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# PERIODIC REVIEW REPORT

401, 402 & 430 BUFFALO AVENUE SITE  
SITE No. C932164

430 BUFFALO AVENUE  
NIAGARA FALLS, NEW YORK

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April 2017

0294-017-001

Prepared for:

**Merani Hospitality, Inc.**

Prepared By:



TurnKey Environmental Restoration, LLC  
2558 Hamburg Turnpike, Suite 300  
Buffalo, NY 14218

# PERIODIC REVIEW REPORT

## 402 & 430 Buffalo Avenue Site

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**PERIODIC REVIEW REPORT**  
**401, 402 & 430 Buffalo Avenue Site**

**FIGURES**

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- Figure 1      Site Location and Vicinity Map
- Figure 2      Site Plan (Aerial)
- Figure 3      Cover System Layout (430 Buffalo Avenue)

**APPENDICIES**

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- Appendix A    Institutional & Engineering Controls Certification Form
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## 1.0 INTRODUCTION

TurnKey Environmental Restoration, LLC (TurnKey) has prepared this Periodic Review Report (PRR), on behalf of Merani Hospitality, Inc. to summarize the post-remedial status of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) 401, 402 & 430 Buffalo Avenue Site (Site; C932164). This PRR has been prepared for the Site in accordance with NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010) and the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been completed for the Site (see Appendix A). It should be noted that based on the level of remediation achieved on the 401 and 402 Buffalo Avenue parcels (Track 2 Residential Use Cleanup), only the 430 Buffalo Avenue parcel (Track 4 Restricted Residential Use Cleanup) is included in this PRR.

This PRR and the associated certification form have been completed for the Site for the December 29, 2015 to March 30, 2017 reporting period.

### 1.1 Site Background

The BCP Site is located at 401, 402 & 430 Buffalo Avenue, City of Niagara Falls, Niagara County, New York (see Figures 1 and 2). The BCP Site is comprised of three (3) parcels totaling 6.2 acres, located in a highly developed mixed use commercial and residential area of the City of Niagara Falls. 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 6<sup>th</sup> Street to the north, and the Robert Moses State Parkway to the south, with the Niagara River beyond. Buffalo Avenue intersects the property from east to west.

Historically, the 401 Buffalo Avenue parcel included a former hotel and conference center, parking areas and vegetated/landscaped areas. The 402 and 430 Buffalo Avenue parcels were historically part of the National Biscuit Co./Shredded Wheat Company manufacturing facility.

### 1.2 Remedial History

Merani Hospitality, Inc. entered into a Brownfield Cleanup Agreement (BCA) on November 12, 2014 with the NYSDEC to investigate and remediate the Site. Merani Hospitality, Inc. completed the investigation and remediation of the Site under the

supervision of the NYSDEC and NYSDOH. The Remedial Investigation was completed between November 2014 and May 2015. Remedial activities were completed between March and November 2015.

The remedial program was successful in achieving the remedial objectives for the Site, and the Site Management Plan (SMP) and Final Engineering Report (FER) were approved by the Department. The NYSDEC issued the Certificate of Completion (COC) for the Site on December 29, 2015.

### **1.3 Compliance**

At the time of the Site inspection, the Site was compliant with the Department's approved SMP. Minor surface erosion of the soil cover was noted during the site inspection; however, the cover system was constructed greater than the minimum 24-inches thickness and no underlying material was exposed. Maintenance of the eroded area is planned during the spring-summer 2017, and the Department will be notified when completed.

### **1.4 Recommendations**

Based on the results of the site inspection and certification, TurnKey makes the following recommendations:

- Based on the high probability for snow/ice cover in March, it is recommended that the PRR reporting period end date be changed to June 1st. This later date would assure no hinderance at the site inspection due to snow or ice cover.
- Modification of the certification reporting requirement from annual to triennial (every three years).

Beyond those changes described above, no modifications to the current SMP are recommended at this time.

## 2.0 SITE OVERVIEW

Previous environmental investigations were completed on Site between 2009 and 2014 and identified contamination on-Site that required remediation.

Merani Hospitality, Inc. entered into the BCP to further investigate and remediate the site for future redevelopment. The remedial activities included:

- Excavation and off-site disposal of impacted soil/fill.
- Removal and off-Site disposal of PCB-containing electrical equipment and associated impacted concrete and soil/fill.
- Removal and off-Site disposal of TENORM slag-fill.
- Construction and maintenance of a soil cover system consisting of a minimum of two-feet-thick over the demarcation layer, to prevent human exposure to remaining contaminated soil/fill remaining at the Site.

Remedial activities were completed in November 2015. The FER and SMP for the Site were approved by the Department, and the Certificate of Completion (COC) was issued for the Site on December 29, 2015.

### 3.0 REMEDY PERFORMANCE

This 2017 Periodic Review Report is the first since the issuance of the COC. The March 2017 site inspection, included a walk-over of the 430 Buffalo Avenue portion of the BCP Site to visually observe and document the land use restriction (restricted residential use), restriction of groundwater use, and conformance with the Site Management Plan (SMP).

The site inspection completed during this reporting period indicates that the controls are in-place and functioning as intended in accordance with the SMP.

The completed IC/EC Certification form and site photographs are included in Appendix A and Appendix B, respectively.

## 4.0 SITE MANAGEMENT PLAN

A SMP was prepared for the Site, and approved by the Department in December 2015. The SMP provides a detailed description of all procedures required to manage remaining contamination at the Site, including: (1) implementation and management of all Institutional and Engineering Controls; and (2) performance of periodic inspections, certification of results, and submittal of Periodic Review Reports. A brief description of these SMP components is presented below.

### 4.1 Engineering and Institutional Control Requirements and Compliance

As detailed in the SMP, several Engineering and Institutional Controls (EC/ICs) need to be maintained as a requirement of the BCA for the Site.

#### 4.1.1 *Engineering Controls*

- Cover System – The cover system is being maintained in general compliance with the SMP.

#### 4.1.2 *Institutional Controls*

- Groundwater-Use Restriction – the use of groundwater for potable and non-potable purposes is prohibited without additional treatment;
- Land-Use Restriction: The controlled property (430 Buffalo Avenue parcel) may be used for restricted residential, commercial and industrial use; and,
- Implementation of the SMP.

### 4.2 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines the requirements for the Site, to certify and attest that the institutional controls and/or engineering controls employed at the Site are unchanged from the previous certification. The Annual Certification will primarily consist of an annual Site Inspection to complete the NYSDEC's IC/EC Certification Form. The Site inspection will verify that the IC/ECs:

- Are in place and effective.

- Are performing as designed.
  - That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
  - That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

A Site inspection of the property was conducted by a Benchmark-TurnKey Qualified Environmental Professional (QEP) during this reporting period on March 28, 2017. At the time of the inspections, the parcel was vacant. No observable indication of intrusive activities was noted during the Site inspection, and no observable use of groundwater was noted during the Site inspection.

During the inspection of the soil cover system, one area of the soil cover had evidence of surface erosion (see photolog). It should be noted that the demarcation layer was not evident, and no underlying soil/fill was exposed. Soil cover maintenance activities to regrade the area of minor surface erosion are being scheduled; the Department will be notified when the surface repairs are completed.

Additional stone was added on top of the cover system to build a vehicle ramp from the 402 Buffalo Avenue parcel onto the 430 Buffalo Avenue parcel, to allow access for construction worker and overflow parking for the hotel construction on the 401 Buffalo Avenue parcel. Stone was acquired from the DEC-approved LaFarge quarry.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photolog of the Site inspection is included in Appendix B.

## 5.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations are as follows:

- At the time of the site inspection, the Site was in general compliance with the SMP. As noted, maintenance of the soil cover system to address minor surface erosion is planned. The Department will be notified when the work is complete.

The following modifications are recommended for the Site.

- Based on the high probability for snow/ice cover in March, it is recommended that the PRR reporting period end date be changed to June 1<sup>st</sup>. This later date would assure no hindrance at the site inspection due to snow or ice cover.
- Modification of certification reporting requirements from annual to triennial (every three years).

## 6.0 DECLARATION/LIMITATION

TurnKey Environmental Restoration, LLC, personnel conducted the annual Site inspections for Brownfield Cleanup Program Site No. C932164 and completed the PRR according to generally accepted practices. This report complied with the scope of work provided to Merani Hospitality, Inc. by TurnKey Environmental Restoration, LLC.

This report has been prepared for the exclusive use of Merani Hospitality, Inc. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of Merani Hospitality, Inc. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of TurnKey Environmental Restoration, LLC.

# FIGURES



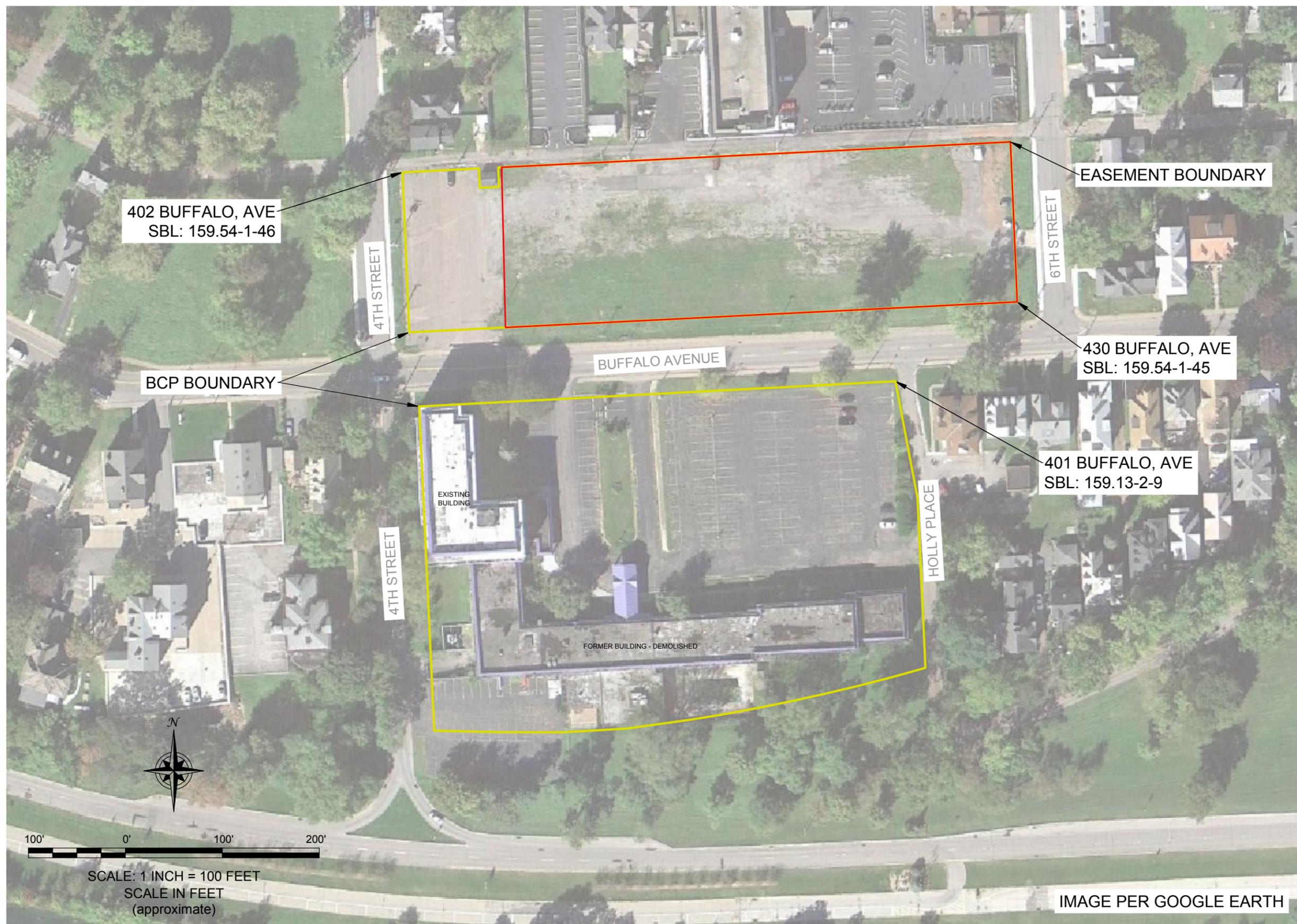


IMAGE PER GOOGLE EARTH

**SITE PLAN (AERIAL)**

PERIODIC REVIEW REPORT  
 402 & 430 BUFFALO AVENUE SITE  
 BCP SITE No. C932164  
 NIAGARA FALLS, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.

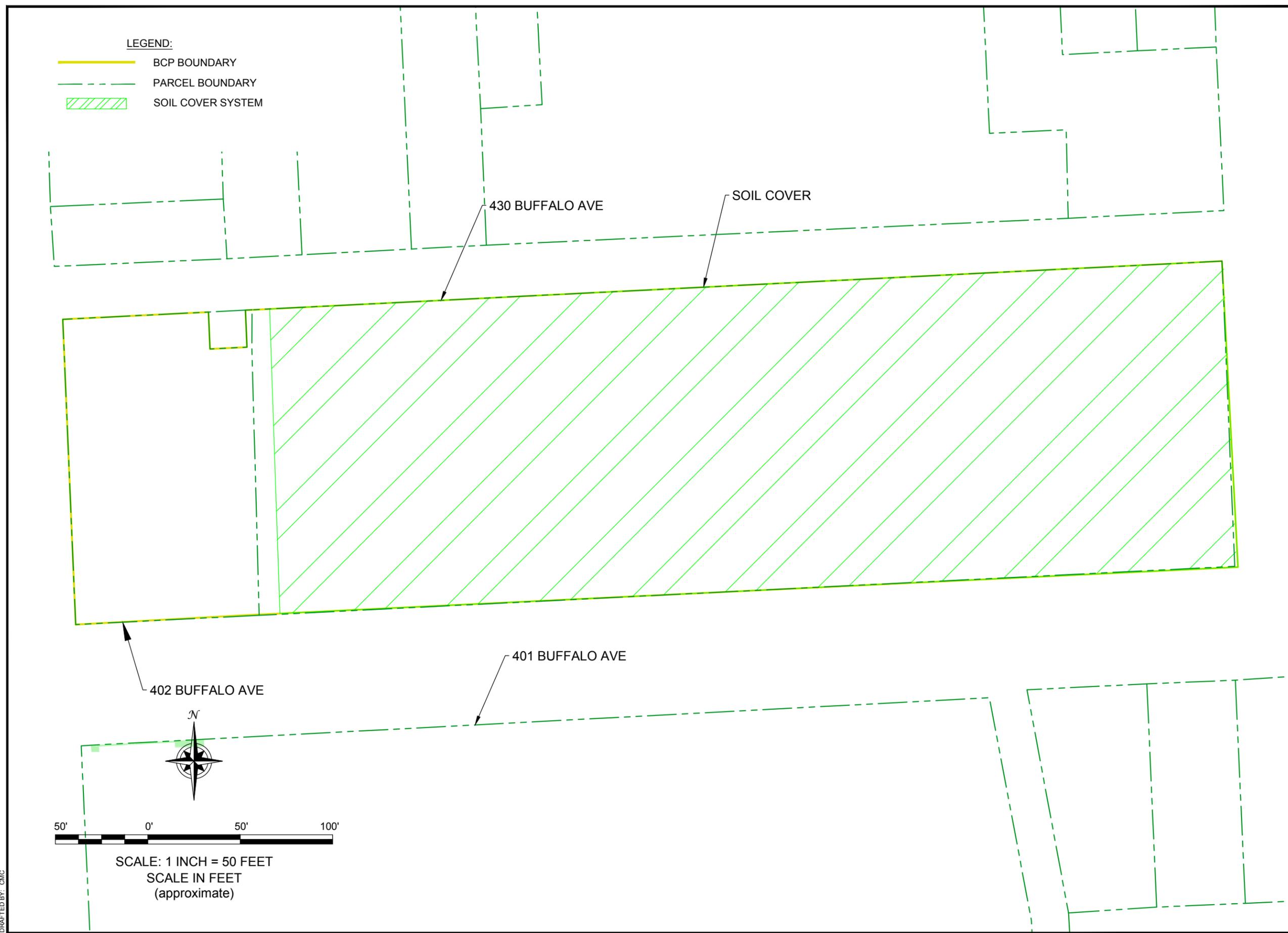


2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0294-013-001

**FIGURE 2**

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



**COVER SYSTEM LAYOUT**

PERIODIC REVIEW REPORT  
 402 & 430 BUFFALO AVENUE SITE  
 BCP SITE No. C932164  
 NIAGARA FALLS, NEW YORK  
 PREPARED FOR  
 MERANI HOSPITALITY, INC.



JOB NO.: 0294-013-001

**FIGURE 3**

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

# APPENDIX A

## INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



Enclosure 2  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



	Site Details	Box 1
<b>Site No.</b> C932164		
<b>Site Name</b> 401,402 and 430 Buffalo Avenue Site		
Site Address: 401, 402 and 430 Buffalo Avenue      Zip Code: 14303		
City/Town: Niagara Falls		
County: Niagara		
Site Acreage: 6.2		
Reporting Period: December 29, 2015 to March 30, 2017		
		YES    NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Box 2</b>
		YES    NO
6. Is the current site use consistent with the use(s) listed below? Residential, Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>		
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>		
Signature of Owner, Remedial Party or Designated Representative	Date	

**Box 2A**

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?



**If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.**

9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)



**If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.**

**SITE NO. C932164**

**Box 3**

**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
159.13-2-9 401 Buffalo Ave parcel cleaned up to residential levels. No easement or engineering controls required.	Merani Hospitality, Inc.	Site Management Plan
159.54-1-45	Merani Hospitality, Inc.	Ground Water Use Restriction Landuse Restriction Site Management Plan
Environmental Easement restricting site use filed with Niagara County Clerk December 8, 2015 Instrument #2105-21593		
159.54-1-46 402 Buffalo Ave parcel cleaned up to residential levels. No easement or engineering controls required.	Merani Hospitality, Inc.	Site Management Plan

**Box 4**

**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
159.54-1-45	Cover System
Soil cover system placed at 430 Buffalo Ave	

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES    NO  
   

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

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

YES    NO  
   

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
 Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
 Date

IC CERTIFICATIONS  
SITE NO. C932164

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I FISAC MERAM at 430 BUFFALO AVE  
print name print business address

am certifying as OWNER (Owner or Remedial Party)

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



Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

5/5/17  
Date

IC/EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

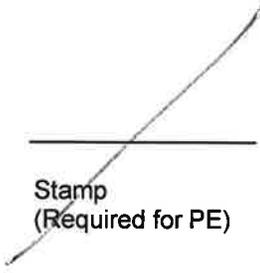
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Michael Lesakowski at 2558 Hamburg Turnpike, Buffalo NY 14218  
print name print business address

am certifying as a Qualified Environmental Professional for the Owner  
(Owner or Remedial Party)



Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification



Stamp (Required for PE)

5/8/17

Date

430 Buffalo Avenue  
C932164

# APPENDIX B

## SITE PHOTLOG

## SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: Site Inspection – 430 Buffalo Avenue – southern boundary (looking east)

Photo 2: Site Inspection – cover system – northern boundary along alley (looking east)

Photo 3: Site Inspection – cover system – southeast quadrant (looking north)

Photo 4: Site Inspection – cover system (looking northwest)

**430 Buffalo Avenue**  
**Niagara Falls, New York**  
March 28, 2017



## SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 5: Site Inspection – area of surface erosion (looking north)

Photo 6: Site Inspection – additional stone on top of cover – note boundary of 402 and 430 Buffalo Ave parcels.

430 Buffalo Avenue  
Niagara Falls, New York  
March 28, 2017

