



Strong Advocates, Effective Solutions, Integrated Implementation

September 15, 2014

Kelly A. Lewandowski, P.E.
NYS Department of Environmental Conservation
Site Control Section, Division of Environmental Remediation
625 Broadway, Albany NY 12233-7020

**Re: 402 and 430 Buffalo Avenue BCP Site (Site No. C932164)
Modification to Brownfield Cleanup Agreement (BCA)
Request to add 401 Buffalo Avenue to the Existing BCA**

Dear Ms. Lewandowski:

On behalf of our client, Merani Hospitality, Inc. (Merani), and in accordance with New York State Department of Environmental Conservation (NYSDEC) Program Policy *DER-32/Brownfield Cleanup Program Applications and Agreements*, TurnKey Environmental Restoration, LLC, is submitting this letter to request a modification of the existing Brownfield Cleanup Agreement (BCA) for the 402 and 430 Buffalo Avenue Brownfield Cleanup Program (BCP) Site. Specifically, Merani requests the following parcel, which is shown on the attached Figures 1 through 4, be added to the existing BCP Site and BCA:

**3.8-acre parcel
401 Buffalo Avenue
Tax ID #159.39-2-9
Niagara Falls, New York**

The 401 Buffalo Avenue parcel, currently owned by Merani, was previously denied entry into the BCP at the time of the original BCP application, which was submitted for 401, 402 and 430 Buffalo Avenue, Niagara Falls, New York. The Slater Law Firm, PLLC submitted a "request for reconsideration" letter on September 15, 2014 based on new information collected at the 401 Buffalo Avenue parcel (see Attachment 1). Attachment 2 includes the Supplemental Investigation report for 401 Buffalo Avenue dated September 4, 2014 and Attachment 3 includes a letter from Five Star Bank, denying financing of the project due environmental concerns on the 401 Buffalo Avenue parcel.

Please contact me at (716) 856-0599 if you have any questions or require additional information regarding this matter.

Sincerely,
TurnKey Environmental Restoration, LLC



Michael Lesakowski
Sr. Project Manager

cc: Mr. Faisal Merani, Merani Hospitality
Mr. Craig Slater, Esq., The Slater Law Firm
Mr. Patrick Foster, Esq., NYSDEC
File No. 294-013-001-004



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION TO AMEND AND AMENDMENT

PART I. BROWNFIELD CLEANUP AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

- Amendment to *[check one or more boxes below]*
 - Add
 - Substitute
 - Remove
 - Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? Yes No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

Please refer to the attached instructions for guidance on filling out this application

04/2014

Section I. Existing Application Information			
BCP SITE NAME:		BCP SITE NUMBER:	
NAME OF CURRENT APPLICANT(S):			
INDEX NUMBER OF EXISTING AGREEMENT:		DATE OF EXISTING AGREEMENT:	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? Yes No			
-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 NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
<p align="center">PARTICIPANT</p> <p>A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.</p>		<p align="center">VOLUNTEER</p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination.</p>	

Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____
 If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
 (Note: proof of site access must be submitted for non-owners)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

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 description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement)

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

Check appropriate boxes below:

- Changes to metes and bounds description or TBL correction
- Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: _____

ADDITIONAL PARCELS:

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

- Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME:	BCP SITE NUMBER:
NAME OF CURRENT APPLICANT(S):	
INDEX NUMBER OF EXISTING AGREEMENT:	
EFFECTIVE DATE OF EXISTING AGREEMENT:	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title) of (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; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. 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 am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

NA

NA

Date: _____ Signature: _____ Print Name: _____

(Entity)

CEO

Merani Hospitality, Inc.

I hereby affirm that I am _____ (title) of _____ (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

9/15/14

Faisal Merani

Date: _____ Signature: _____ Print Name: _____

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input type="checkbox"/> VOLUNTEER 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 contamination.
--	--

Effective Date of the Original Agreement:

Effective Date of the Amendment:

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

Robert W. Schick, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard 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 [DEC's website](#) for information on our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

PROJECT MANAGER: _____

FIGURES

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



SCALE: 1 INCH = 75 FEET
SCALE IN FEET
(approximate)

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

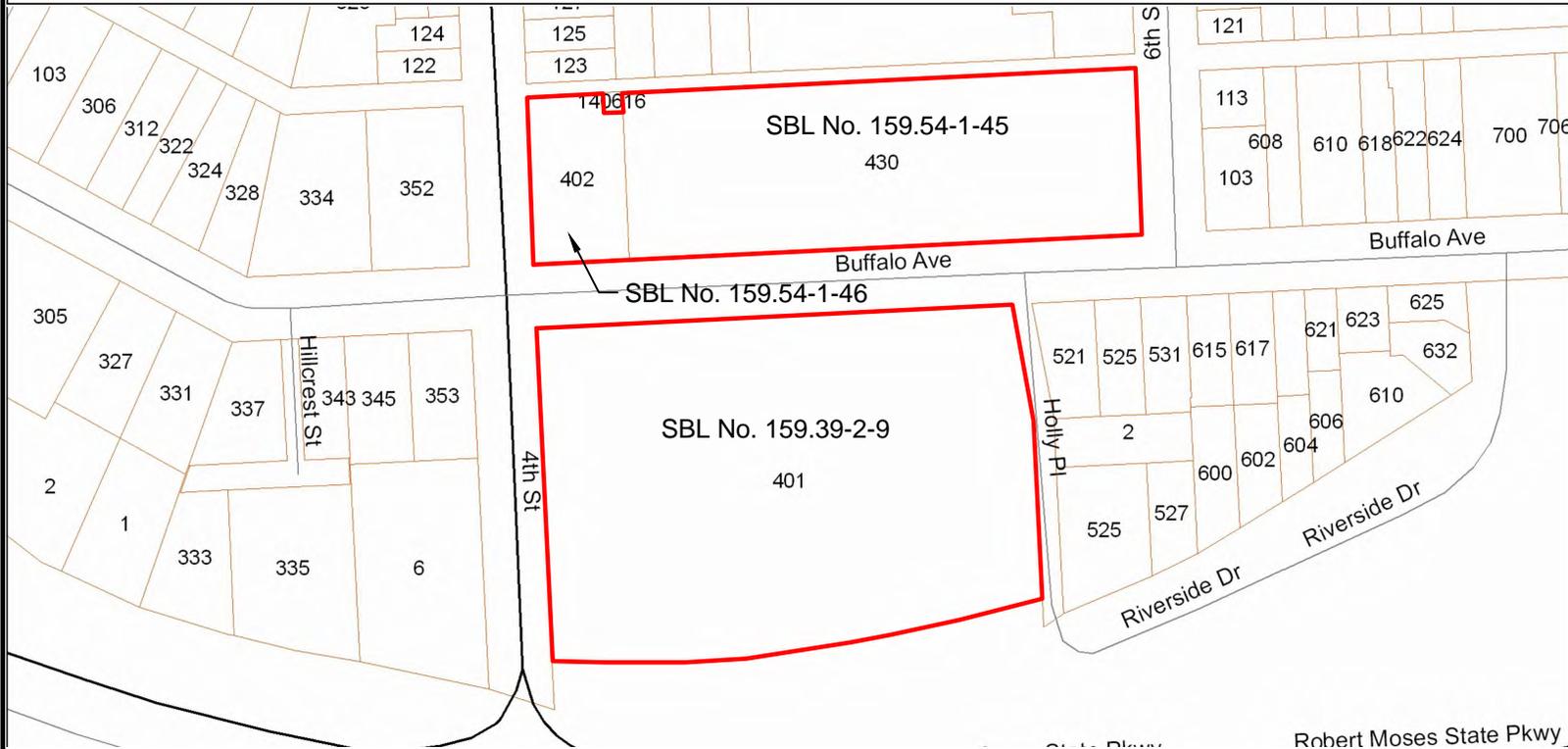
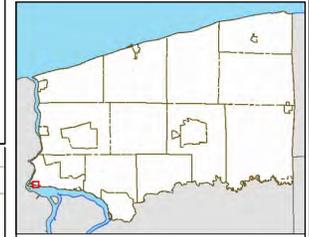
JOB NO.: 0294-013-001

FIGURE 2

DISCLAIMER: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT 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

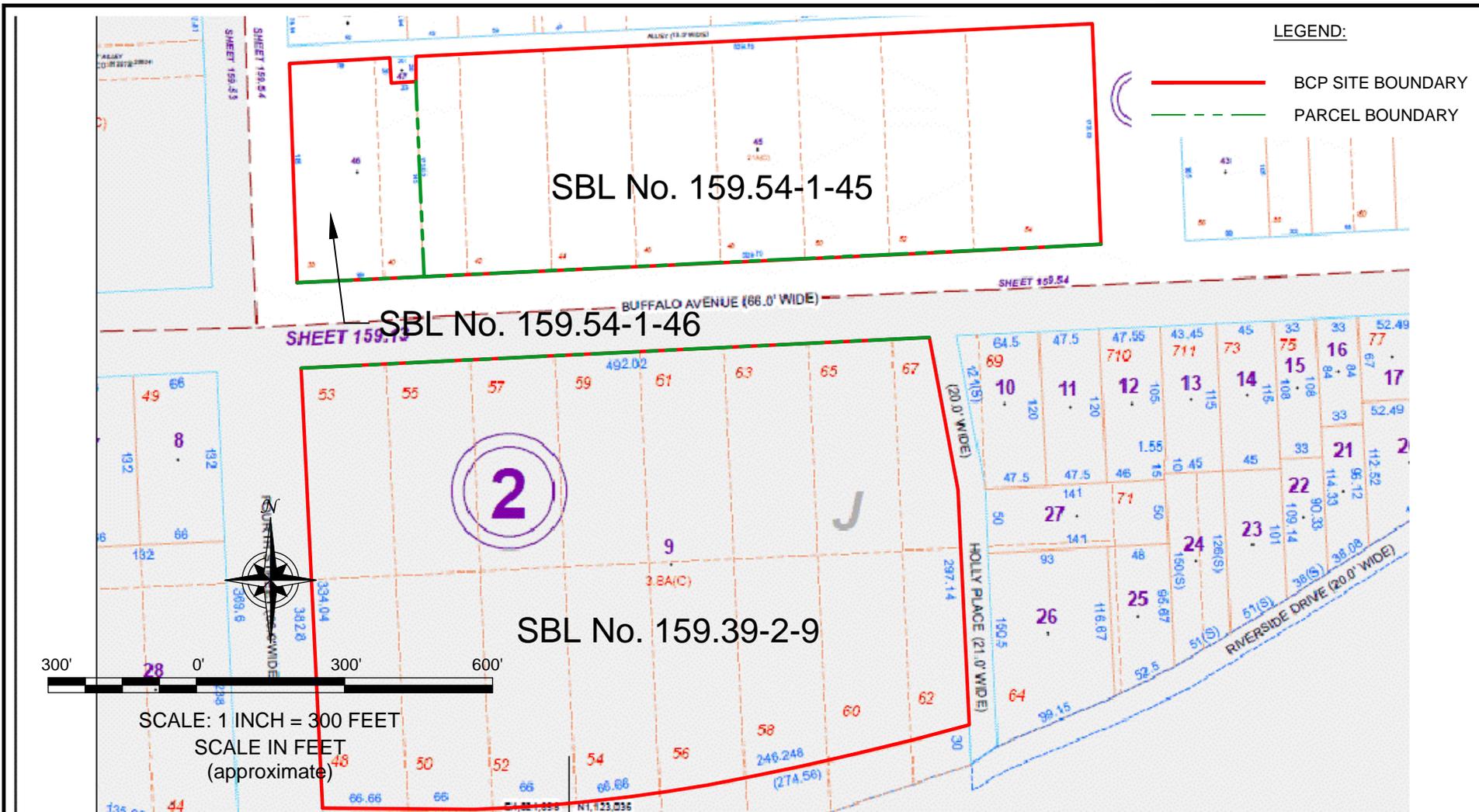
NIAGARA FALLS, NEW YORK

PREPARED FOR
MERANI HOSPITALITY, INC.

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:
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 1

REQUEST FOR RECONSIDERATION LETTER
THE SLATER LAW FIRM, PLLC
SEPTEMBER 15, 2014

September 15, 2014

Kelly A. Lewandowski, P.E.
Chief, Site Control Section
NYSDEC – Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Brownfield Cleanup Application
401, 402, and 430 Buffalo Avenue, Niagara Falls, NY (Niagara County)
BCP ID No. C932164
Request for Reconsideration

Dear Kelly:

As you know, our firm represents the BCP applicant, Merani Hospitality, Inc., in the above-referenced matter. We are in receipt of a letter from Michael J. Cruden, P.E. (Director, Remedial Bureau), dated July 23, 2014, denying reconsideration of the Department's original denial of entry of the 401 Buffalo Avenue parcel ("401" or the "Site") into the BCP. We subsequently executed the BCA for the parcel deemed eligible for entry in the BCP.

Since the date of Mr. Cruden's letter, we have completed a further environmental investigation of the Site, completing our field work on August 26, 2014, as discussed in more detail in the enclosed *Supplemental Investigation Report* prepared by Turnkey Environmental Restoration, LLC. As you can see, this report confirms the on-site presence of elevated PAH's and metals above NYCRR Part 375 Unrestricted, Restricted-Residential and/or Commercial Use SCOs in several areas of the Site and, in addition, elevated levels of radiological waste (NORM/TERNORM) across the Site.

Mr. Cruden's letter properly stated that if additional information in the future showed contamination of soils at the Site, the BCA could be amended to include the Site in the BCP site definition. The *Supplemental Investigation Report* now confirms that soil contamination exists at the Site in excess of governing SCOs, and affirms, thereby, that redevelopment and reuse of the property is complicated by this contamination. We are, therefore, again asking for reconsideration of the denial of eligibility for the Site and approval of an Amendment to the BCA so that the Site (this parcel) can also be deemed eligible for entry into the BCP or, alternatively, requesting that the BCP site be administratively re-defined confirming that.

For these purposes, we have also enclosed a copy of a letter from John R. Sigeti, Senior Vice President of Five Star Bank, the lender for this project. As you can see, our lender has

Kelly A. Lewandowski, P.E.
September 15, 2014
Page 2

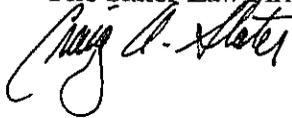
reviewed the recent *Supplemental Investigation Report* and determined that it would be unwilling to close on project financing until the environmental issues referenced are addressed.

For all of the foregoing reasons, we request that the Department determine that the Site is eligible for inclusion in the BCP.

We appreciate your review and look forward to your response. To meet our construction time schedule, we need to commence demolition as soon as possible. Although under the circumstances, this is difficult to ask, to any extent that you can expedite and approval this request would be sincerely appreciated. Of course, feel free to contact me if you need anything further in support of this application.

Very truly yours,

The Slater Law Firm, PLLC



Craig A. Slater

DIRECT DIAL: (716) 845-6760
E-MAIL: CSLATER@CSLATERLAW.COM

CAS : es
Enclosures

cc : M. Cruden, P.E.
P. Foster, Esq.
G. Sutton, P.E.
M. Hinton, P.E.
F. Merani
M. Lesakowski
N. Munley

ATTACHMENT 2

**SUPPLEMENTAL INVESTIGATION REPORT
SEPTEMBER 4, 2014**



Strong Advocates, Effective Solutions, Integrated Implementation

September 4, 2014

Mr. Craig Slater, Esq.
The Slater Law Firm, PLLC
26 Mississippi Street, Suite 400
Buffalo NY 14203

**Re: 401 Buffalo Avenue – Supplemental Investigation
Niagara Falls, New York**

Dear Mr. Slater:

TurnKey Environmental Restoration, LLC (TurnKey) conducted a Supplemental Investigation on behalf of The Slater Law Firm at the 401 Buffalo Avenue, Niagara Falls, New York (Site; see Figure 1) on August 26, 2014. The Supplemental Investigation was completed to further investigate and assess potential environmental impacts on-Site.

During a recent Site visit with the New York State Department of Environmental Conservation (NYSDEC) related to Spill No. 1312160, the Department requested additional investigation related to the spill and suggested completion of radiological screening prior to future demolition and/or redevelopment activities.

PREVIOUS INVESTIGATION FINDINGS

Previous investigations completed on-Site identified recognized environmental conditions (RECs) including:

- NYSDEC Spill No. 1312160 was assigned to the Site related to the vandalism/destruction of three transformers and spilling of approximately 120-gallons of potential PCB-containing transformer oil. The spill is currently open.
- Identification of “black-stained” fill material on-Site;
- Leaking oil-containing equipment and oil-contaminated floors, walls, and equipment were noted in the Boiler Room, Maintenance Room, and both elevator control rooms.

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

SCOPE OF WORK

The supplemental investigation included the excavation of test pits, interior subslab fill assessment and completion of a field radiological screening. Prior to the supplemental investigation, underground utilizes DigSafeNY was notified and cleared for intrusive activities.

Supplemental Investigation

A total of ten (10) sample locations were assessed across the Site during the August 2014 Supplemental Investigation (see Figure 1). Subsurface investigation activities were limited along Holly Place and 4th Street due to the presence of subgrade utilities. TurnKey mobilized a track-mounted mini-excavator to the Site and excavated test pits to assess the building backfill material. Test pits were inspected for the presence of slag fill material and scanned for total volatile organic vapors with a photoionization detector (PID) equipped with a 10.6 eV lamp. No elevated PID readings were detected. Test pit contents were screened by Greater Radiological Dimensions, Inc. (GRD), a licensed NYSDOH Radioactive Material Contractor, prior to backfilling test pits with spoils. Details of the laboratory analysis and radiological screening are provided below.

The subsurface soil/fill was typically characterized as asphalt and sub-base gravel fill, some including slag, overlying native sandy clay. Evidence of a black fill material with brick fragments was noted between 1-3 feet below ground surface in Island Test Pit (see Figure 2).

The supplemental investigation included the inspection and assessment of the south trench, west trench and pool test pit areas as described above.

TurnKey personnel utilized a concrete saw to remove an approximate 3-foot by 6-foot section of the concrete slab to assess underlying backfill material. Interior test pit (ITP-1) was completed in the lowest level of the 2-story section of the building planned for demolition and redevelopment. No visual, olfactory or elevated PID readings were detected under the building slab at this location. Accessibility and concrete thickness limited areas available for assessment. Radiological screening results are described below.

Analytical Sampling and Results

Samples were collected from the Island Test Pit, Pool Test Pit, West Trench and South Trench sample locations (see Figure 1). Samples were collected and 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 the analytical laboratory for analysis of polycyclic aromatic hydrocarbons (PAHs) and Resource Conservation and Recovery Act (RCRA) metals. Analytical results are presented on Table 1. Laboratory analytical package is attached electronically in Attachment 2.

Elevated PAHs above Part 375 Unrestricted, Restricted-Residential and/or Commercial Use SCOs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene were detected in West Trench and South Trench sample locations (see Table 1).

Elevated metals above Part 375 Unrestricted, Restricted Residential, and/or Commercial Use SCOs were detected on-Site, including arsenic, cadmium, chromium, lead, and mercury were detected at West trench, South Trench, and Island Test Pit locations (see Table 1).

Radiological Assessment

Based on the location of the Site within an area of Niagara Falls, NY that is recently known to contain historic slag material which exhibits elevated levels of naturally-occurring radioactive material (NORM) and technologically-enhanced, naturally-occurring radioactive material (TENORM), radiological field screening was completed during the August 2014

Supplemental Investigation. Radiological screening was completed by GRD on the excavated test pits along the building foundation, accessible areas within the lowest floor of the existing building, including subslab ITP-1 location, paved areas (e.g., asphalt and concrete) and the entire perimeter of the vacant building. Background radiological readings were recorded between 4,000-7,000 counts per minute (cpm). Radiological screening field logs are provided in Appendix 1.

As shown on Figure 2, six (6) distinct areas of elevated radiological material ranging from twice to 10 times above background were detected on-Site. Specifically, four (4) areas of elevated radiological material, associated with the building foundation (2 areas up to 11,000 cpm) and subslab backfill material (one area up to 11,000 cpm), and the pool area with readings as high as 40,000 cpm. An area of elevated radiological material was detected in the parking lot island (up to 12,000 cpm) including the area of the Island Test Pit location. Another area of elevated radiological material was detected along the western portion of the Site with readings up to 12,000 cpm.

It should also be noted, that radiological screening values are typically muted by the presence of impervious surface cover (i.e., asphalt and concrete) and the likely radiological levels will be higher than the initial screening results once the material is disturbed during redevelopment activities. Based on the findings of the field screening, GRD recommended additional radiological investigation and assessment prior to any future demolition or redevelopment activities.

Summary of Results

- Elevated PAHs above Part 375 Unrestricted, Restricted-Residential and/or Commercial Use SCOs were detected on-Site, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene.
- Elevated metals above Part 375 Unrestricted, Restricted Residential, and/or Commercial Use SCOs were detected on-Site, including arsenic, cadmium, chromium, lead, and mercury.

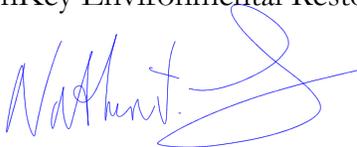
- Based on the radiological screening results, elevated levels of NORM/TENORM are present across the Site. GRD recommends additional radiological assessment prior to any intrusive activities.

Recommendations

- Based on the presence of elevated radiological material on-Site that directly impacts the planned demolition and redevelopment of the property, a radiological work plan detailing the regulated assessment and waste disposal requirements should be prepared and submitted to the NYSDEC for approval prior to intrusive activities.
- Though not directly part of this Supplemental Investigation, TurnKey recommends that oil or wipe sample(s) be collected from the spilled transformer oil area to determine if PCBs are present. Based on the results, a Corrective Action Plan should be prepared and submitted to the NYSDEC for review to address the open spill.
- Benchmark recommends providing this report to the NYSDEC with a request to reconsider the New York Brownfield Cleanup Program (BCP) eligibility determination for the 401 Buffalo Avenue parcel prior to completion of additional investigation and Site remedial and/or redevelopment activities.

Please contact us if you have any questions.

Sincerely,
TurnKey Environmental Restoration, LLC



Nathan T. Munley
Project Manager



Michael A. Lesakowski
Sr. Project Manager

cc: F. Merani (Merani Hospitality)

File: 0271-013-001

TABLE



TABLE 1

SUMMARY OF SOIL ANALYTICAL RESULTS

401 BUFFALO AVENUE SITE

NIAGARA FALLS, NEW YORK

Parameter ¹	Unrestricted Use SCOs ²	Restricted Residential Use SCOs ²	Commercial Use SCOs ²	WEST TRENCH	SOUTH TRENCH	ISLAND TEST PIT	POOL TEST PIT
				8/26/2014			
Semi-Volatile Organic Compounds (SVOCs) - mg/Kg³							
Acenaphthene	20	100	500	ND	8.2	ND	ND
Anthracene	100	100	500	2.2 J	16	0.074 J	ND
Benzo(a)anthracene	1	1	5.6	10	43	0.32	ND
Benzo(a)pyrene	1	1	1	12	43	0.28	ND
Benzo(b)fluoranthene	1	1	5.6	25	57	0.32	ND
Benzo(g,h,i)perylene	100	100	500	14	29	0.15	ND
Benzo(k)fluoranthene	0.8	3.9	56	9.3	24	0.17	ND
Chrysene	1	3.9	56	21	46	0.34	ND
Dibenzo(a,h)anthracene	0.33	0.33	0.56	2.3 J	7.3	0.046 J	ND
Fluoranthene	100	100	500	31	99	0.48	ND
Fluorene	30	100	500	ND	7.3	ND	ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	14	32	0.16	ND
Naphthalene	12	100	500	ND	3.7 J	ND	ND
Phenanthrene	100	100	500	13	66	0.18	ND
Pyrene	100	100	500	23	72	0.42	ND
Metals - mg/Kg							
Arsenic	13	16	16	7.1	4.7	21	3.6
Barium	350	400	400	160	150	84	25
Cadmium	2.5	4.3	9.3	2.6	8.2	0.24 J	0.42 J
Chromium	30	180	1500	32	98	9.7	7.6
Lead	63	400	1000	36	150	540	21
Selenium	3.9	180	1500	0.76 J	2 J	0.26 J	ND
Silver	2	8.3	1500	0.68 J	0.39 J	ND	ND
Mercury	0.18	0.73	2.8	0.18 J	1	0.29	0.03 J

Notes:

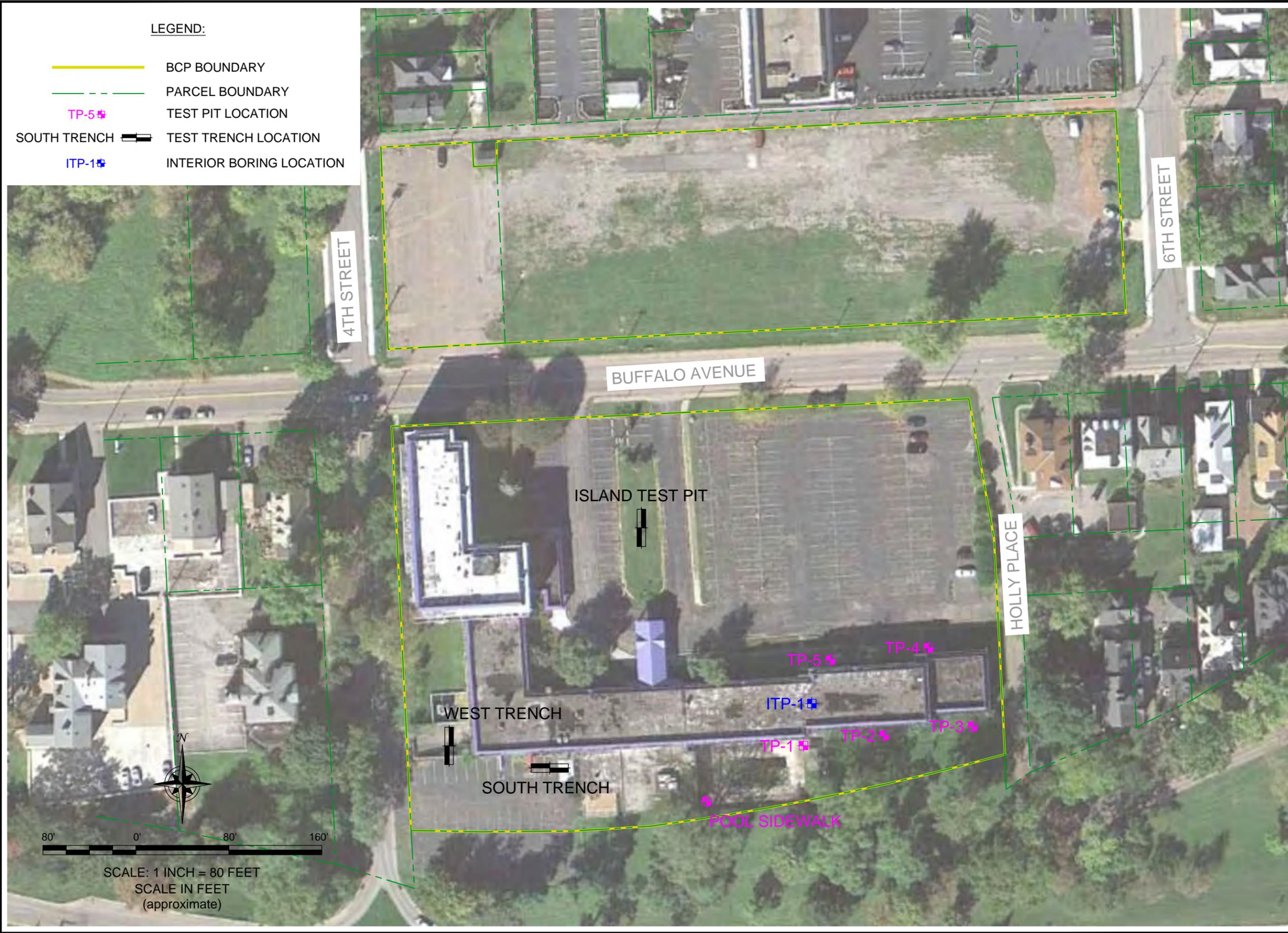
1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per 6NYCRR Part 375 Soil Cleanup Objectives (December 2006).
3. Sample results were reported by the laboratory in ug/kg and converted to mg/kg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

Definitions:

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

BOLD	= Result exceeds Part 375 Unrestricted Use SCOs.
BOLD	= Result exceeds Part 375 Restricted Residential Use SCOs.
BOLD	= Result exceeds Part 375 Commercial Use SCOs.

FIGURE



SAMPLE LOCATIONS

SUPPLEMENTAL INVESTIGATION
 401 BUFFALO AVENUE SITE
 NIAGARA FALLS, NEW YORK
 PREPARED FOR
 THE SLATER LAW FIRM, PLLC



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

JOB NO.: 0294-013-001

FIGURE 1

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.

LEGEND:

-  BCP BOUNDARY
-  PARCEL BOUNDARY
-  APPROXIMATE AREAS OF ELEVATED RADIOLOGIC READINGS

- NOTES:**
1. AERIAL IMAGE FROM GOOGLE EARTH.
 2. CPM = COUNTS PER MINUTE.
 3. RADIOLOGICAL SURVEY PERFORMED BY GREATER RADIOLOGICAL DIMENSIONS, INC. SITE BACKGROUND LISTED AS 4,000-7,000 CPM.



RADIATION SURVEY RESULTS

SUPPLEMENTAL INVESTIGATION
 401 BUFFALO AVENUE SITE
 NIAGARA FALLS, NEW YORK
 PREPARED FOR
 THE SLATER LAW FIRM, PLLC



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.

ATTACHMENT 1

**RADIOLOGICAL SCREENING RESULTS
(GREATER RADIOLOGICAL DIMENSIONS, INC.)**

ATTACHMENT 2

LABORATORY ANALYTICAL DATA PACKAGE



ANALYTICAL REPORT

Lab Number:	L1419647
Client:	Benchmark & Turnkey Companies 2558 Hamburg Turnpike Suite 300 Buffalo, NY 14218
ATTN:	Mike Lesakowski
Phone:	(716) 856-0599
Project Name:	401 BUFFALO AVENUE
Project Number:	0294-013-001
Report Date:	08/29/14

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.

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



Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

Alpha Sample ID	Client ID	Matrix	Sample Location	Collection Date/Time	Receive Date
L1419647-01	WEST TRENCH DRAIN	SOIL	NIAGARA FALLS, NY	08/26/14 15:25	08/27/14
L1419647-02	SOUTH TRENCH DRAIN	SOIL	NIAGARA FALLS, NY	08/26/14 15:15	08/27/14
L1419647-03	ISLAND TEST PIT	SOIL	NIAGARA FALLS, NY	08/26/14 15:35	08/27/14
L1419647-04	POOL SIDEWALK	SOIL	NIAGARA FALLS, NY	08/26/14 15:00	08/27/14

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

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 (with the exception of Air canisters) 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. Air canisters will be disposed after 3 business days from the date the project is completed.

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

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

Case Narrative (continued)

Report Submission

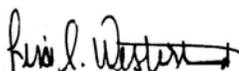
All non-detect (ND) or estimated concentrations (J-qualified) have been quantitated to the limit noted in the MDL column.

Semivolatile Organics

L1419647-01 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:



Lisa Westerlind

Title: Technical Director/Representative

Date: 08/29/14

ORGANICS

SEMIVOLATILES

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-01 D
 Client ID: WEST TRENCH DRAIN
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Analytical Method: 1,8270D
 Analytical Date: 08/29/14 02:12
 Analyst: RC
 Percent Solids: 30%

Date Collected: 08/26/14 15:25
 Date Received: 08/27/14
 Field Prep: Not Specified
 Extraction Method: EPA 3546
 Extraction Date: 08/28/14 03:42

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Semivolatile Organics by GC/MS - Westborough Lab						
Acenaphthene	ND		ug/kg	4400	1100	10
2-Chloronaphthalene	ND		ug/kg	5500	1800	10
Fluoranthene	31000		ug/kg	3300	1000	10
Naphthalene	ND		ug/kg	5500	1800	10
Benzo(a)anthracene	10000		ug/kg	3300	1100	10
Benzo(a)pyrene	12000		ug/kg	4400	1300	10
Benzo(b)fluoranthene	25000		ug/kg	3300	1100	10
Benzo(k)fluoranthene	9300		ug/kg	3300	1000	10
Chrysene	21000		ug/kg	3300	1100	10
Acenaphthylene	ND		ug/kg	4400	1000	10
Anthracene	2200	J	ug/kg	3300	910	10
Benzo(ghi)perylene	14000		ug/kg	4400	1100	10
Fluorene	ND		ug/kg	5500	1600	10
Phenanthrene	13000		ug/kg	3300	1100	10
Dibenzo(a,h)anthracene	2300	J	ug/kg	3300	1100	10
Indeno(1,2,3-cd)Pyrene	14000		ug/kg	4400	1200	10
Pyrene	23000		ug/kg	3300	1100	10
2-Methylnaphthalene	ND		ug/kg	6600	1800	10

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	109		23-120
2-Fluorobiphenyl	85		30-120
4-Terphenyl-d14	87		18-120

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-02 D
 Client ID: SOUTH TRENCH DRAIN
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Analytical Method: 1,8270D
 Analytical Date: 08/29/14 13:00
 Analyst: RC
 Percent Solids: 33%

Date Collected: 08/26/14 15:15
 Date Received: 08/27/14
 Field Prep: Not Specified
 Extraction Method: EPA 3546
 Extraction Date: 08/28/14 03:42

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Semivolatile Organics by GC/MS - Westborough Lab						
Acenaphthene	8200		ug/kg	4000	1000	10
2-Chloronaphthalene	ND		ug/kg	5000	1600	10
Fluoranthene	99000		ug/kg	3000	920	10
Naphthalene	3700	J	ug/kg	5000	1600	10
Benzo(a)anthracene	43000		ug/kg	3000	980	10
Benzo(a)pyrene	43000		ug/kg	4000	1200	10
Benzo(b)fluoranthene	57000		ug/kg	3000	1000	10
Benzo(k)fluoranthene	24000		ug/kg	3000	950	10
Chrysene	46000		ug/kg	3000	980	10
Acenaphthylene	ND		ug/kg	4000	930	10
Anthracene	16000		ug/kg	3000	830	10
Benzo(ghi)perylene	29000		ug/kg	4000	1000	10
Fluorene	7300		ug/kg	5000	1400	10
Phenanthrene	66000		ug/kg	3000	980	10
Dibenzo(a,h)anthracene	7300		ug/kg	3000	960	10
Indeno(1,2,3-cd)Pyrene	32000		ug/kg	4000	1100	10
Pyrene	72000		ug/kg	3000	970	10
2-Methylnaphthalene	ND		ug/kg	6000	1600	10

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	63		23-120
2-Fluorobiphenyl	64		30-120
4-Terphenyl-d14	59		18-120

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-03
Client ID: ISLAND TEST PIT
Sample Location: NIAGARA FALLS, NY
Matrix: Soil
Analytical Method: 1,8270D
Analytical Date: 08/29/14 03:07
Analyst: RC
Percent Solids: 88%

Date Collected: 08/26/14 15:35
Date Received: 08/27/14
Field Prep: Not Specified
Extraction Method: EPA 3546
Extraction Date: 08/28/14 03:42

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Semivolatile Organics by GC/MS - Westborough Lab						
Acenaphthene	ND		ug/kg	150	38.	1
2-Chloronaphthalene	ND		ug/kg	190	61.	1
Fluoranthene	480		ug/kg	110	34.	1
Naphthalene	ND		ug/kg	190	62.	1
Benzo(a)anthracene	320		ug/kg	110	36.	1
Benzo(a)pyrene	280		ug/kg	150	46.	1
Benzo(b)fluoranthene	320		ug/kg	110	38.	1
Benzo(k)fluoranthene	170		ug/kg	110	36.	1
Chrysene	340		ug/kg	110	37.	1
Acenaphthylene	ND		ug/kg	150	35.	1
Anthracene	74	J	ug/kg	110	31.	1
Benzo(ghi)perylene	150		ug/kg	150	39.	1
Fluorene	ND		ug/kg	190	54.	1
Phenanthrene	180		ug/kg	110	36.	1
Dibenzo(a,h)anthracene	46	J	ug/kg	110	36.	1
Indeno(1,2,3-cd)Pyrene	160		ug/kg	150	41.	1
Pyrene	420		ug/kg	110	36.	1
2-Methylnaphthalene	ND		ug/kg	220	60.	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	86		23-120
2-Fluorobiphenyl	72		30-120
4-Terphenyl-d14	84		18-120

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-04
 Client ID: POOL SIDEWALK
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Analytical Method: 1,8270D
 Analytical Date: 08/29/14 03:35
 Analyst: RC
 Percent Solids: 89%

Date Collected: 08/26/14 15:00
 Date Received: 08/27/14
 Field Prep: Not Specified
 Extraction Method: EPA 3546
 Extraction Date: 08/28/14 03:42

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

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Nitrobenzene-d5	89		23-120
2-Fluorobiphenyl	63		30-120
4-Terphenyl-d14	73		18-120

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

**Method Blank Analysis
Batch Quality Control**

Analytical Method: 1,8270D
 Analytical Date: 08/28/14 09:01
 Analyst: RC

Extraction Method: EPA 3546
 Extraction Date: 08/27/14 23:09

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-04 Batch: WG717449-1					
Acenaphthene	ND		ug/kg	130	33.
1,2,4-Trichlorobenzene	ND		ug/kg	160	53.
Hexachlorobenzene	ND		ug/kg	97	30.
Bis(2-chloroethyl)ether	ND		ug/kg	140	45.
2-Chloronaphthalene	ND		ug/kg	160	53.
1,2-Dichlorobenzene	ND		ug/kg	160	53.
1,3-Dichlorobenzene	ND		ug/kg	160	51.
1,4-Dichlorobenzene	ND		ug/kg	160	49.
3,3'-Dichlorobenzidine	ND		ug/kg	160	43.
2,4-Dinitrotoluene	ND		ug/kg	160	35.
2,6-Dinitrotoluene	ND		ug/kg	160	41.
Fluoranthene	ND		ug/kg	97	30.
4-Chlorophenyl phenyl ether	ND		ug/kg	160	49.
4-Bromophenyl phenyl ether	ND		ug/kg	160	37.
Bis(2-chloroisopropyl)ether	ND		ug/kg	190	57.
Bis(2-chloroethoxy)methane	ND		ug/kg	170	49.
Hexachlorobutadiene	ND		ug/kg	160	46.
Hexachlorocyclopentadiene	ND		ug/kg	460	100
Hexachloroethane	ND		ug/kg	130	29.
Isophorone	ND		ug/kg	140	43.
Naphthalene	ND		ug/kg	160	54.
Nitrobenzene	ND		ug/kg	140	38.
NitrosoDiPhenylAmine(NDPA)/DPA	ND		ug/kg	130	34.
n-Nitrosodi-n-propylamine	ND		ug/kg	160	48.
Bis(2-Ethylhexyl)phthalate	ND		ug/kg	160	42.
Butyl benzyl phthalate	ND		ug/kg	160	32.
Di-n-butylphthalate	ND		ug/kg	160	31.
Di-n-octylphthalate	ND		ug/kg	160	40.
Diethyl phthalate	ND		ug/kg	160	34.

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

Method Blank Analysis
Batch Quality Control

Analytical Method: 1,8270D
Analytical Date: 08/28/14 09:01
Analyst: RC

Extraction Method: EPA 3546
Extraction Date: 08/27/14 23:09

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-04 Batch: WG717449-1					
Dimethyl phthalate	ND		ug/kg	160	41.
Benzo(a)anthracene	ND		ug/kg	97	32.
Benzo(a)pyrene	ND		ug/kg	130	40.
Benzo(b)fluoranthene	ND		ug/kg	97	33.
Benzo(k)fluoranthene	ND		ug/kg	97	31.
Chrysene	ND		ug/kg	97	32.
Acenaphthylene	ND		ug/kg	130	30.
Anthracene	ND		ug/kg	97	27.
Benzo(ghi)perylene	ND		ug/kg	130	34.
Fluorene	ND		ug/kg	160	46.
Phenanthrene	ND		ug/kg	97	32.
Dibenzo(a,h)anthracene	ND		ug/kg	97	31.
Indeno(1,2,3-cd)Pyrene	ND		ug/kg	130	36.
Pyrene	ND		ug/kg	97	31.
Biphenyl	ND		ug/kg	370	53.
4-Chloroaniline	ND		ug/kg	160	43.
2-Nitroaniline	ND		ug/kg	160	46.
3-Nitroaniline	ND		ug/kg	160	45.
4-Nitroaniline	ND		ug/kg	160	44.
Dibenzofuran	ND		ug/kg	160	54.
2-Methylnaphthalene	ND		ug/kg	190	52.
1,2,4,5-Tetrachlorobenzene	ND		ug/kg	160	50.
Acetophenone	ND		ug/kg	160	50.
2,4,6-Trichlorophenol	ND		ug/kg	97	30.
P-Chloro-M-Cresol	ND		ug/kg	160	47.
2-Chlorophenol	ND		ug/kg	160	49.
2,4-Dichlorophenol	ND		ug/kg	140	52.
2,4-Dimethylphenol	ND		ug/kg	160	48.
2-Nitrophenol	ND		ug/kg	350	50.

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

**Method Blank Analysis
Batch Quality Control**

Analytical Method: 1,8270D
 Analytical Date: 08/28/14 09:01
 Analyst: RC

Extraction Method: EPA 3546
 Extraction Date: 08/27/14 23:09

Parameter	Result	Qualifier	Units	RL	MDL
Semivolatile Organics by GC/MS - Westborough Lab for sample(s): 01-04 Batch: WG717449-1					
4-Nitrophenol	ND		ug/kg	230	52.
2,4-Dinitrophenol	ND		ug/kg	780	220
4,6-Dinitro-o-cresol	ND		ug/kg	420	59.
Pentachlorophenol	ND		ug/kg	130	35.
Phenol	ND		ug/kg	160	48.
2-Methylphenol	ND		ug/kg	160	52.
3-Methylphenol/4-Methylphenol	ND		ug/kg	230	53.
2,4,5-Trichlorophenol	ND		ug/kg	160	52.
Benzoic Acid	ND		ug/kg	520	160
Benzyl Alcohol	ND		ug/kg	160	50.
Carbazole	ND		ug/kg	160	35.

Surrogate	%Recovery	Qualifier	Acceptance Criteria
2-Fluorophenol	62		25-120
Phenol-d6	59		10-120
Nitrobenzene-d5	56		23-120
2-Fluorobiphenyl	53		30-120
2,4,6-Tribromophenol	52		0-136
4-Terphenyl-d14	52		18-120

Lab Control Sample Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-04 Batch: WG717449-2 WG717449-3								
Acenaphthene	58		78		31-137	29		50
1,2,4-Trichlorobenzene	56		68		38-107	19		50
Hexachlorobenzene	57		76		40-140	29		50
Bis(2-chloroethyl)ether	60		71		40-140	17		50
2-Chloronaphthalene	62		77		40-140	22		50
1,2-Dichlorobenzene	58		68		40-140	16		50
1,3-Dichlorobenzene	56		66		40-140	16		50
1,4-Dichlorobenzene	55		66		28-104	18		50
3,3'-Dichlorobenzidine	41		51		40-140	22		50
2,4-Dinitrotoluene	63		84		28-89	29		50
2,6-Dinitrotoluene	67		82		40-140	20		50
Fluoranthene	56		80		40-140	35		50
4-Chlorophenyl phenyl ether	60		80		40-140	29		50
4-Bromophenyl phenyl ether	60		79		40-140	27		50
Bis(2-chloroisopropyl)ether	61		75		40-140	21		50
Bis(2-chloroethoxy)methane	63		77		40-117	20		50
Hexachlorobutadiene	60		74		40-140	21		50
Hexachlorocyclopentadiene	66		78		40-140	17		50
Hexachloroethane	60		71		40-140	17		50
Isophorone	65		79		40-140	19		50
Naphthalene	58		74		40-140	24		50

Lab Control Sample Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-04 Batch: WG717449-2 WG717449-3								
Nitrobenzene	60		76		40-140	24		50
NitrosoDiPhenylAmine(NDPA)/DPA	60		80			29		50
n-Nitrosodi-n-propylamine	60		74		32-121	21		50
Bis(2-Ethylhexyl)phthalate	62		92		40-140	39		50
Butyl benzyl phthalate	59		86		40-140	37		50
Di-n-butylphthalate	60		86		40-140	36		50
Di-n-octylphthalate	62		94		40-140	41		50
Diethyl phthalate	62		81		40-140	27		50
Dimethyl phthalate	62		81		40-140	27		50
Benzo(a)anthracene	56		82		40-140	38		50
Benzo(a)pyrene	56		81		40-140	36		50
Benzo(b)fluoranthene	56		80		40-140	35		50
Benzo(k)fluoranthene	57		85		40-140	39		50
Chrysene	58		83		40-140	35		50
Acenaphthylene	64		80		40-140	22		50
Anthracene	58		85		40-140	38		50
Benzo(ghi)perylene	55		80		40-140	37		50
Fluorene	59		78		40-140	28		50
Phenanthrene	56		81		40-140	36		50
Dibenzo(a,h)anthracene	53		80		40-140	41		50
Indeno(1,2,3-cd)Pyrene	55		81		40-140	38		50

Lab Control Sample Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-04 Batch: WG717449-2 WG717449-3								
Pyrene	55		79		35-142	36		50
Biphenyl	61		85			33		50
4-Chloroaniline	59		46		40-140	25		50
2-Nitroaniline	67		80		47-134	18		50
3-Nitroaniline	49		58		26-129	17		50
4-Nitroaniline	58		77		41-125	28		50
Dibenzofuran	56		76		40-140	30		50
2-Methylnaphthalene	57		73		40-140	25		50
1,2,4,5-Tetrachlorobenzene	59		81		40-117	31		50
Acetophenone	64		78		14-144	20		50
2,4,6-Trichlorophenol	68		85		30-130	22		50
P-Chloro-M-Cresol	65		82		26-103	23		50
2-Chlorophenol	57		68		25-102	18		50
2,4-Dichlorophenol	60		77		30-130	25		50
2,4-Dimethylphenol	65		82		30-130	23		50
2-Nitrophenol	59		70		30-130	17		50
4-Nitrophenol	62		86		11-114	32		50
2,4-Dinitrophenol	46		63		4-130	31		50
4,6-Dinitro-o-cresol	57		75		10-130	27		50
Pentachlorophenol	55		78		17-109	35		50
Phenol	59		70		26-90	17		50

Lab Control Sample Analysis Batch Quality Control

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

Parameter	LCS %Recovery	Qual	LCSD %Recovery	Qual	%Recovery Limits	RPD	Qual	RPD Limits
Semivolatile Organics by GC/MS - Westborough Lab Associated sample(s): 01-04 Batch: WG717449-2 WG717449-3								
2-Methylphenol	61		74		30-130.	19		50
3-Methylphenol/4-Methylphenol	60		74		30-130	21		50
2,4,5-Trichlorophenol	68		83		30-130	20		50
Benzoic Acid	42		51			19		50
Benzyl Alcohol	62		75		40-140	19		50
Carbazole	56		78		54-128	33		50

Surrogate	LCS %Recovery	Qual	LCSD %Recovery	Qual	Acceptance Criteria
2-Fluorophenol	61		73		25-120
Phenol-d6	62		74		10-120
Nitrobenzene-d5	58		71		23-120
2-Fluorobiphenyl	59		74		30-120
2,4,6-Tribromophenol	59		83		0-136
4-Terphenyl-d14	53		75		18-120

METALS

Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-01
 Client ID: WEST TRENCH DRAIN
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Percent Solids: 30%

Date Collected: 08/26/14 15:25
 Date Received: 08/27/14
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Westborough Lab											
Arsenic, Total	7.1		mg/kg	1.3	0.26	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Barium, Total	160		mg/kg	1.3	0.38	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Cadmium, Total	2.6		mg/kg	1.3	0.09	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Chromium, Total	32		mg/kg	1.3	0.26	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Lead, Total	36		mg/kg	6.4	0.26	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Mercury, Total	0.18	J	mg/kg	0.21	0.05	1	08/28/14 07:55	08/28/14 11:09	EPA 7471B	1,7471B	MC
Selenium, Total	0.76	J	mg/kg	2.6	0.38	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT
Silver, Total	0.68	J	mg/kg	1.3	0.26	1	08/28/14 15:20	08/28/14 19:27	EPA 3050B	1,6010C	TT



Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-02
 Client ID: SOUTH TRENCH DRAIN
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Percent Solids: 33%

Date Collected: 08/26/14 15:15
 Date Received: 08/27/14
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Westborough Lab											
Arsenic, Total	4.7		mg/kg	1.2	0.24	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Barium, Total	150		mg/kg	1.2	0.36	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Cadmium, Total	8.2		mg/kg	1.2	0.09	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Chromium, Total	98		mg/kg	1.2	0.24	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Lead, Total	150		mg/kg	6.1	0.24	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Mercury, Total	1.0		mg/kg	0.20	0.04	1	08/28/14 07:55	08/28/14 11:11	EPA 7471B	1,7471B	MC
Selenium, Total	2.0	J	mg/kg	2.4	0.36	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT
Silver, Total	0.39	J	mg/kg	1.2	0.24	1	08/28/14 15:20	08/28/14 19:31	EPA 3050B	1,6010C	TT



Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-03
 Client ID: ISLAND TEST PIT
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Percent Solids: 88%

Date Collected: 08/26/14 15:35
 Date Received: 08/27/14
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Westborough Lab											
Arsenic, Total	21		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Barium, Total	84		mg/kg	0.43	0.13	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Cadmium, Total	0.24	J	mg/kg	0.43	0.03	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Chromium, Total	9.7		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Lead, Total	540		mg/kg	2.2	0.09	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Mercury, Total	0.29		mg/kg	0.08	0.02	1	08/28/14 07:55	08/28/14 11:13	EPA 7471B	1,7471B	MC
Selenium, Total	0.26	J	mg/kg	0.86	0.13	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT
Silver, Total	ND		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:34	EPA 3050B	1,6010C	TT



Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-04
 Client ID: POOL SIDEWALK
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil
 Percent Solids: 89%

Date Collected: 08/26/14 15:00
 Date Received: 08/27/14
 Field Prep: Not Specified

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor	Date Prepared	Date Analyzed	Prep Method	Analytical Method	Analyst
Total Metals - Westborough Lab											
Arsenic, Total	3.6		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Barium, Total	25		mg/kg	0.43	0.13	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Cadmium, Total	0.42	J	mg/kg	0.43	0.03	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Chromium, Total	7.6		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Lead, Total	21		mg/kg	2.2	0.09	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Mercury, Total	0.03	J	mg/kg	0.07	0.02	1	08/28/14 07:55	08/28/14 11:14	EPA 7471B	1,7471B	MC
Selenium, Total	ND		mg/kg	0.87	0.13	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT
Silver, Total	ND		mg/kg	0.43	0.09	1	08/28/14 15:20	08/28/14 19:38	EPA 3050B	1,6010C	TT



Project Name: 401 BUFFALO AVENUE
Project Number: 0294-013-001

Lab Number: L1419647
Report Date: 08/29/14

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): 01-04 Batch: WG717491-1									
Mercury, Total	ND	mg/kg	0.08	0.02	1	08/28/14 07:55	08/28/14 10:21	1,7471B	MC

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): 01-04 Batch: WG717723-1									
Arsenic, Total	ND	mg/kg	0.40	0.08	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Barium, Total	ND	mg/kg	0.40	0.12	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Cadmium, Total	ND	mg/kg	0.40	0.03	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Chromium, Total	ND	mg/kg	0.40	0.08	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Lead, Total	ND	mg/kg	2.0	0.08	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Selenium, Total	ND	mg/kg	0.80	0.12	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT
Silver, Total	ND	mg/kg	0.40	0.08	1	08/28/14 15:20	08/28/14 18:34	1,6010C	TT

Prep Information

Digestion Method: EPA 3050B

Lab Control Sample Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Project Number: 0294-013-001

Lab Number: L1419647

Report Date: 08/29/14

Parameter	LCS		LCSD		%Recovery Limits	RPD	Qual	RPD Limits
	%Recovery	Qual	%Recovery	Qual				
Total Metals - Westborough Lab Associated sample(s): 01-04 Batch: WG717491-2 SRM Lot Number: D083-540								
Mercury, Total	121		-		75-126	-		
Total Metals - Westborough Lab Associated sample(s): 01-04 Batch: WG717723-2 SRM Lot Number: D083-540								
Arsenic, Total	106		-		78-122	-		
Barium, Total	108		-		82-117	-		
Cadmium, Total	98		-		82-118	-		
Chromium, Total	98		-		79-121	-		
Lead, Total	93		-		81-119	-		
Selenium, Total	102		-		78-123	-		
Silver, Total	102		-		74-125	-		

Matrix Spike Analysis Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

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): 01-04 QC Batch ID: WG717491-4 QC Sample: L1419491-01 Client ID: MS Sample												
Mercury, Total	0.06J	0.191	0.32	167	Q	-	-		80-120	-		20
Total Metals - Westborough Lab Associated sample(s): 01-04 QC Batch ID: WG717723-4 QC Sample: L1419502-01 Client ID: MS Sample												
Arsenic, Total	2.2	10.9	12	90		-	-		75-125	-		20
Barium, Total	25.	182	190	90		-	-		75-125	-		20
Cadmium, Total	ND	4.65	3.8	82		-	-		75-125	-		20
Chromium, Total	18.	18.2	54	197	Q	-	-		75-125	-		20
Lead, Total	7.0	46.5	44	80		-	-		75-125	-		20
Selenium, Total	0.79J	10.9	9.5	87		-	-		75-125	-		20
Silver, Total	ND	27.4	25	91		-	-		75-125	-		20

Lab Duplicate Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Project Number: 0294-013-001

Lab Number: L1419647

Report Date: 08/29/14

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
Total Metals - Westborough Lab Associated sample(s): 01-04 QC Batch ID: WG717491-3 QC Sample: L1419491-01 Client ID: DUP Sample						
Mercury, Total	0.06J	0.05J	mg/kg	NC		20
Total Metals - Westborough Lab Associated sample(s): 01-04 QC Batch ID: WG717723-3 QC Sample: L1419502-01 Client ID: DUP Sample						
Arsenic, Total	2.2	3.0	mg/kg	31	Q	20
Barium, Total	25.	24	mg/kg	4		20
Cadmium, Total	ND	ND	mg/kg	NC		20
Chromium, Total	18.	23	mg/kg	24	Q	20
Lead, Total	7.0	6.2	mg/kg	12		20
Selenium, Total	0.79J	0.91J	mg/kg	NC		20
Silver, Total	ND	ND	mg/kg	NC		20

INORGANICS & MISCELLANEOUS

Project Name: 401 BUFFALO AVENUE**Lab Number:** L1419647**Project Number:** 0294-013-001**Report Date:** 08/29/14**SAMPLE RESULTS**

Lab ID: L1419647-01
Client ID: WEST TRENCH DRAIN
Sample Location: NIAGARA FALLS, NY
Matrix: Soil

Date Collected: 08/26/14 15:25
Date Received: 08/27/14
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	29.8		%	0.100	NA	1	-	08/28/14 02:04	30,2540G	RT



Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-02
 Client ID: SOUTH TRENCH DRAIN
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil

Date Collected: 08/26/14 15:15
 Date Received: 08/27/14
 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	32.7		%	0.100	NA	1	-	08/28/14 02:04	30,2540G	RT



Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

SAMPLE RESULTS

Lab ID: L1419647-03
 Client ID: ISLAND TEST PIT
 Sample Location: NIAGARA FALLS, NY
 Matrix: Soil

Date Collected: 08/26/14 15:35
 Date Received: 08/27/14
 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	88.4		%	0.100	NA	1	-	08/28/14 02:04	30,2540G	RT



Project Name: 401 BUFFALO AVENUE**Lab Number:** L1419647**Project Number:** 0294-013-001**Report Date:** 08/29/14**SAMPLE RESULTS**

Lab ID: L1419647-04
Client ID: POOL SIDEWALK
Sample Location: NIAGARA FALLS, NY
Matrix: Soil

Date Collected: 08/26/14 15:00
Date Received: 08/27/14
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	88.6		%	0.100	NA	1	-	08/28/14 02:04	30,2540G	RT



Lab Duplicate Analysis

Batch Quality Control

Project Name: 401 BUFFALO AVENUE

Project Number: 0294-013-001

Lab Number: L1419647

Report Date: 08/29/14

Parameter	Native Sample	Duplicate Sample	Units	RPD	Qual	RPD Limits
General Chemistry - Westborough Lab Associated sample(s): 01-04 QC Batch ID: WG717482-1 QC Sample: L1419644-01 Client ID: DUP Sample						
Solids, Total	88.7	88.7	%	0		20

Project Name: 401 BUFFALO AVENUE

Lab Number: L1419647

Project Number: 0294-013-001

Report Date: 08/29/14

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(*)
L1419647-01A	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-01B	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-02A	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-02B	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-03A	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-03B	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-04A	Amber 120ml unpreserved	A	N/A	4.2	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)
L1419647-04B	Amber 120ml unpreserved	A	N/A	4.2	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)

*Values in parentheses indicate holding time in days

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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

Total: With respect to Organic analyses, a 'Total' result is defined as the summation of results for individual isomers or Aroclors. If a 'Total' result is requested, the results of its individual components will also be reported. This is applicable to 'Total' results for methods 8260, 8081 and 8082.

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.

Report Format: DU Report with 'J' Qualifiers



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Data Qualifiers

- 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.
- 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.

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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.



Certification Information

Last revised April 15, 2014

The following analytes are not included in our NELAP Scope of Accreditation:

Westborough Facility

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 8260C: 1,2,4,5-Tetramethylbenzene, 4-Ethyltoluene, Iodomethane (methyl iodide), Methyl methacrylate, Azobenzene.

EPA 8330A/B: PETN, Picric Acid, Nitroglycerine, 2,6-DANT, 2,4-DANT.

EPA 8270D: 1-Methylnaphthalene, Dimethylnaphthalene, 1,4-Diphenylhydrazine.

EPA 625: 4-Chloroaniline, 4-Methylphenol.

SM4500: Soil: Total Phosphorus, TKN, NO₂, NO₃.

EPA 9071: Total Petroleum Hydrocarbons, Oil & Grease.

Mansfield Facility

EPA 8270D: Biphenyl.

EPA 2540D: TSS

EPA TO-15: Halothane, 2,4,4-Trimethyl-2-pentene, 2,4,4-Trimethyl-1-pentene, Thiophene, 2-Methylthiophene, 3-Methylthiophene, 2-Ethylthiophene, 1,2,3-Trimethylbenzene, Indan, Indene, 1,2,4,5-Tetramethylbenzene, Benzothiophene, 1-Methylnaphthalene.

The following analytes are included in our Massachusetts DEP Scope of Accreditation, Westborough Facility:

Drinking Water

EPA 200.8: Sb,As,Ba,Be,Cd,Cr,Cu,Pb,Ni,Se,Tl; **EPA 200.7:** Ba,Be,Ca,Cd,Cr,Cu,Na; **EPA 245.1:** Mercury;

EPA 300.0: Nitrate-N, Fluoride, Sulfate; **EPA 353.2:** Nitrate-N, Nitrite-N; **SM4500NO3-F:** Nitrate-N, Nitrite-N; **SM4500F-C, SM4500CN-CE, EPA 180.1, SM2130B, SM4500CI-D, SM2320B, SM2540C, SM4500H-B**

EPA 332: Perchlorate.

Microbiology: **SM9215B; SM9223-P/A, SM9223B-Colilert-QT, Enterolert-QT.**

Non-Potable Water

EPA 200.8: Al,Sb,As,Be,Cd,Cr,Cu,Pb,Mn,Ni,Se,Ag,Tl,Zn;

EPA 200.7: Al,Sb,As,Be,Cd,Ca,Cr,Co,Cu,Fe,Pb,Mg,Mn,Mo,Ni,K,Se,Ag,Na,Sr,Ti,Tl,V,Zn;

EPA 245.1, SM4500H,B, EPA 120.1, SM2510B, SM2540C, SM2340B, SM2320B, SM4500CL-E, SM4500F-BC, SM426C, SM4500NH3-BH, EPA 350.1: Ammonia-N, **LACHAT 10-107-06-1-B:** Ammonia-N, **SM4500NO3-F,**

EPA 353.2: Nitrate-N, **SM4500NH3-BC-NES, EPA 351.1, SM4500P-E, SM4500P-B, E, SM5220D, EPA 410.4,**

SM5210B, SM5310C, SM4500CL-D, EPA 1664, SM14 510AC, EPA 420.1, SM4500-CN-CE, SM2540D.

EPA 624: Volatile Halocarbons & Aromatics,

EPA 608: 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

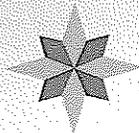
EPA 625: SVOC (Acid/Base/Neutral Extractables), **EPA 600/4-81-045:** PCB-Oil.

Microbiology: **SM9223B-Colilert-QT; Enterolert-QT, SM9222D-MF.**

For a complete listing of analytes and methods, please contact your Alpha Project Manager.

ATTACHMENT 3

**FIVE STAR BANK LETTER
SEPTEMBER 10, 2014**



Five Star Bank

September 10, 2014

Faisal Merani
5195 Magdalen Street
Niagara Falls, ON L2G3S6
Canada

Re: 401, 402, and 430 Buffalo Avenue, Niagara Falls, NY

Dear Mr. Merani:

As you are aware, Five Star Bank is the potential lender for Merani Hospitality, Inc. and your project on Buffalo Avenue in Niagara Falls, NY. You and your counsel at The Slater Law Firm, PLLC have kept us apprised of the application for the Brownfield Cleanup Program.

I have reviewed the most recent Supplemental Investigation Report for 401 Buffalo Avenue from Turnkey Environmental Restoration, LLC. Unfortunately, our funding for this project cannot close until the conditions identified in the Report are addressed. We will continue to work with you during this period of time to get to a financial close.

Very truly yours,

Five Star Bank

John R. Sigeti
Senior Vice-President