

Periodic Review Report

*400 Ingham Avenue Site (VCP Site No. V00625)
400 Ingham Avenue
Lackawanna, New York*

January 2022
Revised April 2022

B0572-021

Prepared For:

400 Ingham LLC

Prepared By:



PERIODIC REVIEW REPORT

**400 INGHAM AVENUE
(NYSDEC SITE No V00625)**

LACKAWANNA, NEW YORK

January 2022
Revised April 2022

B0572-021-002

Prepared for:

400 Ingham LLC

Prepared By:



Benchmark Civil/Environmental Engineering & Geology, PLLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218

PERIODIC REVIEW REPORT
400 INGHAM AVENUE (NYSDEC SITE NO. V00625)

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PERIODIC REVIEW REPORT
400 INGHAM AVENUE (NYSDEC SITE NO. V00625)

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1.0 INTRODUCTION

Benchmark Civil/Environmental Engineering and Geology, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP) Site No. V00625, located at 400 Ingham Avenue, City of Lackawanna, Erie County, New York (the Site – see Figures 1 and 2). The Site is also referred to as the Buffalo Break Beam Property (i.e., a former owner/operator).

This PRR has been prepared for the subject VCP Site in accordance with NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, May 3, 2013. Appendix A includes the Institutional and Engineering Control (IC/EC) Certification Form completed based on the Site inspection performed on January 5, 2022.

This PRR has been completed on behalf of the Site owner, 400 Ingham LLC. FCSM, LLC (former owners) transferred the property to 400 Ingham, LLC in 2021. This PRR documents post-remedial activities covered by the April 19, 2004, report prepared by Snyder Engineering and titled “Soil Management Plan for Buffalo Brake Beam Voluntary Cleanup, Lackawanna, New York Pertaining to Voluntary Cleanup Agreement Site #V00625-9, Index #B9-0630-02-12” (the SMP).

The post remedial period covered by this PRR is December 16, 2018 to December 16, 2021. During the subject certification period the property was transferred from FCSM, LLC to 400 Ingham LLC. A Change of Use form documenting the ownership transfer was submitted to the Department and is included as an attachment to this report.

1.1 Site Background

The Site is located in the City of Lackawanna, Erie County, New York (SBL 141.68-1-8.1). The Site is bound by a City of Lackawanna-owned driveway, an Erie County Sewer District No. 6 sewage treatment facility (primary clarifiers) and other City of Lackawanna property to the south; a railroad Right-of-Way (ROW) to the east; and a mix of residential and vacant property to the north and west. The Site currently consists of an approximate 6.86-acre parcel of land developed with structures commercial/industrial facilities. Onsite buildings are comprised of an approximate 56,000 square foot warehouse facility on the

eastern portion of the Site and an approximate 4,500 square foot, one-story office building on the western portion of the Site). The Site is zoned mixed commercial/industrial, and it is currently occupied by a tenant specializing in environmental and demolition services.

1.2 Remedial History

The Site was remediated under the VCP between approximately 2000 and 2004. Based upon reports prepared by others, including a March 2019 PRR Prepared by Day Environmental, the aforementioned SMP, and an April 2004 report entitled “Remedial Action Final Report for Voluntary Cleanup at Buffalo Break Beam Site in Lackawanna, New York” prepared by Snyder Engineering, the VCP remedial actions primarily included excavation of 1227 tons of soil contaminated with fuel oil in the yard area east of the manufacturing facility. In addition, 212 tons of soil contaminated with gasoline was removed from a former machine shop area as part of a 1997 gasoline spill cleanup (# 9708447). In 2001 additional sampling and remediation occurred to remove contaminated soil from under the floor of the crane room related to this spill.

Residual contamination remained at the Site following the completion of the remedial actions. Accordingly, the SMP was prepared to assure the site remained in restricted (commercial or industrial) use and to protect workers and the community in the event of future work at the Site. Concerning residual contamination, Section 2.0 of the SMP states: "Soil contaminants at the Site have been reduced to concentration levels which will protect groundwater, human health, environment, and objectionable nuisance characteristics. However, two locations at the site are known to contain contaminated soils. These were identified during previous investigation and remediation actions. The constituents of concern for these areas are lead and gasoline constituents. One location contains lead-based paint residues. The second contains residual concentrations of petroleum constituents consistent with a gasoline spill. In addition, three areas have been identified as potential areas of concern at the Site. The constituents of potential concern for these areas are gasoline constituents, fuel oil constituents and transformer oil."

The areas of remaining known and potential impacts to soil at the Site are described in Section 2.1 through Section 2.5 of the SMP. The following is a summary of the descriptions provided in the SMP as documented in the 2019 PRR prepared by Day

Environmental; Appendix C presents the Figure from the SMP (Figure 2) identifying the locations of these areas:

1. Area Contaminated with Lead Paint Residuals - paint residue (red in color) impacting the top two feet of soil in a 40 by 50-foot area in the north yard of the manufacturing facility. Lead concentrations in soil samples collected from the area on November 10, 1997, averaged 0.0926 percent by weight.

2. Area Contaminated with Gasoline Constituents - petroleum-impacted soil is below a building footer in an area approximately 25 feet long in a north to south direction, starting at a depth of four feet. below grade, the width of the building footer, and sloping outward to the east and west to a depth of approximately 10 feet. This petroleum-impacted soil is contained in clayey-silty soil that is not in direct contact with groundwater and below a footer that is interior to a concrete slab floored building on each side which prevents rainwater percolation through this area.

3. Area Potentially Contaminated with Gasoline Constituents - soil beneath the crane room floor, in proximity of a removal action completed in 2001 (i.e., completed beneath the floor of the crane bay), may be impacted, and require special handling if disturbed.

4. Area Potentially Contaminated with Fuel Oil Constituents - soil located in the east yard [i.e., surrounding three distinct areas of petroleum-type contamination that were identified as the spill area (NYSDEC Spill File #0009396), and excavated and removed in 2001] may be impacted by fuel oil.

5. Area Potentially Contaminated with Transformer Oil - loose stone, crushed concrete and underlying soil located on /below the floor of a room that contained three electrical transformers may be impacted with transformer oil.

1.3 Institutional and Engineering Controls

Institutional Controls and Engineering Controls were recorded with the Erie County Clerk's Office on August 6, 2004, via a Declaration of Covenants and Restrictions (deed restriction). Specifically, the Declaration of Covenants and Restrictions include the following:

- Restrictions on construction, occupancy, and use of the Site that result in the disturbance or excavation of the property, threaten the integrity of the soil cover, or result in unacceptable human exposure to contaminated soil;
- Maintenance of the soil cover by maintaining the grass cover, or by capping with a cover system of other material (e.g., concrete);
- Prohibitions for use of the Site other than those designated for restricted commercial or industrial uses; and
- Prohibitions for use of the groundwater at the Site.

1.4 Soil Management Plan (SMP)

The SMP establishes guidelines for management of soil/fill material during future activities which have the potential to breach the cover system at the Site, including:

- purpose and description of existing and future cover systems;
- characterization and management of disturbed soil/fill located in Area 1 through Area 5;
- characterization and management of disturbed soil/fill in areas not characterized as contaminated;
- long term maintenance and monitoring of the soil cover system;
- implementation of a Health and Safety Plan prior to disturbance of the soil cover; and
- reporting requirements. [Note: The SMP requires certification of the condition of the Site (i.e., this Periodic Review Report, Engineering and Institutional Control Certification) on an annual basis. However, in 2010 the NYSDEC adjusted the reporting requirement from annual to triennial (i.e., every three years).]

2.0 REMEDY PERFORMANCE

A post-remedial site inspection of the Site covered by this PRR was performed on January 5, 2022 to visually observe and document the use of the Site for commercial/industrial use, confirm absence of Site groundwater use, inspect the integrity of the cover system, and verify conformance with other requirements under the SMP. The Site inspection confirmed that the controls are in-place and functioning as intended in accordance with the SMP, as further discussed below.

Appendix A includes the completed Institutional and Engineering Control (IC/EC) Certification forms, and Appendix B includes photographs taken during the January 5, 2022 site visit.

2.1 Engineering Controls

The SMP states “There are presently no existing needs for application of a surface cover system to any areas of the Site. The existing concrete floors of the crane room and the new building addition serve as a cover system for the area contaminated with gasoline constituents.” Engineering Controls (ECs) at the Site therefore consist of the foundations/floor slabs of the existing buildings, asphalt drives and parking, as well as existing topsoil cover and vegetation.

The integrity of the ECs implemented at the Site was evaluated during a site visit that occurred on January 5, 2022. Cover located over areas of known and potential impacts (i.e., Area 1 through Area 5) was observed, along with select portions of other building interiors and the remaining exterior portions of the Site

- Area 1 - The cover in the vicinity of Area 1 (soil and asphalt driveway) appeared competent with no recent evidence of disturbance.
- Area 2 - The cover in the vicinity of Area 2 consisted of concrete floors. The concrete floor surface, where visible, appeared to be in good condition. No deterioration or significant cracks were noted.

- Area 3 - The cover in Area 3 consisted of concrete floors. The concrete floor surface, where visible, appeared to be in good condition. No deterioration or significant cracks were noted.
- Area 4 - The cover in the vicinity of Area 4 includes grass cover, an asphalt driveway and concrete pad, and an aggregate surfaced parking/storage lot. Evidence of recent disturbance to the vegetation and gravel areas was not observed. Hardscape areas appeared competent. No deterioration or significant cracks were noted.
- Area 5 - The cover observed in the vicinity of Area 5 consisted of concrete floors. The concrete floor surface, where visible, appeared to be in good condition. No deterioration or significant cracks were noted.

Outside of these areas, no evidence of cover failure was observed on the visible portions of the ground surface in the exterior areas of the Site located outside of Area 1 and Area 4. Similarly, demolition or removal of the interior floors or building foundations was not observed in the interior portions of the buildings at the Site, where viewed, located outside of Areas 2-5. However, an approximate 30 CY fill pile was identified on the Site along the north side of the entrance drive along Ingham (see Photo 9 in the photolog in Appendix B). Based on rhetorical information the fill pile may have originated from some pavement replacement work prior to transfer of the site to 400 Ingham LLC.

Lastly, it is noted that monitoring well MW-10, installed during prior VCP investigation work, was decommissioned via tremie-grouting in place (see Figure in Appendix C, which identifies monitoring well locations per the report entitled “Supplemental Investigation Work Plan – Quenchant Pit and Chlorinated Solvents Projects, Buffalo Break Beam Site, 400 Ingham, Lackawanna, NY” Prepared by Sterling Environmental Services, Inc., January 2002). This was proposed due to anticipated interference with truck traffic entering the site. The decommissioning request was approved by the Department on May 11, 2021 (see Appendix D). The work was completed on September 8th, 2021; a Field Activity Daily Log (FADL) documenting the decommissioning work is presented in Appendix D.

2.2 Institutional Controls (ICs)

The Institutional Controls (ICs) at the Site are summarized in Section 1.3. Cover integrity is discussed above. In addition, no evidence of groundwater use was observed during the January 5th Site visit, nor were any non-commercial/industrial uses (e.g., residential).

2.3 Institutional & Engineering Controls Certification Form

A copy of the Institutional and Engineering Controls Certification Form for the reporting period of December 16, 2018 to December 16, 2021 is included in Appendix A.

3.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions are based upon the observations made during the site visit completed on January 5, 2022:

- The existing cover system does not appear to be compromised;
- Site use is conformant with the Declaration of Covenants and Restrictions; and
- Evidence of a fill pile was observed on the Site north of the entrance drive off Ingham St.

No corrective actions are recommended at this time except for proper characterization and management of the unknown fill pile. At this time 400 Ingham LLC is planning for installation of six (6) exterior support columns to allow for construction of a covered pergola entrance roof on the east side of the office building in mid-2022. The roof will cover an existing outdoor concrete pad and is well outside of the 5 areas of concern. The columns will sit on subgrade concrete sonotube piers (12" diameter x 48" deep) that will be augered into the subgrade, generating less than 1 CY of spoils from auger cuttings. A pre-disturbance notification will be provided to the Department in advance of the work that will describe the construction activities and the repairs to the concrete pad surrounding the piers. 400 Ingham LLC plans to concurrently characterize the pier cuttings and fill pile for disposal at a sanitary landfill facility. The materials landfill approval and disposal documentation will be furnished for inclusion in the next PRR.

4.0 DECLARATION/LIMITATION

Benchmark Civil/Environmental Engineering & Geology, PLLC personnel prepared this report and conducted the annual site inspection for NYSDEC Site No. V00625, located in Lackawanna, New York, according to generally accepted practices. This report complied with the scope of work provided to 400 Ingham LLC by Benchmark Civil/Environmental Engineering & Geology, PLLC.

This report has been prepared for the exclusive use of 400 Ingham LLC. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of 400 Ingham LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Civil/Environmental Engineering & Geology, PLLC.

FIGURES



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

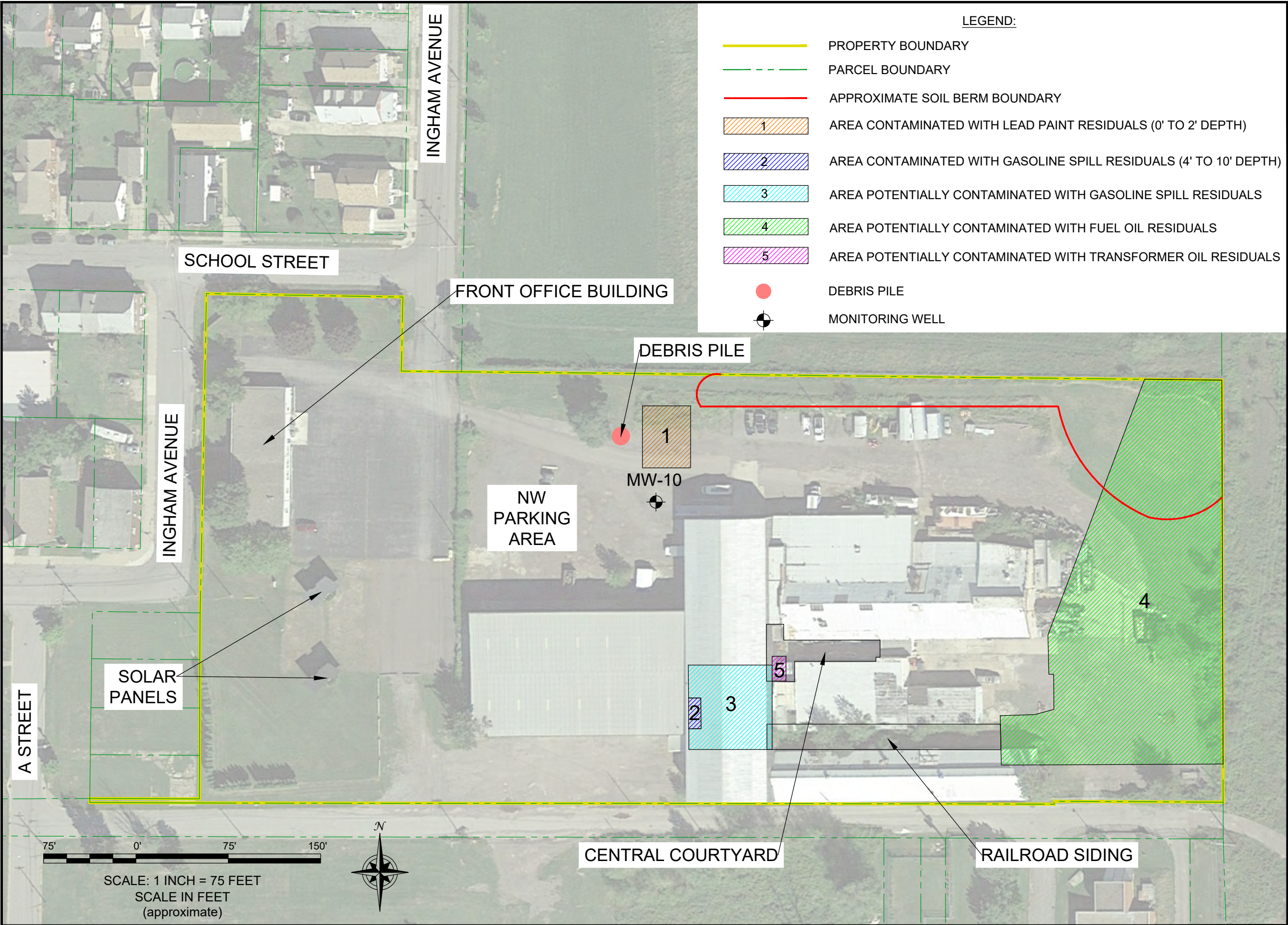
DRAFTED BY: TJM

EMPIRE BUILDING DIAGNOSTICS, INC.

DISCLAIMER:
PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, 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.

F:\CAD\Benchmark\Empire Building Diagnostics, Inc\PRR\Figure 2: Site Plan (Aerial) with Investigation Locations.dwg, 2/11/2022 11:43:19 AM, DWG To PDF.pc

DATE: FEBRUARY 2022
DRAFTED BY: TJM



SITE PLAN

PERIODIC REVIEW REPORT
400 INGHAM AVENUE
LACKAWANNA, NEW YORK
PREPARED FOR
EMPIRE BUILDING DIAGNOSTICS, INC.



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

JOB NO.: B0572-021-003

FIGURE 2

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

APPENDIX A

INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM



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



Site Details

Box 1

Site No. **V00625**

Site Name **Buffalo Brake Beam Property**

Site Address: 400 Ingham Avenue Zip Code: 14218-

City/Town: Lackawanna

County: Erie

Site Acreage: 8.100 Erie County GIS Indicates that the Site Parcel (141.68-1-8.1) is 6.8584 acres

Reporting Period: December 16, 2018 to December 16, 2021

YES NO

1. Is the information above correct?

☐ ☒

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☒ ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☒ ☐

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐ ☒

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?

☐ ☒

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial

☒ ☐

7. Are all ICs in place and functioning as designed?

☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

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

Signature of Owner, Remedial Party or Designated Representative

Date

SITE NO. V00625

Box 3

Description of Institutional Controls

Parcel

141.680-1-8.100

Owner

~~FCSM, LLC, Attn: Frank Pericozzi~~

400 Ingham LLC

Institutional Control

Ground Water Use Restriction
Soil Management Plan

Landuse Restriction

Declaration of Covenants and Restrictions - Filed with Erie County Clerk's Office 08/06/2004.

Box 4

Description of Engineering Controls

Parcel

141.680-1-8.100

Engineering Control

Cover System

Periodic Review Report (PRR) Certification Statements

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

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

YES NO

☒ ☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

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

YES NO

☒ ☐

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. V00625

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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

I Greg Papke at 786 Terrance Blvd, Suite 1, Depew, NY 14043
print name print business address

am certifying as Owner (Owner or Remedial Party)

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


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

1/13/22
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

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

I Thomas H. Forbes at Benchmark Civ./Environmental Engineering
print name 2558 Hamburg Turnpike
print business address Buffalo, NY 14218

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

Thomas H. Forbes
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification


Stamp
(Required for PE)

Date

APPENDIX B

PHOTOGRAPHIC LOG

PHOTOGRAPHIC LOG


Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 1	Date 01/05/22		
Direction Photo Taken: West			
Description: Southeastern corner of property facing west. Including the southern portion of Area 4.			

Photo No. 2	Date 01/05/22	
Direction Photo Taken: North		
Description: East side of property. Overlooking Area 4. Clean stone pile in center of photo, used to fill in low spots for truck traffic.		

Prepared By: TAB

PHOTOGRAPHIC LOG


Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 3	Date 01/05/22		
Direction Photo Taken: East			
Description: Railroad siding.			

Photo No. 4	Date 01/05/22	
Direction Photo Taken: West		
Description: East side of Building.		

Prepared By: TAB

PHOTOGRAPHIC LOG


Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 5	Date 01/05/22		
Direction Photo Taken: South			
Description: Northeastern corner of property facing Southwest.			

Photo No. 6	Date 01/05/22	
Direction Photo Taken: Southwest		
Description: North side of building.		

Prepared By: TAB

PHOTOGRAPHIC LOG


Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 7	Date 01/05/22		
Direction Photo Taken: East			
Description: North side of site overlooking Area 1. Soil pile in background generated by previous entity.			

Photo No. 8	Date 01/05/22	
Direction Photo Taken: Southwest		
Description: North western parking area.		

Prepared By: TAB

PHOTOGRAPHIC LOG



Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 9	Date 01/05/22		
Direction Photo Taken: Northeast			
Description: Northeastern corner of NW Parking Area facing northeast. Soil and stone pile is located just west of area 1 (generated by others).			

Photo No. 10	Date 01/05/22	
Direction Photo Taken: North		
Description: Entrance to central courtyard. Overlooking Area 5.		

Prepared By: TAB

PHOTOGRAPHIC LOG

Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 11	Date 01/05/22		
Direction Photo Taken: Southeast			
Description: Southeastern corner of property facing west.			

Photo No. 12	Date 01/05/22	
Direction Photo Taken: South		
Description: Solar panels on western side of the property.		

Prepared By: TAB

PHOTOGRAPHIC LOG


Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 13	Date 01/05/22		
Direction Photo Taken: Northeast			
Description: Northwestern corner of property facing northeast.			

Photo No. 14	Date 01/05/22	
Direction Photo Taken: South		
Description: Entrance to front building.		

Prepared By: TAB

PHOTOGRAPHIC LOG


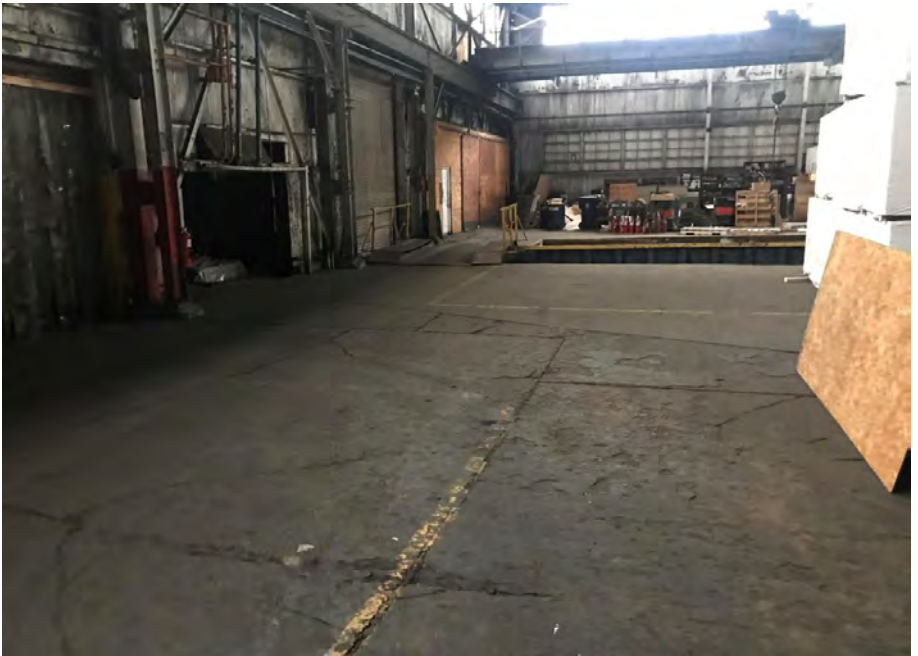
Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 15	Date 01/05/22		
Direction Photo Taken: West			
Description: Southeastern corner of property facing west.			

Photo No. 16	Date 01/05/22	
Direction Photo Taken: East		
Description: South side of manufacturing building. Loading docks.		

Prepared By: TAB

PHOTOGRAPHIC LOG

Client Name: Empire Building Diagnostics		Site Location: 400 Ingham Avenue (VCP.V00625)	Project No.: B0572-021-003
Photo No. 17	Date 01/05/22		
Direction Photo Taken: South			
Description: Overlooking Area 3, inside former manufacturing building.			

Prepared By: TAB

APPENDIX C

**SMP FIGURE 2 – AREAS OF CONCERN
AND
SUPPLEMENTAL INVESTIGATION FIGURE SHOWING WELL
LOCATIONS**



NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. PRINTS OR COPIES CHECKED BY THE UNDERSIGNED SURVEYOR REGARDING THE ABOVE SHALL BEAR THE SURVEYOR'S EMBOSSED SEAL IN ADDITION TO THE INKED SEAL SHOWN HERE.

NOTES

1) PROPERTY LINES DEPICTED HEREON ARE BASED ON SURVEY MONUMENTATION FOUND IN APPROPRIATE COMPLIANCE WITH A SURVEY MAP OF BUFFALO BRAKE BEAM CO. PROPERTY BY TYGA ENGINEERING & SURVEYING, P.C. JOB No. 976310 DATED JUNE 25, 1997. NO INDEPENDENT DEED RESEARCH OR TITLE INTERPRETATION WAS UNDERTAKEN IN THE PRODUCTION OF THIS MAP. DIMENSIONS HEREON IN *ITALICS* ARE TYGA SURVEY DIMENSIONS NOT NECESSARILY CONFIRMED. EXISTING CORNER MONUMENTATION RECOVERED IS NOT SHOWN ON THIS MAP. CORNERS OF CONTAMINATED AREAS WERE NOT MONUMENTED. THE ONLY PHYSICAL FEATURES (BUILDINGS, FENCES, ETC.) SHOWN ARE THOSE PERTINENT TO IDENTIFICATION OF CONTAMINATED AREAS.

2) CONTAMINATED AREAS IDENTIFIED BY STERLING ENVIRONMENTAL SERVICES, INC. ARE SHOWN HEREON AS LOCATED ON THE GROUND IN ACCORDANCE WITH FIELD SKETCHES, REPORT INFORMATION, DRAWING B8854P-01 AND OTHER INFORMATION SUPPLIED BY STERLING.

3) THE STATE PLANE COORDINATE (NY WEST ZONE - NAD 1983, GEOID99 - U.S. SURVEY FOOT) LISTED HEREON AT THE N.E. PROPERTY CORNER IS BASED ON THE USE OF ASHTACH PROMARK 2 (SINGLE FREQUENCY L1 C/A CODE) GLOBAL POSITIONING SYSTEM (GPS) RECEIVERS IN CONCERT WITH THE CONTINUOUSLY OPERATING REFERENCE STATION (CORS) DATA FOR STATION "87NY" (N 1,048,997.88 E 1,085,975.88 - EPOCH DATE 2002.00) AS DISTRIBUTED ON THE NOAA WEBSITE.

KLETTKE LAND SURVEYORS, P.C.

NEAL R. KLETTKE L.S. 049505 - MATTHEW F. KLETTKE L.S. 050034
2470 STOELTING ST. (BERGHOLZ), NIAGARA FALLS, NEW YORK, 14304 (716)731-5613

MAP OF PART OF LOT - 22, TWP. - 10, R. - 8 BUFFALO CREEK RESERVATION

LOCATION CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK

DATE APRIL 5, 2004

SCALE 1" = 60' OWNER - BUFFALO BRAKE BEAM CO.

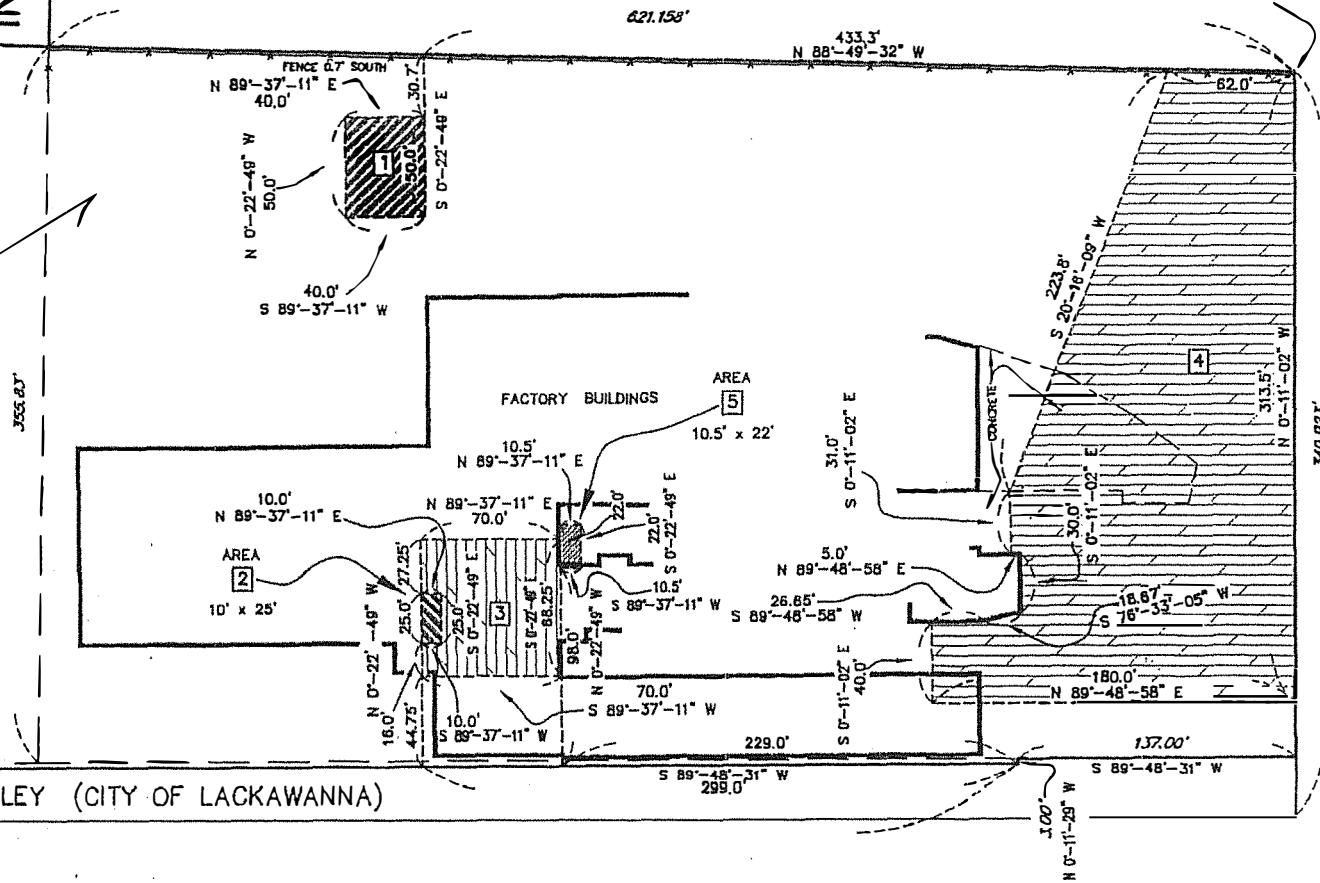
JOB No. 4751-404 REQUESTED BY - WAYNE K. CAMERON, STERLING ENVIRONMENTAL SERVICES, INC.

SCHOOL ST.
INGHAM ST.

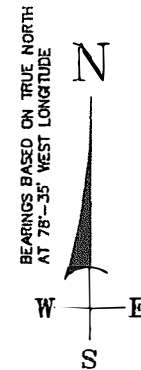
LANDS OF
BUFFALO BRAKE
BEAM COMPANY

ALLEY (CITY OF LACKAWANNA)

792.80'

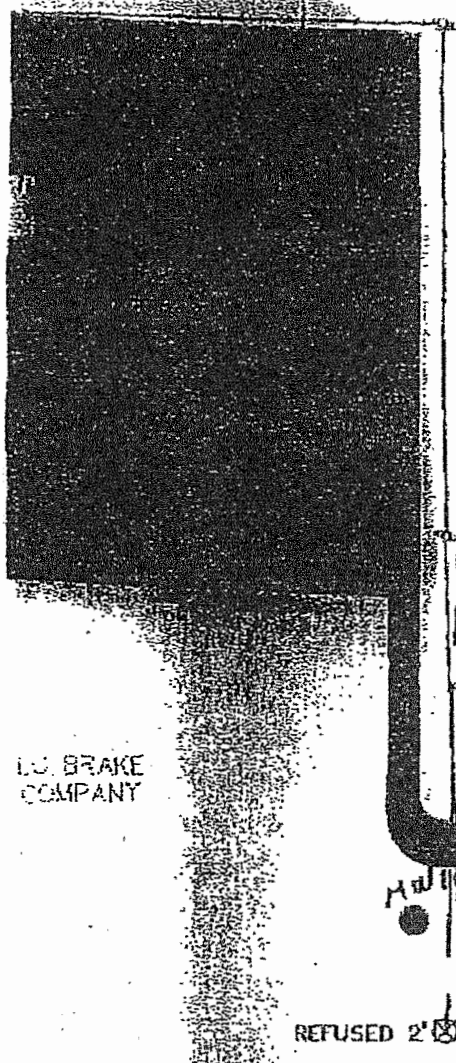


N 1,026,215.86
E 1,079,882.58
ELEV. = 587' ±



- 1 AREA CONTAMINATED WITH LEAD PAINT RESIDUALS (0 TO 2" DEPTH)
- 2 AREA CONTAMINATED WITH GASOLINE SPILL RESIDUALS (4" TO 10" DEPTH)
- 3 AREA POTENTIALLY CONTAMINATED WITH GASOLINE SPILL RESIDUALS
- 4 AREA POTENTIALLY CONTAMINATED WITH FUEL OIL RESIDUALS
- 5 AREA POTENTIALLY CONTAMINATED WITH TRANSFORMER OIL RESIDUALS
- EXISTING BUILDING WALL LINES

NOTE - Some features on this map are shown out of scale for clarity.



LS. BRAKE
COMPANY

MW101

SB01
TGSP1

MW102

SB02

BUFFALO BRAKE
BEAM COMPANY

SB03

SB06

CONCRETE

SB07

TANK STORAGE
AREA

Note: MW-10 Decommissioned September 2021

MW10
SB10
TGSP10

SB09

CONCRETE

NEW ADDITION

MW103

REFUSED 2'

SB11/12

REFUSED 1.5'

REFUSED 1'
REFUSED 1'

SB13
ENCLOSED
LOADING AREA

SB135.07
ENCLOSED
LOADING AREA

MW104

CONC

CITY OF LACKAWANNA

03384

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APPENDIX D

WELL DECOMMISSIONING INFORMATION

From: [Kuczka, Megan E \(DEC\)](#)
To: [Tom H. Forbes](#)
Cc: [Chris Z. Boron](#)
Subject: Re: 400 Ingham Ave
Date: Tuesday, May 11, 2021 1:01:00 PM
Attachments: [Outlook-ond05szh.png](#)

Tom -

Yes, MW-10 can be decommissioned per CP-43. Please provide a COU and decommissioning log when obtained.

Sincerely,

Megan Kuczka

she/her/hers

Environmental Program Specialist 1, Division of Environmental Remediation

New York State Department of Environmental Conservation

270 Michigan Avenue, Buffalo, NY 14203

P: (716) 851-7220 | F: (716) 851-7226 | Megan.Kuczka@dec.ny.gov

www.dec.ny.gov |  |  | 



**Department of
Environmental
Conservation**

From: Tom H. Forbes <TForbes@bm-tk.com>
Sent: Tuesday, May 11, 2021 12:35 PM
To: Kuczka, Megan E (DEC) <Megan.Kuczka@dec.ny.gov>
Cc: Chris Z. Boron <cboron@bm-tk.com>
Subject: RE: 400 Ingham Ave

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Megan,

We anticipate that 400 Ingham Ave in Lackawanna may be transferred to a new owner. We will complete the change of use form on their behalf, but a question has arisen regarding well MW-10, which is an approximate 17-foot deep 2" stick up well in the middle of the access driveway. Specifically, we would like your permission to decommission the well via tremie grouting. We understand that sampling is no longer required, so the well will be removed to avoid accidental damage to vehicles entering the property. We will prepare a decommissioning log similar to the approach we undertook last year at 822 Seneca Street.

Please let us know if that would be acceptable to the Department.

Thank you,
Tom

Thomas H. Forbes, P.E.

President

tforbes@benchmarkturnkey.com

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

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

Phone: (716) 856-0599, Mobile: (716) 864-1730 Facsimile: (716) 856-0583

Strong Advocates | Effective Solutions | Integrated Implementation

From: Tom H. Forbes

Sent: Wednesday, February 24, 2021 8:22 AM

To: Kuczka, Megan E (DEC) <Megan.Kuczka@dec.ny.gov>

Subject: 400 Ingham Ave

Megan,

Do you have a minute for a call regarding the above site? Just a generic question or two.

Thanks

Tom

Thomas H. Forbes, P.E.

President

tforbes@benchmarkturnkey.com

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

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2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

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Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship and when directly pertaining to a binding contract scope of work.

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FIELD ACTIVITY DAILY LOG

PROJECT NAME: 400 Ingham		PROJECT NO.	
PROJECT LOCATION: 400 Ingham Lockawanna		CLIENT: Empire Bldg. Diagnostics	
FIELD ACTIVITY: MW-10 Well Decommissioning			
DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:			
TIME	DESCRIPTION		
830	<p>LT26 meet Note from NW Contracting on-site.</p> <p>NW Contracting Manually removed steel protective casing from around well. Tremie pipe was lowered to bottom of well. Grout mixture (bentonite and portland cement) was gravity feed into well until 6-inches below ground surface.</p> <p>PVC riser pipe was cut off 6-inches below ground surface. Portland cement was placed into the annulus space remaining from the removal of the protective casing and 2-inch well riser to ground surface.</p> <p>Asphalt millings from ground surface in the area of the well were used to cover the Portland Cement.</p>		
1030	<p>NW Contracting left site</p> <p>Note: no water was displaced. NW Contracting indicated there may a kink or bend in well when lowering tremie pipe and water in well may have exited a break in PVC at that location</p>		
VISITORS ON SITE:		CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:	
WEATHER CONDITIONS:		IMPORTANT TELEPHONE CALLS:	
A.M.: Raining 70's			
P.M.:			
PERSONNEL ON SITE: C. Bowen			
SIGNATURE: <i>[Signature]</i>		DATE: 8/9/21	

ATTACHMENT

CHANGE OF USE FORM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: Buffalo Brake Beam Property **DEC Site ID No.** V00625

II. Contact Information of Person Submitting Notification:

Name: Frank Percozzi or Jay Pohlman, Esq. MANAGING MEMBER FCSM LLC
Address1: 3990 McKinley Parkway, Suite 1, Bldg 1, NY 14219
Address2: _____
Phone: 716-825-2000 E-mail: jpohlmanesq@yahoo.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 8/3/2021

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Change in Ownership. Entire property was sold to 400 Ingham LLC on August 3, 2021 by FCSM, LLC.
SBL No. 141.68-1-8.1

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:  1/12/2022
(Signature) (Date)

~~Frank Pericozzi~~ or Jay Pohlman Esq.

(Print Name)

MANAGING MEMBER, FCSM, LLC

Address1: 3990 McKinley Parkway, Suite 1, Bldg 1, Buffalo, NY 14219

Address2: _____

Phone: _____ E-mail: jpohlmanesq@yahoo.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☐ Prospective Owner ☐ Prospective Remedial Party ☒ Prospective Owner Representative

Name: Greg Papke
Address1: 786 Terrance Boulevard, Suite 1
Address2: Depew, New York 14043
Phone: 716-685-4588 E-mail: gregp@ebdinc.com

Certifying Party Name: Benchmark Civil/Environmental Engineering and Geology, PLLC
Address1: 2558 Hamburg Turnpike, Suite 300
Address2: Buffalo, New York 14218
Phone: 716-856-0599 E-mail: tforbes@bm-tk.com

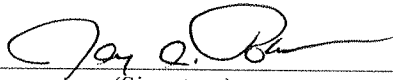
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

1/12/2022

(Date)

~~Frank Pericozzi~~ or Jay Pohlman, Esq.

(Print Name)

Address1:

Address2:

Phone:

E-mail: jpohlmanesq@yahoo.com