

Brownfield Cleanup Program Application

6200-6390 Niagara Falls Boulevard Site
Niagara Falls, New York

July 2017

B0379-016-003

Prepared For:

6200 Niagara Falls Boulevard, LLC &
6390 Niagara Falls Boulevard, LLC



Prepared By:

In Association With:



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



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes No If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 9*

Section I. Requestor Information - See Instructions for Further Guidance		DEC USE ONLY BCP SITE #:
NAME 6200 Niagara Falls Boulevard, LLC and 6390 Niagara Falls Boulevard, LLC		
ADDRESS 2125 Walden Avenue		
CITY/TOWN Cheektowaga		ZIP CODE 14225
PHONE 716-435-4767	FAX NA	E-MAIL carl@jimstruckplaza.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> 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 Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS. <p style="text-align: center;">See Attachment 1</p> <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP. 		
Section II. Project Description		
1. What stage is the project starting at? <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation		
2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance).		
3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
4. Please attach a short description of the overall development project, including:		See Attachment 2
<ul style="list-style-type: none"> the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. 		See Figure 5

Section III. Property's Environmental History

See Attachment 3

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

See Attachment 9

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

See Attachment 9 and Figures 6A and 6B

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

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

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION** **See Attachment 3**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE** **See Figures 6A and 6B**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

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

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

Other: Portion of a greater graphite/carbon product manufacturing operation

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 6200-6390 Niagara Falls Boulevard Site

ADDRESS/LOCATION 6200-6390 Niagara Falls Boulevard

CITY/TOWN Niagara Falls ZIP CODE 14304

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Niagara Falls

COUNTY Niagara

SITE SIZE (ACRES) 7.14

LATITUDE (degrees/minutes/seconds)
43 ° 05 ' 25.45 "

LONGITUDE (degrees/minutes/seconds)
78 ° 59 ' 31.26 "

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

Parcel Address	Section No.	Block No.	Lot No.	Acreage
Portion of 6200 Niagara Falls Boulevard	160.07	3	38.2	6.17
6390 Niagara Falls Boulevard	160.07	3	4	2.56

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach a metes and bounds description of the property. **See Attachment 4**

2. Is the required property map attached to the application? Yes No
(application will not be processed without map) **See Figures 2, 3, & 4**

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No

See Figure 7

If yes, identify census tract : 220

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation. **See Attachment 3**

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
 If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information) See Attachment 4

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
Title V Facility Permit (Permit No. 9-2911-00038/00047)	NYSDEC	Control and prevention of air pollution for 6200 Niagara Falls Boulevard.
SPDES Permit (NY-0000906)	NYSDEC	Required quarterly sampling and monitoring for Outfall 006 at 6200 Niagara Falls Boulevard.

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Attachment 4

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
 If yes, requestor must answer questions on the supplement at the end of this form. Yes No NA

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No NA

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No NA

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: CWH _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Carl Hasselback, Jr.			See Attachment 1
ADDRESS 2125 Walden Avenue			
CITY/TOWN Cheektowaga		ZIP CODE 14225	
PHONE 716-435-4767	FAX NA	E-MAIL carl@jimstruckplaza.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo, New York		ZIP CODE 14218	
PHONE (716) 856-0599	FAX (716)856-0583	E-MAIL MLesakowski@benchmarkturnkey.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq (The Slater Law Firm, PLLC)			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo, New York		ZIP CODE 14204	
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL cslater@cslaterlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Same as above		OWNERSHIP START DATE:	
ADDRESS			6200 NFB: 7/20/2016 6390 NFB: 5/13/2010
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. See Attachment 5</p> <p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p>			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			See Attachment 6
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?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? 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
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

See Attachment 6

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

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 disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

- Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

- Yes No

There is identical ownership between the Applicants, 6200 NFB, LLC and 6390 NFB, LLC

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

See Attachment 6

- Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
- Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ Yes No
- Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
- If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
- Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
- Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information

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

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

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

Yes No

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

Yes No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

See Attachment 8

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

See Attachment 8

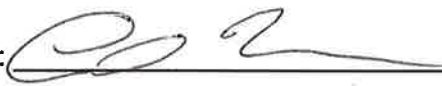
XI. Statement of Certification and Signatures

(By requestor who is an individual)

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 6200 Niagara Falls Boulevard, LLC
6390 Niagara Falls Boulevard, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the Proposed DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 7/24/17

Signature: 

Print Name: Carl Hasselback

SUBMITTAL INFORMATION:

- **Two (2) copies**, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), 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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

BCP Application Summary (for DEC use only)

Site Name: 6200-6390 Niagara Falls Boulevard Site **Site Address:** 6200-6390 Niagara Falls Boulevard
City: **County:** **Zip:** 14304

Tax Block & Lot
Section (if applicable): 160.07 **Block:** 3 **Lot:** 38.2

Requestor Name: **Requestor Address:**
City: **Zip:** **Email:**

Requestor's Representative (for billing purposes)
Name: Mr. Carl Hasselback, Jr. **Address:** 2125 Walden Avenue
City: **Zip:** **Email:** carl@jimstruckplaza.com

Requestor's Attorney
Name: Mr. Craig Slater, Esq (The Slater Law Firm, PLLC) **Address:** 500 Seneca Street, Suite 504
City: **Zip:** **Email:** cslater@cslaterlaw.com

Requestor's Consultant
Name: Mr. Michael Lesakowski **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo, New York **Zip:** 14218 **Email:** MLesakowski@benchmarkturnkey.com

Percentage claimed within an En-Zone: 0% <50% 50-99% 100%
DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: Yes No

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

DER/OGC Determination: Agree Disagree Undetermined

Notes:

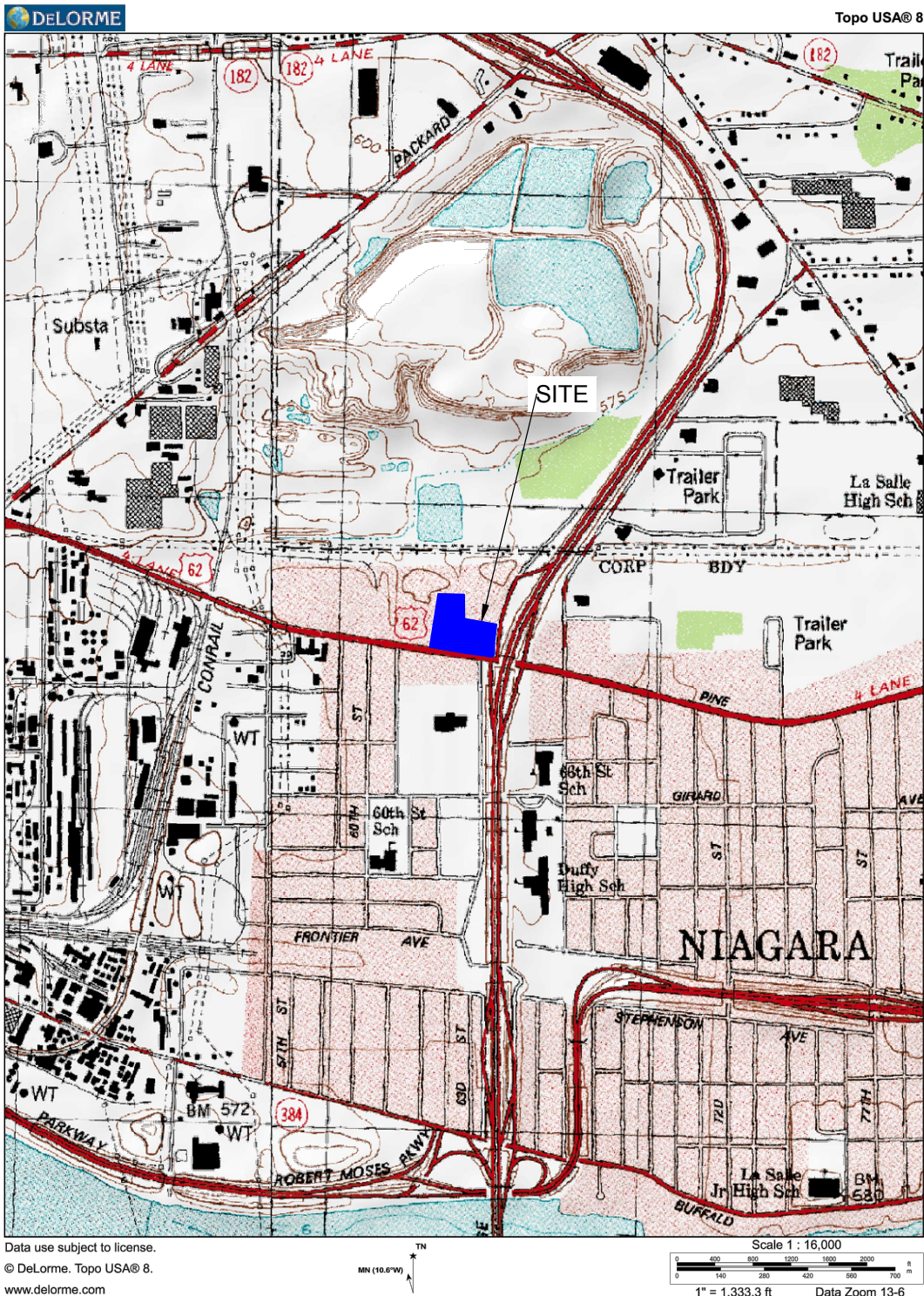
FIGURES

LIST OF APPLICATION FIGURES

*NYSDEC Brownfield Cleanup Program Application
6200-6390 Niagara Falls Boulevard Site
Niagara Falls, New York*

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1000' Set Back)
Figure 5	Planned Project Schedule
Figure 6A	Historic Soil Sample Locations Exceeding SCOs
Figure 6B	Historic Groundwater Sample Locations Exceeding GWQS
Figure 7	En-Zone Map
Figure 8	Adjacent Property Owners
Figure 9	Zoning Map
Figure 10	Soil Map

FIGURE 1



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SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

6200-6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC



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

PROJECT NO.: 0379-016-001

DATE: APRIL 2017





DRAFTED BY: CCB

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F:\CAD\Benchmark\Carl Hasselback - J:\BCP\Figure 1: Site Location and Vicinity Map.dwg

F:\CAD\Benchmark\Carl Hasselback_J\BCPVFigure2_Site Plan (Aerial).dwg

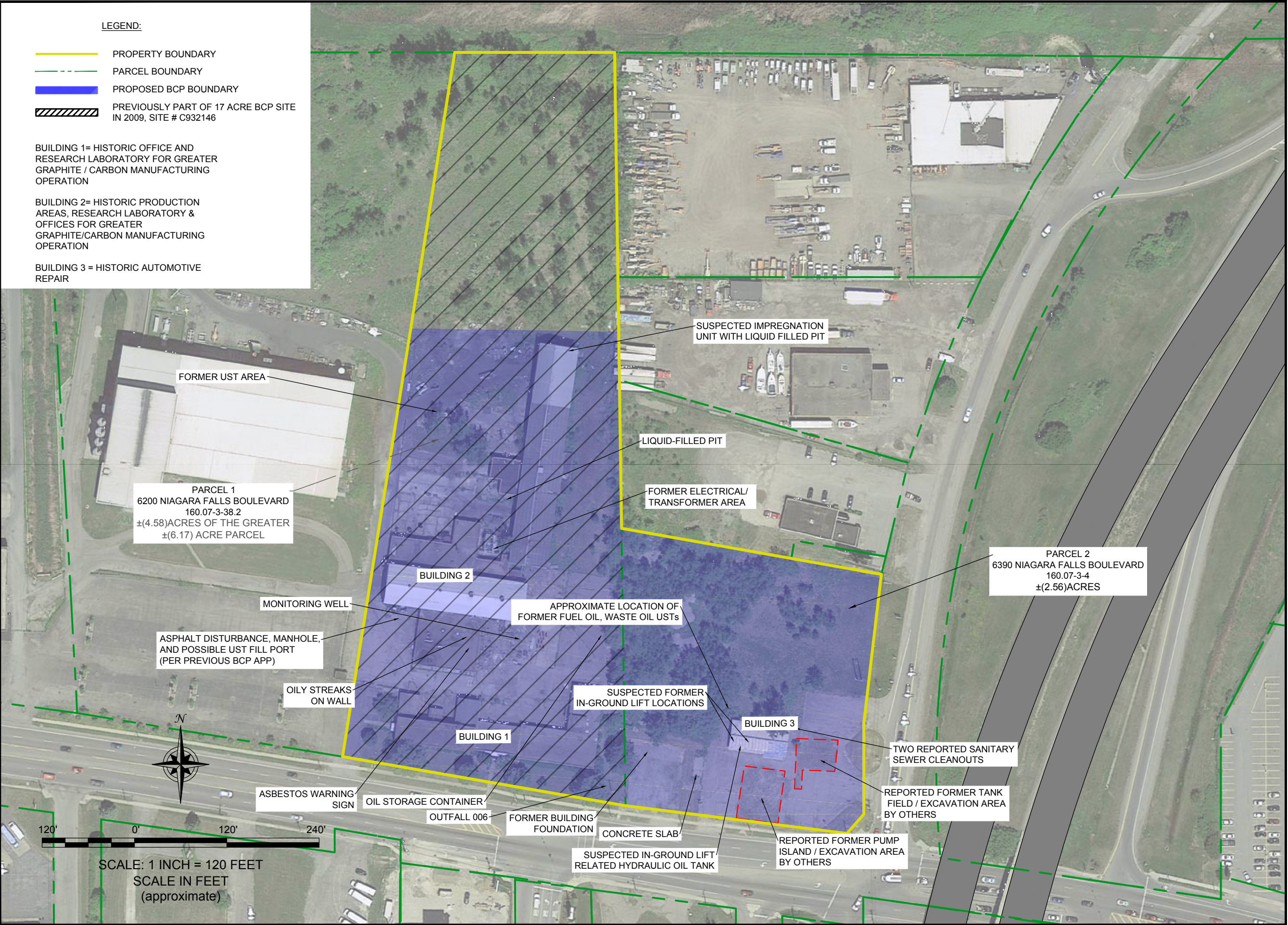
LEGEND:

-  PROPERTY BOUNDARY
-  PARCEL BOUNDARY
-  PROPOSED BCP BOUNDARY
-  PREVIOUSLY PART OF 17 ACRE BCP SITE IN 2009, SITE # C932146

BUILDING 1= HISTORIC OFFICE AND RESEARCH LABORATORY FOR GREATER GRAPHITE / CARBON MANUFACTURING OPERATION

BUILDING 2= HISTORIC PRODUCTION AREAS, RESEARCH LABORATORY & OFFICES FOR GREATER GRAPHITE/CARBON MANUFACTURING OPERATION

BUILDING 3 = HISTORIC AUTOMOTIVE REPAIR



PARCEL 1
6200 NIAGARA FALLS BOULEVARD
160.07-3-38.2
±(4.58)ACRES OF THE GREATER
±(6.17) ACRE PARCEL

PARCEL 2
6390 NIAGARA FALLS BOULEVARD
160.07-3-4
±(2.56)ACRES

SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK
PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC



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

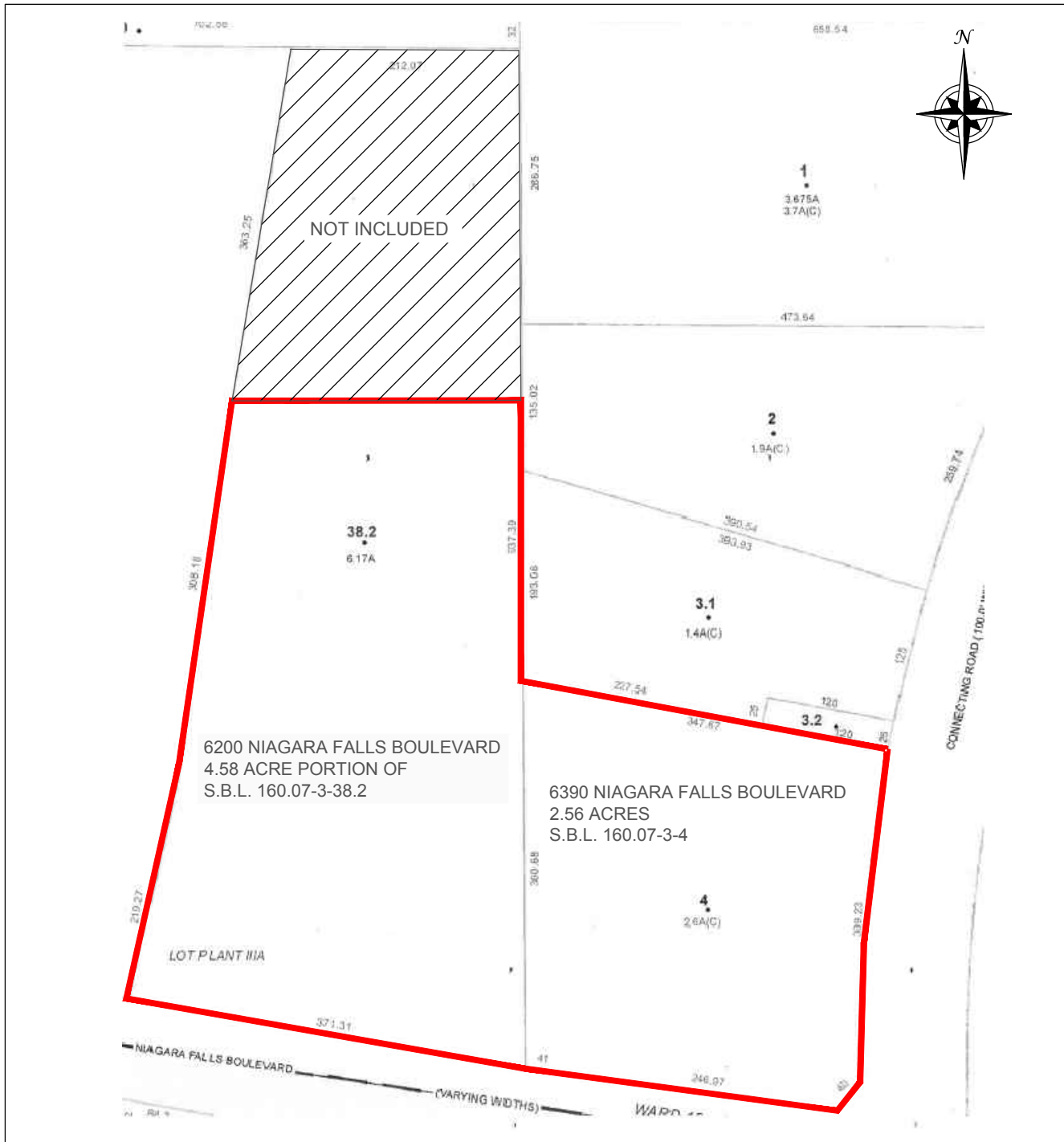
JOB NO.: B0379-016-001

FIGURE 2

DATE: APRIL 2017
DRAFTED BY: CCB

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FIGURE 3



TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC



2558 HAMBURG TURNPIKE
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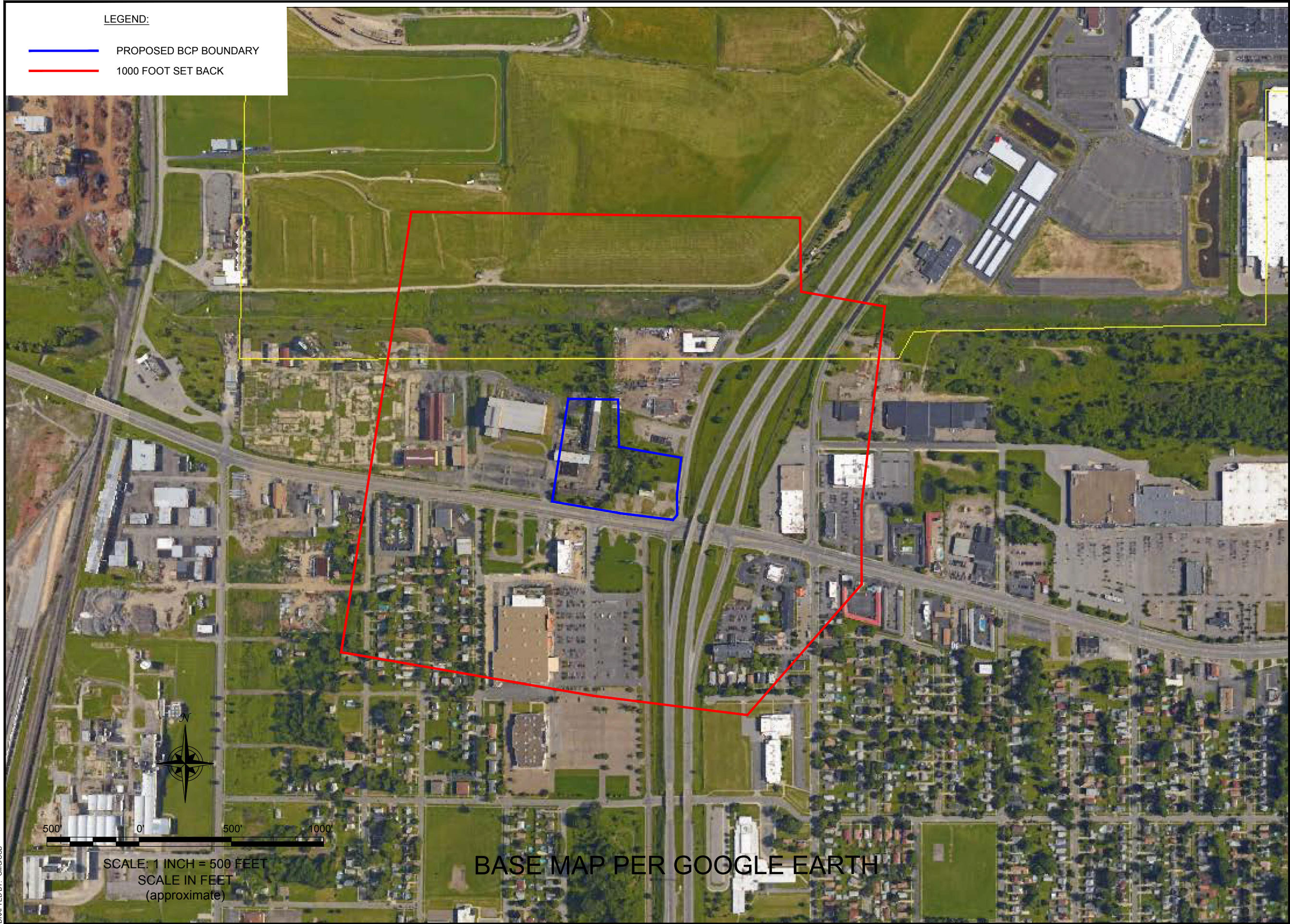
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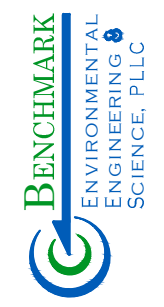


PROPERTY BASE MAP (1000' SET BACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK
PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC



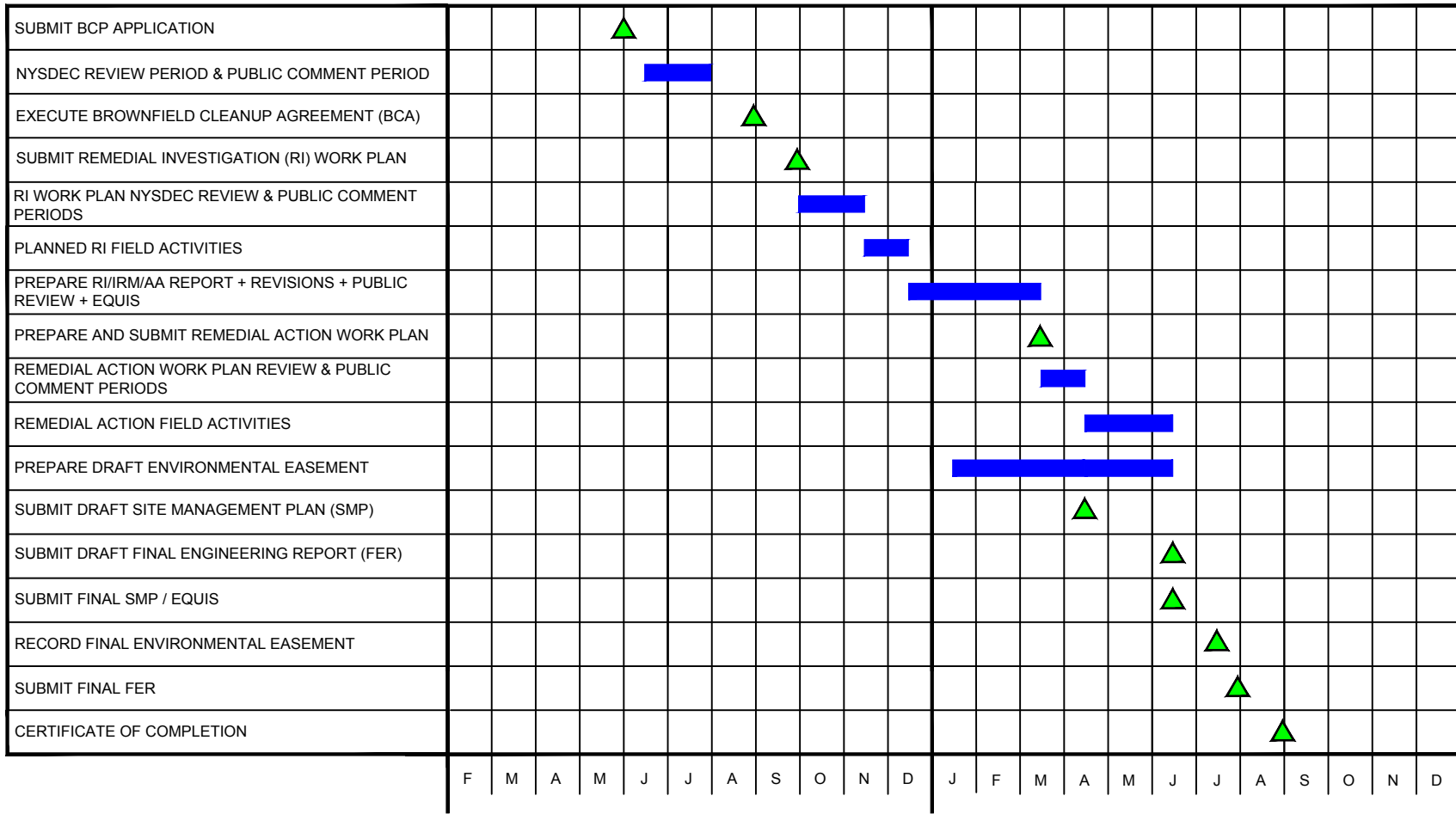
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: 0379-016-001

FIGURE 4

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.

PROJECT TASKS:



2017

2018



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 858-0599

PROJECT NO.: 0379-016-001

DATE: APRIL 2017

DRAFTED BY: CCB

PLANNED PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

6200-6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK

PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

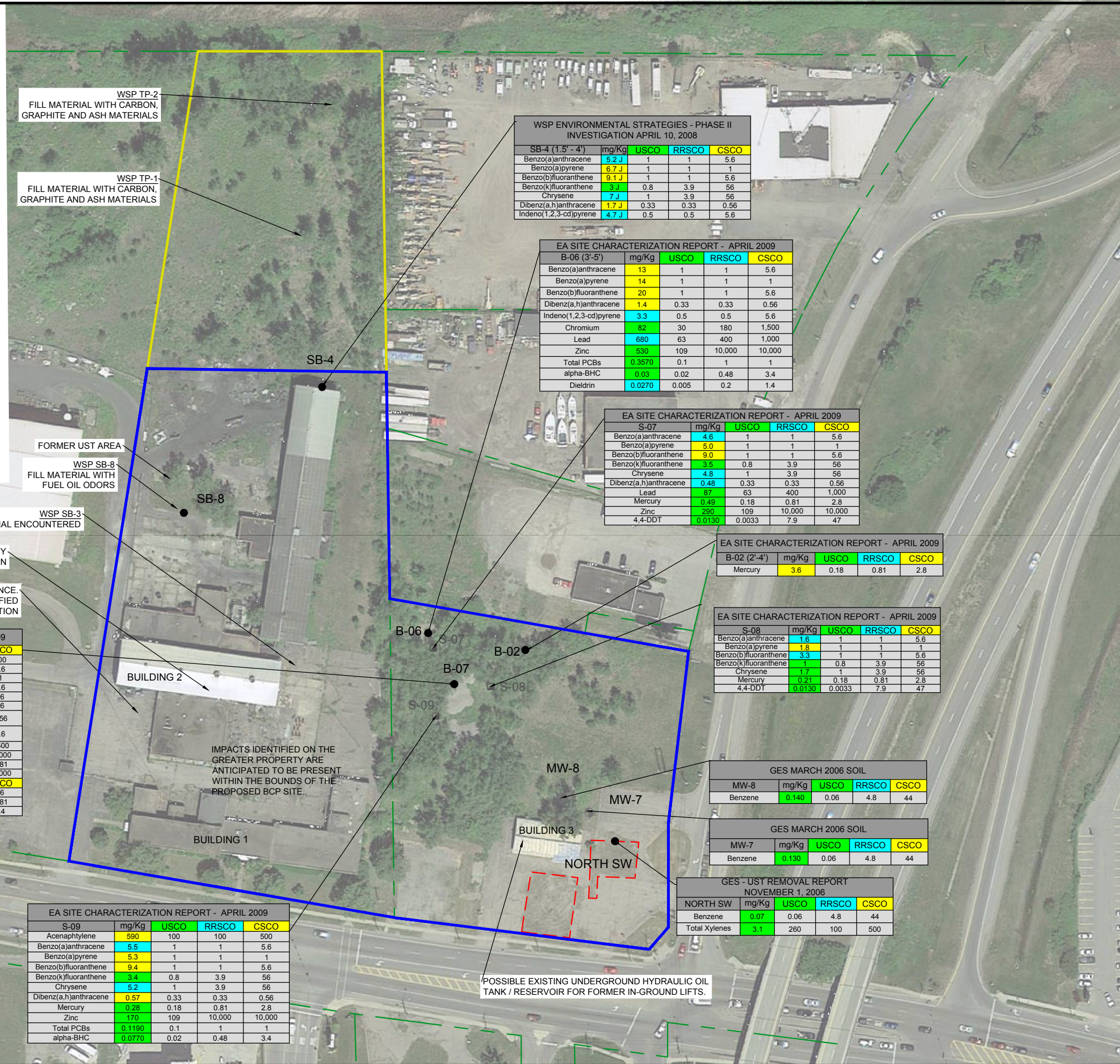
FIGURE 5

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.

LEGEND:

- BCP SITE BOUNDARY
- PROPERTY BOUNDARY
- - - PARCEL BOUNDARY
- - - APPROXIMATE AREAS OF EXCAVATION BY GES IN 2006
- B-02 ● HISTORIC SOIL BORING LOCATION (BY OTHER)
- SB-4 ● HISTORIC SOIL BORING LOCATION (BY OTHER)
- S-07 ● HISTORIC SURFACE SOIL LOCATION (BY OTHER)
- MW-1 ⊕ HISTORIC MONITORING WELL LOCATION (BY OTHER)

- NOTE:**
- HISTORIC ANALYTICAL SAMPLING COMPLETED BY EA ENGINEERING, P.C. AUGUST 12, 2008, GES MARCH 2006 AND FEBRUARY 2009.
 - VALUES PER 6NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs).



EA SITE CHARACTERIZATION REPORT - APRIL 2009

B-07 (1'-4')	mg/Kg	USCO	RRSCO	CSCO
Acetone	0.10	0.05	100	500
Benzo(a)anthracene	35	1	1	5.6
Benzo(a)pyrene	38	1	1	1
Benzo(b)fluoranthene	56	1	1	5.6
Benzo(k)fluoranthene	20	0.8	3.9	56
Chrysene	36	1	3.9	56
Dibenz(a,h)anthracene	3.8	0.33	0.33	0.56
Indeno(1,2,3-cd)pyrene	8.5	0.5	0.5	5.6
Chromium	260	30	180	1,500
Manganese	3,500	1,600	2,000	10,000
Mercury	0.77	0.18	0.18	0.81
Zinc	1,100	109	10,000	10,000
B-07 (5'-6')	mg/Kg	USCO	RRSCO	CSCO
Arsenic	25	13	16	16
Mercury	0.210	0.18	0.18	0.81
Dieldrin	0.0055	0.005	0.2	1.4

EA SITE CHARACTERIZATION REPORT - APRIL 2009

S-09	mg/Kg	USCO	RRSCO	CSCO
Acenaphthylene	590	100	100	500
Benzo(a)anthracene	5.5	1	1	5.6
Benzo(a)pyrene	5.3	1	1	1
Benzo(b)fluoranthene	9.4	1	1	5.6
Benzo(k)fluoranthene	3.4	0.8	3.9	56
Chrysene	5.2	1	3.9	56
Dibenz(a,h)anthracene	0.57	0.33	0.33	0.56
Mercury	0.28	0.18	0.81	2.8
Zinc	170	109	10,000	10,000
Total PCBs	0.1190	0.1	1	1
alpha-BHC	0.0770	0.02	0.48	3.4

WSP ENVIRONMENTAL STRATEGIES - PHASE II INVESTIGATION APRIL 10, 2008

SB-4 (1.5' - 4')	mg/Kg	USCO	RRSCO	CSCO
Benzo(a)anthracene	5.2 J	1	1	5.6
Benzo(a)pyrene	6.7 J	1	1	1
Benzo(b)fluoranthene	9.1 J	1	1	5.6
Benzo(k)fluoranthene	3 J	0.8	3.9	56
Chrysene	7 J	1	3.9	56
Dibenz(a,h)anthracene	1.7 J	0.33	0.33	0.56
Indeno(1,2,3-cd)pyrene	4.7 J	0.5	0.5	5.6

EA SITE CHARACTERIZATION REPORT - APRIL 2009

B-06 (3'-5')	mg/Kg	USCO	RRSCO	CSCO
Benzo(a)anthracene	13	1	1	5.6
Benzo(a)pyrene	14	1	1	1
Benzo(b)fluoranthene	20	1	1	5.6
Dibenz(a,h)anthracene	1.4	0.33	0.33	0.56
Indeno(1,2,3-cd)pyrene	3.3	0.5	0.5	5.6
Chromium	82	30	180	1,500
Lead	680	63	400	1,000
Zinc	530	109	10,000	10,000
Total PCBs	0.3570	0.1	1	1
alpha-BHC	0.03	0.02	0.48	3.4
Dieldrin	0.0270	0.005	0.2	1.4

EA SITE CHARACTERIZATION REPORT - APRIL 2009

S-07	mg/Kg	USCO	RRSCO	CSCO
Benzo(a)anthracene	4.6	1	1	5.6
Benzo(a)pyrene	5.0	1	1	1
Benzo(b)fluoranthene	9.0	1	1	5.6
Benzo(k)fluoranthene	3.5	0.8	3.9	56
Chrysene	4.8	1	3.9	56
Dibenz(a,h)anthracene	0.48	0.33	0.33	0.56
Lead	87	63	400	1,000
Mercury	0.49	0.18	0.81	2.8
Zinc	290	109	10,000	10,000
4,4-DDT	0.0130	0.0033	7.9	47

EA SITE CHARACTERIZATION REPORT - APRIL 2009

B-02 (2'-4')	mg/Kg	USCO	RRSCO	CSCO
Mercury	3.6	0.18	0.81	2.8

EA SITE CHARACTERIZATION REPORT - APRIL 2009

S-08	mg/Kg	USCO	RRSCO	CSCO
Benzo(a)anthracene	1.6	1	1	5.6
Benzo(a)pyrene	1.8	1	1	1
Benzo(b)fluoranthene	3.3	1	1	5.6
Benzo(k)fluoranthene	1.1	0.8	3.9	56
Chrysene	1.7	1	3.9	56
Mercury	0.21	0.18	0.81	2.8
4,4-DDT	0.0130	0.0033	7.9	47

GES MARCH 2006 SOIL

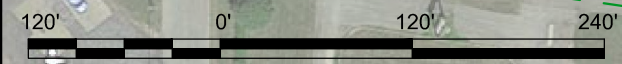
MW-8	mg/Kg	USCO	RRSCO	CSCO
Benzene	0.140	0.06	4.8	44

GES MARCH 2006 SOIL

MW-7	mg/Kg	USCO	RRSCO	CSCO
Benzene	0.130	0.06	4.8	44

GES - UST REMOVAL REPORT NOVEMBER 1, 2006

NORTH SW	mg/Kg	USCO	RRSCO	CSCO
Benzene	0.07	0.06	4.8	44
Total Xylenes	3.1	260	100	500



SCALE: 1 INCH = 120 FEET
SCALE IN FEET (approximate)

HISTORIC SOIL SAMPLE LOCATIONS EXCEEDING SCOS

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200 - 6390 NIAGARA FALLS BOULEVARD SITE

NIAGARA FALLS, NEW YORK
PREPARED FOR
6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC



JOB NO.: B0379-016-003

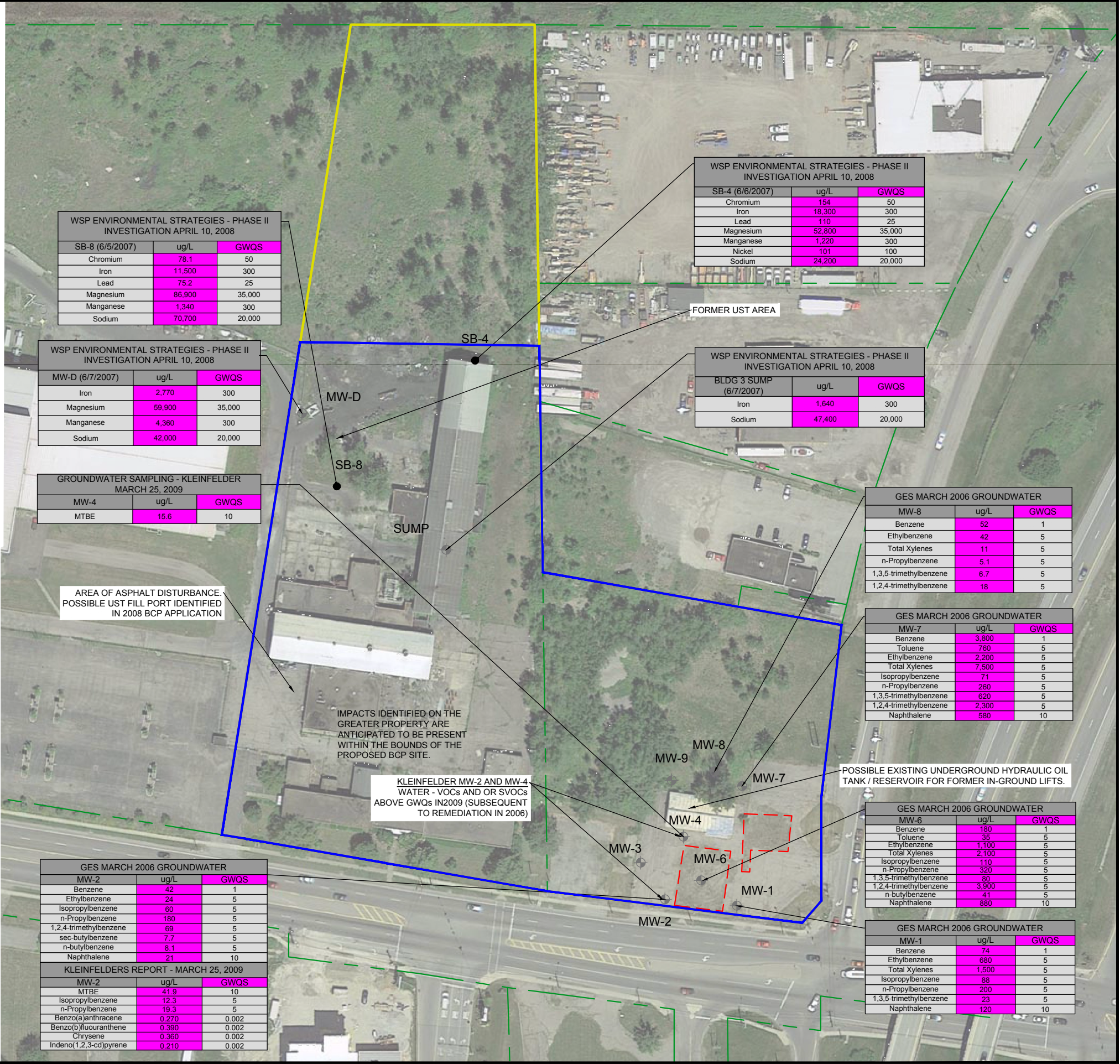
FIGURE 6A

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.

LEGEND:

- BCP SITE BOUNDARY
- PROPERTY BOUNDARY
- - - PARCEL BOUNDARY
- - - APPROXIMATE AREAS OF EXCAVATION BY GES IN 2006
- SB-4 ● HISTORIC SOIL BORING LOCATION (BY OTHER)
- MW-1 ⊕ HISTORIC MONITORING WELL LOCATION (BY OTHER)

- NOTE:**
- HISTORIC ANALYTICAL SAMPLING COMPLETED BY EA ENGINEERING, P.C. AUGUST 12, 2008, GES MARCH 2006 AND FEBRUARY 2009, AND KLEINFELDERS FEBRUARY 2009.
 - VALUES PER NYSDEC TOGS 1.1.1 CLASS GA GROUNDWATER QUALITY STANDARDS.



SCALE: 1 INCH = 120 FEET
SCALE IN FEET (approximate)

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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

**HISTORIC GROUNDWATER SAMPLE LOCATIONS
EXCEEDING GWQS**

BROWNFIELD CLEANUP PROGRAM APPLICATION

6200 - 6390 NIAGARA FALLS BOULEVARD SITE

PREPARED FOR
NIAGARA FALLS, NEW YORK
6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

JOB NO.: B0379-016-003

FIGURE 6B

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.

Legend

- Major Road
- All_BCPs

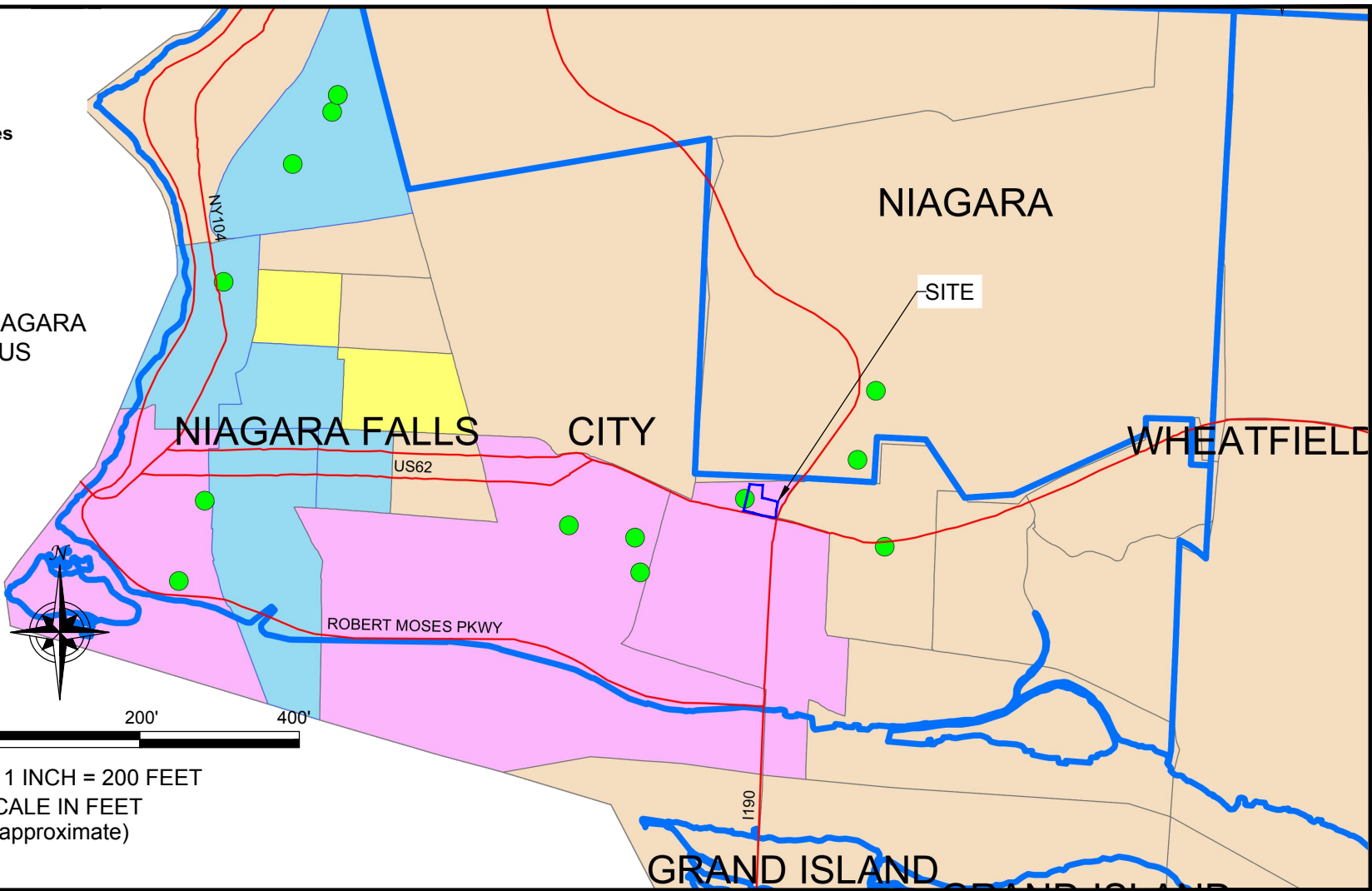
2013_Tracts_En_Zones

<all other values>

Type

- B
- A
- AB

BASE MAP PER NIAGARA FALLS 2015 CENSUS TRACT MAPS



SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 858-0599

PROJECT NO.: 0379-016-001
DATE: APRIL 2017
DRAFTED BY: CMC

EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE

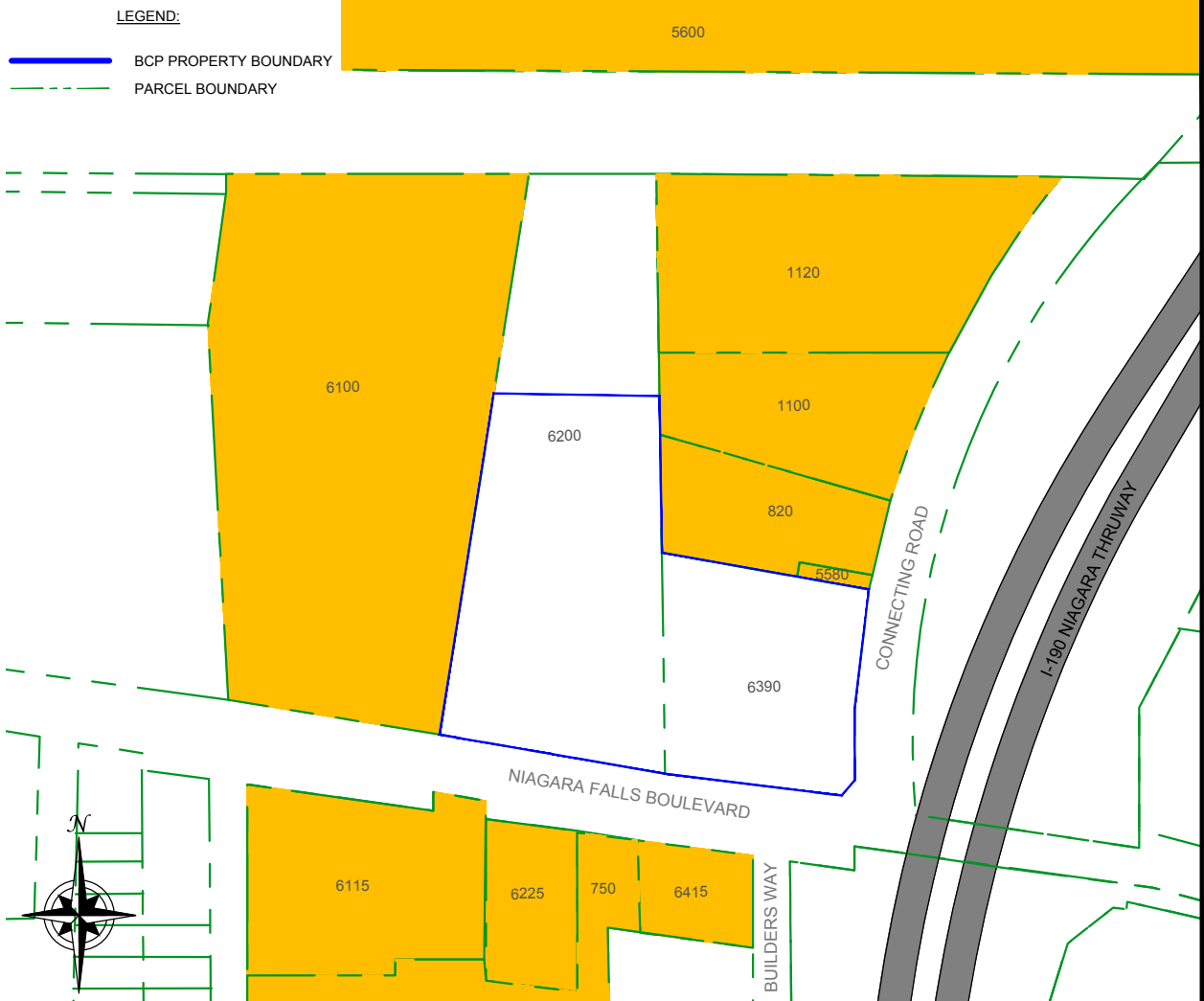
NIAGARA FALLS, NEW YORK
PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

FIGURE 7

DISCLAIMER:
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Adjacent Property Address			Property Owner/Occupant Mailing Address
No.	Street	Property Use	
6100	Niagara Falls Boulevard	Commercial	Niagara County Industrial Development Agency 6311 Inducon Corporate Drive Sanborn, NY 14132 Ashland Advanced Materials, LLC 6100 Niagara Falls Boulevard Niagara Falls, NY 14304
6115	Niagara Falls Boulevard	Commercial	6115 Niagara Falls Boulevard, LLC 94 Telfair Drive Williamsville, NY 14221 Thruway Inn Motel 6115 Niagara Falls Boulevard Niagara Falls, NY 14304
6225	Niagara Falls Boulevard	Commercial	Niagara County Industrial Development Agency 6311 Inducon Corporate Drive Sanborn, NY 14132 Niagara Falls LaQuinta Inns & Suites 6225 Niagara Falls Boulevard Niagara Falls, NY 14304
6415	Niagara Falls Boulevard	Vacant Commercial	93 NYRPT LLC & Benderson-Niagara / Benderson Dev. Co., Inc. 570 Delaware Avenue Buffalo, NY 14202 Occupant 6415 Niagara Falls Boulevard Niagara Falls, NY 14304
750	Builders Way	Commercial	Home Depot Niagara Falls, NY, LLC c/o Shelly B. Detrick 101 First Street, Suite 405 Los Altos, CA 94022 The Home Depot 750 Builders Way Niagara Falls, NY 14304
5580	Niagara Falls Boulevard	Vacant Commercial	WNY Associated Realty 606 N. french Road, Suite 8 Amherst, NY 14228 Occupant 5580 Niagara Falls Boulevard Niagara Falls, NY 14304
820	Connecting Road	Commercial	WNY Associated Realty 606 N. french Road, Suite 8 Amherst, NY 14228 Talk of the Town 820 Connecting Road Niagara Falls, NY 14304
1100	Connecting Road	Vacant Commercial	Luzro, Inc. 8417 W Rivershore Drive Niagara Falls, NY 14304 Occupant 1100 Connecting Road Niagara Falls, NY 14304
1120	Connecting Road	Commercial	Fontanarosa Media Group 729 Main Street Niagara Falls, NY 14301 R.B. U'REN Equipment Inc. 1120 Connecting Road Niagara Falls, NY 14304
5600	Niagara Falls Boulevard	Active Solid Waste Landfill/ Closed Hazardous Waste Landfill	BFI Niagara Recycling Inc. 5600 Niagara Falls Boulevard Niagara Falls, NY 14304



BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
 2556 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0599

PROJECT NO.: 0379-016-001
 DATE: APRIL 2017
 DRAFTED BY: CMC

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
 6200-6390 NIAGARA FALLS BOULEVARD SITE
 NIAGARA FALLS, NEW YORK
 PREPARED FOR
 6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

FIGURE 8

DISCLAIMER:
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Schedule 8: Official Zoning Map

Residential

R1 - Detached Single

- R1-A
- R1-B
- R1-C
- R1-D

R2 - Doubles

- R2-A
- R2-B

R3 - Multi-Family

- R3-A
- R3-B
- R3-C

R4 - Heritage

- R4

Commercial

C1 - Neighborhood

- C1-A
- C1-B
- C1-C

C2 - Traditional

- C2-A
- C2-B

C3 - General

- C3

Downtown

D1 - Downtown

- D1-A
- D1-B
- D1-C
- D1-D

D2 - Gorge View

- D2-A
- D2-B

Other

- I1 - Business Park
- I2 - Industrial
- INS - Institutional
- OS - Open Space
- NPD - Negotiated Planned Development



SCALE: 1 INCH = 2,000 FEET
SCALE IN FEET
(approximate)



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

ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE

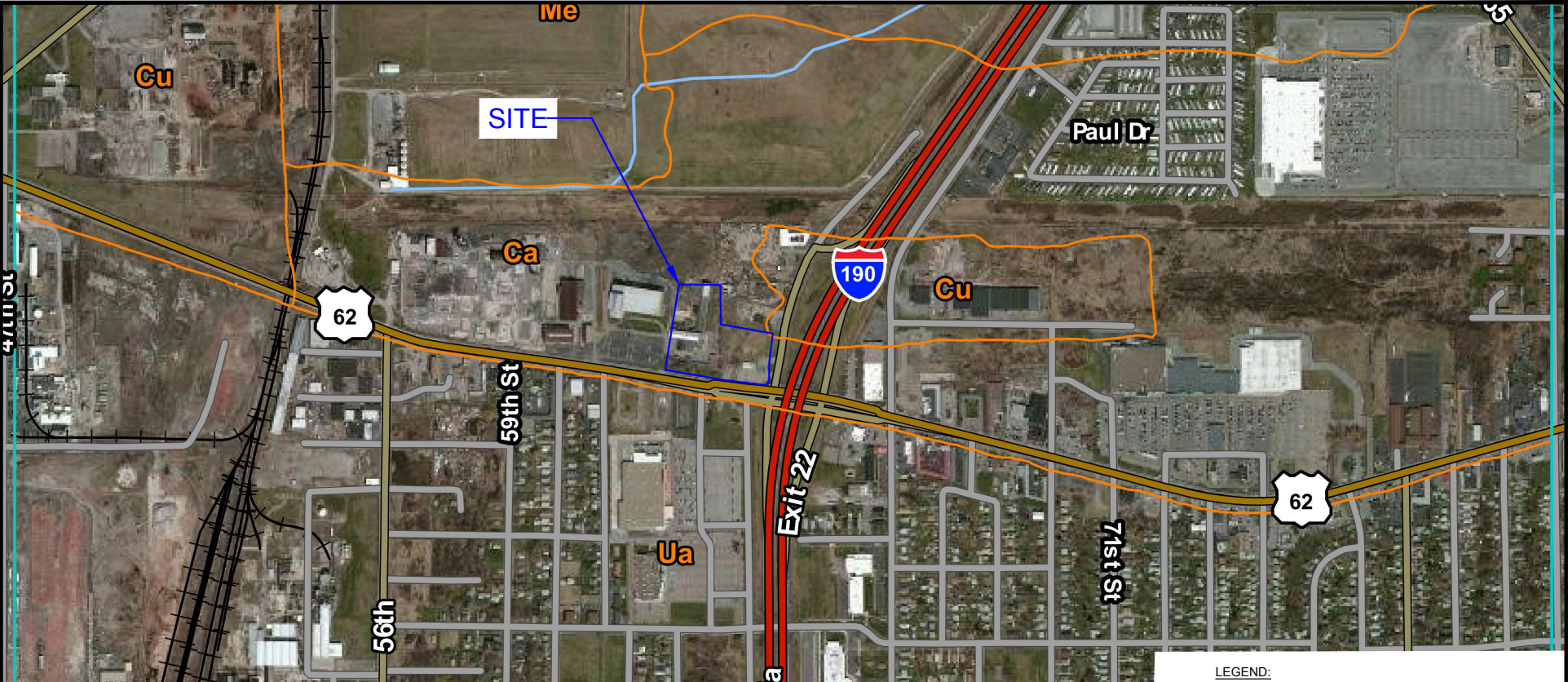
NIAGARA FALLS, NEW YORK

PREPARED FOR

6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

FIGURE 9

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.



- LEGEND:**
- Ca CANANDAIGUA SILT LOAM
 - Cu CUT AND FILL LAND
 - Lc LAKEMONT SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES
 - Me MADE LAND
 - OdA ODESSA SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES
 - Ua UNSURVEYED AREA



Web Soil Survey
National Cooperative Soil Survey

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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

PROJECT NO.: 0379-016-001
DATE: APRIL 2017
DRAFTED BY: CMC

SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
6200-6390 NIAGARA FALLS BOULEVARD SITE
NIAGARA FALLS, NEW YORK
PREPARED FOR
6200 NIAGARA FALLS BOULEVARD, LLC & 6390 NIAGARA FALLS BOULEVARD, LLC

FIGURE 10

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.

LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
6200-6390 Niagara Falls Boulevard Site
Niagara Falls, New York*

BCP Application Section No.	Attachment No.	Description
I	1	Requestor Information
II	2	Project Description
III	3	Property's Environmental History
IV	4	Property Information
VI	5	Previous/ Current Property Owners/ Operators
VII & VIII	6	Requestor Eligibility Information
IX	7	Contact List Information
X	8	Land Use Factors
--	9	Electronic Copy of BCP Application, Attachments, and Previous Studies

ATTACHMENT 1

BCP APPLICATION – SECTION I

REQUESTER INFORMATION

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY DATABASE
WRITTEN CONSENT OF THE SOLE MEMBER

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 25, 2017.

Selected Entity Name: 6200 NIAGARA FALLS BOULEVARD, LLC
Selected Entity Status Information

Current Entity Name: 6200 NIAGARA FALLS BOULEVARD, LLC

DOS ID #: 4966589

Initial DOS Filing Date: JUNE 21, 2016

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

THE SLATER LAW FIRM, PLLC
500 SENECA STREET
SUITE 504
BUFFALO, NEW YORK, 14204

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 21, 2016	Actual	6200 NIAGARA FALLS BOULEVARD, LLC

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

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

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 20, 2017.

Selected Entity Name: 6390 NIAGARA FALLS BOULEVARD, LLC
Selected Entity Status Information

Current Entity Name: 6390 NIAGARA FALLS BOULEVARD, LLC

DOS ID #: 4966592

Initial DOS Filing Date: JUNE 21, 2016

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

THE SLATER LAW FIRM, PLLC
500 SENECA STREET
SUITE 504
BUFFALO, NEW YORK, 14204

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 21, 2016	Actual	6390 NIAGARA FALLS BOULEVARD, LLC

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

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

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6390 NIAGARA FALLS BOULEVARD, LLC

WRITTEN CONSENT OF THE SOLE MEMBER

May 4, 2017

The undersigned being the managing member and sole holder of all of the membership interest of **6390 NIAGARA FALLS BOULEVARD, LLC**, an New York limited liability company (the "Company"), hereby consents to the adoption of the following resolutions without a meeting and directs that this Consent be filed with the minutes of the Company:

RESOLVED, that Carl Hasselback (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 6390 Niagara Falls Boulevard, Niagara Falls, NY; and be it further

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

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

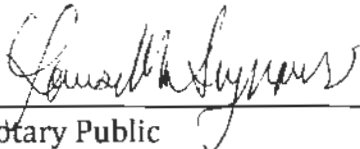
IN WITNESS WHEREOF, the undersigned have executed this Written Consent of Sole Member as of the date first set forth above.



Mr. Carl Hasselback, Jr., President

State of New York)
County of Erie) ss.:

On the 7th day of May in the year 2017, before me, the undersigned, a Notary Public in and for the said state, personally appeared Mr. Carl Hasselback, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

LOUISE M. SEYMOUR
Notary Public, State of New York
No. 01SE6228178
Qualified in Erie County
Commission Expires Sept 13, 2018

6200 NIAGARA FALLS BOULEVARD, LLC

WRITTEN CONSENT OF THE SOLE MEMBER

May 4, 2017

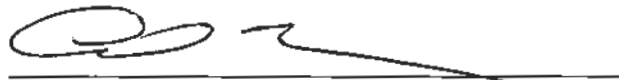
The undersigned being the managing member and sole holder of all of the membership interest of **6200 NIAGARA FALLS BOULEVARD, LLC**, an New York limited liability company (the "Company"), hereby consents to the adoption of the following resolutions without a meeting and directs that this Consent be filed with the minutes of the Company:

RESOLVED, that Carl Hasselback (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 6200 Niagara Falls Boulevard, Niagara Falls, NY; and be it further

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

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

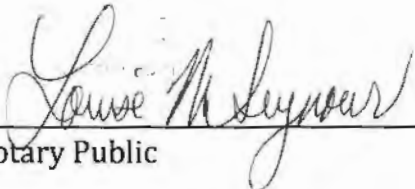
IN WITNESS WHEREOF, the undersigned have executed this Written Consent of Sole Member as of the date first set forth above.



Mr. Carl Hasselback, Jr., President

State of New York)
County of Erie) ss.:

On the 4th day of May in the year 2017, before me, the undersigned, a Notary Public in and for the said state, personally appeared Mr. Carl Hasselback, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

LOUISE M. SEYMOUR
Notary Public, State of New York
No. 01SE6228178
Qualified in Erie County
Commission Expires Sept 13, 2018

ATTACHMENT 2

BCP APPLICATION – SECTION II

PROJECT DESCRIPTION

ATTACHMENT 2
BCP Application - Section II
Project Description

6200-6390 Niagara Falls Boulevard Site

SECTION II – PROJECT DESCRIPTION

6200 Niagara Falls Boulevard, LLC and 6390 Niagara Falls Boulevard, LLC, acting as Volunteers, are willing to complete additional investigation and remediate the Site (see Figures 1-4) under the Brownfield Cleanup Program (BCP) and is submitting this BCP application for eligibility into the Program. Upon acceptance into the BCP, 6200 Niagara Falls Boulevard, LLC and 6390 Niagara Falls Boulevard, LLC, plan to complete a Remedial Investigation, prepare a Remedial Investigation/Alternatives Analysis Report (RI/AAR), prepare a Remedial Action Work Plan (RAWP), as necessary to address the contamination on-Site, and complete the approved remedial measures.

A preliminary project schedule is shown on Figure 5.

6200 Niagara Falls Boulevard, LLC is the current owner of the parcel addressed at 6200 Niagara Falls Boulevard and 6390 Niagara Falls Boulevard, LLC is the current owner of 6390 Niagara Falls Boulevard. Carl Hasselback, Jr. is the current owner and sole member of 6200 Niagara Falls Boulevard, LLC and 6390 Niagara Falls Boulevard, LLC. Therefore, there is common ownership amongst the properties and LLCs.

The entire 6200 Niagara Falls Boulevard parcel was previously entered into the BCP by a party unrelated to the current Applicant (Site #C932146) in 2009 along with the west adjacent property (6100 Niagara Falls Boulevard); however, the Brownfield Cleanup Agreement (BCA) was terminated by the NYSDEC in 2011 because Remedial Investigation field work was not completed in accordance with the approved schedules. **Note that 6390 Niagara Falls Boulevard, LLC is wholly unrelated to the previous BCP applicant and the company who had their BCA terminated due to failure to comply with the approved schedules and pay BCP fees.**

The Volunteer plans to redevelop the entire 6390 Niagara Falls Boulevard parcel and a 4.58-acre portion of the greater 6200 Niagara Falls Boulevard parcel, totaling approximately 7.14-acres, with commercial redevelopment as a gasoline and diesel fuel retail operation and

ATTACHMENT 2
BCP Application - Section II
Project Description

6200-6390 Niagara Falls Boulevard Site

convenience store. The proposed BCP site boundaries have been defined to match the redevelopment plans.

The BCP investigation and remediation is estimated to cost in the range of \$500,000 to \$600,000; however, remedial estimates will be refined based on the Remedial Investigation.

Redevelopment costs are expected to be over \$2MM with approximately 25% of the Site to be building, pump island and tank areas and the remaining 75% to be asphalt paved areas and green space.

The Project will result in the remediation, redevelopment, and productive re-use of an environmentally-impacted, predominantly vacant property along a targeted corridor in the City of Niagara Falls, New York.

ATTACHMENT 3

BCP APPLICATION – SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

ENVIRONMENTAL HISTORY

PREVIOUS ENVIRONMENTAL INVESTIGATIONS (PROVIDED ELECTRONICALLY)

PAST LAND USES

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

PREVIOUS ENVIRONMENTAL INVESTIGATIONS

A summary of the previous environmental investigation findings involving the 6200-6390 Niagara Fall Boulevard Site (hereinafter, the “Project Site” or the “Site”) is provided below.

6200 NIAGARA FALLS BOULEVARD (NFB)

As previously indicated, the entire parcel addressed at 6200 NFB was previously entered into the BCP in 2009 by others with no relation to the current Applicant. The previous studies summarized below involve the greater 6200 NFB parcel, including the proposed BCP portion of the parcel. Some of the previous studies include greater off-site properties known as The Great Lakes Carbon Corporation. The extent of impacts will be further assessed as part of the RI. Where applicable, sampling data for the greater property is provided in Figures 6A and 6B.

Potential Hazardous Waste Site Inspection Report for Great Lakes Carbon Corporation for the greater property at 5700 Niagara Falls Boulevard – NUS Corporation, October 1985

The inspection report by NUS Corporation (NUS) involves the 35 acre graphite manufacturing facility that is owned and operated by the Great Lakes Carbon Corporation. A seven acre landfill/dump area with no liner or cap is identified as being used from 1939 to 1966 for disposal of plant wastes such as carbon particles, graphite, coal dust, sand, carbon fines, block graphite and construction rubble.

Four soil samples collected proximate to the landfill/dump area were analyzed for Priority Pollutants. Additional samples including sediment and water samples were collected from the greater property for laboratory analysis.

NUS concluded that there is no hazard ranking score pending laboratory analytical results. A presentation of analytical data prepared by NUS indicates that elevated phenols, barium and chromium were found in a creek, PAHs were detected in a water sample from a furnace

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

sump that discharges to a creek, elevated VOCs and PAHs were identified in sediment samples from the creek and elevated PAHs, metals and pesticides were identified in soil samples.

Engineering Investigations At Inactive Hazardous Waste Sites Preliminary Site Assessment (PSA) for Great Lakes Carbon, Site No. 932016 – E. C. Jordan Co., March 1991

E. C. Jordan Co. (Jordan) completed a PSA of the Great Lakes Carbon facility, including the seven acre landfill area. According to Jordan, Great Lakes Carbon was classified as Class 2a at the time of the PSA because “there is insufficient information to document hazardous waste disposal and/or assess the significance of potential risks to public health or the environment.”

Jordan did not identify records documenting hazardous waste disposal at the landfill. PCB capacitors and transformers were stored at the property; however, the liquids were reportedly drained, drummed and shipped off-site for disposal. Jordan indicated that the five transformers remaining at the property will either be removed or used as spares.

Jordan recommended that the 2a classification remain as opposed to delisting or reclassification of the Site. Jordan also recommended installation of a groundwater monitoring well adjacent to the southern boundary of the landfill/disposal area with laboratory analysis of a groundwater sample for VOCs, metals and PCBs to assess whether hazardous constituents are present in the landfill.

Initial Environmental Sampling Results for Great Lakes Carbon Site No. 932016 – ABB Environmental Services, February 1992

The information included a site plan with monitoring well, test boring and surface water/sediment sample locations, a laboratory report, a data validation summary, field instrumentation/sampling sheets, boring logs, well construction details and a data validation summary.

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Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

There is no discussion relative to sampling or laboratory analytical results and no clear recommendation for further work.

Benchmark-TurnKey understands that the Great Lakes Carbon Inactive Hazardous Waste Site No. 932016 was subsequently reclassified as a D1 site after the PSA and was eventually reclassified to a N site suggesting that no further action was required at that time.

Phase I Environmental Site Assessment of 6200 Niagara Falls Boulevard - Conestoga Rovers & Associates, September 2002

A previous Phase I involving 6200 NFB and a greater property was completed by Conestoga-Rover and Associates (CRA) in 2002. CRA reportedly identified the greater property as being used for graphite product manufacturing with machining, inspection, testing, assembly, and carbon research and development between 1939 and the 1990s. Materials involved in the manufacturing processes were identified as graphite, silica sand, water, low ash/sulphur coke, coal tar pitch, coal tar, iron oxide, extrusion oils (wax based), and acids. RECs were reportedly identified as including historic on and off-site operations, spills/releases, pits, sumps, trenches, and fill materials.

Phase II Investigation Report, Americarb, 6200 Niagara Falls Boulevard - WSP Environmental & Energy, April 18, 2008

A Phase II completed by WSP Environmental Strategies LLC (WSP Environmental Strategies) in 2008 involved an investigation on a greater 36.4-acre property with 20 manufacturing and office buildings of which 6200 NFB is a part. The work consisted of soil borings, installation of monitoring wells, test pits, collection of stream and sewer sediment samples, and collection of liquid samples from two sumps.

WSP Environmental Strategies indicated that the west adjacent building to 6200 NFB were constructed on portions of a landfill/dump area, and during construction activities, landfill/dumped materials were removed and placed on the northern end of the property. The landfill/dump area itself is identified by WSP Environmental Strategies as beginning at

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6200-6390 Niagara Falls Boulevard Site

the eastern property boundary, suspected to be the east Site boundary of 6200 NFB, and extending west.

The work specifically involving the greater 6200 NFB parcel consisted of three soil borings (SB-3, SB-4, SB-8), one monitoring well (MW-D), two test pits (TP-1, and TP-2), and a sample collected from a sump within Building 2. The borings were completed in a former UST area north of a former on-Site building (north and west of portions of Building 2), southeast of Building 2, and within the northern-most portion of Building 2. Limited information was provided in the report regarding the former UST(s). MW-D appears northwest of the former UST area. Test pits TP-1 and 2 were completed north of Building 2 within the landfill/dump area.

According to WSP Environmental Strategies, laboratory analytical results revealed the presence of PAHs and metals at concentrations above applicable regulatory criteria from soil and groundwater samples collected across the greater property. Elevated PCB concentrations were also identified in soil samples collected at off-site former capacitor bank locations. WSP Environmental Strategies attributed the impacts to former graphite operations.

NYSDEC Fully Executed 2002 Consent Order (DEC File No. 01-61 R9-20011005-72)

Information from the NYSDEC included a fully executed 2002 Consent Order (DEC File No. 01-61 R9-20011005-72) from the NYSDEC to SGL Carbon LLC in the matter of violations of Article 19 of the Environmental Conservation Law, which governs the control and prevention of air pollution. According to the Consent Order, SGL Carbon LLC was issued a Title V Facility Permit (No. 9-2911-00038/00047) and there was a violation when a late Title V Annual Compliance Certification Report was submitted.

A 17.1-acre property including the entire 6200 NFB parcel and an adjacent property addressed at 6100 Niagara Falls Boulevard was previously entered into the BCP by others. The following summarizes numerous BCP-related documents (Site # C932146) that were provided TurnKey:

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Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

- NYSDEC BCP Application for 6100-6200 NFB, Niagara Falls, NY, submitted to the NYSDEC by Ashland Advanced Materials, LLC, dated November 19, 2008. The consultant is identified as Malcolm Pirnie. A LOC was issued by the NYSDEC on November 28, 2008.
- Brownfield Site Cleanup Agreement, Index #B9-0799-09-01, Site #C932146, for 6100-6200 NFB under Article 27, Title 14 of the ECL by Ashland Advanced Materials, LLC. Such was executed by the President of Ashland Advanced Materials, LLC on February 20, 2009.
- Malcolm Pirnie submitted a RI Work Plan to the NYSDEC in May 2009; however, the work was apparently not completed. The work plan references a Phase II completed by WSP Environment and Energy in June 2007 with six borings, groundwater sampling, six test pits and collection of sewer and sediment samples. Concentrations of VOCs, PAHs, and metals were identified at concentrations above industrial SCOs in soil samples. Concentrations of chrysene and metals exceeded Class GA groundwater standards in water samples. WSP Environment and Energy also reportedly completed sub-slab soil vapor sampling with three samples apparently collected from on-Site Building 2. Analytical results reportedly revealed concentrations at levels requiring mitigation by the NYSDOH. As part of the RI, Malcolm Pirnie proposed additional subsurface work, including drilling, test pits, monitoring wells, sub-slab soil vapor, and indoor air sampling. Again, the RI work was apparently not completed.
- A letter from the NYSDEC to Ashland Advanced Materials, LLC dated May 6, 2009 is related to a notice of failure to comply with the BCA for failing to submit certain required documents and fees. [It appears that this letter was issued by the NYSDEC around the same time that Malcolm Pirnie issued the RI Work Plan.]
- A Fact Sheet from 2009 identified materials such as ash, graphite, and demolition debris along with a 10,000-gallon fuel oil UST. Samples of soils, groundwater, and soil vapor reportedly revealed concentrations of various organic compounds and/or metals that exceeded New York State standards.

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- The NYSDEC terminated the BCA in March 2011. [As previously indicated, the current Applicant is wholly unrelated to the previous work completed under the BCP as well as Ashland Advanced Materials, LLC and Malcolm Pirnie.]

Phase I Environmental Site Assessment for 6200 Niagara Falls Boulevard – Benchmark Environmental Engineering & Science, PLLC, dated June 2016

Benchmark Environmental Engineering and Science, PLLC, in association with TurnKey Environmental Restoration, LLC (Benchmark-TurnKey), completed a Phase I Environmental Assessment (ESA) for the entire 6200 Niagara Falls Boulevard parcel, dated June 2016. The following RECs and other potential concerns were identified for the greater parcel:

- A portion of a presumed landfill/dump area with piles of soil, brick, concrete, 55-gallon drum carcasses, and apparent graphite/carbon waste materials was observed on the northern portion of Site, north of Building 2.
- Apparent slag material was noted on exterior portions of the Site as was dark gray soil, especially west of Building 2.
- Various historic production areas with unknown equipment, lines, and pits/sumps were noted during the site reconnaissance. Some of the pits in Building 2 contained liquid.
- An inactive boiler system and suspected graphite/carbon impregnation equipment with a furnace control cabinet in Building 2 have labels indicating the use of oil/fuel oil. The graphite/carbon impregnation equipment was noted to include presumed copper feed/return lines along with another label indicating gas, likely for either natural-gas or gasoline. The exact natures of the tanks (above or underground) are unknown.
- Floor/trench drains observed throughout the buildings may discharge into the municipal sanitary sewer system (based on the urban location of the Site); however, this could not be confirmed.
- Storm drains were noted on exterior portions of the Site. An apparent storm water pumping/lift station was noted west of Building 2. Storm drain discharges may be to Pikes Creek located nearby the Site.
- Several current/former electrical areas, including areas outside and within Building 2, were observed by TurnKey during the site visit. These areas may have historically

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Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

included transformers potentially with PCB-containing oils. In addition, possible PCB-containing light ballasts were noted throughout the buildings.

- A concrete slab with a trench drain located to the north of the current storage area of Building 2 is believed by TurnKey to be associated with a former building foundation. No concerns (staining, odors, etc.) were noted proximate to the suspected former building foundation.
- An asphalt disturbance with cut marks was observed south of the current storage portion of Building 2. A manhole was also noted proximate to the disturbance. It is possible that the disturbance and manhole are utility-related; however, this could not be confirmed.
- An existing 2” diameter stick-up monitoring well was observed southeast of Building 2.
- Adjacent operations include industrial uses including manufacturing and a landfill.

6200 Niagara Falls Boulevard:

Registered UST Facility with the following tanks identified:

- Tank F01 listed as 20,000-gallon No. 2 fuel oil UST, installed on January 1, 1976, closed prior to micro conversion in 1991.
- Tank F02 listed as 20,000-gallon No. 2 fuel oil UST, installed on January 1, 1978, closed prior to micro conversion in 1991
- Tank F03 listed as 20,000-gallon No. 2 fuel oil UST, installed on January 1, 1979, closed prior to micro conversion in 1991.
- Tank F04 listed as 10,000-gallon No. 2 fuel oil UST installed on January 1, 1976, closed prior to micro conversion in 1991.
- Tank PF1 listed as 10,000-gallon No. 2 fuel oil UST installed on October 1, 1978, closed/removed on August 1, 1989.

Registered AST Facility Listings:

- Tank TD1 listed as 1,000-gallon diesel fuel AST, installed on September 1, 1990, closed/removed in 2008.
- Tank TD1-A listed as 1,000-gallon No. 2 fuel oil AST closed/removed in 1990.
- Tank TG1 listed as 290-gallon gasoline AST, installed in 1990, closed/removed in 2008.

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- Tank TG1-A listed as a 575-gallon gasoline AST closed/removed in 1990.

NYDEC Spill Listings:

- Spill No. 8708063, dated December 17, 1987, involved a hydraulic fluid release and was “closed” by the NYSDEC on January 6, 1988.
- Spill No. 8806521 (alternate spill No. 8707795), dated November 3, 1988, involved a diesel fuel release from a UST that failed a tightness test. The NYSDEC reclassified the spill as “closed” on November 9, 1988.
- Spill No. 9100895, dated April 23, 1991, involved a waste oil release from a 55-gallon drum and was “closed” by the NYSDEC on November 13, 1991.
- Spill No. 9106522, dated September 16, 1991, involved a waste oil release from a broken hose on machinery and was “closed” by the NYSDEC on October 28, 1991.
- Spill No. 9106866, dated September 25, 1991, involved a waste oil release from an overfilled exterior drum and was “closed” by the NYSDEC on October 28, 1991.
- Spill No. 9212503, dated February 1, 1993, involved a petroleum release from an overfilled drum and was “closed” by the NYSDEC on February 2, 1993.
- Spill No. 9303772, dated June 21, 1993, involved oil spilled into a pit and was “closed” by the NYSDEC on August 24, 1993.
- Spill No. 9310512 (duplicate Spill No. 9310645), dated November 29, 1993, involved a waste oil release from a transfer hose while filling drums on a truck and was “closed” by the NYSDEC on March 9, 1994.
- Spill No. 9404465, dated June 28, 1994, involved a heat transfer oil release and was “closed” by the NYSDEC on January 20, 1995.
- Spill No. 9506890, dated September 6, 1995, involved an unknown smoke released to the air from stacks and was “closed” by the NYSDEC on September 6, 1995.
- Spill No. 9511869, dated December 15, 1995, involved a non-PCB oil release from a tank/transformer and was “closed” by the NYSDEC on January 31, 1996.
- Spill No. 9609406, dated October 21, 1996, involved a hydraulic oil release from a crane and was “closed” by the NYSDEC on October 30, 1996.
- Spill No. 9706911, dated September 10, 1997, involved a transformer oil release and was “closed” by the NYSDEC on October 3, 1997.
- Spill No. 9802507, dated May 26, 1998, involved a heat transfer oil release from a cracked fitting and was “closed” by the NYSDEC on July 31, 1998.

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- Spill No. 9804427, dated July 8, 1998, involved an unknown material release, identified as white smoke with a burning plastic-like odor, and was “closed” by the NYSDEC on July 8, 1998.
- Spill No. 9975263, dated July 6, 1999, involved a release of 10,000-gallons of ethylene glycol (antifreeze) used for cooling furnaces to a settling lagoon that discharges to Pikes Creek. The spill was “closed” by the NYSDEC on August 31, 1999.
- Spill No. 0175470, dated January 4, 2002, involved a heat transfer oil leak from a primary storage tank into a secondary containment pit below the tank. The oil was contained on the concrete floor and to a sump which was shutoff and cleaned. The NYSDEC “closed” the spill on January 4, 2002.
- Spill No. 0514301, dated March 14, 2006, involved a hydraulic oil release from a vehicle and was “closed” by the NYSDEC on March 16, 2006.

6390 NIAGARA FALLS BOULEVARD

Supplemental Subsurface Investigation Report, Former SUNOCO Service Station DUNS# 0363-2452, 6390 Niagara Falls Boulevard (Spill No. 0075520)

The Supplemental Subsurface Investigation Report, Former Sunoco Service Station DUNS# 0363-2452, 6390 Niagara Falls Boulevard, Niagara Falls, New York, NYSDEC Spill No. 0075520, was completed by GES, for Sunoco, Inc. (R&M), dated May 10, 2006.

The report references previous intrusive work completed by GES consisting of 12 soil borings, seven converted into temporary monitoring wells, to depths between 2.5 and 15 fbs. The borings were completed proximate to the pump island and tank field areas. Additional borings were completed for delineation purposes. Analytical results revealed the presence of petroleum-impacted soil and groundwater on-Site.

The work completed by GES in 2006 consisted of ten additional soil borings, nine converted into monitoring wells, to a target depth of 15 fbs. The investigation locations were proximate to pump island and tank field areas as well as areas south and north of the existing building. Petroleum-impacted soil and groundwater were identified during the work.

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GES concluded that Sunoco is evaluating future actions for the Site.

**Underground Storage Tank Removal Report – Former SUNOCO Service Station
DUNS# 0388-5225, 6390 Niagara Falls Boulevard (Spill No. 0075520)**

“Underground Storage Tank Removal Report, Former Sunoco Service Station Duns #0388-5225, 6390 Niagara Falls Boulevard, Niagara Falls, New York, NYSDEC Spill No. 0075520” completed by Groundwater & Environmental Services, Inc. (GES), on behalf of Sunoco, Inc., dated November 1, 2006.

This report documents the closure and removal of the USTs at 6390 NFB and the environmental conditions observed during these activities. The work completed, as per GES’ report, consisted of the removal of three 10,000-gallon gasoline USTs (suspected by TurnKey to be the 6,000-gallon USTs identified in municipal and regulatory records), one 550-gallon fuel oil UST, one 550-gallon waste oil UST, as well as the excavation of associated product and dispenser island lines. Two hydraulic lifts were also removed.

Petroleum-impacted soil was encountered on the northern and western sidewalls of the UST excavation during removal of the three gasoline USTs. The impacted soil removed and stockpiled for future disposal. GES collected post excavation soil samples from the sidewalls and bottom of the UST excavation. The sidewall samples were taken from six to ten fbgs and the bottom samples were collected from approximately ten fbgs. The samples were sent to Pace Analytical of Export, PA for laboratory analysis of VOCs.

TurnKey reviewed the analytical results and such indicate VOC concentration exceedances above TAGM 4046 (the appropriate standard used at the time) in the North SW sample with a benzene concentration of 70 ug/kg and a total xylene concentration of 3,100 ug/kg. [Note that the VOC concentrations identified at North SW exceed CP-51 SCOs.] MTBE was identified in Bottom North and Bottom South samples at concentrations of 250 ug/kg and 160 ug/kg, which reportedly exceeded TAGM (but not CP-51).

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Petroleum-impacted soil was encountered in the former pump island area was removed and post excavation soil sample results for sidewall and bottom samples reportedly did not reveal VOC concentrations above laboratory detection limits.

Two hydraulic lifts, one waste oil UST, and one fuel oil UST were also removed from the Site. Post excavation soil samples were collected from each area and analyzed by the laboratory for SVOCs with concentrations reportedly below laboratory detection limits or below TAGM 4046 guidance values.

A total of approximately 975 tons of petroleum-impacted soil were removed from the UST and dispenser island excavation areas. In addition, approximately 4,540-gallons of groundwater removed from the UST excavation, treated, and discharged back into the UST excavation (reportedly with permission from Mr. Michael Hinton of the NYSDEC).

A letter dated November 20, 2006 to GES indicates that based upon site conditions represented in the report, the Department will not require any further work at this time for Spill No. 0075520 (subject to report revisions to be made by GES, including the VOC concentrations exceedances in the wall sample “North SW” as discussed above). The NYSDEC reclassified the spill as “inactive,” indicating the Site has not been fully remediated.

Kleinfelder Report, 6390 Niagara Falls Boulevard, March 2009 (Spill No. 0813532)

A report completed by Kleinfelder on March 25, 2009 indicates a southeasterly groundwater flow direction. Six of the seven existing monitoring wells were sampled by Kleinfelder as part of the assessment. Laboratory analytical results reportedly indicated elevated VOC concentrations above water quality standards at MW-2 and MW-4 located just off the pump island area. Elevated SVOC concentrations were also identified at MW-2.

As a result of the findings, the NYSDEC was notified, and Spill No. 0813532 was assigned to the Site.

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The NYSDEC reviewed the groundwater sample laboratory analytical results. Based on site conditions, although concentrations exceed groundwater standards, the Department did not recommend additional work and reclassified Spill No. 0813532 as “inactive” As summarized above, elevated VOC and SVOC concentrations remain in on-Site groundwater.

Site Characterization Report, Basic Carbon Site (9-32-004), Niagara Falls, Niagara County, New York – EA Engineering, P.C. and its affiliate EA Science and Technology, dated April 2009

“Site Characterization Report, Basic Carbon Site (9-32-004), Niagara Falls, Niagara County, New York,” completed by EA Engineering, P.C., and its affiliate EA Science and Technology (EA), for the NYSDEC, dated April 2009. The study was completed under the NYSDEC State Superfund Standby Contract (Work Assignment No. D004438-31) and included investigation activities with surface and subsurface sampling activities on the northern vacant land portion of 6390 NFB and off-site properties to the north at 820 and 1100 Connecting Road. The building at 820 Connecting Road, which is north adjacent to the Site, was identified as formerly being used by Basic Carbon as part of the manufacturing process.

The work completed at 6390 NFB consisted of three soil borings (B-02, B-06, and B-07) and collection of three surface samples (S-07, S-08 and S-09). EA reportedly encountered fill material with carbon-like materials, cinders and black staining during the soil boring investigation.

Laboratory analytical results reportedly identified the presence of surface and subsurface soils impacted by SVOCs, metals, pesticides, and PCBs to depths of approximately eight fbs. Surface and subsurface soil samples collected from the Site reportedly exhibited SVOCs, pesticides, and/or metals at concentrations above Part 375 Industrial Use SCOs.

EA concluded that the “concentrations of SVOCs, metals, pesticides, and PCBs were detected at similar or lower concentrations to those in past adjacent hazardous waste

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investigations at the Great Lakes Carbon site (932016), 64th Street (932085), and Ross Steel (932058) and can be considered indicative of background soils.”

Phase I Environmental Site Assessment for 6390 Niagara Falls Boulevard – Benchmark Environmental Engineering & Science, PLLC, dated June 2016

Benchmark Environmental Engineering and Science, PLLC, in association with TurnKey Environmental Restoration, LLC (Benchmark-TurnKey) completed a Phase I Environmental Assessment (ESA) for the 6390 Niagara Falls Boulevard Site, dated June 2016. The following RECS and other potential concerns were identified:

- Green/vegetated areas east and south of the existing building were reportedly former UST and former pump island excavation areas, respectively.
- Seven existing monitoring wells were noted on-Site with two wells north of the building, two wells east of the building, and three wells south of the existing building. Two additional monitoring wells along the northern property border are apparently off-site.
- Two square disturbances, believed by TurnKey to be former in-ground lift locations, were noted in the concrete within the existing building.
- Piping possibly associated with the hydraulic lift controls were noted along the west interior wall. In addition, a circular cover at grade was noted atop a copper pipe protruding from the ground within the southern portion of the repair area, south of the hydraulic lifts. The exact nature of the copper pipe is unknown; however, it could be the hydraulic oil tank for the former in-ground lifts.
- A floor drain with black staining proximate was noted in the northern interior portion of the historic repair area. The property owner indicated that the floor drains likely discharge into the public sewer system.
- Miscellaneous debris/stored materials including bricks, tires, concrete, etc. were noted on exterior portions of the Site.
- Two pipes protruding from the ground in an area with disturbed concrete at the northeast exterior corner of the existing building are believed by TurnKey to be associated with the sanitary sewer system based on information within the regulatory database under Spill No. 0075520.

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

- The Site is located in a commercial and heavy industrial area with current/historic landfill and manufacturing operations.

6390 Niagara Falls Boulevard:

Registered UST Facility Listings:

- Tank 1 listed as 6,000-gallon gasoline UST, installed on June 1, 1978, closed/removed on September 6, 2006.
- Tank 2 listed as 6,000-gallon gasoline UST, installed on June 1, 1978, closed/removed on September 6, 2006.
- Tank 3 listed as 6,000-gallon diesel fuel UST, installed on June 1, 1978, closed/removed on September 6, 2006.
- Tank 4 listed as 500-gallon waste oil UST, closed/removed on September 11, 2006.
- Tank 5 listed as 500-gallon fuel oil UST removed on September 11, 2006.

NYDEC Spill Listings:

- Spill No. 0075520, dated December 8, 2000, involved petroleum product found in the groundwater during a Phase II investigation completed by GES. Remediation was completed with removal of the tanks (apparently including tanks east of the building as well as two 500-gallon fuel oil and waste oil tanks proximate to the northwest corner of the building) and pump island along with associated piping. The tanks were noted to be in good condition with no apparent holes. Impacted soils were reportedly encountered in the former tank and pump island areas; such were reportedly stockpiled on-Site and subsequently transferred to Tonawanda Landfill for disposal. There is reference to unknown ports near the northeast corner of the building that were excavated and determined to be vent and trap cleanouts for the sanitary sewer connection. [TurnKey suspects that these are the unknown structures observed by TurnKey during the site reconnaissance.] The spill was reclassified as “inactive” on December 7, 2006.
- Spill No. 0813532, dated March 16, 2009, involved impacts found during a Phase II investigation completed for due diligence purposes prior to a sale. Elevated MTBE concentrations were identified in groundwater samples collected from existing monitoring wells. An additional spill, No. 0075520, was also referenced under this incident. Based on the concentrations, the NYSDEC reclassified the spill as “inactive” on June 11, 2009.

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

BCP Site Summary

Based on the previous investigations, the primary contaminants of concern for the Site are petroleum-related VOCs and SVOCs, metals, pesticides, and PCBs (see Figures 6A and 6B). Specifically:

- Petroleum-impacted soil and groundwater was discovered on-Site, including elevated VOCs exceeding CP-51 SCOs, Part 375 SCOs and Class GA GWQS.
- Elevated metals were detected at concentrations exceeding Part 375 Restricted Residential Use, Commercial Use SCOs and Class GA GWQS.
- Elevated PAHs were detected exceeding Part 375 Restricted Residential Use and Commercial Use SCOs and Class GA GWQS on-Site.
- Elevated PCBs exceeding Part 375 Unrestricted Use SCOs were detected.
- Elevated pesticides were detected exceeding Restricted Residential Use SCOs.

Historical documents and previous investigation report are provided as separate PDF files, enclosed electronically on an attached CD (Attachment 9).

PAST LAND USES

The historical use of the Site has been researched through review of historic maps, historic aerial photographs, municipal records and/or other reasonably obtainable documents. The following provides a summary relative to historic uses of the Site.

6200 Niagara Falls Boulevard

Approximate Years	Use	Owner/Occupant
1896-1950s	Vacant/Agricultural land	NA
1950s-1990s	Part of greater graphite/carbon	Great Lakes Carbon Corp., NFB

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
6200-6390 Niagara Falls Boulevard Site

	product manufacturing operation	Carbon, SGL Carbon Corporation
1990s-Current	Mostly vacant industrial, some areas currently used for storage	Ashland Advanced Materials, LLC

6390 Niagara Falls Boulevard

Approximate Years	Use	Owner/Occupant
1896 - Prior to 1948	Vacant/agricultural land	Unknown or NA
Prior to 1948 - 1972	Former commercial development	Motel and additional building occupied by Niagara Falls Sightseeing and International Honeymoon Tours
1972 - Early 2000s	Gasoline service station	Sunoco, Samuel Rizzo
Early 2000s - Current	Vacant gasoline service station	6390 Niagara Falls Boulevard, Inc.

ATTACHMENT 4

BCP APPLICATION – SECTION IV

PROPERTY INFORMATION

PARCEL DESCRIPTION

EASEMENTS AND PERMITS

PROPERTY DESCRIPTION & ENVIRONMENTAL ASSESSMENT NARRATIVE

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

SECTION IV - QUESTIONS 1-4

Parcel Description

The Site subject to the BCP application consists two (2) adjoining parcels (one entire parcel and a portion of the west adjoining parcel) totaling approximately 7.14-acres, located in a highly developed commercial and industrial area of the City of Niagara Falls, Niagara County, New York (see Figures 1-3), and are further identified as:

- **Parcel 1 – 6200 Niagara Falls Boulevard, S.B.L. # 160.07-3-38.2, 4.58 acres (portion of greater parcel)**
- **Parcel 2 - 6390 Niagara Falls Boulevard, S.B.L. # 160.07-3-4, 2.56 acres**

The legal metes and bounds description of the proposed BCP Site, prepared by a professional licensed surveyor, is attached.

A tax map of the Site, per Niagara County Department of Real Property Services, is provided as Figure 3. The boundaries of the Site do not correspond with the tax boundaries. Figure 2 illustrates the boundaries of the proposed BCP Site including the entire 6390 Niagara Falls Boulevard parcel and a 4.58-acre portion of the 6200 Niagara Falls Boulevard parcel. City of Niagara Falls Online Assessment Roll System reports are provided for each parcel in Attachment 4.

According to the NYSDEC Environmental Zones (En-Zones), developed by the NYS Department of Labor, the project Site is located within a Type A En-Zone boundary (see Figure 7), also identified as census tract 220. According to the New York State En-Zone Boundaries, Type A refers to a “Poverty Rate of at least 20% and Unemployment Rate of at least 125% the Statewide Unemployment Rate.”

6200 NFB (portion of the proposed BCP Site) was previously a portion of a greater 17 acre BCP Site (#C932146) in 2009; the BCA was terminated by the NYSDEC in 2011 because the RI field work was not completed in accordance with the approved schedule.

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

SECTION IV – QUESTIONS 8 AND 9

Easements and Permits

Benchmark-TurnKey is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property.

According to the fully executed 2002 Consent Order (DEC File No. 01-61 R9-20011005-72), SGL Carbon LLC was issued a Title V Facility Permit (No. 9-2911-00038/00047) and there was a violation when a late Title V Annual Compliance Certification Report was submitted. A copy of the permit is provided in Attachment 4.

A SPDES permit (NY - 0000906) associated with discharges from the Site into Pikes Creek Headwaters requires quarterly sampling/monitoring. Historically, elevated levels of PAHs and metals have been detected during stormwater monitoring in the discharge to Pikes Creek at outfalls on-Site.

Utilities are located in the right-of-way along Niagara Falls Boulevard. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public water. Benchmark-TurnKey is not aware of any easements on Site.

SECTION IV - QUESTION 10

Property Description & Environmental Assessment Narrative

Location

The Site, including (2) adjoining parcels, is located a highly developed industrial and commercial area of the City of Niagara Falls, Niagara County, New York. The Site is bordered by commercial properties and an active solid waste landfill and closed hazardous waste landfill to the north, Niagara Falls Boulevard to the south with commercial properties, including retail and hotel facilities, Connecting Boulevard to the east, and commercial properties to the west.

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

Site Features

BCP Portion of 6200 NFB – two buildings are present (see Figure 2). Building 1 is currently vacant and historically believed to have been utilized as an office building and a research/development laboratory. Building 1 measures approximately 15,655 square feet and was constructed between 1963 and 1964. Building 2, located to the north of Building 1, measures approximately 40,891 square feet and was built between 1957 and 1966. Building 2 is currently vacant and suspected historic operations include offices and a research/development laboratory. The remainder of the parcel is comprised of asphalt paved areas, green space and trees south of Building 1 and northwest of Building 2.

6390 NFB – one (1) vacant building (Building 3; see Figure 2) is present that was historically used for automotive repair. Building 3 measures approximately 2,040 square feet and was constructed in 1972. The remainder of the parcel is comprised of asphalt covered areas and green areas.

Current Zoning and Land Use

The current zoning for the 6200 Niagara Falls Boulevard parcel is classified as I2 – Industrial and the current zoning for the 6390 Niagara Falls Boulevard parcel is classified as C3 – General Commercial by the City of Niagara Falls Zoning Map (see Figure 9). The surrounding areas to the northwest are zoned as I2 – Industrial, while the surrounding areas to the southeast are zoned as C3 – General Commercial.

Past Use of the Site

Past use of the site consisted of commercial and industrial operations with storage and use of hazardous/regulated substances. 6200 Niagara Falls Boulevard was historically a portion of a greater graphite/carbon product manufacturing operation including a disposal area for graphite/carbon material. The 6200 Niagara Falls Boulevard parcel was a portion of the greater Great Lakes Carbon Inactive Hazardous Waste Site No. 932016 that was placed on the Registry of Inactive Hazardous Waste as a non-registry Class 2A site in 1983 and

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

subsequently reclassified to a D1 site after completion of a PSA in 1991. In 2005, the Inactive Hazardous Waste Site No. 932016 was reclassified to an N site which is defined as no further action required at that time.

6390 Niagara Falls Boulevard was formerly used as a gasoline service station. The proposed BCP Site is currently improved with a vacant automotive repair building for the historic gasoline service station and a vacant industrial buildings historically used as a research laboratories and offices.

Past heavy industrial use has resulted in contamination of soil, groundwater, storm water, and soil vapor, all containing concentrations above anticipated end use regulatory standards and guidance values. In addition to elevated metals and PAHs in soil, groundwater and storm water are identified as having elevated PAH and metal concentrations. Reportedly, no hazardous wastes were identified during previous environmental studies.

Multiple NYSDEC Spill incidents have been reported for the Sites, including multiple underground storage tanks (USTs) and former fuel dispensers. A listing of the Site related Spills are provided in Section 3 (Attachment 3).

Site Geology and Hydrogeology

The property is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief, except in the immediate vicinity of major drainage ways. According to the USDA Web soil survey, Site soils are generally characterized as Canandaigua Silt Loam (Ca) with level to gently sloping land (see Figure 10).

Based on information contained in a previous study completed by others, groundwater flow is likely to the south towards the Niagara River. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

The previous investigations conducted by others identified the subsurface soil/fill generally described as sand or sand and gravel fill material with varying amounts of asphalt, concrete

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

and wood fragments, underlain by silty sand. Dense clay was encountered at 8 fbg. The greater area of the 6200 Niagara Falls Boulevard parcel was assessed and it was identified as including layers of carbon, graphite, ash, and building debris with piles of similar materials ranging between 6 and 10 feet high.

Groundwater flow direction likely follows regional topography southeast toward the Niagara River, Niagara Falls and Lake Ontario. On-Site groundwater was encountered at 4 feet below ground surface (fbgs) during a previous investigation conducted by others.

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

Environmental Assessment

Based on the previous NYSDEC Spill records and investigations, the primary contaminants for the Site are petroleum-related, VOCs and SVOCs, metals, pesticides, and PCBs. Specifically:

- Petroleum-impacted soil and groundwater was discovered on-Site, including odors and elevated VOCs exceeding Part 375 SCOs and Class GA GWQS.
- Elevated metals, were detected on-Site exceeding Part 375 Restricted Residential Use and Commercial Use SCOs and Class GA GWQS.
- Elevated PAHs were detected exceeding Part 375 Restricted Residential Use and Commercial Use SCOs and Class GA GWQS on-Site.
- Elevated PCBs exceeding Part 375 Unrestricted Use SCOs were detected on-Site.
- Elevated pesticides were detected exceeding Restricted Residential Use SCOs on-Site.
- Historically, elevated levels of PAHs and metals have been detected during stormwater monitoring in the discharge to Pikes Creek at outfalls on site.

ATTACHMENT 4
BCP Application – Section IV
Property Information
6200-6390 Niagara Falls Boulevard Site

Historical documents and previous investigation report are provided as separate PDF files, enclosed electronically on an attached CD (Attachment 9).

Proposed Legal Description for 6200 & 6390 Niagara Falls Boulevard

Brownfield Cleanup Project

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot.9, Township 13, Range 9 of the Holland Land Company's Survey, bound and described as follows;

BEGINNING at a point on the northerly line of Niagara Falls Boulevard as now laid out, said point being the southwesterly corner of lands conveyed to 6390 Niagara Falls BLVD Inc, as recorded in the Niagara County Clerk's Office under instrument number 2010-07240, said point also being the southeasterly corner of lands conveyed to NFB Carbon Products LLC as recorded in the Niagara County Clerk's Office under instrument number 2015-21688;

THENCE westerly along the northerly line of Niagara Falls Boulevard and southerly line of said lands of NFB Carbon Products LLC a distance of 173.63 feet;

THENCE continuing along the north line of Niagara Falls Boulevard and southerly line of said lands of NFB Carbon Products LLC a distance of 197.70 feet, to the southwest corner of said lands of NFB Carbon Products LLC;

THENCE northerly at an interior angle of 81°39'38" along the westerly line of said lands of NFB Carbon Products LLC a distance of 219.27 feet;

THENCE continuing northerly along the westerly line of said lands of NFB Carbon Products LLC at an exterior angle of 175°41'29" a distance of 308.18 feet

THENCE continuing northerly along the westerly line of said lands of NFB Carbon Products LLC at an interior angle of 178°30'53" a distance of 100 feet;

THENCE easterly a distance of 258.30 feet to the easterly line of said lands of NFB Carbon Products LLC;

THENCE southerly along the easterly line of said lands of NFB Carbon Products LLC a distance of 300.00 feet to the northwesterly corner of said lands of 6390 Niagara Falls BLVD Inc;

THENCE easterly along the northerly line of said 6390 Niagara Falls BLVD Inc a distance of 347.67 feet to the westerly line of Connection Drive;

THENCE southerly along the westerly line of Connection Drive and easterly line of said lands of 6390 Niagara Falls BLVD Inc, along a curve to the left with a radius of 1482.69 feet an arc distance of 284.48 feet;

THENCE southerly along the westerly line of Connection Drive and easterly line of said lands of 6390 Niagara Falls BLVD Inc a distance of 24.75 feet to the northeast corner of lands acquired by the State of New York as recorded in the Niagara County Clerk's Office under Liber 1390 of Deeds at page 270;

THENCE southwesterly along the southeasterly line of said lands of 6390 Niagara Falls BLVD Inc and northwesterly line of said lands acquired by the State of New York a distance of 40 feet to the northerly line of Niagara Falls Boulevard as now laid out;

THENCE westerly along the southerly line of said lands of 6390 Niagara Falls BLVD Inc and northerly line of said lands acquired by the State of New York a distance of 246.97 feet;

THENCE continuing westerly along the southerly line of said lands of 6390 Niagara Falls BLVD Inc and northerly line of said lands acquired by the State of New York a distance of 41 feet to the point of beginning, containing 7.14 acres more or less;



Property: 6200 NIAGARA FALLS BLVD, Niagara Falls
SWIS: 291100 SBL: 160.07-3-38.2

Assessment	
Total	\$275,000.00
Total Land	\$93,000.00
County Taxable (Niagara)	\$275,000.00
Town Taxable	\$275,000.00
School Taxable	\$275,000.00
Village Taxable	\$0.00
Equalization Rate	84%
Level of Assessment	85%
Full Market Value	\$323,529.41

Structure	
Site 1 of 1	
Building 1 of 4 Next	
Section 1 of 2 Next	
Boeck # - Description	0223 - 2-4 sty office load sup
Construction Quality	2
Gross Floor Area	7072
Number of Stories	2
Story Height	22
Year Built / Effective Year Built	1963 / 0
Condition	3 - Normal
Building Perimeter	552
Basement Perimeter	0
Basement SQFT	0
Number of Elevators	0
Air Conditioning %	100
Sprinkler %	0

Property Description	
Type	Industrial
Use	710 - Manufacture
Ownership Code	-
Zoning	I2
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Niagara Falls - 291100
Neighborhood Code	1

Last Property Sale	
Sale Date	7/20/2016 9:35:21 AM
Sale Price	\$500,000.00
Useable Sale	YES
Arms Length	YES
Prior Owner Name	NFB Carbon Products LLC,
Deed Book	2016
Deed Page	12674
Deed Date	7/20/2016

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
No Improvements						

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	6.2	0	0	0	Land: 1 Rating:

Owner Information						

Owner Name	Address 1	Address 2	City/State/Zip
6200 Niagara Falls Boulevard,	2125 Walden Ave		Cheektowaga NY 14225
LLC,	2125 Walden Ave		Cheektowaga NY 14225

Exemptions

Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts

Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0	0	\$275,000.00
RL009 - Re-levy	S	0	0	\$0.00

Sale History

Sale Date	Price	Useable	Arm's Length	Prior Owner	Total Assessed Value	Total Land Value	Deed Book	Deed Page
7/20/2016 9:35:21 AM	\$500,000	Yes	Yes	NFB Carbon Products LLC,	\$275,000	\$93,000	2016	12674
12/9/2015 2:48:52 PM	\$350,000	No	No	Graphite Mine Holdings LLC,	\$275,000	\$93,000	2015	21688
12/13/2005 8:58:22 AM	\$100,000	No	No	Great Lakes Carbon Corp,	\$976,700	\$150,800	3342	55

[Go Back](#)

Property: 6390 NIAGARA FALLS BLVD, Niagara Falls
 SWIS: 291100 SBL: 160.07-3-4



Assessment	
Total	\$236,500.00
Total Land	\$130,000.00
County Taxable (Niagara)	\$236,500.00
Town Taxable	\$236,500.00
School Taxable	\$236,500.00
Village Taxable	\$0.00
Equalization Rate	85%
Level of Assessment	81%
Full Market Value	\$291,975.31

Structure	
Site 1 of 1	
Building 1 of 1	
Section 1 of 1	
Boeck # - Description	0712 - Service sta with bays load sup
Construction Quality	2
Gross Floor Area	2040
Number of Stories	1
Story Height	11
Year Built / Effective Year Built	1972 / 0
Condition	2 - Fair
Building Perimeter	196
Basement Perimeter	0
Basement SQFT	0
Number of Elevators	0
Air Conditioning %	0
Sprinkler %	0

Property Description	
Type	Commerical
Use	432 - Gas station
Ownership Code	-
Zoning	C3
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Niagara Falls - 291100
Neighborhood Code	1

Last Property Sale	
Sale Date	5/13/2010 10:47:57 AM
Sale Price	\$254,301.00
Useable Sale	YES
Arms Length	YES
Prior Owner Name	Sunoco Inc (R&M),
Deed Book	2010
Deed Page	7240
Deed Date	5/13/2010

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
1	LP4 - Pavng-asphlt	1	Normal	1978	597000	99500X6

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	2.5	0	0	108900	Land: 1 Rating:

Owner Information			
Owner Name	Address 1	Address 2	City/State/Zip
6390 Niagara Falls Blvd Inc,	2125 Walden Ave		Buffalo NY 14225

6390 Niagara Falls Blvd Inc,	2125 Walden Ave		Buffalo NY 14225
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Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0	0	\$236,500.00

Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0	0	\$236,500.00

ATTACHMENT 5
BCP APPLICATION – SECTION VI

PREVIOUS/CURRENT PROPERTY OWNERS/OPERATORS

ATTACHMENT 5
BCP Application – Section VI
Previous/ Current Property Owners/ Operators
6200-6390 Niagara Falls Boulevard Site

PREVIOUS/CURRENT PROPERTY OWNERS/OPERATORS

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Based on available on-line records, the previous studies, and file reviews at the City of Niagara Falls municipal offices (Assessor, Building, and fire Department), contact information for the previous and current owners/operators has been provided in the table below, as available. It should be noted that the majority of the prior owner/operator was from city directories, which provided the most complete occupant history of the Site.

Parcel Address	Approx. Date(s)	Relationship to Applicant
6200 Niagara Falls Boulevard		
Current Owner/Operator		
Current Owner: 6200 Niagara Falls Boulevard, LLC 2125 Walden Avenue Cheektowaga, New York 14225	7/20/2016 ~ Current	Applicant
Previous Owners/Operators		
Prior Owner: Niagara Falls Boulevard Carbon	2013 ~ 7/20/2016	None – no relationship
Prior Operator: Great Lakes Carbon Corporation Occupant Unknown	2003 ~ 20013	None - No relationship
Prior Operator: Great Lakes Federal Credit Union Great Lakes Carbon Corporation SGL Carbon Corporation	1999 ~ 2003	None - No relationship
Prior Operator: Great Lakes Carbon Corporation	1977 ~ 1995	None - No relationship
Prior Operator: Occupant Not Listed	1964 ~ 1977	None - No relationship

ATTACHMENT 5
BCP Application – Section VI
Previous/ Current Property Owners/ Operators
6200-6390 Niagara Falls Boulevard Site

Parcel Address	Approx. Date(s)	Relationship to Applicant
6390 Niagara Falls Boulevard		
Current Owner/Operator		
Current Owner: 6390 Niagara Falls Boulevard, LLC 2125 Walden Avenue Cheektowaga, New York 14225	5/13/2010 ~ Current	Applicant
Previous Owners/Operators		
Prior Owner: Occupant Not Listed	1999 ~ 5/13/2010	None – no relationship
Prior Operator: Niagara Falls Sightseeing Gaines Sunoco Moe’s Service Ryder Truck Rental-One-Way Inc.	1995 ~ 1999	None - No relationship
Prior Operator: Gaines Sunoco Moe’s Service Ryder Truck Rental-One-Way Inc.	1992 ~ 1995	None - No relationship
Prior Operator: International Honeymoon Tours Gaines Sunoco	1982 ~ 1992	None - No relationship
Prior Operator: International Honeymoon Tours Niagara Sunoco	1977 ~ 1982	None - No relationship
Prior Operator: International Honeymoon Tours Grandview Motel Noel K Pauwels	1968 ~ 1977	None - No relationship
Prior Operator: Noel C Pauwels Grandview Motel	1964 ~ 1968	None - No relationship

ATTACHMENT 6

BCP APPLICATION – SECTIONS VII AND VIII

REQUESTOR ELIGIBILITY INFORMATION

THE REQUESTOR AS A VOLUNTEER
PROPERTY ELIGIBILITY INFORMATION
ELIGIBILITY STATEMENT

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
6200-6390 Niagara Falls Boulevard Site

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Requestor as a Volunteer

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

A “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge. NY ECL 27-1405(1)(a). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

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

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has no relationship with the previous owners/operators of the Site, 6200 Niagara Falls Boulevard, LLC and 6390 Niagara Falls Boulevard, LLC are entitled to Volunteer status under NY ECL27-1405(1)(b).

Regarding Section VII, Question 11 – According to the NYSDEC Petroleum Bulk Storage database (PBS No. 9-024023), 6200 NFB contained at least five (5) USTs. A possible UST fill port was identified in an asphalt paved area south and west of Building 2 in a 2008 BCP Application completed by others for 6200 NFB.

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
6200-6390 Niagara Falls Boulevard Site

Regarding 6390 NFB, a 1,000-gallon tank reportedly installed in 1968 (per municipal information) is suspected by TurnKey to have been associated with a former building/operation on the 6390 Niagara Falls Boulevard parcel. There is no information relative to the nature of the tank (above or underground), its contents, or its location. Based on TurnKey's site reconnaissance, it is also possible that a hydraulic oil tank/reservoir for former in-ground lifts remains within Building 3 at 6390 NFB. It should also be noted that USTs, a pump island, and in-ground lifts were removed from 6390 Niagara Falls Boulevard in 2006 under Spill No. 0075520. Approximately 975 tons of petroleum-impacted soil encountered during the work was removed and transported off-site for disposal. Spill No. 0075520 reclassified as "inactive" on December 7, 2006. Additionally, a circular cover at grade atop a copper pipe protruding from the ground within the auto repair area may be the hydraulic oil reservoir for the former in-ground lifts.

If additional unknown bulk storage tanks are discovered during the project, the tanks will be properly registered, and closed-removed, in accordance with NYSDEC requirements.

SECTION VIII – PROPERTY ELIGIBILITY INFORMATION

Property Eligibility Information

The Site meets the definition of a "Brownfield site" as set forth in New York State Environmental Conservation Law (the "ECL"), which defines a "Brownfield site" as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the Department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations."

The Site meets BCP eligibility criteria based on the following (also refer to Figures 6A & 6B):

- (A) Impacted soil/fill and groundwater are present on-Site Specifically, contamination is present on-site exceeding the anticipated use of the property –Commercial Use. Soil contaminated with petroleum, PAHs, metals, PCBs,

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
6200-6390 Niagara Falls Boulevard Site

and pesticides are present on-Site exceeding Unrestricted Use, Residential Use, and/or Commercial Use Soil Cleanup Objectives. Groundwater contaminated with VOCs is present within the BCP boundaries. Groundwater on the greater 6200 NFB property exhibited SVOCs, PAHs, and/or metals at concentrations exceeding GWQS.

- (B) A sub-slab vapor assessment within Building 2 completed by Malcolm Pirnie revealed VOC concentrations at levels requiring mitigation by the NYSDOH. No additional information was provided.

Regarding Section VIII, Questions 1 & 2 - 6200 NFB was identified under NFB Carbon Products LLC (alias name identified as Great Lakes Carbon Corporation) in the SEMS (formerly CERCLIS) Archive database, which is used to track sites that have no further interest under the Federal Superfund Program, based on available information. The list was formerly known as CERCLIS and was renamed to SEMS Archive by the EPA in 2015. The USEPA may perform a minimal level of assessment work at a property while it is archived if site conditions change or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS properties. Archived status indicates that an assessment has been completed and the USEPA has determined that no further steps will be taken to list the property on the NPL, unless information indicates that this decision was not appropriate or other considerations require a recommendation for listing at a later time. The Site is listed as being discovered in 1980, a site inspection completed in 1985, and Preliminary Assessments completed in 1984, 1986, and 1991 when the Site was determined to be a “low priority for further assessment.” The Site was archived in 1994.

6200 NFB was also identified on the Registry of Inactive Hazardous Waste Sites (C932146) as a Class N “non-registry” Site indicating that the property was in the BCP and was not remediated for some economic or other reason.

Eligibility Statement

Based on the foregoing and as further set forth in this BCP application, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
6200-6390 Niagara Falls Boulevard Site

as a Volunteer, because there is confirmed contamination at the Site above CSCOs, which is complicating the redevelopment and re-use of the Site.

ATTACHMENT 7

BCP APPLICATION – SECTION IX

CONTACT LIST INFORMATION

SITE CONTACT LIST INFORMATION
ADJACENT PROPERTY CONTACT LIST INFORMATION
DOCUMENT REPOSITORY LETTER

ATTACHMENT 7
BCP Application – Section IX
Contact List Information
6200-6390 Niagara Falls Boulevard Site

Niagara County Contacts:

Chairman Wm Keith McNall
Niagara County Legislature
739 Willow Street
Lockport, NY 14094

Mark J. Grozio
Niag. Co. 3rd District Legislature
640 73rd Street
Niagara Falls, NY 14304

Clerk Joseph A. Jastrzemski
Niagara County Clerk
175 Hawley Street
Lockport, NY 14094

Mr. Nicholas Melson
Niagara Falls City Admin.
745 Main Street
Niagara Falls, NY 14302

Mr. Richard E. Updegrove
Niagara County Manager
59 Park Avenue
Lockport, NY 14094

Amy Fisk, Env. Planner
Niagara Co. Econ. Dev.
6311 Inducon Corporate Dr.
Sanborn, NY 14132

Daniel Stapleton, Director
Niagara County Dept. of Health
5467 Upper Mountain Rd, Suite 100
Lockport, NY 14094

Dawn M. Timm
Niag. Co. Environmental Coordinator
59 Park Avenue
Lockport, NY 14094

Mr. Paul Dickey
Niagara County Health Dept.
5467 Upper Mountain Rd.
Lockport, NY 14094-1899

Mr. James Volkosh, Director
Niagara Co. Emergency Services
5526 Niagara Street
PO Box 496
Lockport, NY 14095-0496

Mr. Jonathan Schultz
Niagara Co. Emergency Services
5574 Niagara Street Ext.
Lockport, NY 14094

Mr. Samuel M. Ferraro, Exec. Dir.
Niagara Co. Ind. Dev. Agency
6311 Inducon Corporate Drive
Sanborn, NY 14132

Mr. Jeffrey M. Glatz
Niagara County Manager
59 Park Avenue
Lockport, NY 14094

Mr. Herbert Downs, Director
Niagara County Water District
7227 Williams Road
Niagara Falls, NY 14304

Joseph Kibler, Chairman
Niagara County Planning Board
Vantage Center, Suite one
6311 Inducon Corporate Drive
Sanborn, NY 14132

City of Niagara Falls:

Mayor Paul Dyster
745 Main Street
P.O. Box 69
Niagara Falls, NY 14302-0069

Chairman Andrew Touma
Niagara Falls City Council
745 Main Street
Niagara Falls, NY 14302

Clerk Carol Antonucci
Niagara Falls City Clerk
745 Main Street
Niagara Falls, NY 14302

ATTACHMENT 7
BCP Application – Section IX
Contact List Information
6200-6390 Niagara Falls Boulevard Site

Robert Buzzelli, City Engineer
City Hall Room 303
745 Main Street
Niagara Falls, NY 14302

Alan Nusbaum
Dept. of Planning/Env. Services
745 Main Street
Niagara Falls, NY 14302

Paul Drof
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

Tony M. Palmer, Chairman
Niagara Falls Planning Board
745 Main Street
Niagara Falls, NY 14302

Local News Media:

The Buffalo News
ATTN: Aaron Besecker
1 News Plaza
Buffalo, NY 14240

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

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

ATTN: Env. News Desk
WGRZ TV - CH. 2
259 Delaware Avenue
Buffalo, NY 14202

ATTN: Environmental News Desk
WIVB - CH. 4
2077 Elmwood Avenue
Buffalo, NY 14207

ATTN: Michael Desmond
WNED, Env. News Desk
PO 1263, Horizons Plaza
Buffalo, NY 14240

ATTN: Tracey Drury
Business First
465 Main Street
Buffalo, NY 14203-1793

Environmental News Desk
The Niagara Gazette
310 Niagara Street
Niagara Falls, NY 14302

ATTN: Mike Hudson, Editor
Niagara Falls Reporter
1625 Buffalo Ave
Niagara Falls, NY 14303

ATTN: News Director
WLVL 1340
PO Box 477
Lockport, NY 14095-0477

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

ATTACHMENT 7
BCP Application – Section IX
Contact List Information
6200-6390 Niagara Falls Boulevard Site

Supplier of Potable Water:

Mr. Herbert Downs
Niagara County Water District
5450 Ernest Road
PO Box 315
Lockport, NY 14905-0315

Document Repository:

Niagara Falls Public Library
Earl W. Brydges Building
1425 Main Street
Niagara Falls, NY 14305

Nearby Schools:

Principal Rocco Merino
Niagara Street School
2513 Niagara Street
Niagara Falls, NY 14303

Principal Cynthia Jones
Harry F Abate Elementary
1625 Lockport Street
Niagara Falls, NY 14305

Principal Sheila Smith
Gaskill Preparatory
910 Hyde Park Blvd.
Niagara Falls NY 14301

Principal Robert Cluckey
Niagara Catholic Junior-Senior High School
520 66th Street
Niagara Falls, NY 14304

Principal Diane Coty
79th Street Elementary School
551 79th Street
Niagara Falls, NY 14304

Principal Jeff Showers
Cataract Elementary School
6431 Girard Avenue
Niagara Falls, NY 14304

ATTACHMENT 7
BCP Application – Section IX
Contact List Information
6200-6390 Niagara Falls Boulevard Site

Principal Tina Smeal
Geraldine J. Mann Elementary School
1330 95th Street
Niagara Falls, NY 14304

Principal Italo J. Baldassarre
Henry J. Kalfas Magnet School
1800 Beech Avenue
Niagara Falls, NY 14305

Principal Mrs. Kerins
Hyde Park Elementary School
1620 Hyde Park Boulevard
Niagara Falls, NY 14305

Principal Maria Chille-Zafuto
Maple Avenue Elementary School
952 Maple Avenue
Niagara Falls, NY 14305

Principal James Spanbauer
LaSalle Preparatory School
7436 Buffalo Avenue
Niagara Falls, NY 14304

Mr. Robert L. Bradley, Jr.
Niagara Falls High School
4455 Porter Road
Niagara Falls, NY 14305

First Step Child Care Center
300 Hyde Park Boulevard
Niagara Falls, NY 14303

Tiny Treasures Learning Center
2113 Military Road
Niagara Falls, NY 14304

Other Interested Groups:

WNY Director
Citizens' Env. Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Brian Smith
Citizens' Campaign for the Env.
227 McConkey Drive
Tonawanda, NY 14223

Charles Lamb
Sierra Club – Niagara Region
335 Walnut Lane
Youngstown, NY 14174

Julie Barrett O'Neil, Director
Buffalo Niagara Riverkeeper
1250 Niagara Street
Buffalo, NY 14213

ATTACHMENT 7
BCP Application Section IX
Adjacent Property Contact List Information
6200-6390 Niagara Falls Boulevard Site

Adjacent Property Address			Property Owner/Occupant Mailing Address
No.	Street	Property Use	
6100	Niagara Falls Boulevard	Commercial	Niagara County Industrial Development Agency 6311 Inducon Corporate Drive Sanborn, NY 14132
			Ashland Advanced Materials, LLC 6100 Niagara Falls Boulevard Niagara Falls, NY 14304
6115	Niagara Falls Boulevard	Commercial	6115 Niagara Falls Boulevard, LLC 94 Telfair Drive Williamsville, NY 14221
			Thruway Inn Motel 6115 Niagara Falls Boulevard Niagara Falls, NY 14304
6225	Niagara Falls Boulevard	Commercial	Niagara County Industrial Development Agency 6311 Inducon Corporate Drive Sanborn, NY 14132
			Niagara Falls LaQuinta Inns & Suites 6225 Niagara Falls Boulevard Niagara Falls, NY 14304
6415	Niagara Falls Boulevard	Vacant Commercial	93 NYRPT LLC & Benderson-Niagara / Benderson Dev. Co., Inc. 570 Delaware Avenue Buffalo, NY 14202
			Occupant 6415 Niagara Falls Boulevard Niagara Falls, NY 14304
750	Builders Way	Commercial	Home Depot Niagara Falls, NY, LLC c/o Shelly B. Detrick 101 First Street, Suite 405 Los Altos, CA 94022
			The Home Depot 750 Builders Way Niagara Falls, NY 14304
5580	Niagara Falls Boulevard	Vacant Commercial	WNY Associated Realty 606 N. french Road, Suite 8 Amherst, NY 14228
			Occupant 5580 Niagara Falls Boulevard Niagara Falls, NY 14304
820	Connecting Road	Commercial	WNY Associated Realty 606 N. french Road, Suite 8 Amherst, NY 14228
			Talk of the Town 820 Connecting Road Niagara Falls, NY 14304
1100	Connecting Road	Vacant Commercial	Luzro, Inc. 8417 W Rivershore Drive Niagara Falls, NY 14304
			Occupant 1100 Connecting Road Niagara Falls, NY 14304
1120	Connecting Road	Commercial	Fontanarosa Media Group 729 Main Street Niagara Falls, NY 14301
			R.B. U'REN Equipment Inc. 1120 Connecting Road Niagara Falls, NY 14304
5600	Niagara Falls Boulevard	Active Solid Waste Landfill / Closed Hazardous Waste Landfill	BFI Niagara Recycling Inc. 5600 Niagara Falls Boulevard Niagara Falls, NY 14304



May 15, 2017

Mr. Robert Kazeangin
Assistant Director
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305

Re: Document Repository for Brownfield Cleanup Program
6200 – 6390 Niagara Falls Boulevard Site
Niagara Falls, New York

Dear Mr. Kazeangin:

On behalf of our Client, Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC would like to request the Niagara Falls Public Library – Lasalle Branch to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
Benchmark Environmental Engineering & Science, PLLC
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink, appearing to read "Caroline C. Bukowski".

Caroline C. Bukowski
Engineer

File: B0379-016-003

Caroline C. Bukowski

To: Bob Kazeangin
Subject: RE: Document Repository Request

From: Bob Kazeangin [<mailto:bkazeangin@nioga.org>]
Sent: Monday, May 15, 2017 3:08 PM
To: Caroline C. Bukowski
Subject: RE: Document Repository Request

On behalf of the Niagara Falls Public Library and our LaSalle Library Branch we will act as the document repository as requested. Please direct the documents for review to me and I will make sure they are made available to the public.
Regards,

Robert J. Kazeangin Jr.
Administrative Assistant
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
716-286-4911

ATTACHMENT 8

BCP APPLICATION – SECTION X

LAND-USE FACTORS

SITE SUMMARY

ADJACENT LAND USE, DEVELOPMENT PATTERNS, & ZONING

ATTACHMENT 8
BCP Application – Section X
Land Use Factors
6200-6390 Niagara Falls Boulevard Site

SECTION X – LAND-USE FACTORS

Site Summary

The following provides a brief summary of the Site:

- The Site is located in a highly developed mixed use commercial and industrial area of the City of Niagara Falls, Niagara County, New York.
- The Site is comprised of two (2) adjacent tax parcels (one entire parcel and a portion of the west adjoining parcel).
- Prior to being vacated in the early 2000s, the 6390 Niagara Falls Boulevard parcel was used as a gasoline service station. One existing building is present on the parcel that was historically used for automotive repair. Past owner/operators of the Site are provided in Attachment 7.
- The 6200 Niagara Falls Boulevard parcel is currently vacant and improved with two existing buildings within the BCP Site boundary. The entire parcel was historically a portion of a greater graphite/carbon product manufacturing facility until operations ceased in the 1990s. Operations within the BCP boundary are suspected by TurnKey to have historically included offices and a research laboratory. Past owner/operators of the Site are provided in Attachment 7.
- Past uses of the Site, as more fully described in Attachment 3, include a carbon and graphite operation with manufacturing and machining, and a gasoline service station with automotive repair and gasoline retail operations
- Elevated PAHs and metals in on-Site soil/fill will need to be addressed, which complicates redevelopment and increases costs. Similarly, petroleum-impacted soil/groundwater will need to be properly addressed.
- The suspected presence of the hydraulic oil tank along with the potential for additional UST(s) and areas of environmental impacts complicates redevelopment and increases costs.
- The Site is in a heavy industrial area in the City of Niagara Falls, adjacent to a large commercial landfill and currently not able to be financed, marketed or redeveloped due to known environmental impacts.
- The Site is currently zoned C3 (General Commercial) and I2 (Industrial) with commercial and industrial land use surrounding the Site (see Figure 9).

ATTACHMENT 8
BCP Application – Section X
Land Use Factors
6200-6390 Niagara Falls Boulevard Site

- The Site redevelopment plans for the construction of a gasoline and diesel fuel retail operation.
- The Site has access to municipal utilities including: natural-gas, municipal sewer, electric, and public water.

Adjacent Land Use, Development Patterns, & Zoning

The Site is located in a highly developed mixed-use commercial and industrial area of the City of Niagara Falls, Niagara County, New York. Land use surrounding the subject property generally includes commercial use to the south and east, and industrial use to the north and west.

The planned reuse of the Site as a gasoline and diesel fuel retail operation with pump island areas and a convenience store is consistent with the current City of Niagara Falls Zoning Map.

Figure 9 illustrates that the Site is currently zoned for general commercial (C3) and industrial (I2). The Site is located within a designated En-Zone (see Figure 7).

ATTACHMENT 9

ELECTRONIC ATTACHMENTS

PREVIOUS STUDIES

LIST OF APPLICATION PREVIOUS STUDIES

*NYSDEC Brownfield Cleanup Program Application
6200-6390 Niagara Falls Boulevard Site
Niagara Falls, New York*

Previous Studies

Additional *6200 Niagara Falls Boulevard, Niagara Falls, New York* previous studies. Provided to Benchmark Environmental Engineering & Science, PLLC and TurnKey Environmental Restoration, LLC, including:

- Potential Hazardous Waste Site Inspection Report for Great Lakes Carbon Corporation for the greater property at 5700 Niagara Falls Boulevard – NUS Corporation, October 1985.
- Engineering Investigations At Inactive Hazardous Waste Sites Preliminary Site Assessment (PSA) for Great Lakes Carbon, Site No. 932016 – E. C. Jordan Co., March 1991.
- Initial Environmental Sampling Results for Great Lakes Carbon Site No. 932016 – ABB Environmental Services, February 1992.

Phase I Environmental Site Assessment, *6200 Niagara Falls Boulevard, Niagara Falls, New York*. Prepared by TurnKey Environmental Restoration, June 2016, including:

- Phase I Environmental Site Assessment, *6200 Niagara Falls Boulevard (Buildings 100 to 106), Niagara Falls, New York*. Prepared by Conestoga-Rovers & Associates, September 2002.
- Phase II Investigation Report, *Americarb 6200 Niagara Falls Boulevard, Niagara Falls, New York*. Prepared by WSP Environment & Energy, April 2008.
- New York State Department of Environmental Conservation, Fully Executed 2002 Consent Order (DEC File No. 01-61-R9-20011005-72).

Phase I Environmental Site Assessment, *6200 Niagara Falls Boulevard, Niagara Falls, New York*. Prepared by TurnKey Environmental Restoration, June 2016, including:

- Supplemental Subsurface Investigation Report, *Former Sunoco Service Station DUNS# 0363-2452, 6390 Niagara Falls Boulevard, Niagara Falls, New York (NYSDEC Spill #00755520)*. Prepared by Groundwater & Environmental Services, Inc., May 2006.

- Underground Storage Tank Removal Report, *Former Sunoco Services Station DUNS #0388-5225, 6390 Niagara Falls Boulevard, Niagara Falls, New York (NYSDEC Spill #00755520)*. Prepared by Groundwater & Environmental Services, Inc., November 2006.
- Kleinfelder Report, Sunoco Duns # 0388-5225, 6390 Niagara Falls Boulevard, Niagara Falls, New York. Prepared by Kleinfelder, March 2009.
- Site Characterization Report, *Basic Carbon Site (9-32-004), Niagara Falls, New York*. Prepared by EA Engineering, P.C., and Its Affiliate EA Science and Technology, April 2009.