




DSS 

ENGINEERING • LAND SURVEY • ARCHITECTURE • ENVIRONMENTAL

WE DESIGN WITH CONSCIENCE. WE ACT WITH PURPOSE.

2011.0016.00  
March 9, 2011

New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203-2999

RECEIVED  
NYSDEC - REGION 9

MAR 11 2011

✓ FOIL  
REL UNREL

Attn: David Szymanski, Project Manager

Re: Periodic Review Report  
One Buffalo Street Site (VCP Site No. V-00659-9)

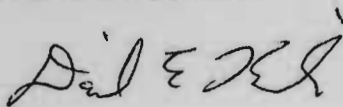
Dear Mr. Szymanski:

TVGA Consultants (TVGA) has prepared the attached Periodic Review Report on behalf of One Buffalo Street, Inc. to document the sites compliance with deed restrictions and the Site Management Plan (SMP) for the site. Please note that the report contains our observations regarding the use of the site and the operation and maintenance of the remedial system at the site.

Based on our review, the site is in compliance with the deed restrictions and SMP. Based on the performance of the system, TVGA respectfully requests that the Department consider modifying the periodic reporting schedule from annual to bi-annual. If this modification is acceptable to the Department, the next report will be due in January 2013.

Should you have any questions or comments concerning our submittal, please do not hesitate to contact me at your earliest convenience.

Sincerely,  
TVGA CONSULTANTS

A handwritten signature in dark ink, appearing to read "Daniel E. Riker".

Daniel E. Riker, P.G.  
Senior Project Manager

# PERIODIC REVIEW REPORT

ONE BUFFALO STREET SITE  
HAMBURG, NEW YORK

VCP SITE NUMBER V-00659-9

Prepared for:

ONE BUFFALO STREET, INC.

Prepared by:



ENGINEERING • LAND SURVEY • MAPPING • ENVIRONMENTAL

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2011.0016.00

February 2011

PERIODIC REVIEW REPORT  
ONE BUFFALO STREET SITE  
HAMBURG, NEW YORK

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Figure 1: Site Location and Vicinity Map  
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**APPENDICES**

Appendix A: Photographic Log Sheets  
Appendix B: NYSDEC Institutional and Engineering Controls Certification Form

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## 1.0 INTRODUCTION

One Buffalo Street, Inc. retained TVGA Consultants (TVGA) to evaluate current conditions at the One Buffalo Street Site in Hamburg, New York and prepare this Periodic Review Report for the property. This work is being completed to meet the annual reporting requirements identified in the February 2006 Site Management Plan under the New York State Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP). The site NYSDEC VCP site number is V-00659-9.

### 1.1 Background

The project site is located at the corner of Buffalo Street and Main Street in the Village of Hamburg, New York. The building contains multiple commercial tenants with storefront addresses of 1 through 15 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. Subsequent 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. The remedial efforts also included the development of deed restrictions and a February 2006 Site Management Plan (SMP) to identify future activities necessary to maintain the integrity of the in-place treatment systems and ensure the safety of people utilizing the building.

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.

The SMP requires the performance of an annual site inspection. The annual site inspection will include evaluation/confirmation of the following:

- Proper management of soil excavated and/or removed from the site.
- The property use remains restricted to commercial/non-residential.
- The alleyway along the eastern portion of the site remains unpaved.
- The sump in the basement of 11 Buffalo Street remains connected to the sanitary sewer system.

- 
- The sub-slab vapor mitigation system is properly operated and maintained.

## 2.0 PERIODIC REVIEW

TVGA Consultants conducted the annual Periodic Review in January 2011. This Annual Periodic Review is discussed in the sections below. Appendix A includes photographs taken during the Site Inspection and Appendix B includes the NYSDEC "Site Management Periodic Review Report Notice - Institutional and Engineering Controls Certification Form."

### 2.1 Deed Restriction/Site Management Plan Compliance

As part of the VCP Agreement for the site, compliance with the site's deed restrictions and the SMP are required. Renovations to the building occurred over the past year but no soils were removed from the site during these activities. Additionally, no changes to the deed restrictions, as outlined in the SMP, had occurred. In accordance with the deed restriction, the building is utilized for retail commercial businesses (restricted-commercial) and the SSV mitigation system is currently being properly maintained and operated.

### 2.2 Site Conditions

On January 24, 2011, TVGA's Senior Project Manager, Mr. Daniel E. Riker, P.G., conducted the annual site inspection. The inspection included observation of current conditions throughout and surrounding the building; the sump in the basement of 11 Buffalo Street; and the SSV mitigation system. TVGA also held discussions with Mr. Jack Reekie of Lakeside Contracting (One Buffalo Street, Inc.'s designated redevelopment contractor) during the site inspection. TVGA also held conversations with Mr. Tony Staub, owner of the building, during the performance of the annual Periodic Review.

#### 2.2.1 Restricted-Commercial Property Use

In accordance with the deed restrictions and SMP, the site is to be used for commercial/non-residential uses only. The site is currently utilized as a mixed retail building. Tenants include:

- A delicatessen
- A U.S. Postal Service post office
- A jewelry store
- A chocolate shop
- A specialty women's store
- An outdoor outfitters shop

- 
- A specialty olive oil/vinegar retail store

Additional retail space is being prepared for a hair salon in the mezzanine of the center portion of the building. The 1 and 3 Buffalo Street spaces are currently vacant. No residential uses were observed during the site inspection.

#### 2.2.2 Alleyways

According to the SMP, the alleys immediately to the east and north of the building way are to remain unpaved. Although covered with snow, a walk through the alleys confirmed that the alley surfaces were unpaved and consisted of gravel and/or dirt, with the exception of a small concrete apron that extends from East Main Street to approximately ten feet behind 1 Buffalo Street. This concrete apron has been in place for a few years and is not anticipated to impact the performance of the SSV mitigation system.

#### 2.2.3 Sump

The SMP requires the connection of the sump to the sanitary sewer at all times, and that any additional sumps installed in the future will also be connected to the sanitary sewer. TVGA evaluated the condition of the sump in the basement of 11 Buffalo Street 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. Additionally, no new sumps were observed in the basement of the building and no modification to the sump or the connection to the sanitary sewer occurred during the recent building renovations.

#### 2.2.4 Sub-Slab Vapor Mitigation System

The SMP requires the proper operation and maintenance of the SSV mitigation system. TVGA evaluated the operation of the SSV mitigation system during the annual site inspection. TVGA observed the discharge locations on the roof of the building, and the locations were free of ice and snow build-up. Additionally, TVGA confirmed that the fans were operating and that air was flowing out of the vent pipes. TVGA and Mr. Reekie manually tripped the alarms on the SSV mitigation system monitoring system to confirm system operation by de-energizing both the north and south SSV mitigation fans. The system monitoring gauges

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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. The north branch alarm sounded within a few minutes of shut-off and the south branch alarm sounded within a few hours.

### **3.0 CONCLUSIONS & RECOMMENDATIONS**

At the time of the site inspection, the subject property was in compliance with the SMP. Based on the continued performance of the system, the periodic review reporting could be conducted bi-annually rather than annually.

### **4.0 LIMITATIONS**

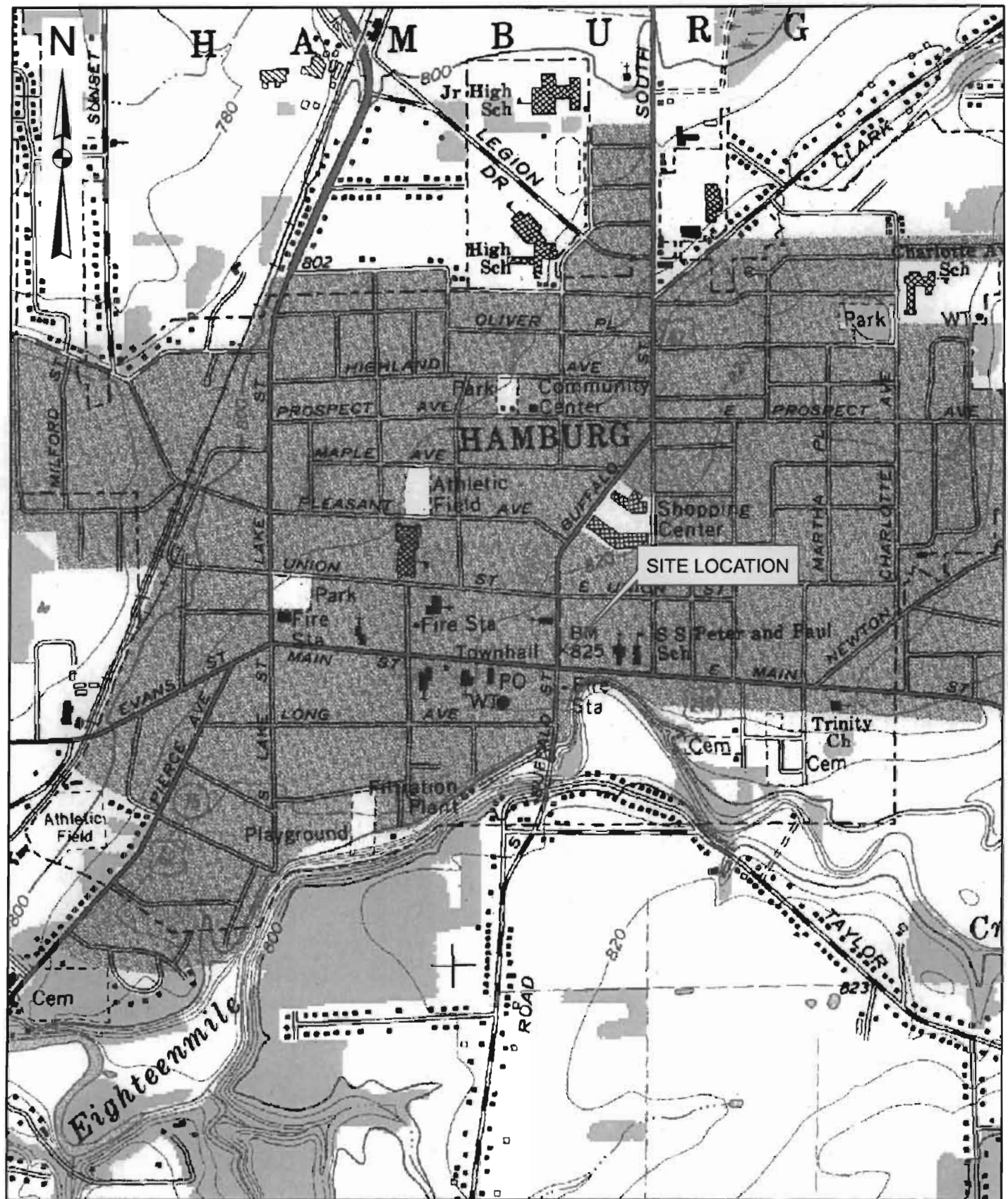
The conclusions presented in this report are based on information gathered in accordance generally accepted professional consulting principles and practices. All conclusions reflect observable conditions existing at the time of the site inspection. Information provided by outside sources (individuals, agencies, laboratories, etc.), as cited herein, was used in the assessment of the site. The accuracy of the conclusions drawn from this assessment is, therefore, dependent upon the accuracy of information provided by these sources. Furthermore, TVGA is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to the performance of services.

This report is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based upon the facts currently available within the limits of the existing data, scope of services, budget, and schedule. To the extent that more definitive conclusions are desired by the Client than are warranted by the current available facts, it is specifically TVGA's intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such. TVGA makes no warranties, expressed or implied including without limitation, warranties as to merchantability or fitness of a particular purpose. Furthermore, the information provided in this report is not to be construed as legal advice.

This assessment and report have been completed and prepared on behalf of and for the exclusive use of Mr. Anthony Staub. Any reliance on this report by a third party is at such party's sole risk. Furthermore, nothing contained in this report shall be construed as a warranty or affirmation by TVGA that the subject property described in this report are suitable collateral for any loan or that acquisition of such property by any lender through foreclosure proceedings or otherwise will pose no risk of potential environmental liability on the part of such lender.

**FIGURES**





SITE LOCATION MAP



**TVGA**  
CONSULTANTS

1000 MAPLE ROAD  
ELMA, NY 14059  
P. 716.655.8842  
F. 716.655.0937  
www.tvga.com

ONE BUFFALO STREET  
HAMBURG, NEW YORK

PROJECT NO.

SCALE: 1 INCH = 1250 FEET

DATE: JANUARY 2011

FIGURE NO. 1



UNPAVED ALLEY (gravel)

GARAGE

GARAGE

12 E. MAIN STREET

UNPAVED ALLEY (gravel)

CONCRETE  
APRON

Building Electrical Room

7 BUFFALO STREET







MAIN STREET

SIDEWALK

CONCRETE  
APRON

BUFFALO STREET

LEGEND:

-  PROPERTY BOUNDARY
-  PARCEL BOUNDARY
-  EXISTING BUILDINGS
-  APPROXIMATE INTERIOR BUILDING PARTITIONS
-  LOCATION OF MITIGATION SYSTEM CONTROLS / ALARM
-  SSV MITIGATION EXTRACTION POINT LOCATION (4" sch 40 PVC)

SITE PLAN



**TVGA**  
CONSULTANTS

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P. 716.655.8842  
F. 716.655.0937  
www.tvga.com

ONE BUFFALO STREET  
HAMBURG, NEW YORK

PROJECT NO.

NOT TO SCALE

DATE: JANUARY 2011

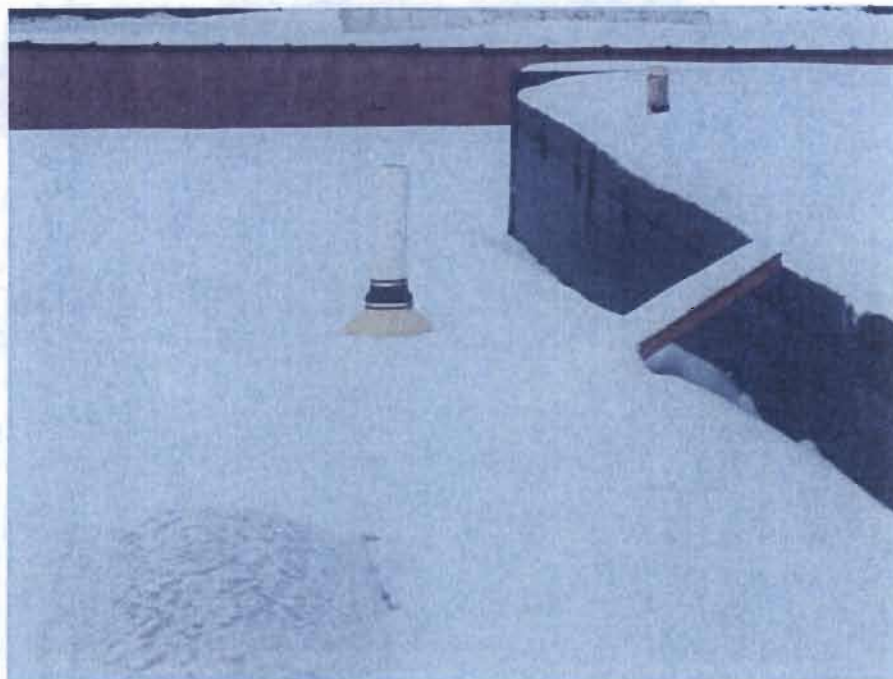
FIGURE NO. 2

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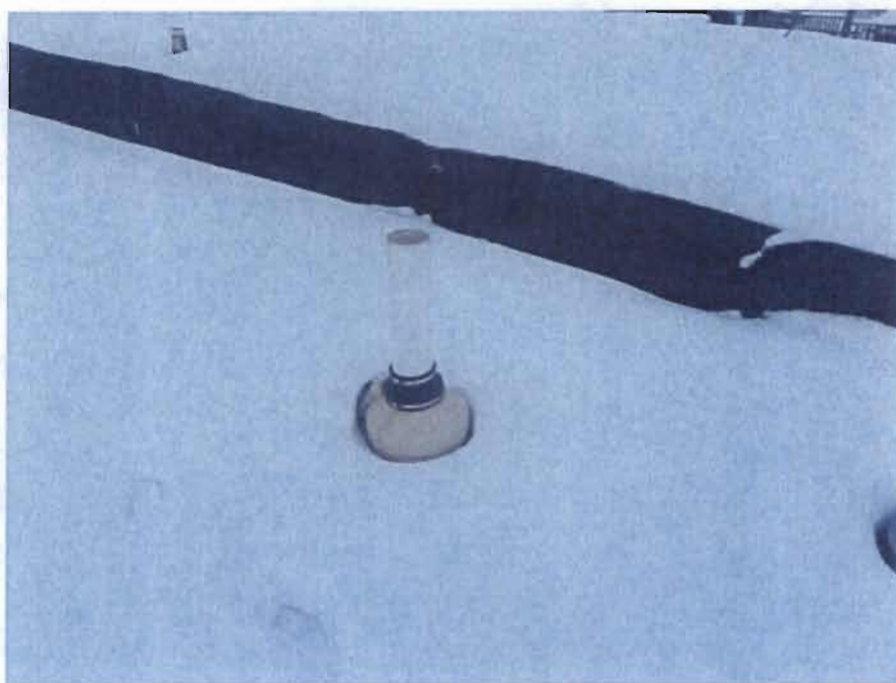
**APPENDIX A**

**PHOTOGRAPHIC LOG SHEETS**

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Photograph 1 – Northern SSV Mitigation Roof Fan



Photograph 2 – Southern SSV Mitigation Roof Fan



**Photograph 3 – Unpaved Alleyway (Immediately North of Building)**



**Photograph 4 – SSV Mitigation System Controls and Monitoring Equipment**





Photograph 5 – Sealed Sump in Building Basement



Photograph 6 – SSV Mitigation Piping – Southern Vent



Photograph 7 – SSV Mitigation Piping – Southern Vent



Photograph 8 – The Atrium



Photograph 9 – Tenant Space - Isabella's Deli



Photograph 10 – Tenant Space - USPS Post Office





Photograph 11 – Tenant Space – Ray Crinzi



Photograph 12 – Tenant Space – Village Sweet Shop



Photograph 13 – Tenant Space – What Women Want



Photograph 14 – Tenant Space – Primo Oliva



Photograph 15 – Tenant Space – Gear for Adventure

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**APPENDIX B**

**NYSDEC INSTITUTIONAL AND ENGINEERING CONTROLS  
CERTIFICATION FORM**

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Enclosure 1  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



**Site No.**            **V00659**

**Site Details**

**Box 1**

**Site Name** **Buffalo and East Main St., Hamburg**

**Site Address:** 1-15 Buffalo Street            **Zip Code:** 14075

**City/Town:** Hamburg

**County:** Erie

**Site Acreage:** 0.6

**Reporting Period:** February 06, 2009 to January 01, 2011

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If NO, include handwritten above or on a separate sheet.   |                                     |                                     |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b> |                                     |                                     |
| 5. Is the site currently undergoing development?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Box 2**

- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?<br>Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs/ECs in place and functioning as designed?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**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. V00659**

**Box 3**

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

**196.09-2-30**

Mr. Anthony Staub

Ground Water Use Restriction  
Landuse Restriction  
Soil Management Plan

**Box 4**

**Description of Engineering Controls**

Parcel

Engineering Control

**196.09-2-30**

Alternate Water Supply  
Cover System  
Vapor Mitigation



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

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

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

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

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

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

**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. V00659

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 2 and/or 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 DANIEL E. RIKER, P.G. at TVGA CONSULTANTS, 620 MAIN STREET, BUFFALO, NY  
print name print business address

am certifying as REMEDIAL PARTY (Owner or Remedial Party)

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



Signature of Owner or Remedial Party Rendering Certification

1/27/11

Date

IC/EC CERTIFICATIONS

Box 7

**Qualified Environmental Professional Signature**

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

I DANIEL E. RIKER, P.G. at TVGA CONSULTANTS, 620 MAIN ST. BUFFALO NY  
print name print business address

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



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

Stamp  
(Required for PE)

1/27/11

Date