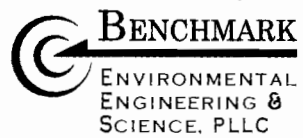


U00659

DSSJ 57



November 19, 2009

Mr. Dave Szymanski
NYSDEC
270 Michigan Avenue
Buffalo, New York 14203

RECEIVED
NYSDEC - REGION 9

NOV 23 2009

✓ REL FOIL UNREL

Re: One Buffalo Street Site - Annual Certification Report
Hamburg, New York

Dear Mr. Szymanski:

Benchmark Environmental Engineering & Science, PLLC has prepared this correspondence on behalf of our client, One Buffalo Street, Inc., to transmit the Annual Certification for the above addressed property.

As stated in the Site Management Plan (GZA, 2005), the Site Owner is required to submit an Annual Report to the NYSDEC that confirms that the conditions of the deed restrictions are still in place. Per our conversation, we understand that the NYSDEC is transferring to an automated reporting system which would replace the former "Annual Site Inspection Form" with the NYSDEC's Site Management Periodic Review Report (PRR) and the Institutional and Engineering Controls Certification Form.

As we discussed, the automated IC/EC Certification Form was not available from the Department for this reporting period, and due to changes in the building layout and modification of the sub-slab vapor mitigation system the former inspection form, prepared by GZA, was no longer applicable to the current site.

The attached Periodic Review Report was completed to comply with the Department's provided PRR General Guidance; the auto-generated IC/EC Certification form will be employed in subsequent years. As indicated in the PRR, the sub-slab vapor mitigation system and institutional controls are in place and in effect at the site.

Please contact us if you have any questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Nathan T. Munley
Project Environmental Scientist

Att.
File: 0181-001-200

www.benchmarkees.com

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

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PERIODIC REVIEW REPORT

ONE BUFFALO STREET SITE
HAMBURG, NEW YORK

November 2009

0181-001-200

Prepared for:

One Buffalo Street, Inc.

**Periodic Review Report
One Buffalo Street Site
Hamburg, New York**

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**Periodic Review Report
One Buffalo Street Site
Hamburg, New York**

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FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan

APPENDICES

Appendix A	Photographic Log Sheets
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1.0 INTRODUCTION

Benchmark Environmental Engineering and Science, PLLC (Benchmark), under contract to One Buffalo Street, Inc. has prepared this Periodic Review Report for the One Buffalo Street Site, related to NYSDEC Voluntary Cleanup Program Site No. V-00659-9.

1.1 Background

The Site is located at the corner of Buffalo Street and Main Street in the Village of Hamburg, NY. The commercial-use building is made up of multiple units, located at 7 Buffalo Street, with storefronts addressed at 1 through 13 Buffalo Street. Historically, a dry cleaning operation was present in the building from approximately 1953 to 1998. Environmental investigation conducted at the site revealed that contamination, likely associated with the former dry cleaning operation, had impacted the property, and remedial activities were necessary. Specifically tetrachloroethene (PCE), a common dry cleaning solvent, and the break-down products, trichloroethene (TCE), and 1,2-Dichloroethene (DCE) were detected above regulatory values in the soil/fill and soil vapors. Remedial activities conducted at the site included soil excavation, indoor air and soil gas sampling, and installation of a sub-slab vapor (SSV) mitigation system (GZA, 2005).

The original SSV mitigation system was completed in February of 2005, and operated until 2008. Upon One Buffalo Street, Inc.'s acquisition of the property in 2008, renovation of the existing storefronts necessitated modification of the SSV mitigation system. The revised SSV system was installed and put into operation in 2009.

As part of the Site Management Plan (GZA, 2005), and the VCP agreement, an annual site inspection is required. The annual site inspection shall include; 1) confirmation that the property use remains restricted commercial/non-residential; 2) the alleyway along the eastern portion of the site remains unpaved; 3) the sump in the basement of 11 Buffalo Street remain connected to the sanitary sewer system; and 4) the sub-slab vapor mitigation system must be properly operated and maintained.

2.0 ANNUNAL SITE INSPECTION

At the time of site inspection, the NYSDEC auto-generated “Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form” was not available. Per Benchmark’s discussions with NYSDEC representative, Mr. David Szymanski, utilization of the form for 2009 was not required. The IC/EC Certification form will be employed in subsequent years.

2.1 Pre-Inspection

Prior to the on-site inspection, the potential impacts of the building’s on-going renovations, with respect to the requirements of the Site Management Plan (GZA, 2005), were discussed with One Buffalo Street, Inc. representative, Mr. Anthony Staub. Mr. Staub indicated that no soils were removed from the site during renovation activities. Additionally, no changes to the deed restrictions, as outlined in the SMP (GZA, 2005) had occurred. Mr. Staub confirmed that the building is utilized for retail commercial businesses (restricted-commercial). Mr. Staub reiterated that the SSV mitigation system had been modified, and is currently being properly maintained and operated, to the best of his knowledge.

2.2 On-Site Inspection

On October 26, 2009, Benchmark’s Project Environmental Scientist, Mr. Nathan Munley, conducted the annual site inspection. Mr. Jack Reekie of Lakeside Contracting (One Buffalo Street, Inc.’s designated redevelopment contractor) was present during the site inspection. Mr. Reekie was questioned about the building renovations, and reiterated that no soils were removed from the site during renovation, and that Advanced Radon Solutions had installed a new SSV mitigation system, which was currently operational. Mr. Reekie indicated that no changes had been made to the sump, located in the basement of 11 Buffalo Street.

2.2.1 Restricted-Commercial Property Use

The Site is currently utilized as a mixed retail building. Tenants include a delicatessen, a clothing store, and a candy store in the 5 through 9 Buffalo Street

storefronts. A common space currently occupies the former 7 Buffalo Street area of the building (see Photolog in Appendix A). Additional retail space is being prepared for a sporting goods store in the 11 & 13 Buffalo Street storefronts. The 1 & 3 Buffalo Street storefront are currently vacant.

2.2.2 Eastside Alleyway

According to the SMP, the alley way along the east side of the building is to remain unpaved in the vicinity of storefronts 3 through 9 Buffalo Street. A concrete apron along East Main Street extends from East Main Street to approximately 10 feet unto 1 Buffalo Street. At the time of the site inspection, the remaining alley from 1 Buffalo Street to 13 Buffalo Street remains unpaved, and is in compliance with the SMP (see Figure 2 and Photolog).

2.2.3 Sump

The sump in the basement of 11 Buffalo Street was inspected during the annual site inspection. A clear plastic cover is sealed over the sump, and all plumbing connections appeared intact. The cover and seal were not disturbed during the inspection. Mr. Reekie confirmed that no modification to the sump or the connection to the sanitary sewer occurred during the building renovation.

2.2.4 Sub-Slab Vapor Mitigation System

Operation of the SSV mitigation system was confirmed during the annual site inspection. SSV mitigation system monitoring/alarm conditions were manually tripped to confirm system operation. Specifically, upon de-energizing the SSV mitigation fans, the system monitoring gauges changed from green indicator lights to red indicator lights and an audible alarm sounded. Both the North and South branches of the mitigation system were tested and responded properly.

3.0 CONCLUSIONS & RECOMMENDATIONS

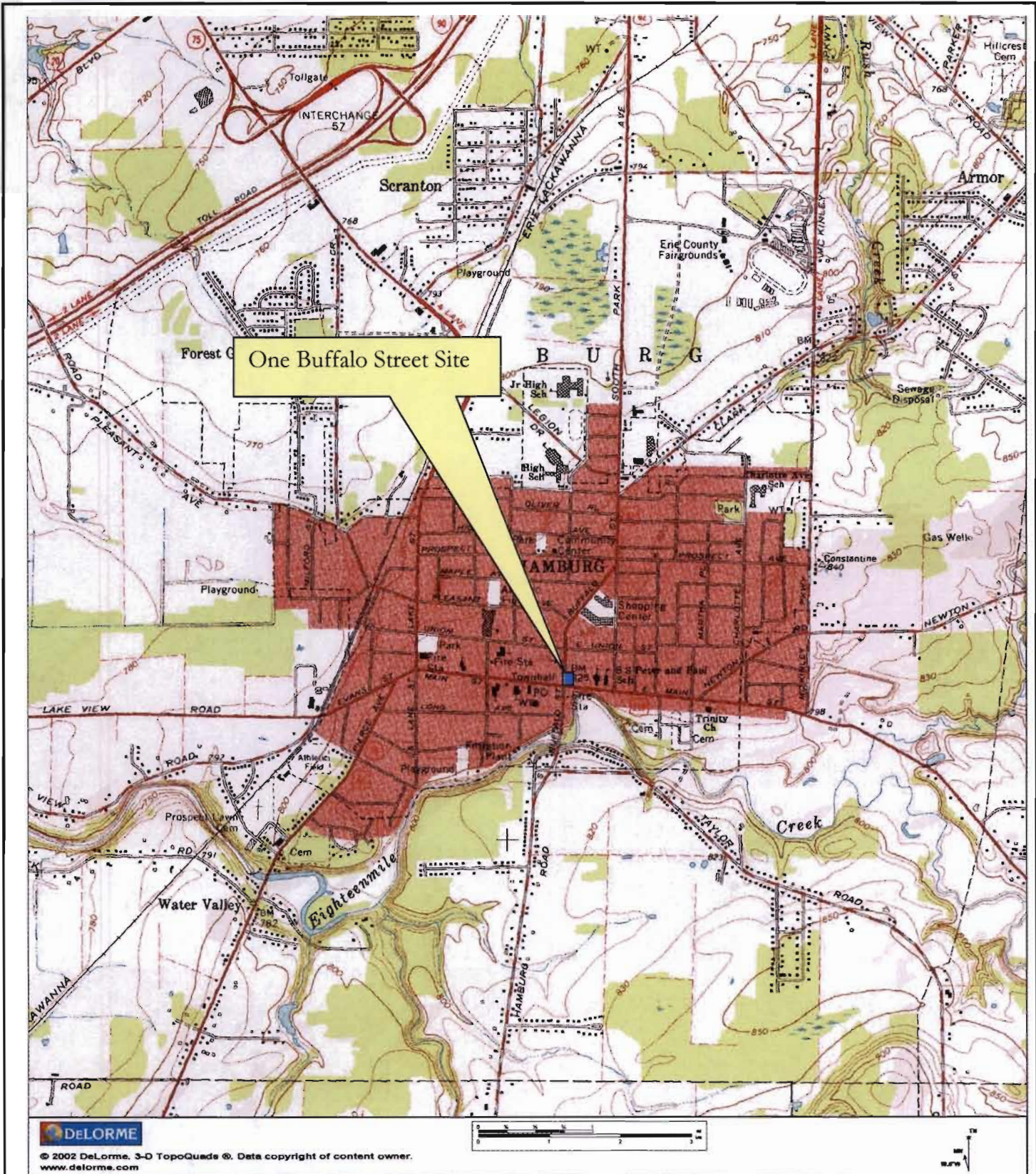
- At the time of the site inspection, the subject property was in compliance with the SMP.
- Based on the building renovation work completed and the modification of the SSV, which showed an increased “zone of influence” during communication testing (per Benchmark’s letter report of October 19, 2009), Benchmark Environmental Engineering and Science, PLLC, on behalf of One Buffalo Street, Inc. requests that annual certification for the site be changed to a bi-annual certification (every other year).

4.0 DECLARATION/LIMITATION

Benchmark personnel conducted the annual site inspection for Voluntary Cleanup Program (Site No. V-00659-9), addressed at 7 Buffalo Street, in Hamburg New York, according to generally accepted practices. This report complied with the scope of work provided to One Buffalo Street, Inc. by Benchmark.

This report has been prepared for the exclusive use of One Buffalo Street, Inc. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of One Buffalo Street, Inc. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Environmental Engineering and Science, PLLC.

FIGURES



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 www.delorme.com



726 EXCHANGE STREET
 SUITE 624
 BUFFALO, NEW YORK 14210
 (716) 856-0599

SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT
 ONE BUFFALO STREET SITE

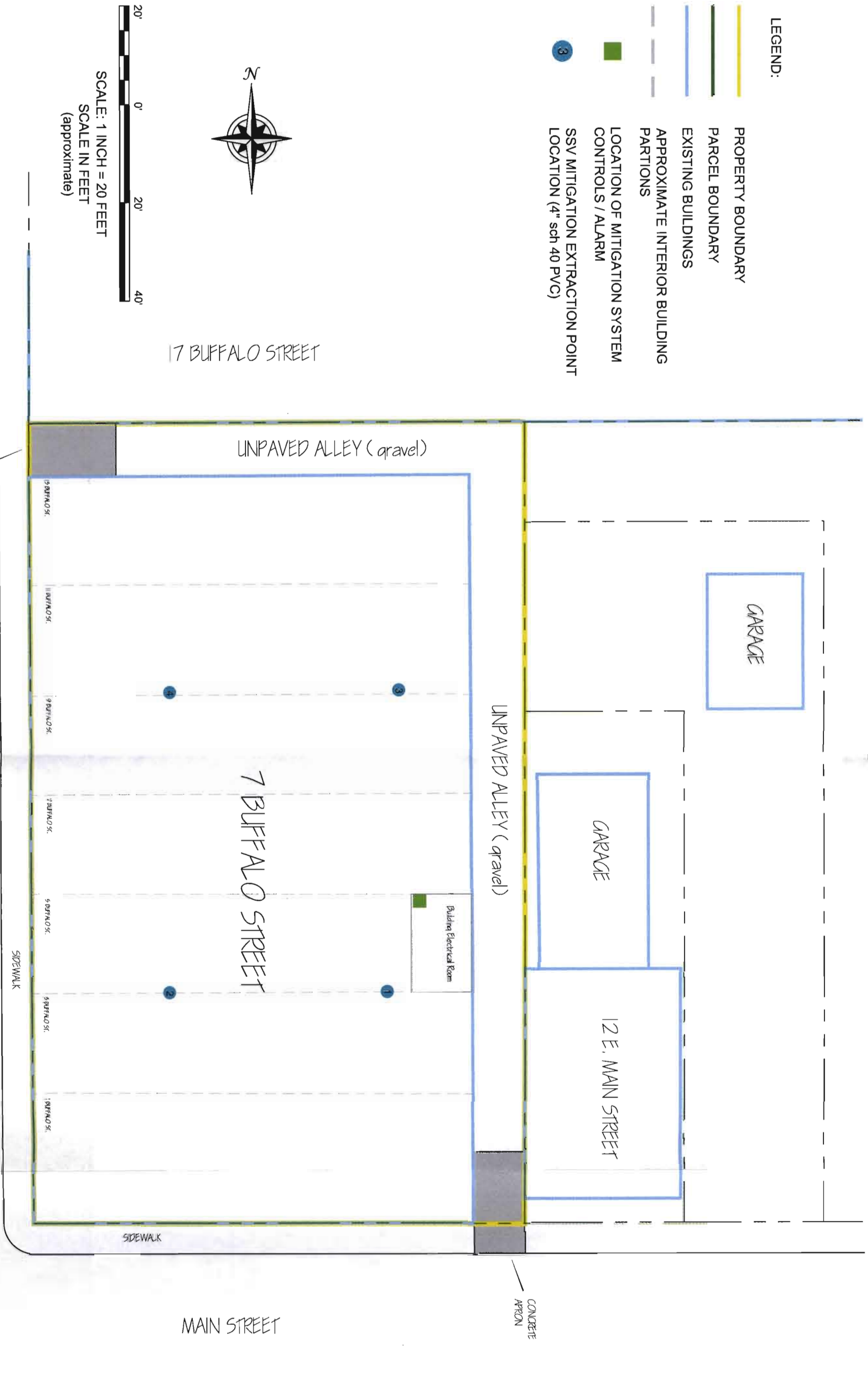
HAMBURG, NEW YORK
 PREPARED FOR
 ONE BUFFALO STREET, INC.

PROJECT NO.: 0181-001-200

DATE: NOVEMBER 2009

DRAFTED BY: NTM

Based on Tax Map per Erie County GIS



SITE PLAN

ANNUAL CERTIFICATION
 ONE BUFFALO STREET
 HAMBURG, NEW YORK
 PREPARED FOR
 ONE BUFFALO STREET, INC.



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

JOB NO.: 0181-001-200

FIGURE 2

APPENDIX A

PHOTOGRAPHIC LOG SHEETS

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



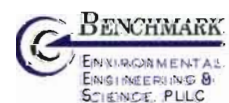
Photo 1: SSV mitigation system controls and monitoring equipment (bldg electrical room)

Photo 2: SSV mitigation system roof fans (looking north)

Photo 3: Unpaved alleyway (Looking north from E. Main Street)

Photo 4: Concrete apron and adjacent building (12 E. Main Street) (looking north)

One Buffalo Street
Hamburg, New York
October 26, 2009



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Sealed sump in basement of 11 Buffalo Street
- Photo 6: Interior of building – commercial redevelopment (7 Buffalo Street)
- Photo 7: Building tenant (5 Buffalo Street – Isabella's Deli)
- Photo 8: Additional tenant retail space (9 Buffalo Street)

One Buffalo Street
Hamburg, New York
October 26, 2009

 **BENCHMARK**
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:



Photo 9: Exterior site conditions (along Buffalo Street – looking west)

Photo 10: Exterior site conditions (along Buffalo Street (looking north)

Photo 11: Exterior site conditions (9-13 Buffalo Street – looking east across Buffalo St.)

One Buffalo Street
Hamburg, New York
October 26, 2009

