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# PERIODIC REVIEW REPORT

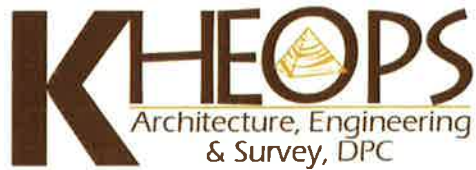
FOR

**ONE BUFFALO STREET SITE  
HAMBURG, NEW YORK**

**(VCP SITE NO. V-00659-9)**

Prepared for:  
**One Buffalo Street, Inc.**

Prepared by:



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**PERIODIC REVIEW REPORT  
ONE BUFFALO STREET SITE  
HAMBURG, NEW YORK**

**TABLE OF CONTENTS**

<b>TABLE OF CONTENTS</b>	<b>i</b>
<b>1.0 INTRODUCTION</b>	<b>1</b>
1.1 Background	1
<b>2.0 PERIODIC REVIEW</b>	<b>2</b>
2.1 Deed Restriction/Site Management Plan Compliance	2
2.2 On-Site Inspection	2
2.2.1 Site Use Restrictions	3
2.2.2 Alleyway Soil/Fill Cover System	3
2.2.3 Sump	3
2.2.4 Sub-Slab Vapor Mitigation System	4
2.2.5 Groundwater Use Restrictions	4
<b>3.0 CONCLUSIONS &amp; RECOMMENDATIONS</b>	<b>4</b>
<b>4.0 LIMITATIONS</b>	<b>4</b>

**FIGURES**

- Figure 1: Site Location and Vicinity Map  
Figure 2: Site Plan

**APPENDICES**

- Appendix A: NYSDEC Site Management Periodic Review Report Response Letter – March 18, 2011  
Appendix B: Photographs  
Appendix C: NYSDEC Site Management Periodic Review Notice Institutional and Engineering Controls Certification Form

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## 1.0 INTRODUCTION

One Buffalo Street, Inc. retained KHEOPS Architecture, Engineering & Survey, DPC (KHEOPS) to evaluate current conditions at the One Buffalo Street Site in Hamburg, New York and prepare this Periodic Review Report (PRR) for the property. This PRR is being completed to meet the Site Management Periodic Review Report and Institutional Control / Engineering Control (IC/EC) Certification requirements under the New York State Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP). The site NYSDEC VCP site number is V-00659-9. This PRR documents the implementation of and compliance with the February 2006 Site Management Plan (SMP) prepared for this site.

### 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 storefronts 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 the February 2006 Site Management Plan 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. A re-certification report (October 19, 2009), which included an evaluation of the modified SSV system, was conducted by Benchmark Environmental Engineering and Science, PLLC during the first half of 2009. This report was submitted to the NYSDEC in November 2009.

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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**

KHEOPS conducted the biennial Periodic Review in March 2015 for the reporting occurring between January 1, 2013 and January 1, 2015. It should be noted that the NYSDEC accepted a revision of the Periodic Review frequency from annual to biennial. A copy of the NYSDEC letter granting this approval is included in Appendix A. This Periodic Review is discussed in the sections below. Appendix B includes photographs taken during the Site Inspection and Appendix C 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 interior (installation of walls, ceiling and floor coverings) occurred over this reporting period 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 restrictions the building is utilized for retail commercial businesses (restricted-commercial), the SSV mitigation system is currently being properly maintained and operated and groundwater is not being used for any purpose on this site.

### **2.2 On-site Inspection**

On March 18, 2015, KHEOPS' Scientist, Ms. Jessica Dombrowski, conducted the 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

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mitigation system. KHEOPS also held discussions with Mr. Pete Struebel, an employee of the property owner, Mr. Anthony Staub, during the site inspection.

### 2.2.1 Site Use Restrictions

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:

- 24-hour adult fitness center (Anytime Fitness)
- Hamburg Mail (USPS Certified Postal Unit) inside the store Fancy that!
- Jewelry store (Ray Crinzi Jewelers)
- Chocolate shop (Village Sweet Shoppe)
- Specialty Food Items Store (Lodgical Homestead Creations)
- Specialty women's store (What A Woman Wants)
- Outdoor outfitters shop (Gear for Adventure)
- Specialty olive oil/vinegar retail store (Prima Oliva)
- Hair salon (The Loft at Staub Square)
- Bistro (Bistro in the Square)

No residential uses were observed during the site inspection.

### 2.2.2 Alleyway Soil/Fill Cover System

According to the SMP, the alley immediately to the east of the building was to remain unpaved. Although partially covered with snow, a walk-through of the alley 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. KHEOPS evaluated the condition of the sump in the

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basement of 11 Buffalo Street during the site inspection. A lexan 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 had occurred with the exception of Mr. Struebel having to change a switch associated with the sump.

#### 2.2.4 Sub-Slab Vapor Mitigation System

The SMP requires the proper operation and maintenance of the SSV mitigation system. KHEOPS evaluated the operation of the SSV mitigation system during the biennial site inspection. KHEOPS observed the discharge locations on the roof of the building, and the locations were free of ice and snow build-up. Additionally, while on the roof, KHEOPS confirmed that both the north branch and south branch fans were operating and that air was flowing out of the vent pipes. KHEOPS and Mr. Struebel 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 north branch system monitoring gauges changed from green indicator lights to red indicator lights and an audible alarm sounded within a few seconds.

#### 2.2.5 Groundwater Use Restrictions

The site is serviced by the public water system and no groundwater use occurs on site.

### 3.0 CONCLUSIONS & RECOMMENDATIONS

At the time of the site inspection the subject property was in compliance with the SMP and deed restrictions. Based on the continued performance of the system, no changes to the periodic review reporting are recommended.

### 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.

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The accuracy of the conclusions drawn from this assessment is, therefore, dependent upon the accuracy of information provided by these sources. Furthermore, KHEOPS 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 KHEOPS' 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. KHEOPS 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 One Buffalo Street, Inc. 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 KHEOPS 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.

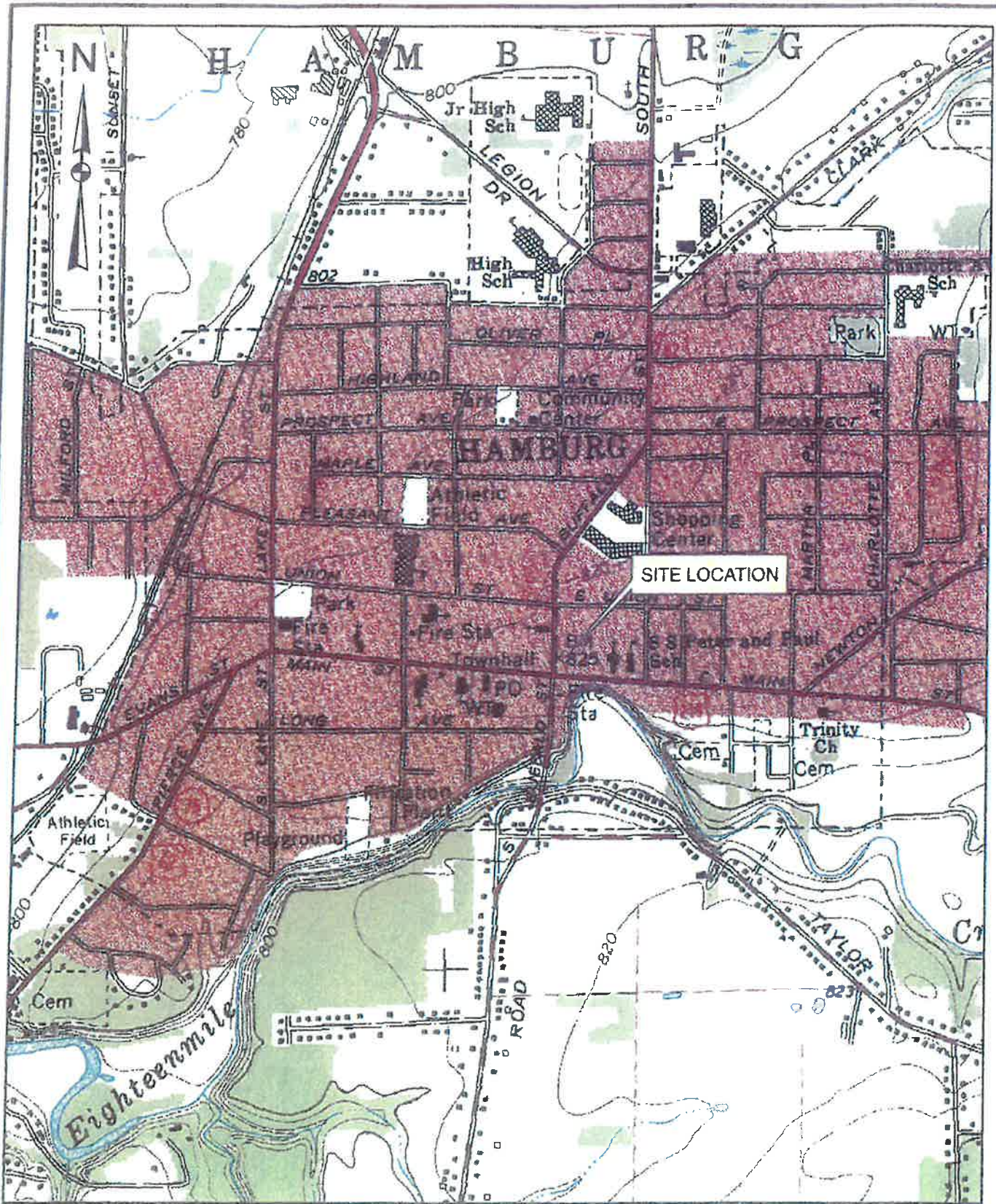
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**FIGURES**

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SITE LOCATION MAP



ONE BUFFALO STREET  
HAMBURG, NEW YORK

PROJECT NO. 15NY051

SCALE: 1 INCH = 1250 FEET

DATE: MARCH 2015

FIGURE NO. 1

N



UNPAVED ALLEY (gravel)

UNPAVED ALLEY (gravel)

CONCRETE APRON

Building Electrical Panel

7 BUFFALO STREET

MAIN STREET

SEWER

CONCRETE APRON

BUFFALO STREET

LEGEND:

-  PROPERTY BOUNDARY
-  PARCEL BOUNDARY
-  EXISTING BUILDINGS
-  APPROXIMATE INTERIOR BUILDING PARTITIONS
-  LOCATION OF MITIGATION SYSTEM CONTROLS / ALARM
-  25V MITIGATION EXTRACTION POINT LOCATION (4" sch 40 PVC)

SITE PLAN



ONE BUFFALO STREET  
HAMBURG, NEW YORK

PROJECT NO. 15NY051

NOT TO SCALE

DATE: MARCH 2015

FIGURE NO. 2

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**APPENDIX A**  
**NYSDEC SITE MANAGEMENT PERIODIC REVIEW REPORT RESPONSE**  
**LETTER – MARCH 18, 2011**

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**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation, Region 9**  
270 Michigan Avenue, Buffalo, New York, 14203-2915  
Phone: (716) 851-7220 • FAX: (716) 851-7226  
Website: www.dec.ny.gov



Joe Martens  
Commissioner

March 18, 2011

Mr. Anthony Staub  
206 Lake Street  
Hamburg, NY 14075

Dear Mr. Staub:

**Site Management (SM) Periodic Review  
Report (PRR) Response Letter  
Buffalo and East Main St.  
Hamburg, New York  
Erie County, Site No.: V00659**

The Department has reviewed your Periodic Review Report (PRR) and IC/EC Certification for following period: 02/06/2009 to 01/01/2011.

The Department hereby accepts the PRR and associated IC/EC Certification, though the Department requests that you forward supporting information regarding Federal, State and/or local permits which were issued during the current reporting period. Box 1, Number 4 on the IC/EC Certification form submitted with the above-noted PRR indicates that such permits were issued, though no attached documentation or explanation was provided as requested. Please review these permits and submit copies to the Department for our records on or before April 15, 2011.

The requested Periodic Review frequency revision to 2-years is approved and your next PRR is due on January 1, 2013. You will receive a reminder letter and updated certification form 45-days prior to the due date.

Mr. Anthony Staub  
March 18, 2011  
Page 2

If you have any questions or comments please contact me at 716-851-7220 or e-mail:  
dsszyman@gw.dec.state.ny.us

Sincerely,

\s\

David Szymanski  
Project Manager

DS:dcg  
szymanski\staub-mar1.ltr

cc: Mr. Robert Napieralski, TVGA Consultants

ec: Mr. Martin Doster, Regional Haz Waste Remediation Engineer, NYSDEC  
Scarlett Messier, NYSDOH Project Manager

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**APPENDIX B**  
**PHOTOGRAPHS**

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Photograph 1 – Northern SSV Mitigation Roof Fan



Photograph 2 – Southern SSV Mitigation Roof Fan



Photograph 3 – Unpaved Alleyway (East of the Building)



Photograph 4 – SSV Mitigation System Controls and Monitoring Equipment





Photograph 5 – Sealed Sump in Building Basement



Photograph 6 – The Atrium



Photograph 7 – The Atrium



Photograph 8 – Tenant Spaces



Photograph 9 – Front of Building Exterior from Main Street



Photograph 10 – Front of Building Exterior from Buffalo Street

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**APPENDIX C**  
**NYSDEC INSTITUTIONAL AND ENGINEERING CONTROLS**  
**CERTIFICATION FORM**

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



	Site Details	Box 1
<b>Site No.</b>	<b>V00659</b>	
<b>Site Name Buffalo and East Main St., Hamburg</b>		
Site Address: 1-15 Buffalo Street      Zip Code: 14075		
City/Town: Hamburg		
County: Erie		
Site Acreage: 0.6		
Reporting Period: January 01, 2013 to January 01, 2015		
		YES    NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/> <input checked="" type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?		<input type="checkbox"/> <input checked="" type="checkbox"/>
		<b>Box 2</b>
		YES    NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial		<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?		<input checked="" type="checkbox"/> <input type="checkbox"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>		
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

**SITE NO. V00659**

**Box 3**

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

**196.09-2-30**

Mr. Anthony Staub

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction

**Box 4**

**Description of Engineering Controls**

Parcel

Engineering Control

**196.09-2-30**

Vapor Mitigation  
Cover System  
Alternate Water Supply

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

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

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

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

YES      NO

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

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

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

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

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

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

YES      NO

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

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

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

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. V00659

Box 6

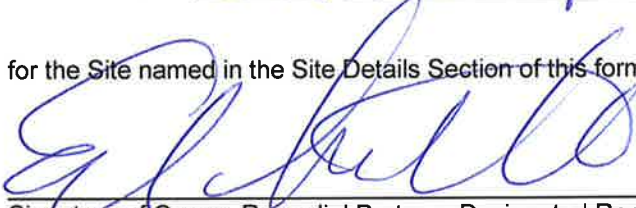
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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 EDWARD SCHILLER at 300 PEARL ST, STE 100 BUFFALO, NY 14202  
print name <sup>KHEOPS</sup> print business address

am certifying as Designated Rep (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

3/18/15  
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 EDWARD SCHILLER at <sup>K14 EOPS</sup> 300 PEARCE ST, STE 100, BUFFALO, NY 14202  
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER - ONE BUFFALO ST INC  
(Owner or Remedial Party)



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



Stamp 056247 Date 1/9/15  
(Required for PE)