a) Cancellations, discharges or satisfactions (recorded or filed on or after the Start Date) of mortgages, judgments, liens, notices of pendency or encumbrances recorded or filed prior to the Start Date;
  - (b) Mortgages, judgments, liens, notices of pendency or encumbrances both recorded or filed and marked thereon as canceled, discharged or satisfied on or after the Start Date; and
  - (c) The cancellations, discharges or satisfactions marked on the matters listed in subsection (b) of this Section 4.
5. If any covenant or restriction referenced or appearing in this search violates any provision of the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.), as amended, it is set forth herein solely in the interest of complete and accurate reporting.
6. Indices Searched:

<i>Abstract of Judgments pursuant to Title 28</i>	<i>Incompetency Proceedings</i>
<i>Alleged Incapacitated Persons</i>	<i>In Rem Proceedings</i>
<i>Conditional Bill of Sales (UCC) (5 Years)</i>	<i>Judgments (10 Years)</i>
<i>Condominium and Town House Liens</i>	<i>Mechanics Liens (1 Year)</i>
<i>Conservator</i>	<i>Miscellaneous Records</i>
<i>Criminal Bond Liens</i>	<i>Mortgagor</i>
<i>Federal Tax Liens (10 Years)</i>	<i>Notice of Pendency</i>
<i>General Index to Surrogate records</i>	<i>State Tax Warrants (10 Years)</i>
<i>Grantor/Grantee</i>	
7. This Certificate, as continued from time to time, is not limited by time.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by its Authorized Officer this 3rd day of November, 2005 at 8:59 o'clock AM.

**MONROE TITLE INSURANCE CORPORATION**

By \_\_\_\_\_

*John P. Federowicz*

Authorized Officer  
Abstracted by RDS/dor

Certificate No. 330481A

Order No. 330481A

---

**93. RELEASE OF RIGHT OF REDEMPTION**

United States Small Business Administration  
TO  
General Electric Capital Corporation

---

*Instrument Date:* 12-20-2005  
*Acknowledged Date:* 12-20-2005  
*Record Date:* 12-29-2005  
*Instrument Location:* Liber 3343 of Deeds; Page 812

United States Small Business Administration agrees to release its Right of Redemption in premises and agrees to release any and all interest whatsoever that it may have in premises

---

**94. DEED - COVENANT AGAINST GRANTOR**

General Electric Capital Corporation  
TO  
Niagara Hospitalities, LLC

(No search against grantee)

---

*Instrument Date:* 12-20-2005  
*Acknowledged Date:* 12-20-2005  
*Record Date:* 12-29-2005  
*Instrument Location:* Liber 3343 of Deeds; Page 817  
*Consideration:* \$10.00 and more

Conveys Subject Premises.

Together with all and singular the rights, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, subject to all deeds, liens, encumbrances and exceptions of record, and subject to all municipal and zoning ordinances, recorded easements, covenants, rights-of-way and building restrictions of record (the "Properties").

Recites Grantee acknowledges that grantor acquired the properties through statutory or judicial foreclosure and that Grantor has not occupied the Properties and has no personal knowledge of its condition or whether or not any defects exist thereon. Grantor does not warrant, either expressly or impliedly, the condition or fitness of the properties conveyed hereunder (any such warranty being hereby expressly negated) and grantee accepts said property "as is, where is, with all faults" including, but not limited to, the environmental condition of the property.

Also recites Grantor, for itself and its successors and assigns, shall and will warrant and defend the title to the property unto the grantee and the grantee's successors and assigns forever against the lawful claims of all persons claiming by, through or under grantor but none other, excepting, however, the general taxes for the calendar year 2006 and thereafter, and the special taxes becoming a lien after the date of the Bargain and Sale Deed.

**95. MORTGAGE**

Niagara Hospitalities, LLC  
TO  
General Electric Capital Corporation

*Instrument Date:* 12-23-2005  
*Acknowledged Date:* 12-23-2005  
*Record Date:* 12-29-2005  
*Instrument Location:* Liber 5120 of Mortgages; Page 493  
*Amount:* \$2,640,000.00  
Covers Subject Premises.

7/9/2009  
INST No 2009-12526  
Stewart Title Insurance Company  
By: RDS

**96. ASSIGNMENT OF RENTS**

Niagara Hospitalities, LLC  
TO  
General Electric Capital Corporation

*Instrument Date:* 12-23-2005  
*Acknowledged Date:* 12-23-2005  
*Record Date:* 12-29-2005  
*Instrument Location:* Liber 3343 of Deeds; Page 822

7/9/2009  
Inst No 2009-12527  
Stewart Title Insurance Company  
By: RDS

Assigns all rents now due or to become due on premises as additional security on last above mortgage

ABSTRACT CERTIFICATE CONTINUATION

ABSTRACT CERTIFICATE NO. 330481AC1 continued in accordance with its terms for the premises described at the last Set-Out 1 preceding this Continuation (the "Subject Premises") and the matter set forth in the Abstract at Set-Out 93 through 96 added. Certificate redated 29th day of December, 2005 at 2:45 o'clock P.M., and reissued.

MONROE TITLE INSURANCE CORPORATION

By *John P. Federowicz*  
Authorized Officer

**97. Subject Premises Description**

Premises being same as described in Parcel "A" at head of search

---

**98. MEMORANDUM OF LEASE**

Niagara Hospitalities, LLC  
TO  
Niagara County Industrial  
Development Agency

---

*Instrument Date:* 3-1-2007  
*Acknowledged Date:* 3-16-2007  
*Record Date:* 4-23-2007  
*Instrument Location:* Liber 3396 of Deeds; Page 889

First party leases premises unto second party

Term of Lease: Commencing 3-1-2007 to 12-31-2018

---

**99. NOTE**

The Niagara County Industrial Development Agency is a Governmental Agency constituting a body corporate and politic and public benefit corporation of the State of New York, duly organized and existing under the laws of the State of New York

---

**100. MEMORANDUM OF LEASEBACK**

Niagara County Industrial  
Development Agency  
TO  
Niagara Hospitalities, LLC

---

*Instrument Date:* 3-1-2007  
*Acknowledged Date:* 3-21-2007  
*Record Date:* 4-23-2007  
*Instrument Location:* Liber 3396 of Deeds; Page 883

First party leaseback premises unto second party

Term of Lease: Commencing 3-1-2007 to 12-31-2018

---

**101. JUDGMENT**

Controller of the City of  
Niagara Falls, New York  
VS

# 101 (continued)

Niagara Hospitalities LLC  
d/b/a Fallside Hotel &  
Conference Center  
401 Buffalo Avenue  
Niagara Falls, NY

(No search against Judgment Creditor)

*Plaintiff Attorney: None Listed*

*Record Date:* 12-30-2008  
*Court:* SUPREME COURT NIAGARA COUNTY  
*Amount:* \$45,164.51

---

**102. MORTGAGE**

Niagara Hospitalities, LLC and  
Niagara Group Hotels, LLC  
TO  
401 Buffalo Avenue, Inc.

(No search against Niagara Group Hotels, LLC)

*Instrument Date:* 6-29-2009  
*Acknowledged Date:* 6-29-2009  
*Record Date:* 6-30-2009  
*Amount:* \$2,000,000.00

Covers Subject Premises and more.

Instrument No. 2009-11858

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**103. WARRANTY DEED**

Niagara Hospitalities, LLC  
TO  
Merani Hospitality, Inc.

*Instrument Date:* 9-18-2009  
*Acknowledged Date:* 9-18-2009  
*Record Date:* 9-23-2009  
*Consideration:* \$1,950,000.00

Instrument No. 2009-17925

Conveys:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 43 and Lot No. 44 of the Mile Reserve and also being part of Subdivision Lot Nos. 48, 50, 52, 54, 56, 58, 60, 62, and 67 and all of Subdivision Lots Nos. 53, 55, 57, 59, 61, 63 and 65 as shown on a map of the Village of Niagara Falls (now City of Niagara Falls) made by Jesse P. Haines, Surveyor, 1861 and filed in the Niagara County Clerk's Office on December 20, 1861 under Cover No. 389, is bounded and described as follows:

BEGINNING at the intersection of the south line of Buffalo Avenue with the east line of 4th

(continued)



Street, which point is the northwest corner of Subdivision Lot No. 53, thence southerly along the east line of 4th Street 334.04 feet more or less to the north line of land conveyed to the People of the State of New York by deed recorded in the Niagara County Clerk's office in Liber 1278 of Deeds at page 394 on January 16, 1958; thence easterly along the said north line of the following five (5) courses and distances; south 80 degrees 43 minutes 58 seconds east 64.19 feet; thence south 82 degrees 04 minutes 58 seconds east 66 feet; thence south 85 degrees 17 minutes 43 seconds east 66.0 feet; thence south 89 degrees 56 minutes 13 seconds east 66.66 feet to an iron pin; thence curving to the left on a 2000 foot radius 247.64 feet to an iron pin on the west line of Holly Place as conveyed and dedicated to the City of Niagara Falls by Dedication recorded in the Niagara County Clerk's office in Liber 521 of Deeds at page 122 on December 11, 1926; thence northerly along said west line of Holly Place 297.14 feet more or less to the south line of Buffalo Avenue; thence westerly along the south line of Buffalo Avenue a measured distance of 489.82 feet more or less to the point of beginning

Subject to above Mortgage No. 102

---

**104. CERTIFICATE OF INCORPORATION**

In Re  
Merani Hospitality, Inc.  
File No. C21144

Filed: 7-1-2009 in Secretary of State's Office  
Filed: 7-23-2009 in Niagara County Clerk's Office

A corporation under Section 402 of the Business Corporation Law of the State of New York

---

**105. MEMORANDUM OF LEASE**

Merani Hospitality, Inc.  
TO  
Niagara County Industrial  
Development Agency

---

*Instrument Date:* 12-1-2009  
*Acknowledged Date:* 12-21-2009  
*Record Date:* 12-30-2009

Instrument No. 2009-24442

First party leases premises and more unto party of the second part

Term of Lease: Commencing 12-1-2009 and ending 12-31-2030

Niagara County Industrial Development Agency sign and acknowledge 12-22-2009

---

**106. MEMORANDUM OF LEASEBACK**

Niagara County Industrial  
Development Agency  
TO  
Merani Hospitality, Inc.

# 106 (continued)

*Instrument Date:* 12-1-2009  
*Acknowledged Date:* 12-21-2009  
*Record Date:* 12-30-2009

Instrument No. 2009-24441

First party leaseback premises and more unto second party

Term of Lease: Commencing 12-1-2009 and ending 12-31-2030

Niagara County Industrial Development Agency signs and acknowledges 12-22-2009

---

**107. PILOT MORTGAGE**

Niagara County Industrial  
Development Agency  
Merani Hospitality, Inc.  
TO  
Niagara County, New York  
City of Niagara Falls, New York  
and Niagara Falls City  
School District

---

*Instrument Date:* 12-1-2009  
*Acknowledged Date:* 12/-/2009  
*Record Date:* 12-30-2009

Covers Subject Premises and more.

Instrument No. 2009-24443

Recites to secure the obligation of PILOT Agreement recorded herewith

---

**108. TERMINATION OF LEASE**

Niagara County Industrial  
Development Agency  
TO  
Niagara Hospitalities, LLC

---

*Instrument Date:* 11-18-2009  
*Acknowledged Date:* 11-10-2010  
*Record Date:* 11-24-2010

Instrument No. 2010-19705

Recites: The execution of this Termination of Leaseback Agreement by the Agency is not intended, and shall not be construed, as a waiver or alteration by the Agency or the Company of the provisions of Section 2.5(e) of the Leaseback Agreement

The Lease by and between Niagara Group Hotels, LLC, Lessor, and the Niagara County Industrial Development Agency, Lessee, a memorandum of which dated March 1, 2007 was recorded on April 23, 2007, in Liber 3396 at page 895 is hereby terminated

The Leaseback by and between Niagara Group Hotels, LLC, Lessor and the Niagara County

(continued)

# 108 (continued)

Industrial Development Agency, Lessee, a memorandum of which dated March 1, 2007 was recorded on April 23, 2007 in Liber 3396 at page 901 is hereby terminated

\*\*\*\*\*

END OF PAGE

\*\*\*\*\*

## ABSTRACT CERTIFICATE

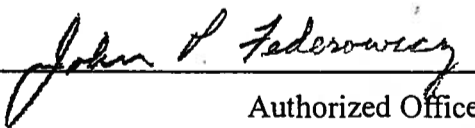
STEWART TITLE INSURANCE COMPANY, a New York Corporation, for good consideration paid, CERTIFIES AND GUARANTEES (pursuant to New York Insurance Law section 6403(b)(1)) to the current record owner(s) of an interest in or specific lien upon the **premises described at Set-Out 97** immediately preceding this Certificate (the "Subject Premises") and their successors in interest of record that:

1. It has searched the indices maintained in the County Clerk's Office and the Surrogate indices maintained in the Surrogate's Court, for the county in which the Subject Premises is located, against the names of the parties appearing in the Abstract as owning or having an interest in the Subject Premises during the record periods of such ownership from and including the date **12-20-2005** to the date of this Certificate.
2. It has searched the bankruptcy indices in the office of the clerk of the United States Bankruptcy Court for the Federal District in which the Subject Premises is located against the names of all record owners of an interest in the Subject Premises for six (6) months prior and subsequent to their respective period of ownership for twenty (20) years last past.
3. It has searched the Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number or the section, block and lot number of the Subject Premises.
4. It found the matters set forth in the Abstract at **Set-Outs 98 through 108**; said matters are correctly set forth therein, and there is nothing more in those indices which appears to affect the Subject Premises, or any part thereof.
5. This search does not set forth mortgages, judgments, liens, notices of pendency or encumbrances recorded or filed prior to or during the period of this search for which cancellations, discharges or satisfactions have been recorded or filed.
6. If any covenant or restriction referenced or appearing in this search violates any provision of the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.), as amended, it is set forth herein solely in the interest of complete and accurate reporting.
7. The Guaranty under this Certificate shall not be limited by time.

IN WITNESS WHEREOF, STEWART TITLE INSURANCE COMPANY has caused this Certificate to be signed by its Authorized Officer this **27th day of September, 2013** at **8:59** o'clock **A.M.**

STEWART TITLE INSURANCE COMPANY

By

  
Authorized Officer

## **STEWART TITLE INSURANCE COMPANY**

### **PRIVACY POLICY NOTICE**

#### **PURPOSE OF THIS NOTICE**

Title V of the Gramm-Leach Bailey Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with notice of its privacy policies and practices, such as the type and information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy practices of STEWART TITLE INSURANCE COMPANY.

We may collect nonpublic information about you from the following sources:

- Information we receive from you, such as on applications or other forms
- Information about your transactions we secure from our files, or from our affiliates or other.
- Information we receive from a consumer reporting agency
- Information that we receive from others involved in your transaction, such as the real estate agent or lender

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect from our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We may also disclose this information about customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW .**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulation to guard your nonpublic personal information.

# **ATTACHMENT 3**

## **BCP Application – Section V & VI**

### **PROPERTY ELIGIBILITY INFORMATION**

### **PROJECT DESCRIPTION & ELIGIBILITY STATEMENT**

### **PROJECT DESCRIPTION**

### **FIGURE 9; ESTIMATED PROJECT SCHEDULE**



**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

**PROJECT DESCRIPTION**

The subject property (hereinafter, the “Project Site” or the “Site”) subject to this BCP application is comprised of three (3) adjoining parcels totaling an approximate 6.2 acres, located in a highly developed mixed use commercial and residential area of the City of Niagara Falls, Niagara County, New York (see Figures 1 and 2).

The Site is bound by 4<sup>th</sup> Street to the west, 6<sup>th</sup> Street and Holly Place to the east, a public alleyway from 4<sup>th</sup> Street to the 6<sup>th</sup> Street to the north, and the Robert Moses State Parkway with the Niagara River beyond to the south. Buffalo Avenue intersects the property from east to west (see Figure 5).

Land use surrounding the Site includes commercial and residential properties to the north, Robert Moses Parkway to the south with the Niagara beyond, residential properties to the east, and vacant and residential properties to the west (see Figure 6). Residential development is located immediately adjacent to the east of the Site across Holly Place.

The northern portion of the Site (402 and 430 Buffalo Avenue parcels) has a long history of manufacturing and commercial operation, which potentially has contaminated the Site. The Site was utilized as a large manufacturing facility owned and operated by National Biscuit Co / Shredded Wheat Company. Manufacturing began on Site in at least 1914, and operations included underground storage tanks (USTs) noted as fuel oil. Baking ovens, likely utilizing the noted fuel oil, were located across the manufacturing facility for drying raw materials, heating the various buildings and operations, and baking final products. Additional operations included paper box manufacturing and printing, material handling and shipping equipment, maintenance of manufacturing equipment and vehicles, likely application of pesticides and herbicides related to raw food material and finished goods storage, and use and storage of paint, solvents, thinners, grease and lubricants common among former manufacturing operations. It is also likely that significant amounts of demolition debris from the former factory are located on the vacant Site.

**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

Site environmental investigations completed across the Site indicated:

- Visual evidence of similar historic subsurface soil materials across the Site on both the north and south sides of Buffalo Avenue
- Elevated PID readings for volatile organic compounds (VOCs) was detected in historic soil/fill on the south side of Buffalo Avenue
- Elevated polycyclic aromatic hydrocarbons (PAHs) above Part 375 Unrestricted, Restricted Residential and Commercial Use SCOs across the Site
- Elevated metals, including barium and lead, above the Part 375 Unrestricted, Restricted Residential and Commercial Use SCOs across the Site

The environmental investigations and supplemental historical information are provided electronically in Attachment 4. A photolog is included in Attachment 2.

The southern portion of the Site (401 Buffalo Avenue parcel), is currently improved with a vacant municipally-condemned former hotel and conference center. Historically, Union Carbide and Carbon Corporation (Union Carbide Corp.) owned and operated the parcel since at least 1917 through the 1960's. No information regarding Union Carbide's use and/or operation of the parcel was able for review. The existing hotel building was developed in the early 1980's by Niagara Hotels, Inc. The Title is provided in Attachment 2.

Based on a 2013 Site inspection, multiple recognized environmental conditions (RECs) were identified on Site. RECs identified during the inspection included:

- Oil-leaking former hotel operation equipment in the basement, including compressors, elevator equipment, and transformers;
- Wide-spread floor staining in the basement associated with former mechanical system equipment (as noted above);
- Improper storage and handling of hazardous chemicals, including corrosive boiler chemicals, solvents, lubricants, degreasers, paints, thinners, hydraulic oils and

**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

maintenance equipment fuels, pesticides and herbicides, pool and water treatment chemicals;

- Former transformer vessels with staining noted;
- Sumps, floor drains and vent stacks noted in basement. Staining noted proximate to several floor drains;
- Numerous ASTs of unknown contents in the basement;
- Universal and e-waste throughout the building

Additional observations included potential asbestos containing materials (ACMs), mold, chipping paint, vandalism, illegal dumping, theft of copper piping, and compromised structural components including roof and walls. The City of Niagara Falls has condemned the structure. A photolog of the site inspection is included in Attachment 2.

As clearly evidenced by the known contamination associated with the historic Site use, and the known contamination identified on-Site; and the potential impacts associated with historic on-Site operations; the confirmed and potential environmental contamination of the Site complicates use and future redevelopment/reuse of the Project Site.

The Applicant plans to redevelop the three (3) adjoining parcels into a single large-scale hotel, conference and tourist attraction in the City of Niagara Falls. The Applicant currently owns the Site, and upon acceptance into the BCP, is willing to complete the required Remedial Investigation and Remediation, renovate and redevelop the current abandoned hotel property and vacant parcel. The preliminary Site Redevelopment Plan estimates capital investments of approximately \$15,000,000 to \$20,000,000 to investigate, remediate and redevelop the Site. This Project will result in the remediation and redevelopment of an idle, abandoned, condemned, environmentally-impaired Site along a targeted area of the City of Niagara Falls for redevelopment to productive use. Estimated Project Schedule is presented on Figure 9.

**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

**ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM**

The Site meets the definition of a “Brownfield site” as set forth in New York State Environmental Conservation Law (the “ECL”). The ECL Section 27-1405(2) defines a “Brownfield site” as “any real property, the development or reuse of which may be complicated by the presence or potential presence of a contaminant”. The regulations in 6NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a “reasonable basis” test to each:

- (1) A brownfield site has two elements:
  - (i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the “Contamination Element”); and,
  - (ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or reuse of the property (the “Complication Element”)

Moreover, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005, which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

**The Contamination Element**

The Department considers the following factors with respect to the Contamination Element, to the extent they are relevant to the proposed Site:

- (A) The nature and extent of known or suspected contamination;
- (B) Whether contaminants are present at levels that exceed standards, criteria or guidance;
- (C) Whether contamination on the proposed site is historic fill material or exceeds background levels;

**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

(D) Whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,

(E) Whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

- A. The previous investigations have established that on-site soils have been impacted by contaminants that will require remediation.
- B. Contaminated soils, evidenced by elevated PID readings and analytical sample results are present on-Site exceeding Part 375 Commercial Use SCOs and are complicating redevelopment efforts
- C. Contamination identified across the Site exceeds Part 375 Commercial Use SCOs and is associated with the historic use and operations of the Site.
- D. Historical owners and commercial manufacturing operation on-Site, including Union Carbide Corporation and the National Biscuit/Shredded Wheat Company have likely resulted in environmental contamination.
- E. The Site has not previously been subject to cleanup activities by or under the oversight of State or Federal agencies.

**The Complication Element**

The Department considers the following factors with respect to the Complication Element; to the extent they are relevant to the proposed Site:

- (A) Whether the proposed site is idled, abandoned or underutilized;
- (B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,

**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

(D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the proposed Site is unattractive for redevelopment or reuse due to the presence of contamination. This factor is clearly established by the following:

- (A) The Site is currently vacant and underutilized. Sign of vandalism, illegal dumping, and theft of copper plumbing are evident. The City of Niagara Falls has condemned the former hotel building.
- (B) The Site is currently unattractive for redevelopment or reuse due to the actual presence of contamination and the reasonable perception that there is contamination present on the Site related to the historic operations that will require remediation.
- (C) The Site is located in an NYS En-Zone (see Figure 8), indicative of the economic conditions of the surrounding area, including a poverty rate of at least 20% and unemployment of at 125% of the State average; and a poverty rate of at least double the Niagara County poverty rate. Additionally, the Site is located within the Buffalo Avenue Industrial Corridor Brownfield Opportunity Area, currently in Phase 2 – Nomination Phase. Because the site is located in these designated distressed areas, it is eligible for certain local, state, and federal financial incentives, further indicating that the Site is unattractive for redevelopment particularly outside of the context of the BCP.
- (D) The estimated cost of a proposed remedial program with regard to the Site is significant in comparison to the value of the Site (i.e., estimated at approximately 20% of the value of the Site if it were not environmentally impaired).

**The Requestor as a Volunteer**

A BCP applicant may be either a “Participant” or a “Volunteer.”

A “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises



**ATTACHMENT 3**  
**BCP Application - Sections V and VI**  
**Project Description and BCP Eligibility Statement**  
**401, 402, & 430 Buffalo Avenue Site**

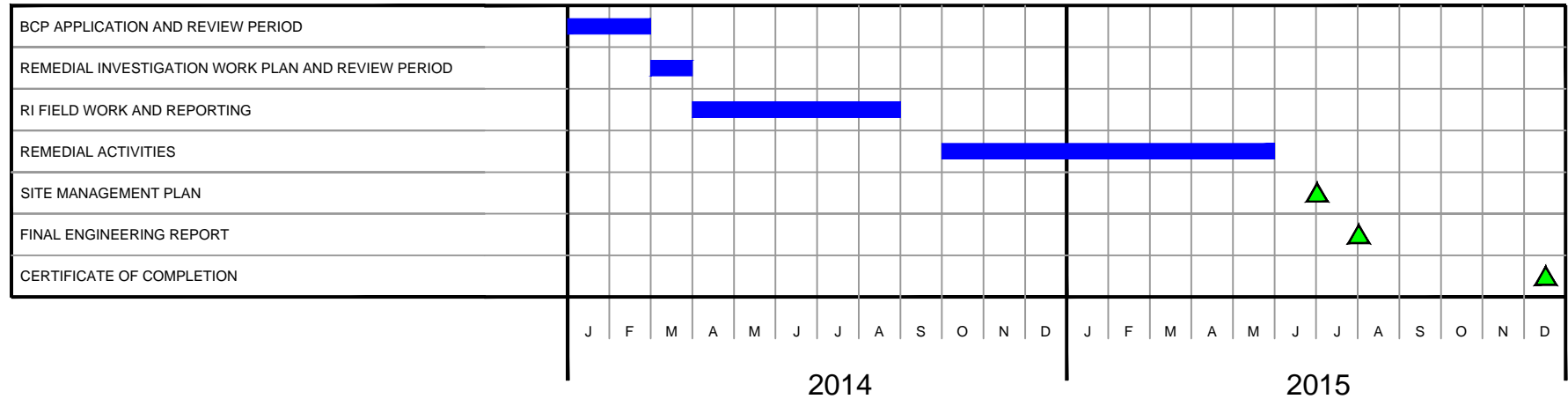
solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge. NY ECL 27-1405(1)(a). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

A "Volunteer" is an applicant other than a participant, including a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. NY ECL 27-1405(1)(b). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, it is entitled to Volunteer status under NY ECL27-1405(1)(b).

**Based on the foregoing and as further set forth in this BCP application, the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because (A) there is confirmed contamination at the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site.**

**PROJECT TASKS:**



2558 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 856-0835

## PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

MERANI HOSPITALITY, INC.

PROJECT NO.: 0294-013-001

DATE: DECEMBER 2013

DRAFTED BY: JGT

**FIGURE 9**

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.

# ATTACHMENT 4

## BCP Application – Section VII

### PROPERTY ENVIRONMENTAL HISTORY

PREVIOUS ENVIRONMENTAL REPORTS SUMMARY

PAST LAND USES

LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS

COPY OF PREVIOUS ENVIRONMENTAL REPORTS (CD ENCLOSED)

**ATTACHMENT 4**  
**BCP Application Section VII**  
**Previous Environmental Investigations**  
**401, 402, & 430 Buffalo Avenue Site**

A summary of the previous environmental findings completed for the Site is presented below.

**Limited Phase II Environmental Investigation Report – 401, 402, & 430 Buffalo Avenue, Niagara Falls, Niagara County, New York**

TurnKey Environmental Restoration (TurnKey) completed a Limited Phase II Subsurface Environmental Investigation on the 401, 402, & 430 Buffalo Avenue Site, and the findings are summarized below.

- Visual evidence of similar historic subsurface soil materials across the Site on both the north and south sides of Buffalo Avenue
- Elevated PID readings for volatile organic compounds (VOCs) was detected in historic soil/fill on the south side of Buffalo Avenue
- Elevated polycyclic aromatic hydrocarbons (PAHs) above Part 375 Unrestricted, Restricted Residential and Commercial Use SCOs across the Site
- Elevated metals, including barium and lead, above the Part 375 Unrestricted, Restricted Residential and Commercial Use SCOs across the Site

Based on a 2013 Site inspection, multiple recognized environmental conditions (RECs) were identified on Site. RECs identified during the inspection included:

- Oil-leaking former hotel operation equipment in the basement, including compressors, elevator equipment, and transformers;
- Wide-spread floor staining in the basement associated with former mechanical system equipment (as noted above);
- Improper storage and handling of hazardous chemicals, including corrosive boiler chemicals, solvents, lubricants, degreasers, paints, thinners, hydraulic oils and maintenance equipment fuels, pesticides and herbicides, pool and water treatment chemicals;

**ATTACHMENT 4**  
**BCP Application Section VII**  
**Previous Environmental Investigations**  
**401, 402, & 430 Buffalo Avenue Site**

- Former transformer vessels with staining noted;
- Sumps, floor drains and vent stacks noted in basement. Staining noted proximate to several floor drains;
- Numerous ASTs of unknown contents in the basement;
- Universal and e-waste throughout the building

Additional observations included potential asbestos containing materials (ACMs), mold, chipping paint, vandalism, illegal dumping, theft of copper piping, and compromised structural components including roof and walls. The City of Niagara Falls has condemned the structure. A copy of the Limited Phase II Environmental Investigation Report is provided electronically in Attachment 4. A photolog of the site inspection is included in Attachment 2.

**ATTACHMENT 4**  
**BCP Application Section VI**  
**Listing of Current and Previous Property Owners and Operators**  
**401, 402, & 430 Buffalo Avenue Site**

**INTRODUCTION**

Reasonable attempts were made to attain complete previous site owner contact information.

The following table lists the current and previous property owners/operators:

<b>Parcel Address</b>	<b>Date(s)</b>	<b>Relationship to Applicant</b>
<b>401 Buffalo Avenue</b>		
<b>Current Owner/Operator</b>		
Merani Hospitality, Inc. 7001 Buffalo Avenue Niagara Falls, NY 14304 (716) 236-7510	2013- present	Applicant
<b>Previous Owner/Operator</b>		
Niagara County IDA 6311 Inducon Corporate Drive Sanborn, NY 14132 (716) 278-8750	2009-2013	None
Niagara Hospitality, LLC	2005 - 2009	None
Family Enterprises, LLC 1926 Military Road Niagara Falls, NY 14304	1999 - 2005	None
American Niagara Hotels, Inc.	1994 - 1999	None
Debbie-Dan Properties Inc. (aka Niagara Hotels, Inc.)	1986 - 1994	None
Porter Properties, Inc.	1970 – 1986	None



**ATTACHMENT 4**  
**BCP Application Section VI**  
**Listing of Current and Previous Property Owners and Operators**  
**401, 402, & 430 Buffalo Avenue Site**

<b>401 Buffalo Avenue (cont.)</b>		
<b>Previous Owner/Operator</b>		
Amgot, Inc. (aka Treadway Inn and Parkway Inn, Inc.)	1960 - 1970	None
The National Biscuit Company/ The Shredded Wheat Company / The Natural Food Company (Currently Post Holdings, Inc.) 275 Cliff Street Battle Creek, MI 49014 1(800) 431-7678	1901 - 1956	None
<b>402 Buffalo Avenue</b>		
<b>Current Owner/Operator</b>		
Merani Hospitality, Inc. 7001 Buffalo Avenue Niagara Falls, NY 14304 (716) 236-7510	2013 - present	Applicant
<b>Previous Owner/Operator</b>		
Orbit Properties, LLC 15210 West Mile Road Detroit, MI 48235 (313) 345-4875	2009 - 2013	None
Niagara Hospitality, LLC	2005 - 2009	None
Family Enterprises, LLC 1926 Military Road Niagara Falls, NY 14304	1999 - 2005	None
American Niagara Hotels, Inc.	1994 - 1999	None
Debbie-Dan Properties Inc. (aka Niagara Hotels, Inc.)	1986 - 1994	None

**ATTACHMENT 4**  
**BCP Application Section VI**  
**Listing of Current and Previous Property Owners and Operators**  
**401, 402, & 430 Buffalo Avenue Site**

<b>402 Buffalo Avenue (cont.)</b>		
<b>Previous Owner/Operator</b>		
Porter Properties, Inc.	1970 – 1986	None
Amgot, Inc. (aka Treadway Inn, Inc. and Parkway Inn, Inc.)	1960 - 1970	None
The National Biscuit Company/ The Shredded Wheat Company / The Natural Food Company (Currently Post Holdings, Inc.) 275 Cliff Street Battle Creek, MI 49014 1(800) 431-7678	1901 – 1956	None
<b>430 Buffalo Avenue</b>		
<b>Current Owner/Operator</b>		
Merani Hospitality, Inc. 7001 Buffalo Avenue Niagara Falls, NY 14304 (716) 236-7510	2013 - present	Applicant
<b>Previous Owner/Operator</b>		
Orbit Properties, LLC 15210 West Mile Road Detroit, MI 48235 (313) 345-4875	2009 - 2013	None
Niagara Hospitality, LLC	2005 - 2009	None
Family Enterprises, LLC 1926 Military Road Niagara Falls, NY 14304	1999 - 2005	None
American Niagara Hotels, Inc.	1994 - 1999	None

**ATTACHMENT 4**  
**BCP Application Section VI**  
**Listing of Current and Previous Property Owners and Operators**  
**401, 402, & 430 Buffalo Avenue Site**

430 Buffalo Avenue (cont.)		
Previous Owner/Operator		
Debbie-Dan Properties Inc. (aka Niagara Hotels, Inc.)	1988 - 1994	None
Elizabeth R Gellman and Cecele M Dautch	1973 - 1984	None
The Niagara County Community College Foundation	1966 – 1973	None
Union Carbide and Carbon Corporation (Currently a subsidiary of The Dow Chemical Company) 1254 Enclave Parkway Houston, TX 77077 1(281) 966-2016	1956 - 1973	None
The National Biscuit Company/ The National Food Company/ Shredded Wheat Company (Currently Post Holdings, Inc.) 275 Cliff Street Battle Creek, MI 49014 1(800) 431-7678	1901 – 1956	None

# Limited Phase II Environmental Investigation Report

*401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York*

November 2013

0271-013-001

Prepared For:

Slater Law Firm, PLLC



Prepared By:



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# **LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT**

**401, 402 & 430 Buffalo Avenue Site  
Niagara Falls, New York**

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November 2013

0271-013-001

Prepared for:

**The Slater Law Firm, PLLC**

# LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT

401, 402, & 430 Buffalo Avenue Site

Niagara Falls, New York

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# LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT

401, 402, & 430 Buffalo Avenue Site

Niagara Falls, New York

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## 1.0 INTRODUCTION

### 1.1 Background and Site Description

TurnKey Environmental Restoration, LLC (TurnKey) performed a Limited Phase II Environmental Investigation on behalf of The Slater Law Firm at 401,402, & 430 Buffalo Avenue, City of Niagara Falls, Niagara County, New York (Site; see Figure 1). This investigation was performed to assess the condition of subsurface soil at the Site.

The subject property is located in a highly developed commercial and residential area of Niagara Falls, New York. The subject Site, addressed at 401, 402, & 430 Buffalo Ave, is also identified as Tax ID Nos. 159.13-2-9, 159.54-1-46, 159.54-1-47, and 159.54-1-45. The Site, totaling approximately 6.21-acres, is bordered by commercial and residential properties to the north, Robert Moses Parkway to the south, residential properties to the east, and vacant and residential properties to the west. The Site is improved with one multi-story hotel building on the 401 Buffalo Ave Parcel.

This Limited Phase II investigation included completion of a soil investigation to assess potential environmental impacts from chemical constituents of concern, including volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals.

## 2.0 SUBSURFACE SOIL/FILL INVESTIGATION

### 2.1 Soil Borings

On October 3<sup>rd</sup>, DDS Companies (DDS) utilized a track-mounted drill rig to complete three soil borings, identified as SB-1 through SB-3 at various locations across the Site (see Figure 2), which were observed by TurnKey. Soil samples were generally collected within each borehole continuously from the ground surface until boring terminus. Any down-hole equipment was decontaminated between boreholes with an Alconox/water wash followed by a tap water rinse. The cutting shoes were decontaminated in a similar manner between the collections of each sample. Soil samples were collected for laboratory analysis from SB-1 and SB-2. Boring logs are presented in Appendix A.

### 2.2 Test Pits

On October 4<sup>th</sup>, 2013, TurnKey mobilized a track-mounted excavator to the Site and excavated eight test pits, identified as TP-1 through TP-8, at various locations across the Site. Test pit locations are shown on Figure 2. Soil samples were collected for laboratory analytical analysis from TP-1 and TP-3 through TP-7. Test pit logs are presented in Appendix A. Soil descriptions were completed in the field via visual characterization of excavated soils and test pit excavation faces using the Unified Soil Classification System (USCS), and scanned for total volatile organic vapors with a calibrated MiniRae 2000 PID equipped with a 10.6 eV lamp.

### 2.3 Laboratory Analysis

Soil samples collected from soil borings and test pits were placed in pre-cleaned, laboratory provided sample bottles using dedicated stainless steel sampling tools, and cooled to 4° C in the field. The samples were transported under chain-of-custody command to Alpha Analytical of Westborough, MA for analysis. Soil boring samples SB-1 and SB-2 were analyzed for of Target Compound List (TCL) volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals. TP-1 and TP-3 through TP-7 were analyzed for PAHs, while TP-1, TP-3, TP-5, and TP-7 were also analyzed for RCRA metals and polychlorinated biphenyls (PCBs).

### 3.0 INVESTIGATION FINDINGS

Three soil borings (SB-1 through SB-3) and eight test pits (TP-1 through TP-10) were completed and eight soil/fill samples were collected for analysis. Table 1 presents a summary of the soil sample results. Each compound that was analyzed and detected above the laboratory reporting limit is listed on the table with its associated result to provide a complete data summary. For comparison purposes, Table 1 presents soil cleanup objectives (SCOs) for each of the detected parameters as published in 6 NYCRR Part 375 Soil Cleanup Objectives dated May 2010. Appendix B contains a copy of the laboratory analytical data package.

#### 3.1 Qualitative Soil Screening

Soil samples were screened via headspace for VOCs using a MiniRae 2000 PID. PID measurements ranged from 0 ppm (most locations) to 46.2 ppm in SB-1 and 22.3 ppm in SB-2. Fill material was noted at varying thickness across the Site, generally consisting of sand, brick and concrete. Refer to soil boring and test pit logs in Appendix A for a summary of soil classification for each sample interval, field observations, and PID measurements.

#### 3.2 Site Geology/Hydrogeology

The subsurface soil/fill for the 401 Buffalo Avenue parcel of the Site observed in SB-1 through SB-3 was typically characterized as asphalt overlying poorly graded sand. Soil/fill observed in TP-1 through TP-8 on the 430 Buffalo Avenue parcel was characterized as gravel sub-base with varying amounts and depths of fill material (i.e., brick, concrete) overlying a sandy lean clay layer in test pits TP-2, TP-4, TP-6, and TP-7. Equipment refusal was encountered at TP-1 (6 fbgs), TP-3 (4.5 fbgs), TP-5 (3 fbgs) and TP-8 (3 fbgs).

The property is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief, except in the immediate vicinity of major drainage ways. Surface soils are generally characterized as urban land with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures typical of an urban environment. In addition, the presence of overburden fill material is widespread and common throughout the City of Niagara Falls.

Groundwater flow direction likely follows regional topography in the vicinity of the subject property and is to the south toward the Niagara River. Local groundwater flows, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. Groundwater was encountered between approximately four and ten fbg's during soil borings; groundwater was not encountered during test pit excavations. Test pit and soil boring logs are presented in Appendix A.

### 3.3 Soil Analytical Results

Soil samples from SB-1, SB-2, TP-1 and TP-3 through and TP-7 were analyzed for PAHs. Soil samples from soil borings SB-1 and SB-2 were also analyzed for TCL VOCs and RCRA metals. Test pits TP-1, TP-3, TP-5 and TP-7 were also analyzed for RCRA metals and PCBs. As indicated on Table 1, the analytical data results indicate several PAHs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, were detected above their respective Unrestricted, Restricted-Residential and/or Commercial Use SCOs in TP-1, TP-3 and TP-5. Two RCRA metals (barium and lead) were detected above their respective Unrestricted, Restricted-Residential and/or Commercial Use SCOs in SB-1, TP-1, TP-3, TP-5 and TP-7.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the results of this Limited Phase II Environmental Investigation at the Site, TurnKey offers the following conclusions and recommendations:

- Elevated PID readings indicative of VOCs impacts were observed in SB-1 and SB-2;
- Several PAHs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, were detected above their respective Unrestricted, Restricted-Residential and/or Commercial Use SCOs in TP-1, TP-3 and TP-5;
- Two RCRA metals, barium and lead, were detected above their respective Unrestricted, Restricted-Residential and/or Commercial Use SCOs in SB-1, TP-1, TP-3, TP-5 and TP-7.
- Based on the findings of this investigation, additional Site investigation and remediation appears warranted prior to Site redevelopment. We understand that your client is considering redeveloping the property; based on environmental impacts noted during this investigation, the Site may be eligible for the New York Brownfield Cleanup Program.

## 5.0 LIMITATIONS

This report has been prepared for the exclusive use of The Slater Law Firm, PLLC. The contents of this report are limited to information available at the time of the site investigation activities and to data referenced herein, and assume all referenced historic information sources to be true and accurate. The findings herein may be relied upon only at the discretion of The Slater Law Firm, PLLC. Use of or reliance on this report or its findings by any other person or entity is prohibited without written permission of TurnKey Environmental Restoration, LLC.

# TABLES





TABLE 1

SUMMARY OF SOIL ANALYTICAL RESULTS

401, 402, 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NY

Parameter <sup>1</sup>	Unrestricted Use SCOs <sup>2</sup>	Restricted Residential SCOs <sup>2</sup>	Commercial Use SCOs <sup>2</sup>	Sample Locations								
				SB-1 (0-2)	SB-2 (6-8)	TP-1 (1-6)	TP-3 (1-4.5)	TP-4 (1-2)	TP-5 (1-3)	TP-6 (2-4)	TP-7 (2-4)	
				10/3/2013	10/3/2013	10/4/2013	10/4/2013	10/4/2013	10/4/2013	10/4/2013	10/4/2013	
<b>Semi-Volatile Organic Compounds (SVOCs) - mg/Kg<sup>3</sup></b>												
2-Methylnaphthalene	--	--	--	0.2 J	ND	ND	0.69 J	ND	ND	ND	ND	ND
Acenaphthene	<b>20</b>	<b>100</b>	<b>500</b>	ND	ND	0.35	1.4	ND	2.2	0.046 J	0.052 J	
Acenaphthylene	<b>100</b>	<b>100</b>	<b>500</b>	ND	ND	0.14 J	0.31 J	ND	2.2	ND	ND	
Anthracene	<b>100</b>	<b>100</b>	<b>500</b>	0.042 J	ND	0.96	3.1	ND	9.8	ND	0.2	
Benzo(a)anthracene	<b>1</b>	<b>1</b>	<b>5.6</b>	0.21	ND	<b>3.3</b>	<b>5.9</b>	0.1 J	<b>31</b>	0.14	0.47	
Benzo(a)pyrene	<b>1</b>	<b>1</b>	<b>1</b>	0.19	ND	<b>2.9</b>	<b>5.1</b>	0.087 J	<b>30</b>	0.12 J	0.41	
Benzo(b)fluoranthene	<b>1</b>	<b>1</b>	<b>5.6</b>	0.31	ND	<b>3.8</b>	<b>6.3</b>	0.12	<b>38</b>	0.16	0.53	
Benzo(g,h,i)perylene	<b>100</b>	<b>100</b>	<b>500</b>	0.14 J	ND	1.8	3.1	ND	18	0.077 J	0.22	
Benzo(k)fluoranthene	<b>0.8</b>	<b>3.9</b>	<b>56</b>	0.095 J	ND	<b>1.4</b>	<b>2.5</b>	0.05 J	<b>14</b>	0.06 J	0.23	
Chrysene	<b>1</b>	<b>3.9</b>	<b>56</b>	0.31	ND	<b>3.2</b>	<b>5.7</b>	ND	<b>31</b>	0.15	0.47	
Dibenzo(a,h)anthracene	<b>0.33</b>	<b>0.33</b>	<b>0.56</b>	ND	ND	<b>0.49</b>	<b>0.82</b>	ND	<b>5</b>	ND	0.069 J	
Fluoranthene	<b>100</b>	<b>100</b>	<b>500</b>	0.63	ND	6.8	12	0.18	68	0.27	0.93	
Fluorene	<b>30</b>	<b>100</b>	<b>500</b>	ND	ND	0.4	1.4	ND	2.8	ND	0.061 J	
Indeno(1,2,3-cd)pyrene	<b>0.5</b>	<b>0.5</b>	<b>5.6</b>	0.13	ND	<b>1.9</b>	<b>3.2</b>	0.059 J	<b>19</b>	0.082 J	0.24	
Naphthalene	<b>12</b>	<b>100</b>	<b>500</b>	0.11 J	ND	0.16 J	1.9	ND	0.92 J	ND	ND	
Phenanthrene	<b>100</b>	<b>100</b>	<b>500</b>	0.52	ND	4	11	0.094 J	29	0.17	0.65	
Pyrene	<b>100</b>	<b>100</b>	<b>500</b>	0.5	ND	5.6	10	0.16	56	0.23	0.75	
<b>Total PCBs - mg/Kg<sup>3</sup></b>												
Aroclor 1260	0.1	3.2	1	--	--	ND	ND	--	0.0284 J	--	ND	
<b>Total Metals - mg/Kg</b>												
Arsenic	<b>13</b>	<b>16</b>	<b>16</b>	7.2	1.1	9.6	8.9	--	6	--	6.3	
Barium	<b>350</b>	<b>820</b>	<b>400</b>	64	12	<b>950</b>	<b>1000</b>	--	<b>970</b>	--	59	
Cadmium	<b>2.5</b>	<b>7.5</b>	<b>9.3</b>	0.72	0.92	2.1	2.1	--	1.8	--	0.78	
Chromium	<b>30</b>	<b>180</b>	<b>1500</b>	7.6	3	27	19	--	8.9	--	9.6	
Lead	<b>63</b>	<b>450</b>	<b>1000</b>	<b>100</b>	23	<b>2700</b>	<b>6200</b>	--	<b>2100</b>	--	<b>130</b>	
Silver	<b>2</b>	<b>8.3</b>	<b>1500</b>	0.12 J	ND	0.2 J	0.24 J	--	0.22	--	ND	
Mercury	<b>0.18</b>	<b>0.73</b>	<b>2.8</b>	ND	ND	0.05 J	0.03 J	--	0.17 J	--	0.09	

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per 6NYCRR Part 375 Soil Cleanup Objectives (December 2006).
3. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.
4. Samples SB-1 and SB-2 was also analysed for TCL VOCs; all reported as non-detect.

Definitions:

ND = Parameter not detected above laboratory detection limit.  
 "--" = Sample not analyzed for parameter or no SCO available for the parameter.  
 J = Estimated value; result is less than the sample quantitation limit but greater than zero.

<b>BOLD</b>	= Result exceeds Part 375 Unrestricted Use SCOs.
<b>BOLD</b>	= Result exceeds Part 375 Restricted Residential Use SCOs.
<b>BOLD</b>	= Result exceeds Part 375 Commercial Use SCOs.

# FIGURES

**FIGURE 1**



	<p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0635</p>
PROJECT NO.: 0271-013-001	
DATE: OCTOBER 2013	
DRAFTED BY: JGT	

**SITE LOCATION AND VICINITY MAP**

LIMITED PHASE II ENVIRONMENTAL INVESTIGATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

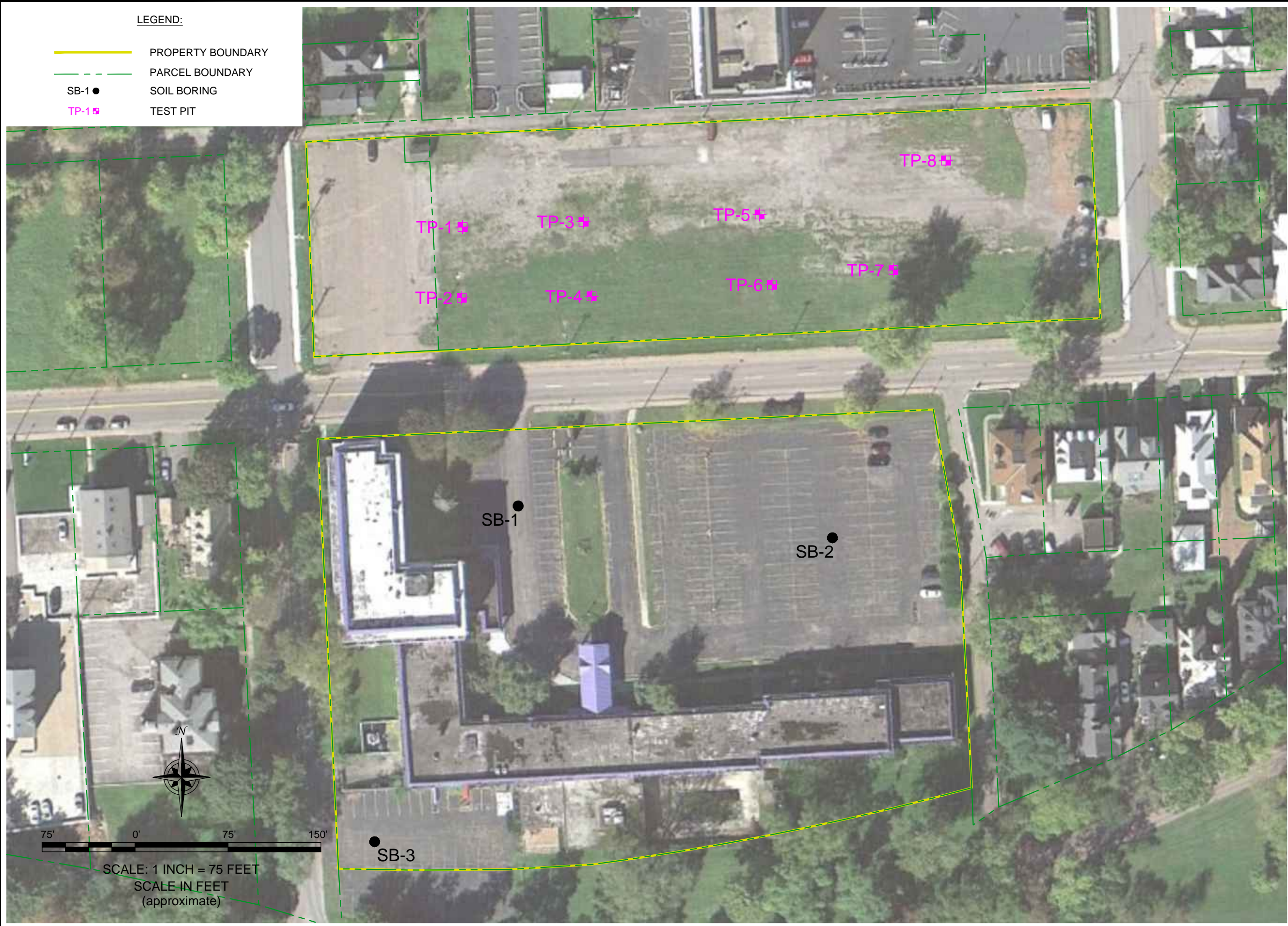
PREPARED FOR

SLATER LAW FIRM, PLLC

**DISCLAIMER:**  
PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.



DATE: OCTOBER 2013  
DRAFTED BY: JGT



### SITE PLAN (AERIAL)

LIMITED PHASE II ENVIRONMENTAL INVESTIGATION  
401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK  
PREPARED FOR  
SLATER LAW FIRM, PLLC



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

JOB NO.: 0271-013-001

## FIGURE 2

DISCLAIMER: PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.



# APPENDIX A

## SOIL BORING AND TEST PIT LOGS

Project No: 0271-013-001

Borehole Number: SB-01

Project: Limited Phase II Environmental Investigation

A.K.A.:

Client: The Slater Law Firm, PLLC

Logged By: PWW

Site Location: 401, 402 and 430 Buffalo Avenue, Niagara Falls

Checked By: BCH



TurnKey Environmental Restoration, LLC  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

SUBSURFACE PROFILE			SAMPLE				PID VOCs ppm 0 25 50	Lab Sample	Well Completion Details or Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Sample No.	SPT N-Value	Recovery (ft)	Symbol			
0.0	0.0	Ground Surface							
	0.0	<b>Ashphalt</b>							
	-1.0	<b>Poorly Graded Sand</b> Blackish brown, moist, mostly fine sand, trace non-plastic fines, loose when disturbed, no odors					46.2	Sampled (0-2')	
	1.0	<b>Poorly Graded Sand with Silt</b> Brown, moist to wet (3.5'), mostly fine sand, few non-plastic fines, loose when disturbed, no odors	S-1	NA	3.0		12.2		
	-4.0	As above, wet					6.3		
	4.0						10.6		
5.0		No odors	S-2	NA	4.0		20.2		
	-8.0	As above					4.7		
	8.0						4.9		
10.0			S-3	NA	4.0		4.0		
	-12.0	As above					2.8		
	12.0								
15.0			S-4	NA	4.0				
	-16.0								
	16.0	End of Borehole							

-K DTW = 4 fbgs

Drilled By: DDS Companies  
 Drill Rig Type: 66 DT Geoprobe Track Mounted Rig  
 Drill Method: Direct Push with 4' Macro-core  
 Comments:  
 Drill Date(s): 10-3-13

Hole Size: 3"  
 Stick-up: NA  
 Datum: Mean Sea Level  
 Sheet: 1 of 1

Project No: 0271-013-001

Borehole Number: SB-02

Project: Limited Phase II Environmental Investigation

A.K.A.:

Client: The Slater Law Firm, PLLC

Logged By: PWW

Site Location: 401, 402 and 430 Buffalo Avenue, Niagara Falls

Checked By: BCH



TurnKey Environmental Restoration, LLC  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

SUBSURFACE PROFILE			SAMPLE				PID VOCs ppm 0 12.5 25	Lab Sample	Well Completion Details or Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Sample No.	SPT N-Value	Recovery (ft)	Symbol			
0.0	0.0	Ground Surface							
	0.0	<b>Ashphalt</b>					13.1		
		<b>Silt with Sand</b> Brown, moist, mostly non-plastic fines with little fine sand, low dry strength, low toughness, very dense massive	S-1	NA	2.2		6.4		
							4.9		
	-4.0 / 4.0	As above							
	5.0	No odors	S-2	NA	4.0		10.9		
							22.3	Sampled (6-8')	
	-8.0 / 8.0	As above, moist to wet (10.5')							
	10.0		S-3	NA	4.0		6.2		
							10.0		
	-12.0 / 12.0	End of Borehole							
	15.0								

DTW = 10.5 fbgs

Drilled By: DDS Companies  
 Drill Rig Type: 66 DT Geoprobe Track Mounted Rig  
 Drill Method: Direct Push with 4' Macro-core  
 Comments:  
 Drill Date(s): 10-3-13

Hole Size: 3"  
 Stick-up: NA  
 Datum: Mean Sea Level

Sheet: 1 of 1



Project No: 0271-013-001

Borehole Number: SB-03

Project: Limited Phase II Environmental Investigation

A.K.A.:

Client: The Slater Law Firm, PLLC

Logged By: PWW

Site Location: 401, 402 and 430 Buffalo Avenue, Niagara Falls

Checked By: BCH



TurnKey Environmental Restoration, LLC  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

SUBSURFACE PROFILE			SAMPLE				PID VOCs ppm 12.5 25	Lab Sample	Well Completion Details or Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Sample No.	SPT N-Value	Recovery (ft)	Symbol			
0.0	0.0	Ground Surface							
		<b>Ashphalt</b>							
		<b>Poorly Graded Sand</b> Blackish brown, moist, mostly fine sand, trace non-plastic fines, loose when disturbed							
		<b>Poorly Graded Sand with Silt</b> Brown, moist, mostly fine sand, few non-plastic fines, loose when disturbed, no odors	S-1	NA	3.0				
		As above, moist to wet (4.5')							
			S-2	NA	4.0				
		As above, wet							
			S-3	NA	4.0				
		End of Borehole							

DTW = 4.5 fbgs

Drilled By: DDS Companies

Drill Rig Type: 66 DT Geoprobe Track Mounted Rig

Drill Method: Direct Push with 4' Macro-core

Comments:

Drill Date(s): 10-3-13

Hole Size: 3"

Stick-up: NA

Datum: Mean Sea Level

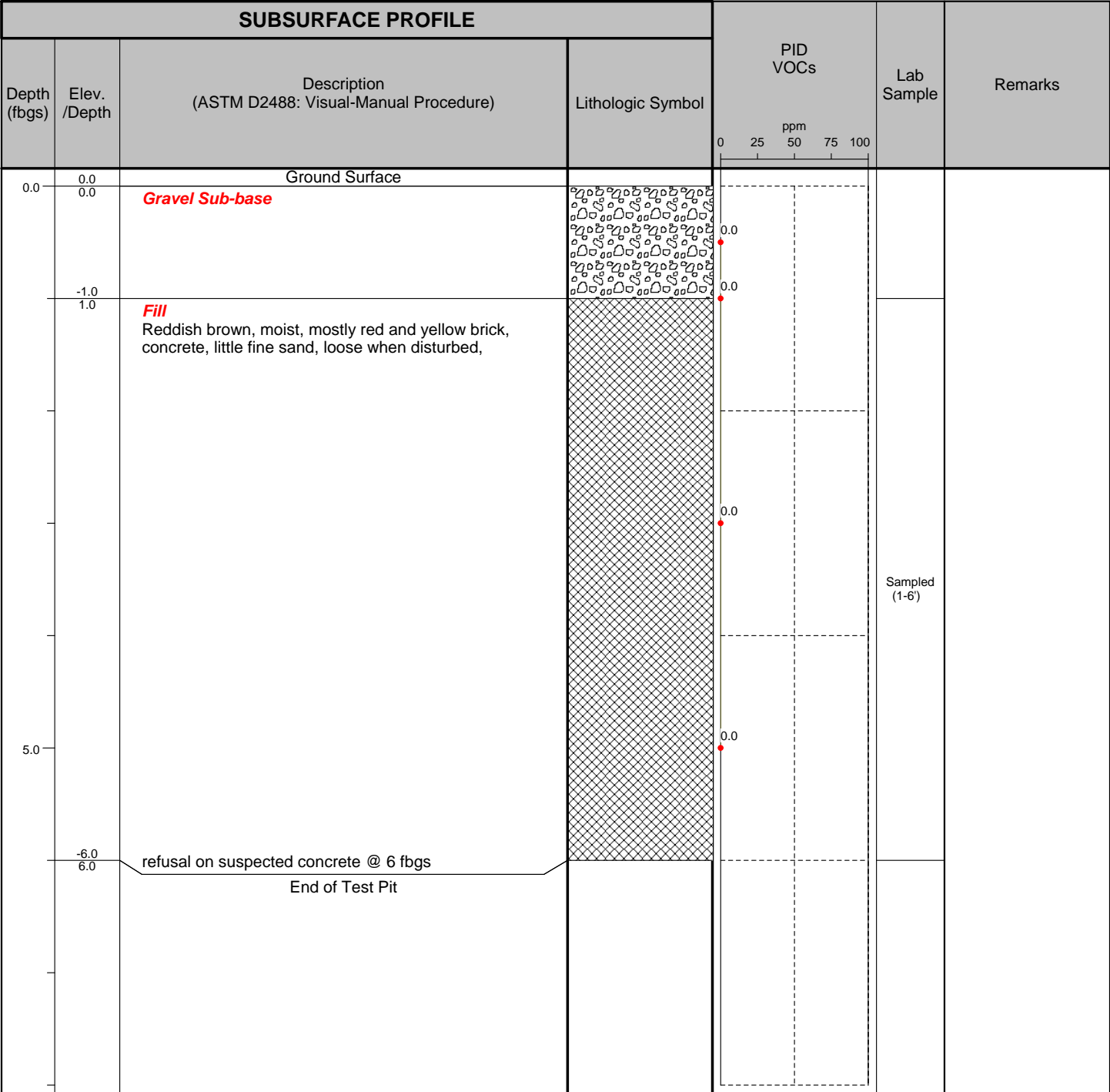
Sheet: 1 of 1

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-01
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	



<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 6'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------------------------------------------

**Sheet: 1 of 1**

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-02
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0 0.0		
	-1.0 1.0	<b>Fill</b> Brown, moist, mostly non-plastic fines with brick, loose when disturbed		0.0		
	-2.0 2.0	<b>Sandy Lean Clay</b> Reddish brown, moist, mostly medium plasticity fines, some fine sand, stiff, massive		0.0 0.0 0.0 0.0		
5.0						
	-9.0 9.0	End of Test Pit		0.0		
10.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 9'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------------------------------------------

**Sheet: 1 of 1**

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-03
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface	[Symbol]	0.0		
		<b>Gravel Sub-base</b>	[Symbol]	0.0		
	-1.0 1.0	<b>Fill</b> Reddish brown, moist, mostly red and yellow brick, concrete, little fine sand, loose when disturbed,	[Symbol]	0.0		
		refusal on suspected concrete @ 4.5 fbgs	[Symbol]	0.0	Sampled fill (1-4.5')	
	-4.5 4.5	End of Test Pit	[Symbol]	0.0		
5.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 4.5'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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**Sheet: 1 of 1**

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-04
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0 0.0		
	-1.0 1.0	<b>Fill</b> Brown, moist, mostly non-plastic fines with brick, loose when disturbed		0.0	Sampled (1'-2')	
	-2.0 2.0	<b>Sandy Lean Clay</b> Reddish brown, moist, mostly medium plasticity fines, some fine sand, stiff, massive		0.0 0.0 0.0 0.0		
5.0						
9.0	-9.0 9.0	End of Test Pit		0.0		
10.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 9'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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**Sheet: 1 of 1**

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-05
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0		
	-1.0 1.0	<b>Fill</b> Reddish brown, moist, mostly red and yellow brick, concrete, little fine sand, loose when disturbed,		0.0		
				0.0	Sampled (1-3)	
	-3.0 3.0	refusal on suspected concrete @ 3 fbgs		0.0		
		End of Test Pit				
5.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 3'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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**Sheet: 1 of 1**

# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-06
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0 0.0		
	-1.0 1.0	<b>Fill</b> Brown, moist, mostly non-plastic fines with brick, loose when disturbed		0.0		
	-2.0 2.0	<b>Sandy Lean Clay</b> Reddish brown, moist, mostly medium plasticity fines, some fine sand, stiff, massive		0.0	Sampled (2-4)	
5.0				0.0		
				0.0		
				0.0		
	-9.0 9.0	End of Test Pit		0.0		
10.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 9'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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**Sheet: 1 of 1**



# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-07
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0 0.0		
	-1.0 1.0	<b>Fill</b> Brown, moist, mostly non-plastic fines with brick, loose when disturbed		0.0		
	-2.0 2.0	<b>Sandy Lean Clay</b> Reddish brown, moist, mostly medium plasticity fines, some fine sand, stiff, massive		0.0	Sampled (1-3')	
5.0				0.0		
				0.0		
				0.0		
	-9.0 9.0	End of Test Pit		0.0		
10.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 9'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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# TEST PIT EXCAVATION LOG



**TurnKey Environmental Restoration, LLC**  
 2558 Hamburg Turnpike, Suite 300  
 Buffalo, NY 14218  
 (716) 856-0635

<b>Project No:</b> 0271-013-001	<b>Test Pit I.D.:</b> TP-08
<b>Project:</b> Limited Phase II Environmental Investigation	<b>Logged By:</b> PWW
<b>Client:</b> The Slater Law Firm, PLLC	<b>Checked By:</b> BCH
<b>Site Location:</b> 401, 402 & 430 Buffalo Avenue, Niagara Falls	

SUBSURFACE PROFILE				PID VOCs	Lab Sample	Remarks
Depth (fbgs)	Elev. /Depth	Description (ASTM D2488: Visual-Manual Procedure)	Lithologic Symbol			
0.0	0.0 0.0	Ground Surface		0 25 50 75 100 ppm		
		<b>Gravel Sub-base</b>		0.0		
	-1.0 1.0	<b>Fill</b> Reddish brown, moist, mostly red and yellow brick, concrete, little fine sand, loose when disturbed,		0.0		
		refusal on suspected concrete @ 3 fbgs		0.0		
	-3.0 3.0	End of Test Pit				
5.0						

<b>Excavated By:</b> Turnkey Environmental Restoration <b>Excavator Type:</b> Bobcat Excavator ZHS430 <b>Excavation Date(s):</b> 10-4-13 <b>Comments:</b>	<b>Length:</b> 9' <b>Width:</b> 2.5' <b>Depth:</b> 3'	<b>Depth to Water:</b> None <b>Visual Impacts:</b> None <b>Olfactory Observations:</b> None
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**Sheet: 1 of 1**

# APPENDIX B

## LABORATORY ANALYTICAL DATA SUMMARY PACKAGE



## ANALYTICAL REPORT

Lab Number:	L1320014
Client:	Benchmark & Turnkey Companies 2558 Hamburg Turnpike Suite 300 Buffalo, NY 14218
ATTN:	Mike Lesakowski
Phone:	(716) 856-0599
Project Name:	401, 402 + 430 BUFFALO AVE.
Project Number:	0271-013-001
Report Date:	10/16/13

The original project report/data package is held by Alpha Analytical. This report/data package is paginated and should be reproduced only in its entirety. Alpha Analytical holds no responsibility for results and/or data that are not consistent with the original.

Certifications & Approvals: MA (M-MA086), NY (11148), CT (PH-0574), NH (2003), NJ NELAP (MA935), RI (LAO00065), ME (MA00086), PA (68-03671), USDA (Permit #P-330-11-00240), NC (666), TX (T104704476), DOD (L2217), US Army Corps of Engineers.

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Eight Walkup Drive, Westborough, MA 01581-1019  
508-898-9220 (Fax) 508-898-9193 800-624-9220 - [www.alphalab.com](http://www.alphalab.com)



**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

<b>Alpha Sample ID</b>	<b>Client ID</b>	<b>Sample Location</b>	<b>Collection Date/Time</b>
L1320014-01	SB-1 (0-2)	BUFFALO AVE. NIAGARA FALLS	10/03/13 10:00
L1320014-02	SB-2 (6-8)	BUFFALO AVE. NIAGARA FALLS	10/03/13 10:30
L1320014-03	TP-1 (1-6)	BUFFALO AVE. NIAGARA FALLS	10/04/13 12:45
L1320014-04	TP-3 (1-4.5)	BUFFALO AVE. NIAGARA FALLS	10/04/13 13:05
L1320014-05	TP-5 (1-3)	BUFFALO AVE. NIAGARA FALLS	10/04/13 13:40
L1320014-06	TP-7 (1-3)	BUFFALO AVE. NIAGARA FALLS	10/04/13 14:25
L1320014-07	TP-4 (1-2)	BUFFALO AVE. NIAGARA FALLS	10/04/13 13:15
L1320014-08	TP-6 (2-4)	BUFFALO AVE. NIAGARA FALLS	10/04/13 14:00

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

### Case Narrative

The samples were received in accordance with the Chain of Custody and no significant deviations were encountered during the preparation or analysis unless otherwise noted. Sample Receipt, Container Information, and the Chain of Custody are located at the back of the report.

Results contained within this report relate only to the samples submitted under this Alpha Lab Number and meet all of the requirements of NELAC, for all NELAC accredited parameters. The data presented in this report is organized by parameter (i.e. VOC, SVOC, etc.). Sample specific Quality Control data (i.e. Surrogate Spike Recovery) is reported at the end of the target analyte list for each individual sample, followed by the Laboratory Batch Quality Control at the end of each parameter. If a sample was re-analyzed or re-extracted due to a required quality control corrective action and if both sets of data are reported, the Laboratory ID of the re-analysis or re-extraction is designated with an "R" or "RE", respectively. When multiple Batch Quality Control elements are reported (e.g. more than one LCS), the associated samples for each element are noted in the grey shaded header line of each data table. Any Laboratory Batch, Sample Specific % recovery or RPD value that is outside the listed Acceptance Criteria is bolded in the report. Performance criteria for CAM and RCP methods allow for some LCS compound failures to occur and still be within method compliance. In these instances, the specific failures are not narrated but are noted in the associated QC table. This information is also incorporated in the Data Usability format for our Data Merger tool where it can be reviewed along with any associated usability implications. Soil/sediments, solids and tissues are reported on a dry weight basis unless otherwise noted. Definitions of all data qualifiers and acronyms used in this report are provided in the Glossary located at the back of the report.

In reference to questions H (CAM) or 4 (RCP) when "NO" is checked, the performance criteria for CAM and RCP methods allow for some quality control failures to occur and still be within method compliance. In these instances the specific failure is not narrated but noted in the associated QC table. The information is also incorporated in the Data Usability format of our Data Merger tool where it can be reviewed along with any associated usability implications.

Please see the associated ADEx data file for a comparison of laboratory reporting limits that were achieved with the regulatory Numerical Standards requested on the Chain of Custody.

#### HOLD POLICY

For samples submitted on hold, Alpha's policy is to hold samples free of charge for 21 calendar days from the date the project is completed. After 21 calendar days, we will dispose of all samples submitted including those put on hold unless you have contacted your Client Service Representative and made arrangements for Alpha to continue to hold the samples.

Please contact Client Services at 800-624-9220 with any questions.

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

### Case Narrative (continued)

#### Report Submission

All non-detect (ND) or estimated concentrations (J-qualified) have been quantitated to the limit noted in the MDL column.

#### Volatile Organics

Any reported concentrations that are below 200 ug/kg may be biased low due to the sample not being collected according to 5035-L/5035A-L low-level specifications.


#### Semivolatile Organics

L1320014-03 and -04 have elevated detection limits due to the dilutions required by the sample matrices.

L1320014-05 has elevated detection limits due to the dilution required by the matrix interferences encountered during the concentration of the sample and the analytical dilution required by the sample matrix.

I, the undersigned, attest under the pains and penalties of perjury that, to the best of my knowledge and belief and based upon my personal inquiry of those responsible for providing the information contained in this analytical report, such information is accurate and complete. This certificate of analysis is not complete unless this page accompanies any and all pages of this report.

Authorized Signature:

 Kelly Stenstrom

Title: Technical Director/Representative

Date: 10/16/13



# ORGANICS

# VOLATILES

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-01  
**Client ID:** SB-1 (0-2)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8260C  
**Analytical Date:** 10/15/13 20:55  
**Analyst:** BN  
**Percent Solids:** 88%

**Date Collected:** 10/03/13 10:00  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Volatile Organics by GC/MS - Westborough Lab</b>						
Methylene chloride	ND		ug/kg	11	2.3	1
1,1-Dichloroethane	ND		ug/kg	1.7	0.20	1
Chloroform	ND		ug/kg	1.7	0.42	1
Carbon tetrachloride	ND		ug/kg	1.1	0.24	1
1,2-Dichloropropane	ND		ug/kg	4.0	0.26	1
Dibromochloromethane	ND		ug/kg	1.1	0.35	1
1,1,2-Trichloroethane	ND		ug/kg	1.7	0.35	1
Tetrachloroethene	ND		ug/kg	1.1	0.16	1
Chlorobenzene	ND		ug/kg	1.1	0.40	1
Trichlorofluoromethane	ND		ug/kg	5.7	0.14	1
1,2-Dichloroethane	ND		ug/kg	1.1	0.17	1
1,1,1-Trichloroethane	ND		ug/kg	1.1	0.13	1
Bromodichloromethane	ND		ug/kg	1.1	0.26	1
trans-1,3-Dichloropropene	ND		ug/kg	1.1	0.14	1
cis-1,3-Dichloropropene	ND		ug/kg	1.1	0.14	1
Bromoform	ND		ug/kg	4.6	0.47	1
1,1,2,2-Tetrachloroethane	ND		ug/kg	1.1	0.19	1
Benzene	ND		ug/kg	1.1	0.13	1
Toluene	ND		ug/kg	1.7	0.13	1
Ethylbenzene	ND		ug/kg	1.1	0.17	1
Chloromethane	ND		ug/kg	5.7	0.89	1
Bromomethane	ND		ug/kg	2.3	0.38	1
Vinyl chloride	ND		ug/kg	2.3	0.16	1
Chloroethane	ND		ug/kg	2.3	0.36	1
1,1-Dichloroethene	ND		ug/kg	1.1	0.23	1
trans-1,2-Dichloroethene	ND		ug/kg	1.7	0.24	1
Trichloroethene	ND		ug/kg	1.1	0.17	1
1,2-Dichlorobenzene	ND		ug/kg	5.7	0.21	1
1,3-Dichlorobenzene	ND		ug/kg	5.7	0.21	1
1,4-Dichlorobenzene	ND		ug/kg	5.7	0.28	1
Methyl tert butyl ether	ND		ug/kg	2.3	0.12	1

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

Lab ID: L1320014-01  
 Client ID: SB-1 (0-2)  
 Sample Location: BUFFALO AVE. NIAGARA FALLS

Date Collected: 10/03/13 10:00  
 Date Received: 10/07/13  
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Volatile Organics by GC/MS - Westborough Lab</b>						
p/m-Xylene	ND		ug/kg	2.3	0.37	1
o-Xylene	ND		ug/kg	2.3	0.31	1
cis-1,2-Dichloroethene	ND		ug/kg	1.1	0.17	1
Styrene	ND		ug/kg	2.3	0.35	1
Dichlorodifluoromethane	ND		ug/kg	11	0.25	1
Acetone	ND		ug/kg	11	3.5	1
Carbon disulfide	ND		ug/kg	11	2.3	1
2-Butanone	ND		ug/kg	11	0.40	1
4-Methyl-2-pentanone	ND		ug/kg	11	0.28	1
2-Hexanone	ND		ug/kg	11	0.21	1
Bromochloromethane	ND		ug/kg	5.7	0.22	1
1,2-Dibromoethane	ND		ug/kg	4.6	0.20	1
n-Butylbenzene	ND		ug/kg	1.1	0.22	1
sec-Butylbenzene	ND		ug/kg	1.1	0.23	1
tert-Butylbenzene	ND		ug/kg	5.7	0.64	1
1,2-Dibromo-3-chloropropane	ND		ug/kg	5.7	0.90	1
Isopropylbenzene	ND		ug/kg	1.1	0.19	1
p-Isopropyltoluene	ND		ug/kg	1.1	0.22	1
n-Propylbenzene	ND		ug/kg	1.1	0.14	1
1,2,3-Trichlorobenzene	ND		ug/kg	5.7	0.19	1
1,2,4-Trichlorobenzene	ND		ug/kg	5.7	0.90	1
1,3,5-Trimethylbenzene	ND		ug/kg	5.7	0.16	1
1,2,4-Trimethylbenzene	ND		ug/kg	5.7	0.65	1
Methyl Acetate	ND		ug/kg	23	0.87	1
Cyclohexane	ND		ug/kg	23	1.2	1
1,4-Dioxane	ND		ug/kg	110	20.	1
Freon-113	ND		ug/kg	23	0.31	1
Methyl cyclohexane	ND		ug/kg	4.6	1.4	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	96		70-130
Toluene-d8	94		70-130
4-Bromofluorobenzene	94		70-130
Dibromofluoromethane	85		70-130

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-02  
**Client ID:** SB-2 (6-8)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8260C  
**Analytical Date:** 10/15/13 21:30  
**Analyst:** BN  
**Percent Solids:** 91%

**Date Collected:** 10/03/13 10:30  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Volatile Organics by GC/MS - Westborough Lab</b>						
Methylene chloride	ND		ug/kg	11	2.2	1
1,1-Dichloroethane	ND		ug/kg	1.6	0.20	1
Chloroform	ND		ug/kg	1.6	0.41	1
Carbon tetrachloride	ND		ug/kg	1.1	0.23	1
1,2-Dichloropropane	ND		ug/kg	3.8	0.25	1
Dibromochloromethane	ND		ug/kg	1.1	0.34	1
1,1,2-Trichloroethane	ND		ug/kg	1.6	0.33	1
Tetrachloroethene	ND		ug/kg	1.1	0.15	1
Chlorobenzene	ND		ug/kg	1.1	0.38	1
Trichlorofluoromethane	ND		ug/kg	5.5	0.13	1
1,2-Dichloroethane	ND		ug/kg	1.1	0.16	1
1,1,1-Trichloroethane	ND		ug/kg	1.1	0.12	1
Bromodichloromethane	ND		ug/kg	1.1	0.25	1
trans-1,3-Dichloropropene	ND		ug/kg	1.1	0.13	1
cis-1,3-Dichloropropene	ND		ug/kg	1.1	0.14	1
Bromoform	ND		ug/kg	4.4	0.46	1
1,1,2,2-Tetrachloroethane	ND		ug/kg	1.1	0.19	1
Benzene	ND		ug/kg	1.1	0.13	1
Toluene	ND		ug/kg	1.6	0.12	1
Ethylbenzene	ND		ug/kg	1.1	0.16	1
Chloromethane	ND		ug/kg	5.5	0.86	1
Bromomethane	ND		ug/kg	2.2	0.37	1
Vinyl chloride	ND		ug/kg	2.2	0.16	1
Chloroethane	ND		ug/kg	2.2	0.35	1
1,1-Dichloroethene	ND		ug/kg	1.1	0.23	1
trans-1,2-Dichloroethene	ND		ug/kg	1.6	0.23	1
Trichloroethene	ND		ug/kg	1.1	0.17	1
1,2-Dichlorobenzene	ND		ug/kg	5.5	0.20	1
1,3-Dichlorobenzene	ND		ug/kg	5.5	0.20	1
1,4-Dichlorobenzene	ND		ug/kg	5.5	0.26	1
Methyl tert butyl ether	ND		ug/kg	2.2	0.11	1

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

Lab ID: L1320014-02  
 Client ID: SB-2 (6-8)  
 Sample Location: BUFFALO AVE. NIAGARA FALLS

Date Collected: 10/03/13 10:30  
 Date Received: 10/07/13  
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Volatile Organics by GC/MS - Westborough Lab</b>						
p/m-Xylene	ND		ug/kg	2.2	0.35	1
o-Xylene	ND		ug/kg	2.2	0.30	1
cis-1,2-Dichloroethene	ND		ug/kg	1.1	0.16	1
Styrene	ND		ug/kg	2.2	0.34	1
Dichlorodifluoromethane	ND		ug/kg	11	0.24	1
Acetone	ND		ug/kg	11	3.4	1
Carbon disulfide	ND		ug/kg	11	2.2	1
2-Butanone	ND		ug/kg	11	0.39	1
4-Methyl-2-pentanone	ND		ug/kg	11	0.27	1
2-Hexanone	ND		ug/kg	11	0.21	1
Bromochloromethane	ND		ug/kg	5.5	0.22	1
1,2-Dibromoethane	ND		ug/kg	4.4	0.20	1
n-Butylbenzene	ND		ug/kg	1.1	0.22	1
sec-Butylbenzene	ND		ug/kg	1.1	0.23	1
tert-Butylbenzene	ND		ug/kg	5.5	0.62	1
1,2-Dibromo-3-chloropropane	ND		ug/kg	5.5	0.87	1
Isopropylbenzene	ND		ug/kg	1.1	0.18	1
p-Isopropyltoluene	ND		ug/kg	1.1	0.21	1
n-Propylbenzene	ND		ug/kg	1.1	0.14	1
1,2,3-Trichlorobenzene	ND		ug/kg	5.5	0.18	1
1,2,4-Trichlorobenzene	ND		ug/kg	5.5	0.87	1
1,3,5-Trimethylbenzene	ND		ug/kg	5.5	0.16	1
1,2,4-Trimethylbenzene	ND		ug/kg	5.5	0.63	1
Methyl Acetate	ND		ug/kg	22	0.84	1
Cyclohexane	ND		ug/kg	22	1.2	1
1,4-Dioxane	ND		ug/kg	110	19.	1
Freon-113	ND		ug/kg	22	0.30	1
Methyl cyclohexane	ND		ug/kg	4.4	1.4	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	97		70-130
Toluene-d8	90		70-130
4-Bromofluorobenzene	90		70-130
Dibromofluoromethane	86		70-130

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**Method Blank Analysis**  
**Batch Quality Control**

Analytical Method: 1,8260C  
Analytical Date: 10/15/13 13:04  
Analyst: BN

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by GC/MS - Westborough Lab for sample(s): 01-02 Batch: WG644364-3					
Methylene chloride	ND		ug/kg	10	2.0
1,1-Dichloroethane	ND		ug/kg	1.5	0.18
Chloroform	ND		ug/kg	1.5	0.37
Carbon tetrachloride	ND		ug/kg	1.0	0.21
1,2-Dichloropropane	ND		ug/kg	3.5	0.23
Dibromochloromethane	ND		ug/kg	1.0	0.31
1,1,2-Trichloroethane	ND		ug/kg	1.5	0.30
Tetrachloroethene	ND		ug/kg	1.0	0.14
Chlorobenzene	ND		ug/kg	1.0	0.35
Trichlorofluoromethane	ND		ug/kg	5.0	0.12
1,2-Dichloroethane	ND		ug/kg	1.0	0.15
1,1,1-Trichloroethane	ND		ug/kg	1.0	0.11
Bromodichloromethane	ND		ug/kg	1.0	0.23
trans-1,3-Dichloropropene	ND		ug/kg	1.0	0.12
cis-1,3-Dichloropropene	ND		ug/kg	1.0	0.13
Bromoform	ND		ug/kg	4.0	0.41
1,1,2,2-Tetrachloroethane	ND		ug/kg	1.0	0.17
Benzene	ND		ug/kg	1.0	0.12
Toluene	0.25	J	ug/kg	1.5	0.11
Ethylbenzene	ND		ug/kg	1.0	0.15
Chloromethane	ND		ug/kg	5.0	0.78
Bromomethane	1.2	J	ug/kg	2.0	0.34
Vinyl chloride	ND		ug/kg	2.0	0.14
Chloroethane	ND		ug/kg	2.0	0.32
1,1-Dichloroethene	ND		ug/kg	1.0	0.20
trans-1,2-Dichloroethene	ND		ug/kg	1.5	0.21
Trichloroethene	ND		ug/kg	1.0	0.15
1,2-Dichlorobenzene	ND		ug/kg	5.0	0.18
1,3-Dichlorobenzene	ND		ug/kg	5.0	0.18
1,4-Dichlorobenzene	ND		ug/kg	5.0	0.24
Methyl tert butyl ether	ND		ug/kg	2.0	0.10



**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**Method Blank Analysis**  
**Batch Quality Control**

Analytical Method: 1,8260C  
Analytical Date: 10/15/13 13:04  
Analyst: BN

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by GC/MS - Westborough Lab for sample(s): 01-02 Batch: WG644364-3					
p/m-Xylene	ND		ug/kg	2.0	0.32
o-Xylene	ND		ug/kg	2.0	0.27
cis-1,2-Dichloroethene	ND		ug/kg	1.0	0.15
Styrene	ND		ug/kg	2.0	0.31
Dichlorodifluoromethane	ND		ug/kg	10	0.22
Acetone	ND		ug/kg	10	3.1
Carbon disulfide	ND		ug/kg	10	2.0
2-Butanone	ND		ug/kg	10	0.36
4-Methyl-2-pentanone	ND		ug/kg	10	0.24
2-Hexanone	ND		ug/kg	10	0.19
Bromochloromethane	ND		ug/kg	5.0	0.20
1,2-Dibromoethane	ND		ug/kg	4.0	0.18
n-Butylbenzene	ND		ug/kg	1.0	0.20
sec-Butylbenzene	ND		ug/kg	1.0	0.20
tert-Butylbenzene	ND		ug/kg	5.0	0.56
1,2-Dibromo-3-chloropropane	ND		ug/kg	5.0	0.79
Isopropylbenzene	ND		ug/kg	1.0	0.17
p-Isopropyltoluene	ND		ug/kg	1.0	0.19
Naphthalene	ND		ug/kg	5.0	0.77
n-Propylbenzene	ND		ug/kg	1.0	0.12
1,2,3-Trichlorobenzene	ND		ug/kg	5.0	0.17
1,2,4-Trichlorobenzene	ND		ug/kg	5.0	0.79
1,3,5-Trimethylbenzene	ND		ug/kg	5.0	0.14
1,2,4-Trimethylbenzene	ND		ug/kg	5.0	0.57
Methyl Acetate	ND		ug/kg	20	0.76
Cyclohexane	ND		ug/kg	20	1.1
1,4-Dioxane	ND		ug/kg	100	17.
Freon-113	ND		ug/kg	20	0.27
Methyl cyclohexane	ND		ug/kg	4.0	1.3

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13

**Method Blank Analysis**  
**Batch Quality Control**

Analytical Method: 1,8260C  
 Analytical Date: 10/15/13 13:04  
 Analyst: BN

Parameter	Result	Qualifier	Units	RL	MDL
Volatile Organics by GC/MS - Westborough Lab for sample(s): 01-02 Batch: WG644364-3					

Surrogate	%Recovery	Qualifier	Acceptance Criteria
1,2-Dichloroethane-d4	90		70-130
Toluene-d8	94		70-130
4-Bromofluorobenzene	96		70-130
Dibromofluoromethane	89		70-130

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS		LCSD		%Recovery Limits	RPD	Qual	RPD Limits
	%Recovery	Qual	%Recovery	Qual				
Volatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-02 Batch: WG644364-1 WG644364-2								
Methylene chloride	105		99		70-130	6		30
1,1-Dichloroethane	103		100		70-130	3		30
Chloroform	100		98		70-130	2		30
Carbon tetrachloride	100		100		70-130	0		30
1,2-Dichloropropane	100		93		70-130	7		30
Dibromochloromethane	106		100		70-130	6		30
1,1,2-Trichloroethane	104		97		70-130	7		30
Tetrachloroethene	104		101		70-130	3		30
Chlorobenzene	105		100		70-130	5		30
Trichlorofluoromethane	104		101		70-139	3		30
1,2-Dichloroethane	99		94		70-130	5		30
1,1,1-Trichloroethane	106		101		70-130	5		30
Bromodichloromethane	101		96		70-130	5		30
trans-1,3-Dichloropropene	78		75		70-130	4		30
cis-1,3-Dichloropropene	85		82		70-130	4		30
1,1-Dichloropropene	103		101		70-130	2		30
Bromoform	97		92		70-130	5		30
1,1,2,2-Tetrachloroethane	107		99		70-130	8		30
Benzene	105		101		70-130	4		30
Toluene	102		99		70-130	3		30
Ethylbenzene	108		104		70-130	4		30

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-02 Batch: WG644364-1 WG644364-2								
Chloromethane	115		111		52-130	4		30
Bromomethane	122		110		57-147	10		30
Vinyl chloride	127		123		67-130	3		30
Chloroethane	112		109		50-151	3		30
1,1-Dichloroethene	109		109		65-135	0		30
trans-1,2-Dichloroethene	104		101		70-130	3		30
Trichloroethene	99		97		70-130	2		30
1,2-Dichlorobenzene	104		99		70-130	5		30
1,3-Dichlorobenzene	106		103		70-130	3		30
1,4-Dichlorobenzene	105		101		70-130	4		30
Methyl tert butyl ether	71		66		66-130	7		30
p/m-Xylene	106		102		70-130	4		30
o-Xylene	104		100		70-130	4		30
cis-1,2-Dichloroethene	102		98		70-130	4		30
Dibromomethane	94		90		70-130	4		30
Styrene	109		104		70-130	5		30
Dichlorodifluoromethane	95		95		30-146	0		30
Acetone	140		177	Q	54-140	23		30
Carbon disulfide	104		102		59-130	2		30
2-Butanone	109		126		70-130	14		30
Vinyl acetate	87		80		70-130	8		30

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-02 Batch: WG644364-1 WG644364-2								
4-Methyl-2-pentanone	87		82		70-130	6		30
1,2,3-Trichloropropane	102		97		68-130	5		30
2-Hexanone	103		117		70-130	13		30
Bromochloromethane	96		92		70-130	4		30
2,2-Dichloropropane	79		77		70-130	3		30
1,2-Dibromoethane	103		97		70-130	6		30
1,3-Dichloropropane	99		94		69-130	5		30
1,1,1,2-Tetrachloroethane	100		95		70-130	5		30
Bromobenzene	104		100		70-130	4		30
n-Butylbenzene	111		107		70-130	4		30
sec-Butylbenzene	111		107		70-130	4		30
tert-Butylbenzene	107		103		70-130	4		30
o-Chlorotoluene	111		106		70-130	5		30
p-Chlorotoluene	108		104		70-130	4		30
1,2-Dibromo-3-chloropropane	90		83		68-130	8		30
Hexachlorobutadiene	98		95		67-130	3		30
Isopropylbenzene	106		102		70-130	4		30
p-Isopropyltoluene	107		104		70-130	3		30
Naphthalene	94		87		70-130	8		30
Acrylonitrile	97		92		70-130	5		30
Isopropyl Ether	97		92		66-130	5		30

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Volatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-02 Batch: WG644364-1 WG644364-2								
tert-Butyl Alcohol	98		94		70-130	4		30
n-Propylbenzene	111		106		70-130	5		30
1,2,3-Trichlorobenzene	100		95		70-130	5		30
1,2,4-Trichlorobenzene	99		96		70-130	3		30
1,3,5-Trimethylbenzene	110		106		70-130	4		30
1,2,4-Trimethylbenzene	108		104		70-130	4		30
Methyl Acetate	102		95		51-146	7		30
Ethyl Acetate	99		94		70-130	5		30
Acrolein	107		93		70-130	14		30
Cyclohexane	106		103		59-142	3		30
1,4-Dioxane	97		88		65-136	10		30
Freon-113	107		108		50-139	1		30
1,4-Diethylbenzene	108		105		70-130	3		30
4-Ethyltoluene	111		108		70-130	3		30
1,2,4,5-Tetramethylbenzene	103		99		70-130	4		30
Tetrahydrofuran	96		91		66-130	5		30
Ethyl ether	97		94		67-130	3		30
trans-1,4-Dichloro-2-butene	90		88		70-130	2		30
Methyl cyclohexane	104		104		70-130	0		30
Ethyl-Tert-Butyl-Ether	86		81		70-130	6		30
Tertiary-Amyl Methyl Ether	53	Q	50	Q	70-130	6		30

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	<i>LCS</i> %Recovery	<i>Qual</i>	<i>LCSD</i> %Recovery	<i>Qual</i>	<i>%Recovery</i> Limits	<i>RPD</i>	<i>Qual</i>	<i>RPD</i> Limits
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Volatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-02 Batch: WG644364-1 WG644364-2

<i>Surrogate</i>	<i>LCS</i> %Recovery	<i>Qual</i>	<i>LCSD</i> %Recovery	<i>Qual</i>	<i>Acceptance</i> <i>Criteria</i>
1,2-Dichloroethane-d4	96		88		70-130
Toluene-d8	101		91		70-130
4-Bromofluorobenzene	99		90		70-130
Dibromofluoromethane	98		88		70-130



# SEMIVOLATILES

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-01  
**Client ID:** SB-1 (0-2)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 14:04  
**Analyst:** RC  
**Percent Solids:** 88%

**Date Collected:** 10/03/13 10:00  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	ND		ug/kg	150	38.	1
2-Chloronaphthalene	ND		ug/kg	180	60.	1
Fluoranthene	630		ug/kg	110	34.	1
Naphthalene	110	J	ug/kg	180	61.	1
Benzo(a)anthracene	210		ug/kg	110	36.	1
Benzo(a)pyrene	190		ug/kg	150	45.	1
Benzo(b)fluoranthene	310		ug/kg	110	37.	1
Benzo(k)fluoranthene	95	J	ug/kg	110	35.	1
Chrysene	310		ug/kg	110	36.	1
Acenaphthylene	ND		ug/kg	150	34.	1
Anthracene	42	J	ug/kg	110	31.	1
Benzo(ghi)perylene	140	J	ug/kg	150	38.	1
Fluorene	ND		ug/kg	180	53.	1
Phenanthrene	520		ug/kg	110	36.	1
Dibenzo(a,h)anthracene	ND		ug/kg	110	36.	1
Indeno(1,2,3-cd)pyrene	130	J	ug/kg	150	41.	1
Pyrene	500		ug/kg	110	36.	1
2-Methylnaphthalene	200	J	ug/kg	220	59.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	60		23-120
2-Fluorobiphenyl	60		30-120
4-Terphenyl-d14	68		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-02  
**Client ID:** SB-2 (6-8)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 14:32  
**Analyst:** RC  
**Percent Solids:** 91%

**Date Collected:** 10/03/13 10:30  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	ND		ug/kg	140	37.	1
2-Chloronaphthalene	ND		ug/kg	180	59.	1
Fluoranthene	ND		ug/kg	110	33.	1
Naphthalene	ND		ug/kg	180	60.	1
Benzo(a)anthracene	ND		ug/kg	110	36.	1
Benzo(a)pyrene	ND		ug/kg	140	44.	1
Benzo(b)fluoranthene	ND		ug/kg	110	37.	1
Benzo(k)fluoranthene	ND		ug/kg	110	35.	1
Chrysene	ND		ug/kg	110	36.	1
Acenaphthylene	ND		ug/kg	140	34.	1
Anthracene	ND		ug/kg	110	30.	1
Benzo(ghi)perylene	ND		ug/kg	140	38.	1
Fluorene	ND		ug/kg	180	52.	1
Phenanthrene	ND		ug/kg	110	36.	1
Dibenzo(a,h)anthracene	ND		ug/kg	110	35.	1
Indeno(1,2,3-cd)pyrene	ND		ug/kg	140	40.	1
Pyrene	ND		ug/kg	110	35.	1
2-Methylnaphthalene	ND		ug/kg	220	58.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	64		23-120
2-Fluorobiphenyl	61		30-120
4-Terphenyl-d14	63		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

Lab ID: L1320014-03 D  
 Client ID: TP-1 (1-6)  
 Sample Location: BUFFALO AVE. NIAGARA FALLS  
 Matrix: Soil  
 Analytical Method: 1,8270D  
 Analytical Date: 10/12/13 16:23  
 Analyst: RC  
 Percent Solids: 81%

Date Collected: 10/04/13 12:45  
 Date Received: 10/07/13  
 Field Prep: Not Specified  
 Extraction Method: EPA 3546  
 Extraction Date: 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	350		ug/kg	320	83.	2
2-Chloronaphthalene	ND		ug/kg	400	130	2
Fluoranthene	6800		ug/kg	240	74.	2
Naphthalene	160	J	ug/kg	400	130	2
Benzo(a)anthracene	3300		ug/kg	240	79.	2
Benzo(a)pyrene	2900		ug/kg	320	99.	2
Benzo(b)fluoranthene	3800		ug/kg	240	82.	2
Benzo(k)fluoranthene	1400		ug/kg	240	77.	2
Chrysene	3200		ug/kg	240	79.	2
Acenaphthylene	140	J	ug/kg	320	75.	2
Anthracene	960		ug/kg	240	67.	2
Benzo(ghi)perylene	1800		ug/kg	320	84.	2
Fluorene	400		ug/kg	400	120	2
Phenanthrene	4000		ug/kg	240	79.	2
Dibenzo(a,h)anthracene	490		ug/kg	240	78.	2
Indeno(1,2,3-cd)pyrene	1900		ug/kg	320	90.	2
Pyrene	5600		ug/kg	240	78.	2
2-Methylnaphthalene	ND		ug/kg	480	130	2

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	77		23-120
2-Fluorobiphenyl	80		30-120
4-Terphenyl-d14	80		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-04      D  
**Client ID:** TP-3 (1-4.5)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 16:51  
**Analyst:** RC  
**Percent Solids:** 74%

**Date Collected:** 10/04/13 13:05  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	1400		ug/kg	880	230	5
2-Chloronaphthalene	ND		ug/kg	1100	360	5
Fluoranthene	12000		ug/kg	660	200	5
Naphthalene	1900		ug/kg	1100	360	5
Benzo(a)anthracene	5900		ug/kg	660	220	5
Benzo(a)pyrene	5100		ug/kg	880	270	5
Benzo(b)fluoranthene	6300		ug/kg	660	220	5
Benzo(k)fluoranthene	2500		ug/kg	660	210	5
Chrysene	5700		ug/kg	660	220	5
Acenaphthylene	310	J	ug/kg	880	210	5
Anthracene	3100		ug/kg	660	180	5
Benzo(ghi)perylene	3100		ug/kg	880	230	5
Fluorene	1400		ug/kg	1100	320	5
Phenanthrene	11000		ug/kg	660	220	5
Dibenzo(a,h)anthracene	820		ug/kg	660	210	5
Indeno(1,2,3-cd)pyrene	3200		ug/kg	880	240	5
Pyrene	10000		ug/kg	660	210	5
2-Methylnaphthalene	690	J	ug/kg	1300	350	5

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	74		23-120
2-Fluorobiphenyl	71		30-120
4-Terphenyl-d14	72		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-05      D  
**Client ID:** TP-5 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 17:19  
**Analyst:** RC  
**Percent Solids:** 87%

**Date Collected:** 10/04/13 13:40  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	2200		ug/kg	1800	460	12
2-Chloronaphthalene	ND		ug/kg	2200	730	12
Fluoranthene	68000		ug/kg	1300	410	12
Naphthalene	920	J	ug/kg	2200	740	12
Benzo(a)anthracene	31000		ug/kg	1300	440	12
Benzo(a)pyrene	30000		ug/kg	1800	550	12
Benzo(b)fluoranthene	38000		ug/kg	1300	450	12
Benzo(k)fluoranthene	14000		ug/kg	1300	430	12
Chrysene	31000		ug/kg	1300	440	12
Acenaphthylene	2200		ug/kg	1800	420	12
Anthracene	9800		ug/kg	1300	370	12
Benzo(ghi)perylene	18000		ug/kg	1800	470	12
Fluorene	2800		ug/kg	2200	640	12
Phenanthrene	29000		ug/kg	1300	440	12
Dibenzo(a,h)anthracene	5000		ug/kg	1300	430	12
Indeno(1,2,3-cd)pyrene	19000		ug/kg	1800	500	12
Pyrene	56000		ug/kg	1300	440	12
2-Methylnaphthalene	ND		ug/kg	2700	720	12

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	82		23-120
2-Fluorobiphenyl	78		30-120
4-Terphenyl-d14	82		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-06  
**Client ID:** TP-7 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 15:00  
**Analyst:** RC  
**Percent Solids:** 88%

**Date Collected:** 10/04/13 14:25  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	52	J	ug/kg	150	38.	1
2-Chloronaphthalene	ND		ug/kg	180	60.	1
Fluoranthene	930		ug/kg	110	34.	1
Naphthalene	ND		ug/kg	180	62.	1
Benzo(a)anthracene	470		ug/kg	110	36.	1
Benzo(a)pyrene	410		ug/kg	150	45.	1
Benzo(b)fluoranthene	530		ug/kg	110	37.	1
Benzo(k)fluoranthene	230		ug/kg	110	35.	1
Chrysene	470		ug/kg	110	36.	1
Acenaphthylene	ND		ug/kg	150	35.	1
Anthracene	200		ug/kg	110	31.	1
Benzo(ghi)perylene	220		ug/kg	150	38.	1
Fluorene	61	J	ug/kg	180	53.	1
Phenanthrene	650		ug/kg	110	36.	1
Dibenzo(a,h)anthracene	69	J	ug/kg	110	36.	1
Indeno(1,2,3-cd)pyrene	240		ug/kg	150	41.	1
Pyrene	750		ug/kg	110	36.	1
2-Methylnaphthalene	ND		ug/kg	220	59.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	48		23-120
2-Fluorobiphenyl	52		30-120
4-Terphenyl-d14	62		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-07  
**Client ID:** TP-4 (1-2)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 15:28  
**Analyst:** RC  
**Percent Solids:** 89%

**Date Collected:** 10/04/13 13:15  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	ND		ug/kg	150	38.	1
2-Chloronaphthalene	ND		ug/kg	180	60.	1
Fluoranthene	180		ug/kg	110	34.	1
Naphthalene	ND		ug/kg	180	62.	1
Benzo(a)anthracene	100	J	ug/kg	110	36.	1
Benzo(a)pyrene	87	J	ug/kg	150	45.	1
Benzo(b)fluoranthene	120		ug/kg	110	37.	1
Benzo(k)fluoranthene	50	J	ug/kg	110	35.	1
Chrysene	120		ug/kg	110	36.	1
Acenaphthylene	ND		ug/kg	150	35.	1
Anthracene	ND		ug/kg	110	31.	1
Benzo(ghi)perylene	61	J	ug/kg	150	38.	1
Fluorene	ND		ug/kg	180	53.	1
Phenanthrene	94	J	ug/kg	110	36.	1
Dibenzo(a,h)anthracene	ND		ug/kg	110	36.	1
Indeno(1,2,3-cd)pyrene	59	J	ug/kg	150	41.	1
Pyrene	160		ug/kg	110	36.	1
2-Methylnaphthalene	ND		ug/kg	220	59.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	50		23-120
2-Fluorobiphenyl	51		30-120
4-Terphenyl-d14	62		18-120



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-08  
**Client ID:** TP-6 (2-4)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8270D  
**Analytical Date:** 10/12/13 15:56  
**Analyst:** RC  
**Percent Solids:** 87%

**Date Collected:** 10/04/13 14:00  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
<b>Semivolatile Organics by GC/MS - Westborough Lab</b>						
Acenaphthene	ND		ug/kg	150	38.	1
2-Chloronaphthalene	ND		ug/kg	190	61.	1
Fluoranthene	270		ug/kg	110	34.	1
Naphthalene	ND		ug/kg	190	62.	1
Benzo(a)anthracene	140		ug/kg	110	37.	1
Benzo(a)pyrene	120	J	ug/kg	150	46.	1
Benzo(b)fluoranthene	160		ug/kg	110	38.	1
Benzo(k)fluoranthene	60	J	ug/kg	110	36.	1
Chrysene	150		ug/kg	110	37.	1
Acenaphthylene	ND		ug/kg	150	35.	1
Anthracene	46	J	ug/kg	110	31.	1
Benzo(ghi)perylene	77	J	ug/kg	150	39.	1
Fluorene	ND		ug/kg	190	54.	1
Phenanthrene	170		ug/kg	110	36.	1
Dibenzo(a,h)anthracene	ND		ug/kg	110	36.	1
Indeno(1,2,3-cd)pyrene	82	J	ug/kg	150	42.	1
Pyrene	230		ug/kg	110	36.	1
2-Methylnaphthalene	ND		ug/kg	220	60.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	55		23-120
2-Fluorobiphenyl	58		30-120
4-Terphenyl-d14	65		18-120

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**Method Blank Analysis**  
**Batch Quality Control**

**Analytical Method:** 1,8270D  
**Analytical Date:** 10/09/13 10:55  
**Analyst:** RC

**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-08 Batch: WG642328-1					
Acenaphthene	ND		ug/kg	130	34.
Hexachlorobenzene	ND		ug/kg	99	31.
Bis(2-chloroethyl)ether	ND		ug/kg	150	46.
2-Chloronaphthalene	ND		ug/kg	160	54.
3,3'-Dichlorobenzidine	ND		ug/kg	160	44.
2,4-Dinitrotoluene	ND		ug/kg	160	36.
2,6-Dinitrotoluene	ND		ug/kg	160	42.
Fluoranthene	ND		ug/kg	99	30.
4-Chlorophenyl phenyl ether	ND		ug/kg	160	50.
4-Bromophenyl phenyl ether	ND		ug/kg	160	38.
Bis(2-chloroisopropyl)ether	ND		ug/kg	200	58.
Bis(2-chloroethoxy)methane	ND		ug/kg	180	50.
Hexachlorobutadiene	ND		ug/kg	160	47.
Hexachlorocyclopentadiene	ND		ug/kg	470	110
Hexachloroethane	ND		ug/kg	130	30.
Isophorone	ND		ug/kg	150	44.
Naphthalene	ND		ug/kg	160	55.
Nitrobenzene	ND		ug/kg	150	39.
NDPA/DPA	ND		ug/kg	130	35.
n-Nitrosodi-n-propylamine	ND		ug/kg	160	49.
Bis(2-ethylhexyl)phthalate	ND		ug/kg	160	43.
Butyl benzyl phthalate	ND		ug/kg	160	32.
Di-n-butylphthalate	ND		ug/kg	160	32.
Di-n-octylphthalate	ND		ug/kg	160	41.
Diethyl phthalate	ND		ug/kg	160	35.
Dimethyl phthalate	ND		ug/kg	160	42.
Benzo(a)anthracene	ND		ug/kg	99	32.
Benzo(a)pyrene	ND		ug/kg	130	40.
Benzo(b)fluoranthene	ND		ug/kg	99	33.
Benzo(k)fluoranthene	ND		ug/kg	99	32.
Chrysene	ND		ug/kg	99	32.

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**Method Blank Analysis**  
**Batch Quality Control**

**Analytical Method:** 1,8270D  
**Analytical Date:** 10/09/13 10:55  
**Analyst:** RC

**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-08 Batch: WG642328-1					
Acenaphthylene	ND		ug/kg	130	31.
Anthracene	ND		ug/kg	99	28.
Benzo(ghi)perylene	ND		ug/kg	130	34.
Fluorene	ND		ug/kg	160	47.
Phenanthrene	ND		ug/kg	99	32.
Dibenzo(a,h)anthracene	ND		ug/kg	99	32.
Indeno(1,2,3-cd)pyrene	ND		ug/kg	130	37.
Pyrene	ND		ug/kg	99	32.
Biphenyl	ND		ug/kg	380	54.
4-Chloroaniline	ND		ug/kg	160	44.
2-Nitroaniline	ND		ug/kg	160	47.
3-Nitroaniline	ND		ug/kg	160	46.
4-Nitroaniline	ND		ug/kg	160	45.
Dibenzofuran	ND		ug/kg	160	55.
2-Methylnaphthalene	ND		ug/kg	200	53.
1,2,4,5-Tetrachlorobenzene	ND		ug/kg	160	51.
Acetophenone	ND		ug/kg	160	51.
2,4,6-Trichlorophenol	ND		ug/kg	99	31.
p-Chloro-m-cresol	ND		ug/kg	160	48.
2-Chlorophenol	ND		ug/kg	160	50.
2,4-Dichlorophenol	ND		ug/kg	150	54.
2,4-Dimethylphenol	ND		ug/kg	160	49.
2-Nitrophenol	ND		ug/kg	360	52.
4-Nitrophenol	ND		ug/kg	230	54.
2,4-Dinitrophenol	ND		ug/kg	790	230
4,6-Dinitro-o-cresol	ND		ug/kg	430	60.
Pentachlorophenol	ND		ug/kg	130	35.
Phenol	ND		ug/kg	160	49.
2-Methylphenol	ND		ug/kg	160	53.
3-Methylphenol/4-Methylphenol	ND		ug/kg	240	54.
2,4,5-Trichlorophenol	ND		ug/kg	160	54.

Project Name: 401, 402 + 430 BUFFALO AVE.

Lab Number: L1320014

Project Number: 0271-013-001

Report Date: 10/16/13

**Method Blank Analysis  
Batch Quality Control**

Analytical Method: 1,8270D  
 Analytical Date: 10/09/13 10:55  
 Analyst: RC

Extraction Method: EPA 3546  
 Extraction Date: 10/09/13 01:24

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-08 Batch: WG642328-1					
Carbazole	ND		ug/kg	160	36.

Surrogate	%Recovery	Qualifier	Acceptance Criteria
2-Fluorophenol	91		25-120
Phenol-d6	84		10-120
Nitrobenzene-d5	77		23-120
2-Fluorobiphenyl	90		30-120
2,4,6-Tribromophenol	117		0-136
4-Terphenyl-d14	115		18-120

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-08 Batch: WG642328-2 WG642328-3								
Acenaphthene	95		112		31-137	16		50
1,2,4-Trichlorobenzene	80		102		38-107	24		50
Hexachlorobenzene	104		118		40-140	13		50
Bis(2-chloroethyl)ether	78		99		40-140	24		50
2-Chloronaphthalene	91		112		40-140	21		50
1,2-Dichlorobenzene	77		104		40-140	30		50
1,3-Dichlorobenzene	76		94		40-140	21		50
1,4-Dichlorobenzene	78		99		28-104	24		50
3,3'-Dichlorobenzidine	52		56		40-140	7		50
2,4-Dinitrotoluene	104	Q	114	Q	28-89	9		50
2,6-Dinitrotoluene	97		116		40-140	18		50
Fluoranthene	105		124		40-140	17		50
4-Chlorophenyl phenyl ether	98		115		40-140	16		50
4-Bromophenyl phenyl ether	115		119		40-140	3		50
Bis(2-chloroisopropyl)ether	76		95		40-140	22		50
Bis(2-chloroethoxy)methane	82		97		40-117	17		50
Hexachlorobutadiene	77		108		40-140	34		50
Hexachlorocyclopentadiene	57		74		40-140	26		50
Hexachloroethane	74		101		40-140	31		50
Isophorone	89		104		40-140	16		50
Naphthalene	81		106		40-140	27		50

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-08 Batch: WG642328-2 WG642328-3								
Nitrobenzene	76		99		40-140	26		50
NDPA/DPA	111		124			11		50
n-Nitrosodi-n-propylamine	85		96		32-121	12		50
Bis(2-ethylhexyl)phthalate	107		123		40-140	14		50
Butyl benzyl phthalate	108		126		40-140	15		50
Di-n-butylphthalate	108		124		40-140	14		50
Di-n-octylphthalate	108		122		40-140	12		50
Diethyl phthalate	107		117		40-140	9		50
Dimethyl phthalate	100		110		40-140	10		50
Benzo(a)anthracene	101		114		40-140	12		50
Benzo(a)pyrene	102		116		40-140	13		50
Benzo(b)fluoranthene	102		123		40-140	19		50
Benzo(k)fluoranthene	100		113		40-140	12		50
Chrysene	101		118		40-140	16		50
Acenaphthylene	95		114		40-140	18		50
Anthracene	105		119		40-140	13		50
Benzo(ghi)perylene	97		108		40-140	11		50
Fluorene	102		110		40-140	8		50
Phenanthrene	102		115		40-140	12		50
Dibenzo(a,h)anthracene	99		112		40-140	12		50
Indeno(1,2,3-cd)pyrene	98		113		40-140	14		50

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-08 Batch: WG642328-2 WG642328-3								
Pyrene	105		117		35-142	11		50
Biphenyl	98		117			18		50
4-Chloroaniline	52		61		40-140	16		50
2-Nitroaniline	103		118		47-134	14		50
3-Nitroaniline	71		72		26-129	1		50
4-Nitroaniline	97		112		41-125	14		50
Dibenzofuran	101		117		40-140	15		50
2-Methylnaphthalene	85		104		40-140	20		50
1,2,4,5-Tetrachlorobenzene	98		122	Q	40-117	22		50
Acetophenone	89		104		14-144	16		50
2,4,6-Trichlorophenol	100		119		30-130	17		50
p-Chloro-m-cresol	98		118	Q	26-103	19		50
2-Chlorophenol	89		104	Q	25-102	16		50
2,4-Dichlorophenol	92		116		30-130	23		50
2,4-Dimethylphenol	97		112		30-130	14		50
2-Nitrophenol	86		106		30-130	21		50
4-Nitrophenol	99		114		11-114	14		50
2,4-Dinitrophenol	83		90		4-130	8		50
4,6-Dinitro-o-cresol	100		108		10-130	8		50
Pentachlorophenol	89		101		17-109	13		50
Phenol	92	Q	112	Q	26-90	20		50

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

<b>Parameter</b>	<b>LCS %Recovery</b>	<b>Qual</b>	<b>LCSD %Recovery</b>	<b>Qual</b>	<b>%Recovery Limits</b>	<b>RPD</b>	<b>Qual</b>	<b>RPD Limits</b>
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-08 Batch: WG642328-2 WG642328-3								
2-Methylphenol	96		110		30-130.	14		50
3-Methylphenol/4-Methylphenol	101		112		30-130	10		50
2,4,5-Trichlorophenol	103		127		30-130	21		50
Benzoic Acid	84		110			27		50
Benzyl Alcohol	86		103		40-140	18		50
Carbazole	108		120		54-128	11		50

<b>Surrogate</b>	<b>LCS %Recovery</b>	<b>Qual</b>	<b>LCSD %Recovery</b>	<b>Qual</b>	<b>Acceptance Criteria</b>
2-Fluorophenol	86		107		25-120
Phenol-d6	94		109		10-120
Nitrobenzene-d5	89		101		23-120
2-Fluorobiphenyl	89		110		30-120
2,4,6-Tribromophenol	120		<b>140</b>	Q	0-136
4-Terphenyl-d14	113		<b>127</b>	Q	18-120



# PCBS

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-03  
**Client ID:** TP-1 (1-6)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8082A  
**Analytical Date:** 10/11/13 00:09  
**Analyst:** JW  
**Percent Solids:** 81%

**Date Collected:** 10/04/13 12:45  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 12:55  
**Cleanup Method1:** EPA 3665A  
**Cleanup Date1:** 10/09/13  
**Cleanup Method2:** EPA 3660B  
**Cleanup Date2:** 10/09/13

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Column
<b>Polychlorinated Biphenyls by GC - Westborough Lab</b>							
Aroclor 1016	ND		ug/kg	40.2	7.93	1	A
Aroclor 1221	ND		ug/kg	40.2	12.1	1	A
Aroclor 1232	ND		ug/kg	40.2	8.53	1	A
Aroclor 1242	ND		ug/kg	40.2	7.62	1	A
Aroclor 1248	ND		ug/kg	40.2	4.86	1	A
Aroclor 1254	ND		ug/kg	40.2	6.33	1	A
Aroclor 1260	ND		ug/kg	40.2	6.97	1	A
Aroclor 1262	ND		ug/kg	40.2	2.97	1	A
Aroclor 1268	ND		ug/kg	40.2	5.83	1	A

Surrogate	% Recovery	Qualifier	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	90		30-150	A
Decachlorobiphenyl	106		30-150	A
2,4,5,6-Tetrachloro-m-xylene	85		30-150	B
Decachlorobiphenyl	109		30-150	B

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-04  
**Client ID:** TP-3 (1-4.5)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8082A  
**Analytical Date:** 10/11/13 00:22  
**Analyst:** JW  
**Percent Solids:** 74%

**Date Collected:** 10/04/13 13:05  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 12:55  
**Cleanup Method1:** EPA 3665A  
**Cleanup Date1:** 10/09/13  
**Cleanup Method2:** EPA 3660B  
**Cleanup Date2:** 10/09/13

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Column
<b>Polychlorinated Biphenyls by GC - Westborough Lab</b>							
Aroclor 1016	ND		ug/kg	43.6	8.62	1	A
Aroclor 1221	ND		ug/kg	43.6	13.2	1	A
Aroclor 1232	ND		ug/kg	43.6	9.27	1	A
Aroclor 1242	ND		ug/kg	43.6	8.28	1	A
Aroclor 1248	ND		ug/kg	43.6	5.28	1	A
Aroclor 1254	ND		ug/kg	43.6	6.88	1	A
Aroclor 1260	ND		ug/kg	43.6	7.58	1	A
Aroclor 1262	ND		ug/kg	43.6	3.23	1	A
Aroclor 1268	ND		ug/kg	43.6	6.33	1	A

Surrogate	% Recovery	Qualifier	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	71		30-150	A
Decachlorobiphenyl	83		30-150	A
2,4,5,6-Tetrachloro-m-xylene	67		30-150	B
Decachlorobiphenyl	90		30-150	B

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-05  
**Client ID:** TP-5 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8082A  
**Analytical Date:** 10/11/13 00:35  
**Analyst:** JW  
**Percent Solids:** 87%

**Date Collected:** 10/04/13 13:40  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 12:55  
**Cleanup Method1:** EPA 3665A  
**Cleanup Date1:** 10/09/13  
**Cleanup Method2:** EPA 3660B  
**Cleanup Date2:** 10/09/13

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Column
<b>Polychlorinated Biphenyls by GC - Westborough Lab</b>							
Aroclor 1016	ND		ug/kg	36.8	7.27	1	A
Aroclor 1221	ND		ug/kg	36.8	11.1	1	A
Aroclor 1232	ND		ug/kg	36.8	7.82	1	A
Aroclor 1242	ND		ug/kg	36.8	6.99	1	A
Aroclor 1248	ND		ug/kg	36.8	4.46	1	A
Aroclor 1254	ND		ug/kg	36.8	5.81	1	A
Aroclor 1260	28.4	J	ug/kg	36.8	6.39	1	B
Aroclor 1262	ND		ug/kg	36.8	2.72	1	A
Aroclor 1268	ND		ug/kg	36.8	5.34	1	A

Surrogate	% Recovery	Qualifier	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	69		30-150	A
Decachlorobiphenyl	70		30-150	A
2,4,5,6-Tetrachloro-m-xylene	65		30-150	B
Decachlorobiphenyl	84		30-150	B

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-06  
**Client ID:** TP-7 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Analytical Method:** 1,8082A  
**Analytical Date:** 10/11/13 00:49  
**Analyst:** JW  
**Percent Solids:** 88%

**Date Collected:** 10/04/13 14:25  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified  
**Extraction Method:** EPA 3546  
**Extraction Date:** 10/09/13 12:55  
**Cleanup Method1:** EPA 3665A  
**Cleanup Date1:** 10/09/13  
**Cleanup Method2:** EPA 3660B  
**Cleanup Date2:** 10/09/13

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Column
<b>Polychlorinated Biphenyls by GC - Westborough Lab</b>							
Aroclor 1016	ND		ug/kg	36.0	7.12	1	A
Aroclor 1221	ND		ug/kg	36.0	10.9	1	A
Aroclor 1232	ND		ug/kg	36.0	7.65	1	A
Aroclor 1242	ND		ug/kg	36.0	6.84	1	A
Aroclor 1248	ND		ug/kg	36.0	4.36	1	A
Aroclor 1254	ND		ug/kg	36.0	5.68	1	A
Aroclor 1260	ND		ug/kg	36.0	6.25	1	A
Aroclor 1262	ND		ug/kg	36.0	2.66	1	A
Aroclor 1268	ND		ug/kg	36.0	5.23	1	A

Surrogate	% Recovery	Qualifier	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	73		30-150	A
Decachlorobiphenyl	84		30-150	A
2,4,5,6-Tetrachloro-m-xylene	68		30-150	B
Decachlorobiphenyl	94		30-150	B

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

**Method Blank Analysis  
Batch Quality Control**

Analytical Method: 1,8082A  
 Analytical Date: 10/11/13 20:48  
 Analyst: JW

Extraction Method: EPA 3546  
 Extraction Date: 10/09/13 12:55  
 Cleanup Method1: EPA 3665A  
 Cleanup Date1: 10/09/13  
 Cleanup Method2: EPA 3660B  
 Cleanup Date2: 10/09/13

Parameter	Result	Qualifier	Units	RL	MDL	Column
Polychlorinated Biphenyls by GC - Westborough Lab for sample(s): 03-06 Batch: WG642502-1						
Aroclor 1016	ND		ug/kg	31.9	6.31	A
Aroclor 1221	ND		ug/kg	31.9	9.64	A
Aroclor 1232	ND		ug/kg	31.9	6.79	A
Aroclor 1242	ND		ug/kg	31.9	6.06	A
Aroclor 1248	ND		ug/kg	31.9	3.86	A
Aroclor 1254	ND		ug/kg	31.9	5.04	A
Aroclor 1260	ND		ug/kg	31.9	5.54	A
Aroclor 1262	ND		ug/kg	31.9	2.36	A
Aroclor 1268	ND		ug/kg	31.9	4.63	A

Surrogate	%Recovery	Qualifier	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	98		30-150	A
Decachlorobiphenyl	95		30-150	A
2,4,5,6-Tetrachloro-m-xylene	82		30-150	B
Decachlorobiphenyl	89		30-150	B



## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Lab Number:** L1320014

**Project Number:** 0271-013-001

**Report Date:** 10/16/13

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits	Column
Polychlorinated Biphenyls by GC - Westborough Lab Associated sample(s): 03-06 Batch: WG642502-2 WG642502-3									
Aroclor 1016	86		78		40-140	10		50	A
Aroclor 1260	75		73		40-140	3		50	A

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria	Column
2,4,5,6-Tetrachloro-m-xylene	90		88		30-150	A
Decachlorobiphenyl	85		81		30-150	A
2,4,5,6-Tetrachloro-m-xylene	84		88		30-150	B
Decachlorobiphenyl	74		74		30-150	B

## METALS



**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**SAMPLE RESULTS**

Lab ID: L1320014-01  
 Client ID: SB-1 (0-2)  
 Sample Location: BUFFALO AVE. NIAGARA FALLS  
 Matrix: Soil  
 Percent Solids: 88%

Date Collected: 10/03/13 10:00  
 Date Received: 10/07/13  
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	7.2		mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Barium, Total	64		mg/kg	0.44	0.13	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Cadmium, Total	0.72		mg/kg	0.44	0.03	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Chromium, Total	7.6		mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Lead, Total	100		mg/kg	2.2	0.09	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Mercury, Total	ND		mg/kg	0.08	0.02	1	10/09/13 17:04	10/10/13 13:41	EPA 7471B	1,7471B	BC
Selenium, Total	ND		mg/kg	0.88	0.13	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG
Silver, Total	0.12	J	mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 18:56	EPA 3050B	1,6010C	MG

Project Name: 401, 402 + 430 BUFFALO AVE.

Lab Number: L1320014

Project Number: 0271-013-001

Report Date: 10/16/13

## SAMPLE RESULTS

Lab ID: L1320014-02

Date Collected: 10/03/13 10:30

Client ID: SB-2 (6-8)

Date Received: 10/07/13

Sample Location: BUFFALO AVE. NIAGARA FALLS

Field Prep: Not Specified

Matrix: Soil

Percent Solids: 91%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	1.1		mg/kg	0.42	0.08	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Barium, Total	12		mg/kg	0.42	0.13	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Cadmium, Total	0.92		mg/kg	0.42	0.03	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Chromium, Total	3.0		mg/kg	0.42	0.08	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Lead, Total	23		mg/kg	2.1	0.08	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Mercury, Total	ND		mg/kg	0.07	0.02	1	10/11/13 08:10	10/11/13 11:59	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	0.84	0.13	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG
Silver, Total	ND		mg/kg	0.42	0.08	1	10/09/13 15:30	10/10/13 19:00	EPA 3050B	1,6010C	MG

Project Name: 401, 402 + 430 BUFFALO AVE.

Lab Number: L1320014

Project Number: 0271-013-001

Report Date: 10/16/13

**SAMPLE RESULTS**

Lab ID: L1320014-03

Date Collected: 10/04/13 12:45

Client ID: TP-1 (1-6)

Date Received: 10/07/13

Sample Location: BUFFALO AVE. NIAGARA FALLS

Field Prep: Not Specified

Matrix: Soil

Percent Solids: 81%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	9.6		mg/kg	0.49	0.10	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Barium, Total	950		mg/kg	0.49	0.15	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Cadmium, Total	2.1		mg/kg	0.49	0.03	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Chromium, Total	27		mg/kg	0.49	0.10	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Lead, Total	2700		mg/kg	2.5	0.10	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Mercury, Total	0.05	J	mg/kg	0.09	0.02	1	10/11/13 08:10	10/11/13 12:01	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	0.98	0.15	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG
Silver, Total	0.20	J	mg/kg	0.49	0.10	1	10/09/13 15:30	10/10/13 19:03	EPA 3050B	1,6010C	MG

Project Name: 401, 402 + 430 BUFFALO AVE.

Lab Number: L1320014

Project Number: 0271-013-001

Report Date: 10/16/13

## SAMPLE RESULTS

Lab ID: L1320014-04

Date Collected: 10/04/13 13:05

Client ID: TP-3 (1-4.5)

Date Received: 10/07/13

Sample Location: BUFFALO AVE. NIAGARA FALLS

Field Prep: Not Specified

Matrix: Soil

Percent Solids: 74%

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	8.9		mg/kg	0.51	0.10	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Barium, Total	1000		mg/kg	0.51	0.15	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Cadmium, Total	2.1		mg/kg	0.51	0.04	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Chromium, Total	19		mg/kg	0.51	0.10	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Lead, Total	6200		mg/kg	2.6	0.10	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Mercury, Total	0.03	J	mg/kg	0.09	0.02	1	10/11/13 08:10	10/11/13 12:03	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	1.0	0.15	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG
Silver, Total	0.24	J	mg/kg	0.51	0.10	1	10/09/13 15:30	10/10/13 19:22	EPA 3050B	1,6010C	MG

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**SAMPLE RESULTS**

**Lab ID:** L1320014-05  
**Client ID:** TP-5 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Percent Solids:** 87%

**Date Collected:** 10/04/13 13:40  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	6.0		mg/kg	0.45	0.09	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Barium, Total	970		mg/kg	0.45	0.13	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Cadmium, Total	1.8		mg/kg	0.45	0.03	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Chromium, Total	8.9		mg/kg	0.45	0.09	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Lead, Total	2100		mg/kg	2.2	0.09	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Mercury, Total	0.17		mg/kg	0.10	0.02	1	10/11/13 08:10	10/11/13 12:05	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	0.90	0.13	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG
Silver, Total	0.22	J	mg/kg	0.45	0.09	1	10/09/13 15:30	10/10/13 19:26	EPA 3050B	1,6010C	MG



**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**SAMPLE RESULTS**

**Lab ID:** L1320014-06  
**Client ID:** TP-7 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil  
**Percent Solids:** 88%

**Date Collected:** 10/04/13 14:25  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
<b>Total Metals - Westborough Lab</b>											
Arsenic, Total	6.3		mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Barium, Total	59		mg/kg	0.44	0.13	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Cadmium, Total	0.78		mg/kg	0.44	0.03	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Chromium, Total	9.6		mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Lead, Total	130		mg/kg	2.2	0.09	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Mercury, Total	0.09		mg/kg	0.08	0.02	1	10/11/13 08:10	10/11/13 12:06	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	0.88	0.13	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG
Silver, Total	ND		mg/kg	0.44	0.09	1	10/09/13 15:30	10/10/13 19:30	EPA 3050B	1,6010C	MG

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

## Method Blank Analysis Batch Quality Control

Parameter	Result Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
Total Metals - Westborough Lab for sample(s): 01 Batch: WG642445-1									
Mercury, Total	ND	mg/kg	0.08	0.02	1	10/09/13 17:04	10/10/13 12:52	1,7471B	BC

### Prep Information

Digestion Method: EPA 7471B

Parameter	Result Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
Total Metals - Westborough Lab for sample(s): 01-06 Batch: WG642577-1									
Arsenic, Total	ND	mg/kg	0.40	0.08	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Barium, Total	ND	mg/kg	0.40	0.12	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Cadmium, Total	ND	mg/kg	0.40	0.03	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Chromium, Total	ND	mg/kg	0.40	0.08	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Lead, Total	ND	mg/kg	2.0	0.08	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Selenium, Total	ND	mg/kg	0.80	0.12	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG
Silver, Total	ND	mg/kg	0.40	0.08	1	10/09/13 15:30	10/10/13 16:16	1,6010C	MG

### Prep Information

Digestion Method: EPA 3050B

Parameter	Result Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
Total Metals - Westborough Lab for sample(s): 02-06 Batch: WG642855-1									
Mercury, Total	ND	mg/kg	0.08	0.02	1	10/11/13 08:10	10/11/13 11:37	1,7471B	MC

### Prep Information

Digestion Method: EPA 7471B

## Lab Control Sample Analysis

### Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Project Number:** 0271-013-001

**Lab Number:** L1320014

**Report Date:** 10/16/13

Parameter	LCS		LCSD		%Recovery Limits	RPD	Qual	RPD Limits
	%Recovery	Qual	%Recovery	Qual				
Total Metals - Westborough Lab Associated sample(s): 01 Batch: WG642445-2 SRM Lot Number: 0518-10-02								
Mercury, Total	102		-		67-133	-		
Total Metals - Westborough Lab Associated sample(s): 01-06 Batch: WG642577-2 SRM Lot Number: 0518-10-02								
Arsenic, Total	100		-		81-119	-		
Barium, Total	96		-		83-118	-		
Cadmium, Total	94		-		82-117	-		
Chromium, Total	97		-		80-119	-		
Lead, Total	94		-		80-120	-		
Selenium, Total	98		-		80-120	-		
Silver, Total	98		-		66-134	-		
Total Metals - Westborough Lab Associated sample(s): 02-06 Batch: WG642855-2 SRM Lot Number: 0518-10-02								
Mercury, Total	111		-		67-133	-		



### Matrix Spike Analysis Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

Parameter	Native Sample	MS Added	MS Found	MS %Recovery	Qual	MSD Found	MSD %Recovery	Qual	Recovery Limits	RPD	Qual	RPD Limits
Total Metals - Westborough Lab Associated sample(s): 01 QC Batch ID: WG642445-4 QC Sample: L1319878-15 Client ID: MS Sample												
Mercury, Total	ND	0.167	0.15	90		-	-		70-130	-		35
Total Metals - Westborough Lab Associated sample(s): 01-06 QC Batch ID: WG642577-4 QC Sample: L1319867-20 Client ID: MS Sample												
Arsenic, Total	1.7	10.3	12	100		-	-		75-125	-		35
Barium, Total	18.	171	200	106		-	-		75-125	-		35
Cadmium, Total	0.20J	4.36	4.7	108		-	-		75-125	-		35
Chromium, Total	8.3	17.1	28	115		-	-		75-125	-		35
Lead, Total	5.1	43.6	55	114		-	-		75-125	-		35
Selenium, Total	ND	10.3	9.9	96		-	-		75-125	-		35
Silver, Total	ND	25.7	24	93		-	-		75-125	-		35
Total Metals - Westborough Lab Associated sample(s): 02-06 QC Batch ID: WG642855-4 QC Sample: L1319867-20 Client ID: MS Sample												
Mercury, Total	ND	0.177	0.17	96		-	-		70-130	-		35

### Lab Duplicate Analysis Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Project Number:** 0271-013-001

**Lab Number:** L1320014

**Report Date:** 10/16/13

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
Total Metals - Westborough Lab Associated sample(s): 01 QC Batch ID: WG642445-3 QC Sample: L1319878-15 Client ID: DUP Sample						
Mercury, Total	ND	ND	mg/kg	NC		35
Total Metals - Westborough Lab Associated sample(s): 01-06 QC Batch ID: WG642577-3 QC Sample: L1319867-20 Client ID: DUP Sample						
Arsenic, Total	1.7	2.1	mg/kg	21		35
Barium, Total	18.	34	mg/kg	62	Q	35
Cadmium, Total	0.20J	0.26J	mg/kg	NC		35
Chromium, Total	8.3	9.5	mg/kg	13		35
Lead, Total	5.1	11	mg/kg	73	Q	35
Selenium, Total	ND	ND	mg/kg	NC		35
Silver, Total	ND	ND	mg/kg	NC		35
Total Metals - Westborough Lab Associated sample(s): 02-06 QC Batch ID: WG642855-3 QC Sample: L1319867-20 Client ID: DUP Sample						
Mercury, Total	ND	ND	mg/kg	NC		35

# **INORGANICS & MISCELLANEOUS**

**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-01  
**Client ID:** SB-1 (0-2)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/03/13 10:00  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	87.9		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-02  
**Client ID:** SB-2 (6-8)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/03/13 10:30  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	91.0		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-03  
**Client ID:** TP-1 (1-6)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 12:45  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	80.5		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-04  
**Client ID:** TP-3 (1-4.5)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 13:05  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	73.9		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-05  
**Client ID:** TP-5 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 13:40  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	86.8		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT





**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-06  
**Client ID:** TP-7 (1-3)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 14:25  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	88.0		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-07  
**Client ID:** TP-4 (1-2)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 13:15  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	88.5		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Lab Number:** L1320014**Project Number:** 0271-013-001**Report Date:** 10/16/13**SAMPLE RESULTS**

**Lab ID:** L1320014-08  
**Client ID:** TP-6 (2-4)  
**Sample Location:** BUFFALO AVE. NIAGARA FALLS  
**Matrix:** Soil

**Date Collected:** 10/04/13 14:00  
**Date Received:** 10/07/13  
**Field Prep:** Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Analytical Method	Analyst
General Chemistry - Westborough Lab										
Solids, Total	87.4		%	0.100	NA	1	-	10/08/13 22:55	30,2540G	RT



### Lab Duplicate Analysis Batch Quality Control

**Project Name:** 401, 402 + 430 BUFFALO AVE.

**Project Number:** 0271-013-001

**Lab Number:** L1320014

**Report Date:** 10/16/13

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
General Chemistry - Westborough Lab Associated sample(s): 01-08 QC Batch ID: WG642300-1 QC Sample: L1319885-01 Client ID: DUP Sample						
Solids, Total	62.5	79.9	%	24	Q	20

Project Name: 401, 402 + 430 BUFFALO AVE.

Lab Number: L1320014

Project Number: 0271-013-001

Report Date: 10/16/13

## Sample Receipt and Container Information

Were project specific reporting limits specified? YES

Reagent H2O Preserved Vials Frozen on: NA

## Cooler Information Custody Seal

## Cooler

A Absent

## Container Information

Container ID	Container Type	Cooler	pH	Temp deg C	Pres	Seal	Analysis(*)
L1320014-01A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8260(14)
L1320014-01B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),CD-TI(180)
L1320014-01C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),CD-TI(180)
L1320014-02A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8260(14)
L1320014-02B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),CD-TI(180)
L1320014-02C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),CD-TI(180)
L1320014-03A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-03B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-03C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)

\*Values in parentheses indicate holding time in days



Project Name: 401, 402 + 430 BUFFALO AVE.

Project Number: 0271-013-001

Lab Number: L1320014

Report Date: 10/16/13

**Container Information**

Container ID	Container Type	Cooler	pH	Temp deg C	Pres	Seal	Analysis(*)
L1320014-04A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-04B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-04C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-05A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-05B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-05C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-06A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-06B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-06C	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),AS-TI(180),BA-TI(180),AG-TI(180),CR-TI(180),TS(7),PB-TI(180),SE-TI(180),HG-T(28),NYTCL-8082(14),CD-TI(180)
L1320014-07A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),TS(7)
L1320014-07B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),TS(7)

\*Values in parentheses indicate holding time in days



**Project Name:** 401, 402 + 430 BUFFALO AVE.**Project Number:** 0271-013-001**Lab Number:** L1320014**Report Date:** 10/16/13**Container Information**

<b>Container ID</b>	<b>Container Type</b>	<b>Cooler</b>	<b>pH</b>	<b>Temp deg C</b>	<b>Pres</b>	<b>Seal</b>	<b>Analysis(*)</b>
L1320014-08A	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),TS(7)
L1320014-08B	Amber 120ml unpreserved	A	N/A	3.6	Y	Absent	NYTCL-8270(14),TS(7)

\*Values in parentheses indicate holding time in days

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

## GLOSSARY

### Acronyms

EDL	- Estimated Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The EDL includes any adjustments from dilutions, concentrations or moisture content, where applicable. The use of EDLs is specific to the analysis of PAHs using Solid-Phase Microextraction (SPME).
EPA	- Environmental Protection Agency.
LCS	- Laboratory Control Sample: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.
LCSD	- Laboratory Control Sample Duplicate: Refer to LCS.
LFB	- Laboratory Fortified Blank: A sample matrix, free from the analytes of interest, spiked with verified known amounts of analytes or a material containing known and verified amounts of analytes.
MDL	- Method Detection Limit: This value represents the level to which target analyte concentrations are reported as estimated values, when those target analyte concentrations are quantified below the reporting limit (RL). The MDL includes any adjustments from dilutions, concentrations or moisture content, where applicable.
MS	- Matrix Spike Sample: A sample prepared by adding a known mass of target analyte to a specified amount of matrix sample for which an independent estimate of target analyte concentration is available.
MSD	- Matrix Spike Sample Duplicate: Refer to MS.
NA	- Not Applicable.
NC	- Not Calculated: Term is utilized when one or more of the results utilized in the calculation are non-detect at the parameter's reporting unit.
NI	- Not Ignitable.
RL	- Reporting Limit: The value at which an instrument can accurately measure an analyte at a specific concentration. The RL includes any adjustments from dilutions, concentrations or moisture content, where applicable.
RPD	- Relative Percent Difference: The results from matrix and/or matrix spike duplicates are primarily designed to assess the precision of analytical results in a given matrix and are expressed as relative percent difference (RPD). Values which are less than five times the reporting limit for any individual parameter are evaluated by utilizing the absolute difference between the values; although the RPD value will be provided in the report.
SRM	- Standard Reference Material: A reference sample of a known or certified value that is of the same or similar matrix as the associated field samples.

### Footnotes

- 1 - The reference for this analyte should be considered modified since this analyte is absent from the target analyte list of the original method.

### Terms

**Analytical Method:** Both the document from which the method originates and the analytical reference method. (Example: EPA 8260B is shown as 1,8260B.) The codes for the reference method documents are provided in the References section of the Addendum.

### Data Qualifiers

- A** - Spectra identified as "Aldol Condensation Product".
- B** - The analyte was detected above the reporting limit in the associated method blank. Flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For MCP-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank. For DOD-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte at less than ten times (10x) the concentration found in the blank AND the analyte was detected above one-half the reporting limit (or above the reporting limit for common lab contaminants) in the associated method blank. For NJ-Air-related projects, flag only applies to associated field samples that have detectable concentrations of the analyte above the reporting limit.
- C** - Co-elution: The target analyte co-elutes with a known lab standard (i.e. surrogate, internal standards, etc.) for co-extracted analyses.
- D** - Concentration of analyte was quantified from diluted analysis. Flag only applies to field samples that have detectable concentrations of the analyte.
- E** - Concentration of analyte exceeds the range of the calibration curve and/or linear range of the instrument.
- G** - The concentration may be biased high due to matrix interferences (i.e. co-elution) with non-target compound(s). The result should be considered estimated.
- H** - The analysis of pH was performed beyond the regulatory-required holding time of 15 minutes from the time of sample collection.
- I** - The lower value for the two columns has been reported due to obvious interference.

**Report Format:** DU Report with "J" Qualifiers





**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

**Data Qualifiers**

- M** - Reporting Limit (RL) exceeds the MCP CAM Reporting Limit for this analyte.
- NJ** - Presumptive evidence of compound. This represents an estimated concentration for Tentatively Identified Compounds (TICs), where the identification is based on a mass spectral library search.
- P** - The RPD between the results for the two columns exceeds the method-specified criteria.
- Q** - The quality control sample exceeds the associated acceptance criteria. For DOD-related projects, LCS and/or Continuing Calibration Standard exceedences are also qualified on all associated sample results. Note: This flag is not applicable for matrix spike recoveries when the sample concentration is greater than 4x the spike added or for batch duplicate RPD when the sample concentrations are less than 5x the RL. (Metals only.)
- R** - Analytical results are from sample re-analysis.
- RE** - Analytical results are from sample re-extraction.
- S** - Analytical results are from modified screening analysis.
- J** - Estimated value. The Target analyte concentration is below the quantitation limit (RL), but above the Method Detection Limit (MDL) or Estimated Detection Limit (EDL) for SPME-related analyses. This represents an estimated concentration for Tentatively Identified Compounds (TICs).
- ND** - Not detected at the method detection limit (MDL) for the sample, or estimated detection limit (EDL) for SPME-related analyses.

**Project Name:** 401, 402 + 430 BUFFALO AVE.  
**Project Number:** 0271-013-001

**Lab Number:** L1320014  
**Report Date:** 10/16/13

## REFERENCES

- 1 Test Methods for Evaluating Solid Waste: Physical/Chemical Methods. EPA SW-846. Third Edition. Updates I - IV, 2007.
- 30 Standard Methods for the Examination of Water and Wastewater. APHA-AWWA-WPCF. 18th Edition. 1992.

## LIMITATION OF LIABILITIES

Alpha Analytical performs services with reasonable care and diligence normal to the analytical testing laboratory industry. In the event of an error, the sole and exclusive responsibility of Alpha Analytical shall be to re-perform the work at it's own expense. In no event shall Alpha Analytical be held liable for any incidental, consequential or special damages, including but not limited to, damages in any way connected with the use of, interpretation of, information or analysis provided by Alpha Analytical.

We strongly urge our clients to comply with EPA protocol regarding sample volume, preservation, cooling, containers, sampling procedures, holding time and splitting of samples in the field.



## Certificate/Approval Program Summary

Last revised October 1, 2013 - Westboro Facility

The following list includes only those analytes/methods for which certification/approval is currently held.  
For a complete listing of analytes for the referenced methods, please contact your Alpha Customer Service Representative.

### Connecticut Department of Public Health Certificate/Lab ID: PH-0574. **NELAP Accredited Solid Waste/Soil.**

*Drinking Water* (Inorganic Parameters: Color, pH, Turbidity, Conductivity, Alkalinity, Chloride, Free Residual Chlorine, Fluoride, Calcium Hardness, Sulfate, Nitrate, Nitrite, Aluminum, Antimony, Arsenic, Barium, Beryllium, Cadmium, Calcium, Chromium, Copper, Iron, Lead, Magnesium, Manganese, Mercury, Nickel, Selenium, Silver, Sodium, Thallium, Zinc, Total Dissolved Solids, Total Organic Carbon, Total Cyanide, Perchlorate. Organic Parameters: Volatile Organics 524.2, Total Trihalomethanes 524.2, 1,2-Dibromo-3-chloropropane (DBCP) 504.1, Ethylene Dibromide (EDB) 504.1, 1,4-Dioxane (Mod 8270). Microbiology Parameters: Total Coliform-MF mEndo (SM9222B), Total Coliform – Coliart (SM9223, Enumeration and P/A), E. Coli. – Coliart (SM9223, Enumeration and P/A), HPC – Pour Plate (SM9215B), Fecal Coliform – MF m-FC (SM9222D), Fecal Coliform-EC Medium (SM 9221E).

*Wastewater/Non-Potable Water* (Inorganic Parameters: Color, pH, Conductivity, Acidity, Alkalinity, Chloride, Total Residual Chlorine, Fluoride, Total Hardness, Silica, Sulfate, Sulfide, Ammonia, Kjeldahl Nitrogen, Nitrate, Nitrite, O-Phosphate, Total Phosphorus, Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Calcium, Chromium, Hexavalent Chromium, Cobalt, Copper, Iron, Lead, Magnesium, Manganese, Mercury, Molybdenum, Nickel, Potassium, Selenium, Silver, Sodium, Strontium, Thallium, Tin, Titanium, Vanadium, Zinc, Total Residue (Solids), Total Dissolved Solids, Total Suspended Solids (non-filterable), BOD, CBOD, COD, TOC, Total Cyanide, Phenolics, Foaming Agents (MBAS), Bromide, Oil and Grease. Organic Parameters: PCBs, Organochlorine Pesticides, Technical Chlordane, Toxaphene, Acid Extractables (Phenols), Benzidines, Phthalate Esters, Nitrosamines, Nitroaromatics & Isophorone, Polynuclear Aromatic Hydrocarbons, Haloethers, Chlorinated Hydrocarbons, Volatile Organics, TPH (HEM/SGT), CT-Extractable Petroleum Hydrocarbons (ETPH), MA-EPH, MA-VPH. Microbiology Parameters: Total Coliform – MF mEndo (SM9222B), Total Coliform – MTF (SM9221B), E. Coli – Coliart (SM9223 Enumeration), HPC – Pour Plate (SM9215B), Fecal Coliform – MF m-FC (SM9222D), Fecal Coliform – A-1 Broth (SM9221E), Enterococcus - Enterolert.

*Solid Waste/Soil* (Inorganic Parameters: pH, Sulfide, Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Calcium, Chromium, Hexavalent Chromium, Cobalt, Copper, Iron, Lead, Magnesium, Manganese, Mercury, Molybdenum, Nickel, Potassium, Selenium, Silver, Sodium, Thallium, Tin, Vanadium, Zinc, Total Cyanide, Ignitability, Phenolics, Corrosivity, TCLP Leach (1311), SPLP Leach (1312 metals only), Reactivity. Organic Parameters: PCBs, PCBs in Oil, Organochlorine Pesticides, Technical Chlordane, Toxaphene, CT-Extractable Petroleum Hydrocarbons (ETPH), MA-EPH, MA-VPH, Dicamba, 2,4-D, 2,4,5-T, 2,4,5-TP (Silvex), Dalapon, Volatile Organics (SW 8260), Acid Extractables (Phenols) (SW 8270), Benzidines (SW 8270), Phthalates (SW 8270), Nitrosamines (SW 8270), Nitroaromatics & Cyclic Ketones (SW 8270), PAHs (SW 8270), Haloethers (SW 8270), Chlorinated Hydrocarbons (SW 8270).)

### State of Illinois Certificate/Lab ID: 003155. **NELAP Accredited.**

*Drinking Water* (Inorganic Parameters: SM2120B, 2320B, 2510B, 2540C, SM4500CN-CE, 4500F-C, 4500H-B, 4500NO3-F, 5310C, EPA 200.7, 200.8, 245.1, 300.0. Organic Parameters: EPA 504.1, 524.2.)

*Wastewater/Non-Potable Water* (Inorganic Parameters: SM2120B, 2310B, 2320B, 2340B, 2510B, 2540B, 2540C, 2540D, SM4500CL-E, 4500CN-E, 4500F-C, 4500H-B, 4500NH3-H, 4500NO2-B, 4500NO3-F, 4500P-E, 4500S-D, 4500SO3-B, 5210B, 5220D, 5310C, 5540C, EPA 120.1, 1664A, 200.7, 200.8, 245.1, 300.0, 350.1, 351.1, 353.2, 410.4, 420.1. Organic Parameters: EPA 608, 624, 625.)

*Hazardous and Solid Waste* (Inorganic Parameters: EPA 1010A, 1030, 1311, 1312, 6010C, 6020A, 7196A, 7470A, 7471B, 9012B, 9014, 9038, 9040C, 9045D, 9050A, 9065, 9251. Organic Parameters: 8011 (NPW only), 8015C, 8081B, 8082A, 8151A, 8260C, 8270D, 8315A, 8330.)

### Maine Department of Human Services Certificate/Lab ID: 2009024.

*Drinking Water* (Inorganic Parameters: SM9215B, 9222D, 9223B, EPA 180.1, 353.2, SM2120B, 2130B, 2320B, 2510C, 2540C, 4500CI-D, 4500CN-C, 4500CN-E, 4500F-C, 4500H+B, 4500NO3-F, 5310C, EPA 200.7, EPA 200.8, 245.1, EPA 300.0. Organic Parameters: 504.1, 524.2.)

*Wastewater/Non-Potable Water* (Inorganic Parameters: EPA 120.1, 1664A, 300.0, 350.1, 351.1, 353.2, 410.4, 420.1, 8315A, 9010C, SM2120B, 2310B, 2320B, 2510B, 2540B, 2540C, 2540D, 426C, 4500CI-E, 4500CN-C, 4500CN-E, 4500F-B, 4500F-C, 4500H+B, 4500Norg-C, 4500NH3-B, 4500NH3-H, 4500NO2-B, 4500NO3-F, 4500P-B, 4500P-E, 4500S2-D, 4500SO3-B, 5540C, 5210B, 5220D, 5310C, 9010B, 9030B, 9040C, 7470A, 7196A, 2340B, EPA 200.7, 6010C, 200.8, 6020A, 245.1, 1311, 1312, 3005A, Enterolert, 9223B, 9222D. Organic Parameters: 608, 624, 625, 8011, 8081B, 8082A, 8330, 8151A, 8260C, 8270D, 3510C, 3630C, 5030B, ME-DRO, ME-GRO, MA-EPH, MA-VPH.)

*Solid Waste/Soil* (Inorganic Parameters: 9010B, 9012A, 9014, 9040B, 9045C, 6010C, 6020A, 7471B, 7196A, 9050A, 1010, 1030, 9065, 1311, 1312, 3005A, 3050B, 9038, 9251. Organic Parameters: ME-DRO, ME-GRO, MA-EPH, MA-VPH, 8260C, 8270D, 8330, 8151A, 8081B, 8082A, 3540C, 3546, 3580A, 3620C, 3630C, 5030B, 5035.)

**Massachusetts Department of Environmental Protection Certificate/Lab ID: M-MA086.**

*Drinking Water* (Inorganic Parameters: (EPA 200.8 for: Sb,As,Ba,Be,Cd,Cr,Cu,Pb,Ni,Se,Tl) (EPA 200.7 for: Ba,Be,Ca,Cd,Cr,Cu,Na,Ni) 245.1, (300.0 for: Nitrate-N, Fluoride, Sulfate); (EPA 353.2 for: Nitrate-N, Nitrite-N); (SM4500NO3-F for: Nitrate-N and Nitrite-N); 4500F-C, 4500CN-CE, EPA 180.1, SM2130B, SM4500CI-D, 2320B, SM2540C, SM4500H-B. Organic Parameters: (EPA 524.2 for: Trihalomethanes, Volatile Organics); (504.1 for: 1,2-Dibromoethane, 1,2-Dibromo-3-Chloropropane), EPA 332. Microbiology Parameters: SM9215B; ENZ. SUB. SM9223; ColilertQT SM9223B; MF-SM9222D.)

*Non-Potable Water* (Inorganic Parameters: (EPA 200.8 for: Al,Sb,As,Be,Cd,Cr,Cu,Pb,Mn,Ni,Se,Ag,Tl,Zn); (EPA 200.7 for: Al,Sb,As,Be,Cd,Ca,Cr,Co,Cu,Fe,Pb,Mg,Mn,Mo,Ni,K,Se,Ag,Na,Sr,Ti,Tl,V,Zn); 245.1, SM4500H,B, EPA 120.1, SM2510B, 2540C, 2340B, 2320B, 4500CL-E, 4500F-BC, 426C, SM4500NH3-BH, (EPA 350.1 for: Ammonia-N), LACHAT 10-107-06-1-B for Ammonia-N, SM4500NO3-F, 353.2 for Nitrate-N, SM4500NH3-BC-NES, EPA 351.1, SM4500P-E, 4500P-B,E, 5220D, EPA 410.4, SM 5210B, 5310C, 4500CL-D, EPA 1664, SM14 510AC, EPA 420.1, SM4500-CN-CE, SM2540D.

Organic Parameters: (EPA 624 for Volatile Halocarbons, Volatile Aromatics),(608 for: Chlordane, Toxaphene, Aldrin, alpha-BHC, beta-BHC, gamma-BHC, delta-BHC, Dieldrin, DDD, DDE, DDT,Endosulfan I, Endosulfan II, Endosulfan sulfate, Endrin, Endrin Aldehyde, Heptachlor, Heptachlor Epoxide, PCBs-Water), (EPA 625 for SVOC Acid Extractables and SVOC Base/Neutral Extractables), 600/4-81-045-PCB-Oil. Microbiology Parameters: (ColilertQT SM9223B; Enterolert-QT: SM9222D-MF.)

**New Hampshire Department of Environmental Services Certificate/Lab ID: 200307. NELAP Accredited.**

*Drinking Water* (Inorganic Parameters: SM 9222B, 9223B, 9215B, EPA 200.7, 200.8, 300.0, SM4500CN-E, 4500H+B, 4500NO3-F, 2320B, 2510B, 2540C, 4500F-C, 5310C, 2120B, EPA 332.0. Organic Parameters: 504.1, 524.2.)

*Non-Potable Water* (Inorganic Parameters: SM9222D, 9221B, 9222B, 9221E-EC, EPA 3005A, 200.7, 200.8, 245.1, SW-846 6010C, 6020A, 7196A, 7470A, SM3500-CR-D, EPA 120.1, 300.0, 350.1, 350.2, 351.1, 353.2, 410.4, 420.1, 426C, 1664A, SW-846 9010B, 9010C, 9030, 9040B, 9040C, SM2120B, 2310B, 2320B, 2340B, 2540B, 2540D, 4500H+B, 4500CL-E, 4500CN-E, 4500NH3-H, 4500NO3-F, 4500NO2-B, 4500P-E, 4500-S2-D, 4500SO3-B, 5210B, 5220D, 2510B, 2540C, 4500F-C, 5310C, 5540C, LACHAT 10-204-00-1-A, LACHAT 10-107-06-2-D, 3060A. Organic Parameters: SW-846 3510C, 3630C, 5030B, 8260C, 8270D, 8330, EPA 624, 625, 608, SW-846 8082A, 8081B, 8015C, 8151A, 8330, 8270D-SIM.)

*Solid & Chemical Materials* (Inorganic Parameters: SW-846 6010C, 6020A, 7196A, 7471B, 1010, 1010A, 1030, 9010C, 9012B, 9014, 9030B, 9040C, 9045C, 9045D, 9050, 9065, 9251, 1311, 1312, 3005A, 3050B, 3060A. Organic Parameters: SW-846 3540C, 3546, 3050B, 3580A, 3620D, 3630C, 5030B, 5035, 8260C, 8270D, 8270D-SIM, 8330, 8151A, 8015B, 8015C, 8082A, 8081B.)

**New Hampshire Department of Environmental Services Certificate/Lab ID: 2064. NELAP Accredited.**

*Drinking Water* (Organic Parameters: **EPA 524.2**: Di-isopropyl ether (DIPE), Ethyl-t-butyl ether (ETBE), Tert-amyl methyl ether (TAME)).

*Non-Potable Water* (Organic Parameters: **EPA 8260C**: 1,3,5-Trichlorobenzene. **EPA 8015C(M)**: TPH.)

*Solid & Chemical Materials* (Organic Parameters: **EPA 8260C**: 1,3,5-Trichlorobenzene.)

**New Jersey Department of Environmental Protection Certificate/Lab ID: MA935. NELAP Accredited.**

*Drinking Water* (Inorganic Parameters: SM9222B, 9221E, 9223B, 9215B, 4500CN-CE, 4500NO3-F, 4500F-C, EPA 300.0, 200.7, 200.8, 245.1, 2540C, SM2120B, 2320B, 2510B, 5310C, SM4500H-B. Organic Parameters: EPA 332, 504.1, 524.2.)

*Non-Potable Water* (Inorganic Parameters: SM5210B, EPA 410.4, SM5220D, 4500CI-E, EPA 300.0, SM2120B, 2340B, SM4500F-BC, EPA 200.7, 200.8, 351.1, LACHAT 10-107-06-2-D, EPA 353.2, SM4500NO3-F, 4500NO2-B, EPA 1664A, SM5310C, 4500-PE, EPA 420.1, SM4500P-B5+E, 2540B, 2540C, 2540D, EPA 120.1, SM2510B, 9222D, 9221B, 9221C, 9221E, 9222B, 9215B, 2310B, 2320B, 4500NH3-H, 4500-S D, 4500SO4-E, EPA 350.1, 350.2, SW-846 1312, 7470A, 5540C, SM4500H-B, 4500SO3-B, SM3500Cr-D, 4500CN-CE, EPA 245.1, SW-846 9040B, 9040C, 3005A, 3015, EPA 6010B, 6010C, 6020, 6020A, 7196A, 3060A, SW-846 9010C, 9030B. Organic Parameters: SW-846 8260B, 8260C, 8270C, 8270D, 8270C-SIM, 8270D-SIM, 3510C, EPA 608, 624, 625, SW-846 3630C, 5030B, 5030C, 8011, 8015C, 8081A, 8081B, 8082, 8082A, 8151A, 8330, 1,4-Dioxane by NJ Modified 8270, 8015B, NJ EPH.)

9050A, 9065, 9251. Organic Parameters: SW-846 8015B, 8015C, 8081A, 8081B, 8082, 8082A, 8151A, 8330, 8260B, 8260C, 8270C, 8270D, 8270C-SIM, 8270D-SIM, 3540C, 3546, 3580A, 3620C, 3630C, 5030B, 5030C, 5035L, 5035H, NJ EPH.)

**New York Department of Health Certificate/Lab ID: 11148. *NELAP Accredited.***

*Drinking Water* (Inorganic Parameters: SM9223B, 9222B, 9215B, EPA 200.8, 200.7, 245.1, SM5310C, EPA 332.0, SM2320B, EPA 300.0, SM2120B, 4500CN-E, 4500F-C, 4500NO<sub>3</sub>-F, 2540C, SM 2510B. Organic Parameters: EPA 524.2, 504.1.)

*Non-Potable Water* (Inorganic Parameters: SM9221E, 9222D, 9221B, 9222B, 9215B, 5210B, 5310C, EPA 410.4, SM5220D, 2310B, 2320B, EPA 200.7, 300.0, SM4500CL-E, 4500F-C, SM15 426C, EPA 350.1, SM4500NH<sub>3</sub>-BH, EPA 351.1, LACHAT 10-107-06-2, EPA 353.2, SM4500-NO<sub>3</sub>-F, 4500-NO<sub>2</sub>-B, 4500P-E, 2340B, 2540C, 2540B, 2540D, EPA 200.8, EPA 6010C, 6020A, EPA 7196A, SM3500Cr-D, EPA 245.1, 7470A, SM2120B, 4500CN-CE, EPA 1664A, EPA 420.1, SM14 510C, EPA 120.1, SM2510B, SM4500S-D, SM5540C, EPA 8315A, 3005A, 9010C, 9030B. Organic Parameters: EPA 624, 8260C, 8270D, 8270D-SIM, 625, 608, 8081B, 8151A, 8330A, 8082A, EPA 3510C, 5030B, 5030C, 8015C, 8011.)

*Solid & Hazardous Waste* (Inorganic Parameters: EPA 1010A, 1030, EPA 6010C, 6020A, 7196A, 7471B, 8315A, 9012B, 9014, 9065, 9050A, 9038, 9251, EPA 1311, 1312, 3005A, 3050B, 9010C, 9030B, 9040C, 9045D. Organic Parameters: EPA 8260C, 8270D, 8270D-SIM, 8015C, 8081B, 8151A, 8330A, 8082A, 3540C, 3546, 3580A, 5035A-H, 5035A-L.)

**North Carolina Department of the Environment and Natural Resources Certificate/Lab ID : 666. (Inorganic Parameters:** SM2310B, 2320B, 4500Cl-E, 4500Cn-E, 9012B, 9014, Lachat 10-204-00-1-X, 1010A, 1030, 4500NO<sub>3</sub>-F, 353.2, 4500P-E, 4500SO<sub>4</sub>-E, 300.0, 4500S-D, 5310B, 5310C, 6010C, 6020A, 200.7, 200.8, 3500Cr-B, 7196A, 245.1, 7470A, 7471B, 1311,1312. Organic Parameters: 608, 8081B, 8082A, 624, 8260B, 625, 8270D, 8151A, 8015C, 504.1, MA-EPH, MA-VPH.)

*Drinking Water Program Certificate/Lab ID: 25700. (Inorganic Parameters:* Chloride EPA 300.0. Organic Parameters: 524.2)

**Pennsylvania Department of Environmental Protection Certificate/Lab ID : 68-03671. *NELAP Accredited.***

*Drinking Water* (Inorganic Parameters: 200.7, 200.8, 300.0, 332.0, 2120B, 2320B, 2510B, 2540C, 4500-CN-CE, 4500F-C, 4500H+-B, 4500NO<sub>3</sub>-F, 5310C. Organic Parameters: EPA 524.2, 504.1)

*Non-Potable Water* (Inorganic Parameters: EPA 120.1, 1312, 3005A,3015, 3060A, 200.7, 200.8, 410.4, 1664A, SM2540D, 5210B, 5220D, 4500-P,BE, 245.1, 300.0, 350.1, 350.2, 351.1, 353.2, 420.1, 6010C, 6020A, 7196A, 7470A, 9030B, 2120B, 2310B, 2320B, 2510B, 2540B, 2540C, 3500Cr-D, 426C, 4500CN-CE, 4500Cl-E, 4500F-B, 4500F-C, 4500H+-B, 4500NH<sub>3</sub>-H, 4500NO<sub>2</sub>-B, 4500NO<sub>3</sub>-F, 4500S-D, 4500SO<sub>3</sub>-B, 5310BCD, 5540C, 9010C, 9040C. Organic Parameters: EPA 3510C, 3630C, 5030B, 625, 624, 608, 8081B, 8082A, 8151A, 8260C, 8270D, 8270D-SIM, 8330, 8015C, NJ-EPH.)

*Solid & Hazardous Waste* (Inorganic Parameters: EPA 350.1, 1010, 1030, 1311, 1312, 3005A, 3050B, 3060A, 6010C, 6020A, 7196A, 7471B, 9010C, 9012B, 9014, 9040B, 9045D, 9050A, 9065, SM 4500NH<sub>3</sub>-BH, 9030B, 9038, 9251. Organic Parameters: 3540C, 3546, 3580A, 3620C, 3630C, 5035, 8015C, 8081B, 8082A, 8151A, 8260C, 8270D, 8270D-SIM, 8330, NJ-EPH.)

**Rhode Island Department of Health Certificate/Lab ID: LAO00065. *NELAP Accredited via NJ-DEP.***

Refer to MA-DEP Certificate for Potable and Non-Potable Water.

Refer to NJ-DEP Certificate for Potable and Non-Potable Water.

**Texas Commisison on Environmental Quality Certificate/Lab ID: T104704476. *NELAP Accredited.***

*Non-Potable Water* (Inorganic Parameters: EPA 120.1, 1664, 200.7, 200.8, 245.1, 245.2, 300.0, 350.1, 351.1, 353.2, 410.4, 420.1, 6010, 6020, 7196, 7470, 9040, SM 2120B, 2310B, 2320B, 2510B, 2540B, 2540C, 2540D, 426C, 4500CL-E, 4500CN-E, 4500F-C, 4500H+B, 4500NH<sub>3</sub>-H, 4500NO<sub>2</sub>B, 4500P-E, 4500 S<sup>2-</sup> D, 510C, 5210B, 5220D, 5310C, 5540C. Organic Parameters: EPA 608, 624, 625, 8081, 8082, 8151, 8260, 8270, 8330.)

*Solid & Hazardous Waste* (Inorganic Parameters: EPA 1311, 1312, 9012, 9014, 9040, 9045, 9050, 9065.)

**Virginia Division of Consolidated Laboratory Services Certificate/Lab ID: 460195. *NELAP Accredited.***

*Drinking Water* (Inorganic Parameters: EPA 200.7, 200.8, 300.0, 2510B, 2120B, 2540C, 4500CN-CE, 245.1, 2320B, 4500F-C, 4500NO<sub>3</sub>-F, 4500H+B, 5310C. Organic Parameters: EPA 504.1, 524.2.)

*Non-Potable Water* (Inorganic Parameters: EPA 120.1, 1664A, 200.7, 200.8, 245.1, 300.0, 350.1, 351.1, 351.2, 3005A, 3015, 1312, 6010B, 6010C, 3060A, 353.2, 420.1, 2340B, 6020, 6020A, SM4500S-D, SM4500-CN-CE, Lachat 10-204-00-1-X, 7196A, 7470A, 2310B, 2320B, 2510B, 2540B, 2540C, 2540D, 3500Cr-D, 426C, 4500Cl-E, 4500F-B, 4500F-C,

4500NH3-H, 4500NO2-B, 4500NO3-F, 4500 SO3-B, 4500H-B, 4500PE, 510AC, 5210B, 5310B 5310C, 5540C, 9010Cm 9030B, 9040C. Organic Parameters: EPA 3510C, 3630C, 5030B, 8260B, 608, 624, 625, 8011, 8015C, 8081A, 8081B, 8082, 8082A, 8151A, 8260C, 8270C, 8270D, 8270C-SIM, 8270D-SIM, 8330, )

*Solid & Hazardous Waste* (Inorganic Parameters: EPA 1010A, 1030, 3060A, 3050B, 1311, 1312, 6010B, 6010C, 6020, , 7196A, 7471A, 7471B, 6020A, 9010C, 9012B, 9030B, 9014, 9038, 9040C, 9045D, 9251, 9050A, 9065. Organic Parameters: EPA 5030B, 5035, 3540C, 3546, 3550B, 3580A, 3620C, 3630C, 6020A, 8260B, 8260C, 8015B, 8015C, 8081A, 8081B, 8082, 8082A, 8151A, 8270C, 8270D, 8270C-SIM, 8270D-SIM, 8330.)

**Department of Defense, L-A-B Certificate/Lab ID:** L2217.

*Drinking Water* (Inorganic Parameters: SM 4500H-B. Organic Parameters: EPA 524.2, 504.1.)

*Non-Potable Water* (Inorganic Parameters: EPA 200.7, 200.8, 6010C, 6020A, 245.1, 7470A, 9040B, 9010B, 180.1, 300.0, 332.0, 6860, 351.1, 353.2, 9060, 1664A, SM 4500CN-E, 4500H-B, 4500Norg-C, 4500NO3-F, 5310C, 2130B, 2320B, 2340B, 2540C, 5540C, 3005A, 3015, 9056, 7196A, 3500-Cr-D. Organic Parameters: EPA 8015C, 8151A, 8260C, 8270D, 8270D-SIM, 8330A, 8082A, 8081B, 3510C, 5030B, MassDEP EPH, MassDEP VPH.)

*Solid & Hazardous Waste* (Inorganic Parameters: EPA 200.7, 6010C, 6020A, 7471A, 6860, 1311, 1312, 3050B, 7196A, 9040B, 9045C, 9010C, 9012B, 9251, SM3500-CR-D, 4500CN-CE, 2540G, Organic Parameters: EPA 8015C, 8151A, 8260C, 8270D, 8270D-SIM, 8330A/B-prep, 8082A, 8081B, 3540C, 3546, 3580A, 5035A, MassDEP EPH, MassDEP VPH.)

**The following analytes are not included in our current NELAP/TNI Scope of Accreditation:**

**EPA 524.2:** Acetone, 2-Butanone (Methyl ethyl ketone (MEK)), Tert-butyl alcohol, 2-Hexanone, Tetrahydrofuran, 1,3,5-Trichlorobenzene, 4-Methyl-2-pentanone (MIBK), Carbon disulfide, Diethyl ether. **EPA 8260B:** 1,2,4,5-Tetramethylbenzene, 4-Ethyltoluene. **EPA 8260 Non-potable water matrix:** Iodomethane (methyl iodide), Methyl methacrylate. **EPA 8260 Soil matrix:** Tert-amyl methyl ether (TAME), Diisopropyl ether (DIPE), Azobenzene. **EPA 8330A:** PETN, Picric Acid, Nitroglycerine, 2,6-DANT, 2,4-DANT. **EPA 8270C:** Methyl naphthalene, Dimethyl naphthalene, Total Methylnaphthalenes, Total Dimethylnaphthalenes, 1,4-Diphenylhydrazine. **EPA 625:** 4-Chloroaniline, 4-Methylphenol. Total Phosphorus in a soil matrix, TKN in a soil matrix, NO2 in a soil matrix, NO3 in a soil matrix. **EPA 9071:** Total Petroleum Hydrocarbons, Oil & Grease.



WESTBORO, MA  
TEL: 508-898-9220  
FAX: 508-898-9193

MANSFIELD, MA  
TEL: 508-822-9300  
FAX: 508-822-3288

# CHAIN OF CUSTODY

PAGE \_\_\_\_\_ OF \_\_\_\_\_

Date Rec'd in Lab: 10/7/13

ALPHA Job #: 1320014  
1320014 BS

## Client Information

Client: Turnkey  
Address: 2558 Hamburg Turnpike  
Buffalo NY 14218  
Phone: (716) 856-0599  
Fax: (716) 856-0583  
Email:

These samples have been previously analyzed by Alpha

Other Project Specific Requirements/Comments/Detection Limits:

## Project Information

Project Name: 401, 402 + 430 Buffalo Ave  
Project Location: Buffalo Ave Niagara Falls  
Project #: 0271-013-001  
Project Manager: Mike Lesakowski  
ALPHA Quote #:

## Turn-Around Time

Standard  RUSH (only confirmed if pre-approved!)

Date Due: 10/14/13 Time:

## Report Information - Data Deliverables

FAX  EMAIL  
 ADEx  Add'l Deliverables

## Billing Information

Same as Client info PO #:

## Regulatory Requirements/Report Limits

State /Fed Program Criteria

ALPHA Lab ID (Lab Use Only)	Sample ID	Collection		Sample Matrix	Sampler's Initials	ANALYSIS				TOTAL # BOTTLES	
		Date	Time			TLL+stems VOC	PAH	PCRA Metals	PCBS		
20014/1	SB-1 (0-2)	10-3-13	10 <sup>30</sup>	Soil	PWW	X	X	X			3
2	SB-2 (6-8)	10-3-13	10 <sup>30</sup>			X	X	X			3
3	TP-1 (1-6)	10-4-13	12 <sup>45</sup>				X	X	X		3
4	TP-3 (1-4.5)	10-4-13	13 <sup>05</sup>				X	X	X		3
5	TP-5 (1-3)	10-4-13	13 <sup>40</sup>				X	X	X		3
6	TP-7 (1-3)	10-4-13	14 <sup>25</sup>				X	X	X		3
7	TP-4 (1-2)	10-4-13	13 <sup>15</sup>				X				2
8	TP-6 (2-4)	10-4-13	14 <sup>00</sup>				X				2

## SAMPLE HANDLING

Filtration \_\_\_\_\_  
 Done  
 Not needed  
 Lab to do Preservation  
 Lab to do  
(Please specify below)

Sample Specific Comments

Container Type

Preservative

Please print clearly, legibly and completely. Samples can not be logged in and turnaround time clock will not start until any ambiguities are resolved. All samples submitted are subject to Alpha's Terms and Conditions. See reverse side.

Relinquished By:	Date/Time	Received By:	Date/Time
<i>Paul W. [Signature]</i>	10-7-13 1600	<i>Janet Ruckey</i>	10-7-13 1700
<i>Janet Ruckey</i>	10-7-13 1920	<i>Steve Donato</i>	10-7-13 1920
<i>Steve Donato</i>	10-7-13 2320	<i>[Signature]</i>	10-7-13 2320
<i>Paul W. [Signature]</i>	10-7-13 2345	<i>Arched &amp; [Signature]</i>	10-7-13 2345

# ATTACHMENT 5

## BCP Application – Section VIII

### **Brownfield Site Contact List**

Brownfields Site Contact List  
Adjacent Property Owners List



**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

**Niagara County Contacts:**

Chairman William Ross  
Niagara County Legislature  
6761 Walmore Road  
Niagara Falls, NY 14304

Mr. Michael Shanley  
Niag. Co. Emergency Planning  
175 Hawley Street  
Lockport, NY 14094

Wayne Jagow  
Niagara County Clerk  
PO Box 461  
Lockport, NY 14095

Ms. Donna Owens  
Niagara Falls City Admin.  
4010 Barton Street  
Niagara Falls, NY 14305

Mr. James Devald, P.E.  
Niagara Co. Health Dept.  
5467 Upper Mountain Road  
Lockport, NY 14094

Mr. Paul Dickey  
Niagara County Health Dept.  
5467 Upper Mountain Rd.  
Lockport, NY 14094-1899

Clerk James Sobczyk  
Niagara County Legislature  
175 Hawley Street  
Lockport, NY 14094

Mr. Samuel M. Ferraro, Exec. Dir.  
Niagara Co. Ind. Dev. Agency  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

Amy Fisk, Env. Planner  
Niagara Co. Econ. Dev.  
6311 Inducon Corporate Dr.  
Sanborn, NY 14132

David E. Wertman, MPA Comm.  
Niagara Co. Health Dept.  
5467 Upper Mountain Rd.  
Lockport, NY 14094

Mr. Jeffery M. Glatz  
Niagara County Manager  
59 Park Avenue  
Lockport, NY 14094

Mr. Owen T. Steed  
Niagara Co. Legislature #4  
2907 Aaron Griffin Way  
Niagara Falls NY 14305

Ms. Dawn Walczak  
Niagara County EMC  
59 Park Avenue  
Lockport, NY 14094

Daniel Stapleton, Director  
Niagara County Dept. of Health  
5467 Upper Mountain Rd, Suite 100  
Lockport, NY 14094

Mr. James Volkosh, Director  
Niagara Co. Emergency Services  
5574 Niagara Street  
PO Box 496  
Lockport, NY 14095-0496

**City of Niagara Falls**

Mayor Paul Dyster  
745 Main Street  
P.O. Box 69  
Niagara Falls, NY 14302-0069

Gerald Grose  
Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

Ms. Carol Antonucci  
Niagara Falls City Clerk  
745 Main Street  
Niagara Falls, NY 14302

Robert Buzzelli, City Engineer  
City Hall Room 303  
745 Main Street  
Niagara Falls, NY 14302

Alan Nusbaum City of Niagara Fall  
Dept. of Planning/Env. Services  
745 Main Street  
Niagara Falls, NY 14302

**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

**Local News Media:**

ATTN: Aaron Besecker  
The Buffalo News  
1 News Plaza  
Buffalo, NY 14240

WKBW-TV  
7 Broadcast Plaza  
Buffalo, NY 14202

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

ATTN: Env. News Desk  
WGRZ TV - CH. 2  
259 Delaware Avenue  
Buffalo, NY 14202

ATTN: Environmental News Desk  
WIVB - CH. 4  
2077 Elmwood Avenue  
Buffalo, NY 14207

ATTN: Michael Desmond  
WNED, Env. News Desk  
PO 1263, Horizons Plaza  
Buffalo, NY 14240

ATTN: Tracey Drury  
Business First  
465 Main Street  
Buffalo, NY 14203-1793

Environmental News Desk  
The Niagara Gazette  
310 Niagara Street  
Niagara Falls, NY 14302

ATTN: Mike Hudson, Editor  
Niagara Falls Reporter  
1625 Buffalo Ave  
Niagara Falls, NY 14303

ATTN: News Director  
WLVL 1340  
PO Box 477  
Lockport, NY 14095-0477

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

**Supplier of Potable Water:**

Mr. Herbert Downs  
Niagara County Water District  
5450 Ernest Road  
PO Box 315  
Lockport, NY 14905-0315

**Document Repository:**

Niagara Falls Public Library  
Earl W. Brydges Building  
1425 Main Street  
Niagara Falls, NY 14305

**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

**Nearby Schools:**

Principal Jeff Showers  
Niagara Street School  
2513 Niagara Street  
Niagara Falls, NY 14303

Principal Cynthia Jones  
Harry F Abate Elementary  
1625 Lockport Street  
Niagara Falls, NY 14305

Principal Robert L Bradley, Jr.  
Gaskill Preparatory  
910 Hyde Park Blvd.  
Niagara Falls NY 14301

**Other Interested Groups:**

Joe Gardella  
BEMC  
176 Admiral Road  
Buffalo, NY 14216

Brian Smith  
Citizens' Campaign for the Env.  
227 McConkey Drive  
Tonawanda, NY 14223

Citizens' Environmental  
Coalition  
33 Central Avenue  
Albany, NY 12210

Julie Barrett O'Neil, Director  
Buffalo Niagara Riverkeeper  
1250 Niagara Street  
Buffalo, NY 14213

Charles Lamb  
Sierra Club – Niagara Region  
335 Walnut Lane  
Youngstown, NY 14174

**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
605	Rainbow Blvd	Residential/Commercial	Filippo Vilella 650 Rainbow Blvd Niagara Falls, NY 14303
123	6th St	Residential/Commercial	ITI Property Inc 123 6th Street Niagara Falls, NY 14303
125	6th St	Residential/Commercial	Babu & Pragna Patel 125 6th Street Niagara Falls, NY 14303
603	Rainbow Blvd	Residential/Commercial	Filippo Vilella 650 Rainbow Blvd Niagara Falls, NY 14303
121	6th St	Residential/Commercial	Michael D Scott 121 6th Street Niagara Falls, NY 14303
103	6th St	Mult-Family Residential	Mary R Guzik 103 6th Street Niagara Falls, NY 14303
113	6th St	Mult-Family Residential	Michael D Scott 103 6th Street Niagara Falls, NY 14303
525	Rainbow Blvd	Residential/Commercial	Henry & Maureen Koroschetz 525 Rainbow Blvd Niagara Falls, NY 14303
521-23	Rainbow Blvd	Residential/Commercial	Jerry K & Emma H Chapman 521-23 Rainbow Blvd Niagara Falls, NY 14303
517	Rainbow Blvd	Residential/Commercial	REHC 1 Inc 517 Rainbow Blvd Niagara Falls, NY 14303
501	Rainbow Blvd	Residential/Commercial	REHC 1 Inc 517 Rainbow Blvd Niagara Falls, NY 14303
423	Rainbow Blvd	Residential/Commercial	Laura Lee Morgan 423 Rainbow Blvd Niagara Falls, NY 14303
421	Rainbow Blvd	Residential/Commercial	Elizabeth L Jacobs 421 Rainbow Blvd Niagara Falls, NY 14303

**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
415	Rainbow Blvd	Residential/Commercial	REHC 1 Inc 517 Rainbow Blvd Niagara Falls, NY 14303
411	Rainbow Blvd	Residential/Commercial	REHC 1 Inc 517 Rainbow Blvd Niagara Falls, NY 14303
403	Rainbow Blvd	Residential/Commercial	James Copia 403 Rainbow Blvd Niagara Falls, NY 14303
127	4th St	Residential/Commercial	James Copia 127 4th Street Niagara Falls, NY 14303
125	4th St	Residential/Commercial	Terry W & Joan E Davis 125 4th Street Niagara Falls, NY 14303
123	4th St	Residential/Commercial	Terry W & Joan E Davis 123 4th Street Niagara Falls, NY 14303
140616	Buffalo Ave	Residential/Commercial	National Fuel Gas Corp 140616 Buffalo Avenue Niagara Falls, NY 14303
352	Buffalo Ave	Residential/Commercial	Frank Deni 352 Buffalo Avenue Niagara Falls, NY 14303
122	4th St	Residential/Commercial	JFD Holdings Lp 122 4th Street Niagara Falls, NY 14303
333	Rainbow Blvd	Residential/Commercial	Frank Deni 333 Buffalo Avenue Niagara Falls, NY 14303
353	Buffalo Ave	Vacant Lot	Darryl P DiNoto 353 Buffalo Avenue Niagara Falls, NY 14303
345	Buffalo Ave	Mult-Family Residential	Niagara Turtle Corp. 345 Buffalo Avenue Niagara Falls, NY 14303
6	4th St	Mult-Family Residential	The Tatler Inc 6 4th Street Niagara Falls, NY 14303
329	Rainbow Blvd	Residential/Commercial	Frank Deni 329 Buffalo Avenue Niagara Falls, NY 14303

**ATTACHMENT 5**  
**BCP Application Section VIII**  
**Contact List Information**  
**401, 402, & 430 Buffalo Avenue Site**

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
124	4th St	Residential/Commercial	JFD Holdings Lp 122 4th Street Niagara Falls, NY 14303
615	Buffalo Ave	Mult-Family Residential	Tamar Skrlin-Kozak 615 Buffalo Avenue Niagara Falls, NY 14303
531	Buffalo Ave	Mult-Family Residential	Jeanne A Battaglia-Dillon 531 Buffalo Avenue Niagara Falls, NY 14303
525	Buffalo Ave	Mult-Family Residential	Donald M & Sallie M Connor 525 Buffalo Avenue Niagara Falls, NY 14303
527	Riverside Dr	Mult-Family Residential	Jacob W & Edith M Cassick 527 Riverside Drive Niagara Falls, NY 14303
525	Riverside Dr	Mult-Family Residential	Joseph J & Viginia C Celenza 525 Riverside Drive Niagara Falls, NY 14303
2	Holly Pl	Mult-Family Residential	Jeanne A Battaglia 2 Holly Place Niagara Falls, NY 14303
521	Buffalo Ave	Mult-Family Residential	Empire State Property 521 Buffalo Avenue Niagara Falls, NY 14303

# ATTACHMENT 6

## BCP Application – Section VIII

### DOCUMENT REPOSITORY

### DOCUMENT REPOSITORY CONFIRMATION LETTER



December 27, 2013

Michelle Petrazzoulo  
Executive Director  
Niagara Falls Public Library  
1425 Main Street  
Niagara Falls, NY 14305

Re: Document Repository for Brownfield Cleanup Program  
401, 402, & 430 Buffalo Avenue Site  
Niagara Falls, New York

Dear Ms. Petrazzoulo:

Per our arraignment, thank you for agreeing to the Niagara Falls Public Library acting 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,  
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink that reads "Jonathan G. Taylor". The signature is fluid and cursive.

Jonathan G. Taylor  
Engineer

c: File: 0294-013-001



# ATTACHMENT 7

## BCP Application – Section IX

### LAND USE FACTORS

ADJACENT LAND USES AND DEVELOPMENT PATTERNS  
NEARBY LAND USE/ ZONING  
COMPREHENSIVE LAND USE PLANS  
FIGURE 10; CULTURAL RESOURCES  
FIGURE 11; NATURAL RESOURCE MAP  
FIGURE 12; WETLAND & FLOODPLAIN MAP  
GROUNDWATER VULNERABILITY ASSESSMENT  
SITE GEOGRAPHY/ GEOLOGY  
FIGURE 13; SOIL MAP

**ATTACHMENT 7**  
**BCP Application - Section IX**  
**Land Use Factors**  
**401, 402, & 430 Buffalo Avenue Site**

**LAND USE FACTORS**

**INTRODUCTION**

The following provides a brief summary of the Site:

- The Site is located within a highly developed mixed use commercial and residential area of the City of Niagara Falls, Niagara County, New York.
- The Site is improved with one municipally-condemned multi-story hotel building on the 401 Buffalo Ave Parcel which is not currently in operation. The remainder of the Site is vacant.
- The planned future use of the Site is consistent with the local zoning; and Niagara Falls Urban Renewal Community and Niagara Falls Nation Heritage Area plan (see Figure 6).
- In accordance with §27-1415(3)(p), there are no environmental justice concerns associated with the project.
- There are no State or Federal designations related to the property.
- Population in Niagara county has decreased by 3,784 (1.72%) over the period of 2000-2011.
- The Site has access to municipal utilities including: natural-gas, municipal sewer, electric and public water.
- There are no known Institutional Controls (ICs) for the Site.

**NATURAL AND CULTURAL RESOURCES**

- Per New York States Historical Preservation Office, six (6) National Register listed historical sites are located within 0.5 miles of the subject Site (see Figure 9), including:
  - Niagara Reservation (90NR01961).
  - Holley-Rankine House (90NR01967), addressed at 525 Riverside Drive.

**ATTACHMENT 7**  
**BCP Application - Section IX**  
**Land Use Factors**  
**401, 402, & 430 Buffalo Avenue Site**

- Whitney Mansion (90NR01963), addressed at 335 Buffalo Avenue.
- Hotel Niagara (08NR05895), addressed at 201 Rainbow Boulevard.
- United Office Building (05NR05480), addressed at 220 Rainbow Boulevard.
- Jefferson Apartment Building (04NR 05294), addressed at 250 Rainbow Boulevard.
  
- According to the NYSDEC's Environmental Resource Mapper (ERM) there are important plant habitats and endangered species listed for the area encompassing the Site (see Figure 10), including:
  - Rock-cress *Draba arabisans*, listed as threatened rare plant species under NYS Protection Status.
  - Marsh Arrow-grass *Triglochin palustre*, listed as threatened rare plant species under NYS Protection Status.
  - Marsh Valerian *Vaeriana uliginosa*, listed as endangered rare plant species under NYS Protection Status.
  - Woodland Bluegrass *Poa sylvestris*, listed as endangered rare plant species under NYS Protection Status.
  - Drummond's Rock-cress *Boechera stricta*, listed as endangered rare plant species under NYS Protection Status.
  
- There are no State or Federal wetlands or floodplains located on the Site. Per the Niagara County GIS On-Line Mapping System and NYSDEC Environmental Resource Mapper, the Niagara River is located approximately 250-feet to the south of the site (see Figures 10 and 11).
- Significant Coastal Fish and Wildlife Habitat was identified for the Niagara River adjacent the Site (see Figure 11).
- The nearest NYSDEC regulated freshwater wetland (TW-3) is located approximately 3.4-mile to the east of the site. The wetland is not identified in Figure 12 due to its distance from the proposed Site.

**ATTACHMENT 7**  
**BCP Application - Section IX**  
**Land Use Factors**  
**401, 402, & 430 Buffalo Avenue Site**

**ADJACENT LAND USE**

The Site is composed of three (3) adjoining parcels totaling an approximate 6.2-acres highly developed mixed use commercial and residential area of the City of Niagara Falls, Niagara County, New York (see Figures 1 and 2). The Site is surrounded by commercial and residential properties to the north, Robert Moses Parkway to the south with the Niagara River beyond, residential properties to the east, and vacant and residential properties to the west (see Figures 1 and 2).

Residential development is located immediately adjacent to the east of the Site across Holly Place. A land use map for the Site and surrounding area is provided as Figure 6. Adjacent property owners are shown on Figure 7.

**POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION**

Polycyclic aromatic hydrocarbons (PAHs) and heavy metals were detected on-Site above their respective 6NYCRR Part 375 Commercial Use Soil Cleanup Objectives (SCOs). Elevated PID readings were also detected in several investigation locations (see Attachment 4). At this time, no groundwater investigations have been completed at the Site.

Currently, there are no known deed restrictions on the use of groundwater at the Site. Municipal water is available to the Site and all properties in the area. The municipal water is supplied by Niagara Falls Water Board, and is derived from the Niagara River. All municipal supplied water in the vicinity of the Site is either “direct-managed” or “lease-managed” under the Niagara Falls Water Board.

**Groundwater Flow**

Based on regional topography and proximity to the Niagara River, groundwater likely flows in a south south-west direction.

**ATTACHMENT 7**  
**BCP Application - Section IX**  
**Land Use Factors**  
**401, 402, & 430 Buffalo Avenue Site**

**Recommendations**

Further work is required to investigate groundwater quality data. Wells to assess groundwater flow patterns and water quality will be advanced during the Remedial Investigation.

**REGIONAL GEOGRAPHY/GEOLOGY**

The Niagara Falls region is underlain by Silurian and Devonian age stratified limestone, dolomite, and shale of marine origin. The bedrock is virtually flat lying, with a gentle dip to the south of only about 30 to 40 feet per mile and exhibits only very gentle folding.

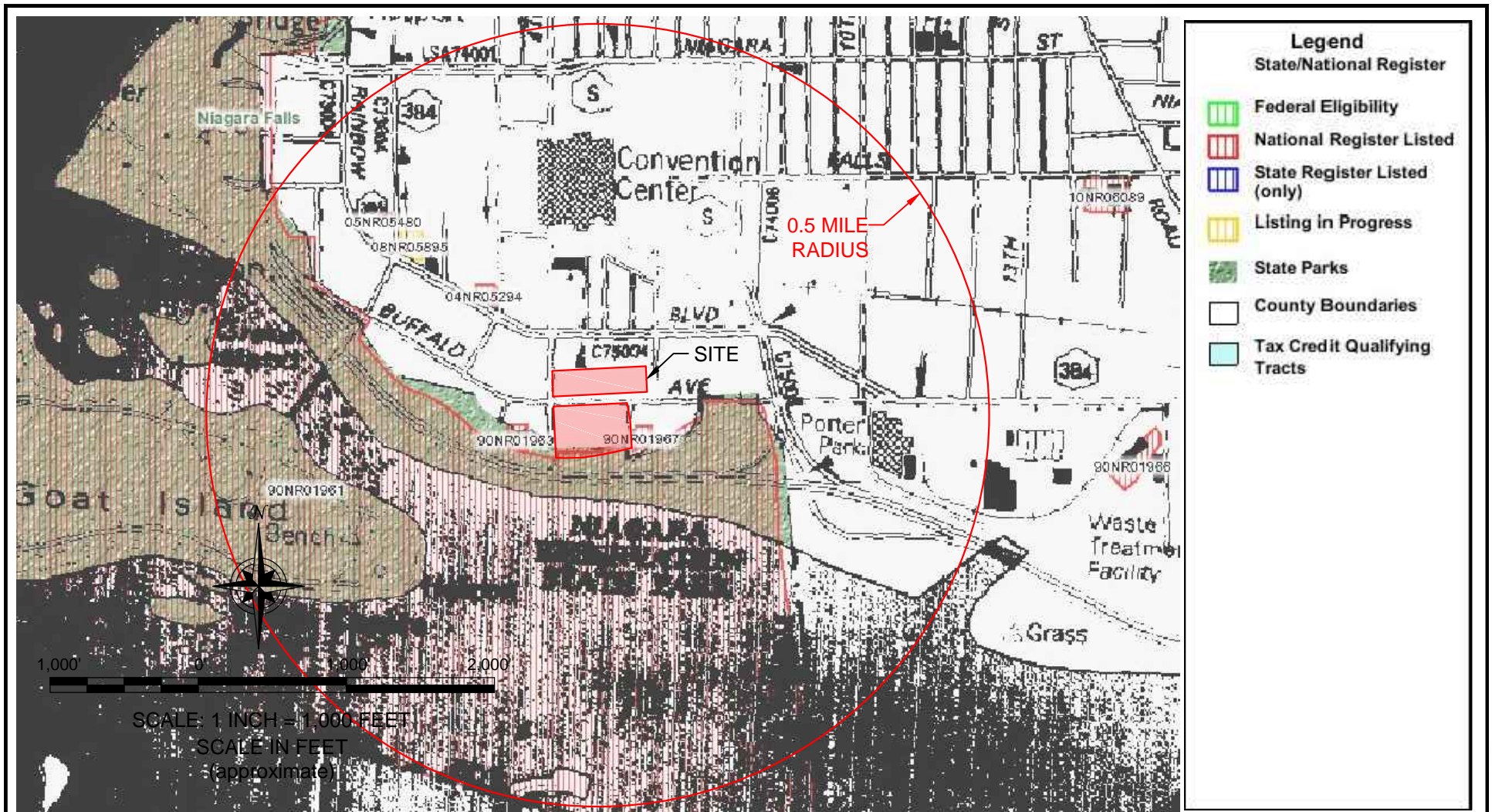
The primary bedrock type that forms the bedrock surface in the northern part of the Lake Erie-Niagara River Basin is the fine- to coarse-grained Lockport Dolomite; a white or grey, magnesium-rich sedimentary rock resembling limestone, but harder and more resistant. The Lockport is the lowermost carbonate-rock unit in the region, which overlies the Rochester Shale, a black to gray carbonaceous shale with minor calcareous beds and limestone layers. The maximum thickness of the Lockport is approximately 150 feet.

**SITE GEOGRAPHY/GEOLOGY**

The U.S. Department of Agriculture (USDA) Soil Conservation Service soil survey map of Niagara County shows the Site located within an un-surveyed area (see Figure 13). Site geology will be investigated during the Remedial Investigation.

Precipitation (i.e., rain or snow melt) generally moves radially from the Site via overland flow to on-Site catch basins. Site groundwater and hydrogeology will be investigated during the Remedial Investigation.





2556 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

## CULTURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR  
MERANI HOSPITALITY, INC.

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

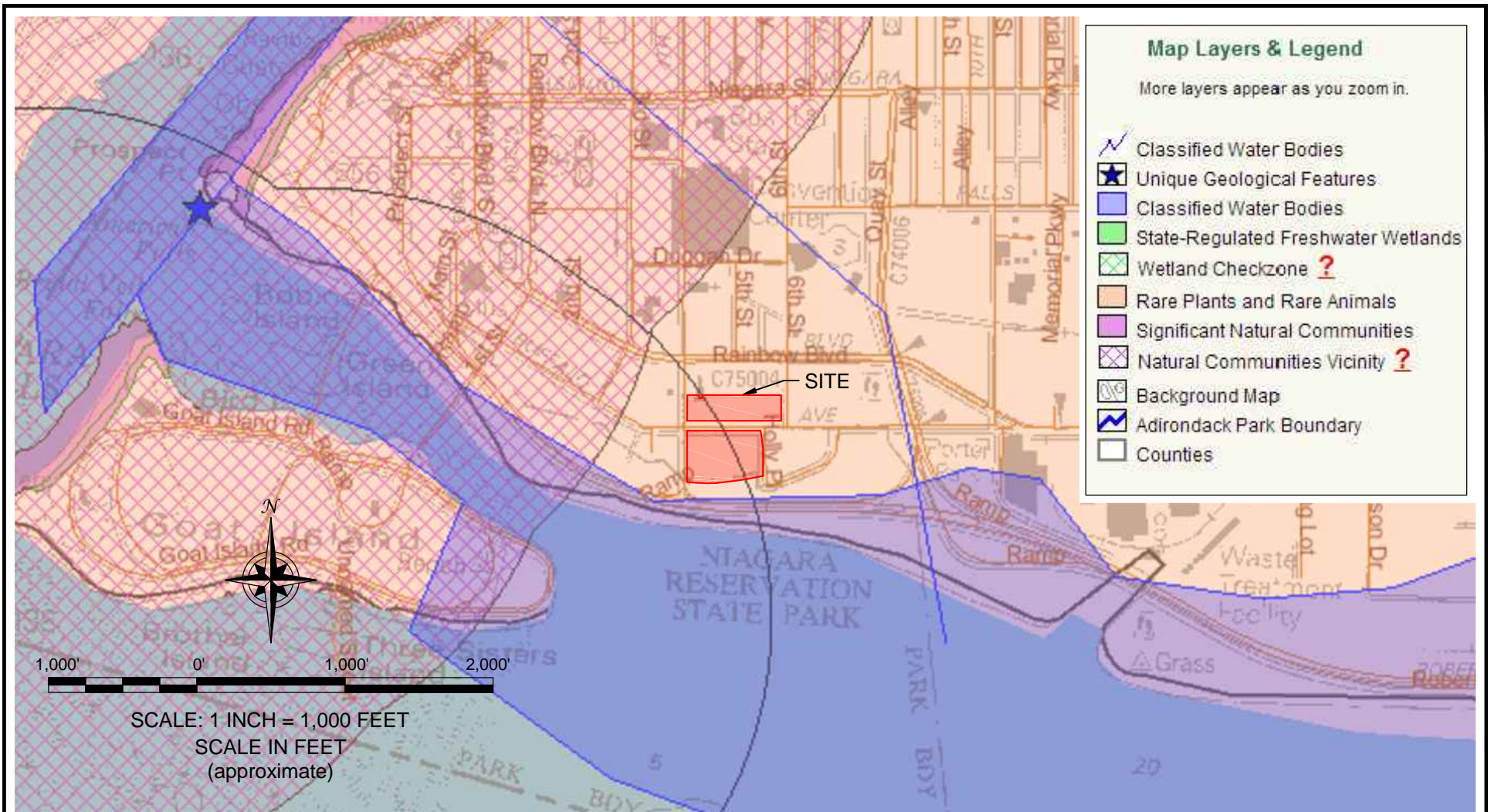
DRAFTED BY: JGT

FIGURE 10

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.





2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

DRAFTED BY: JGT

## NATURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

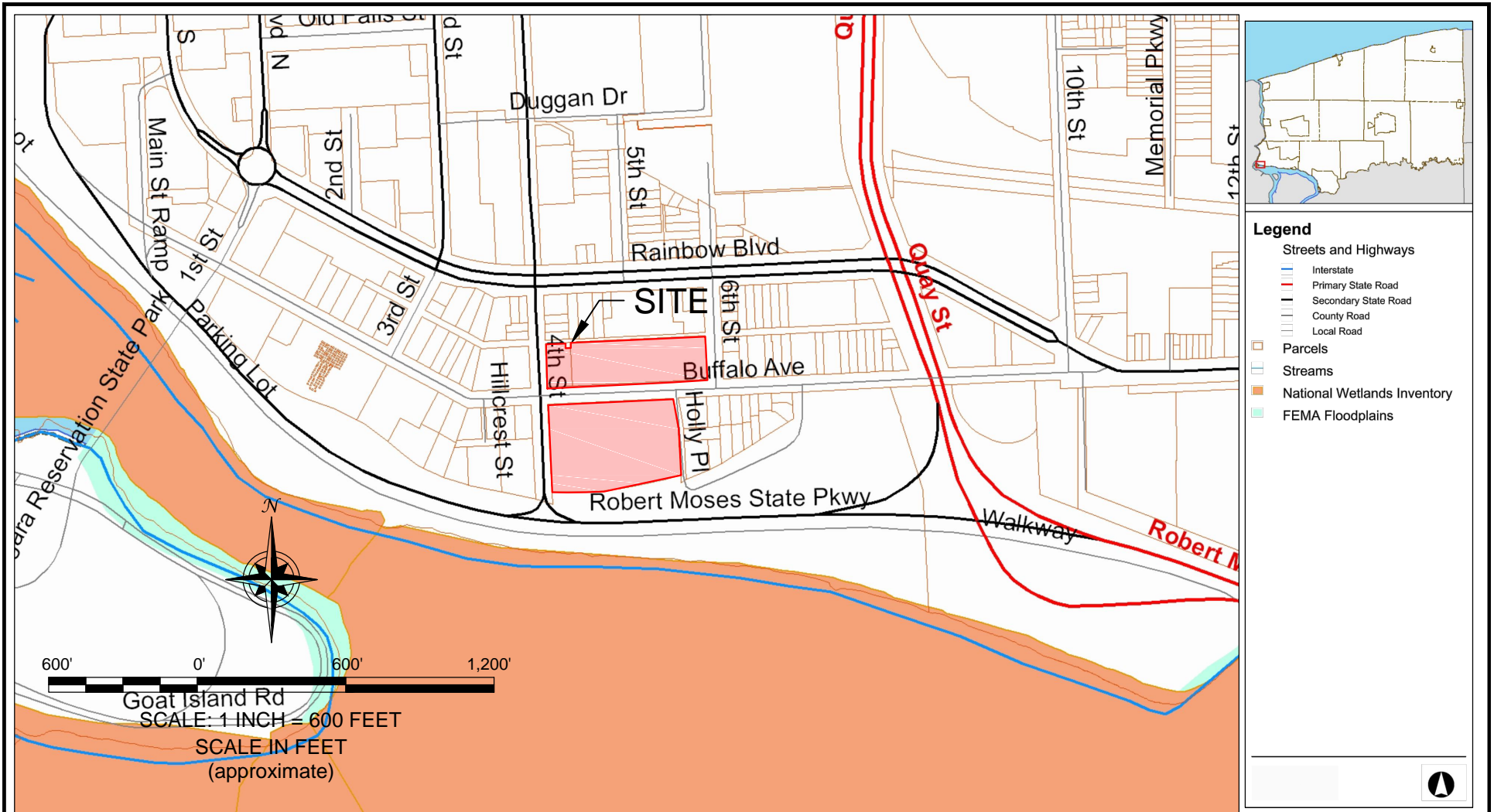
PREPARED FOR

MERANI HOSPITALITY, INC.

FIGURE 11

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.



## WETLAND & FLOODPLAIN MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

MERANI HOSPITALITY, INC.

FIGURE 12



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

DRAFTED BY: JGT

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.





2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

## SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

401, 402, & 430 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

MERANI HOSPITALITY, INC.

PROJECT NO.: 0294-013-001

DATE: FEBRUARY 2014

DRAFTED BY: JGT

FIGURE 13

**DISCLAIMER:**

PROPERTY OF TURNKEY ENV. REST., 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 TURNKEY ENV. REST., LLC.