

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**

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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.

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.

It should be noted that in March 2011, 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.

2.0 PERIODIC REVIEW

KHEOPS conducted the biennial Periodic Review in February 2017 for the reporting occurring between January 1, 2015 and January 1, 2017. 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, 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 February 21, 2017 KHEOPS' Engineering Technician, Ms. Jennifer Hill, 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 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. There were two vacant areas and the current tenants are as listed below:

- Chocolate shop (Village Sweet Shoppe)
- Specialty Food Items Store (Lodgical Homestead Creations)
- Specialty women's store (What A Woman Wants)
- Bakery (Sweet Pea Bakery)
- Specialty olive oil/vinegar retail store (Prima Oliva)
- Hair salon (The Loft at Staub Square)
- Burger Bar (JuiCy)

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. A walk-through of the alley confirmed that the alley surfaces were unpaved and consisted of grass, dirt, and/or gravel 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 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.

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 clear and free of any blockage. 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, were 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, KHEOPS is not responsible for the

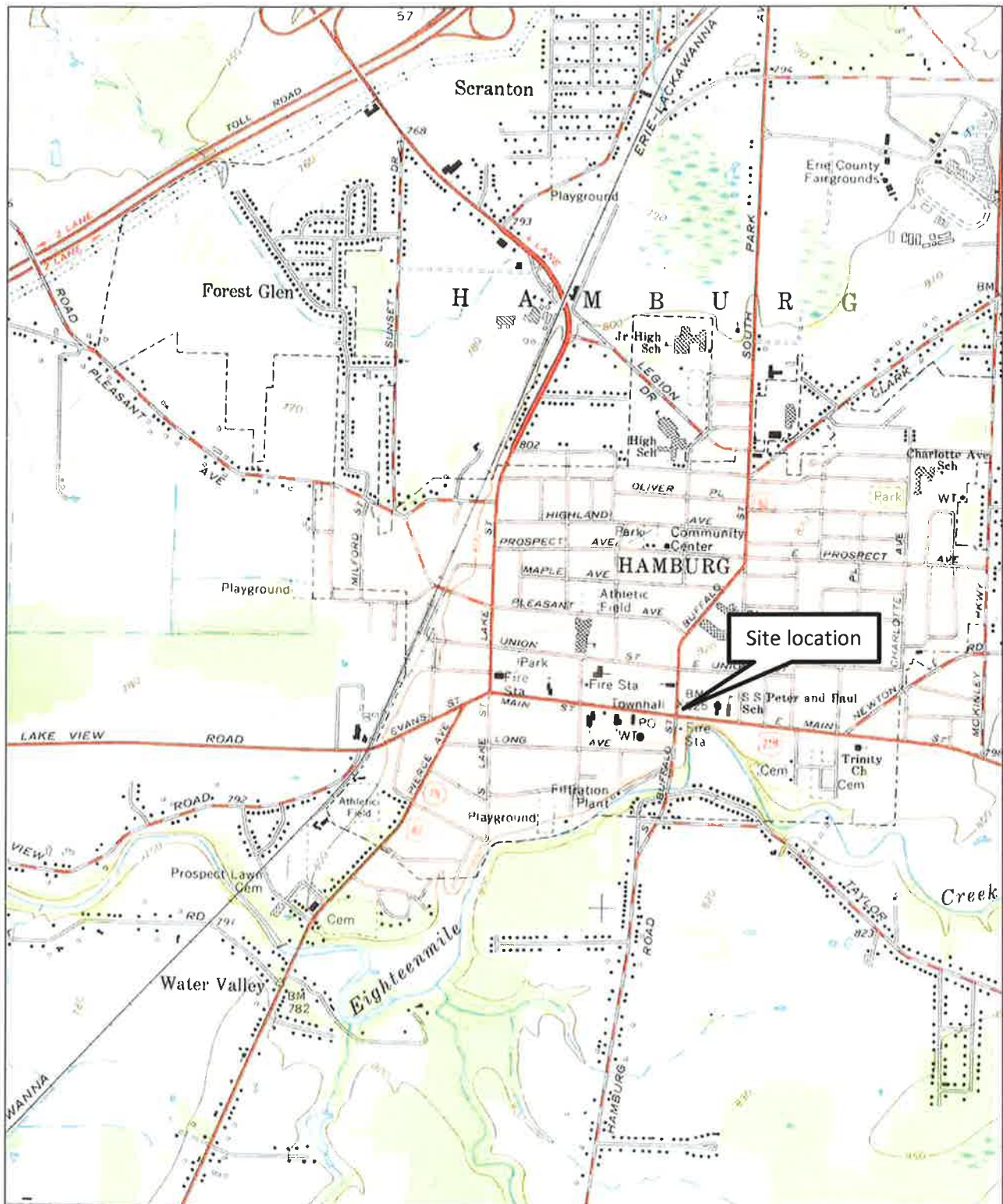
impacts of any changes in environmental standards, practices, or regulations subsequent to the performance of services.

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.

N:\2017\17NY034 One Buffalo Site Management\5 - Project Deliverables\2017 Report\Periodic Review Report - 2017.docx

FIGURES



SITE LOCATION MAP



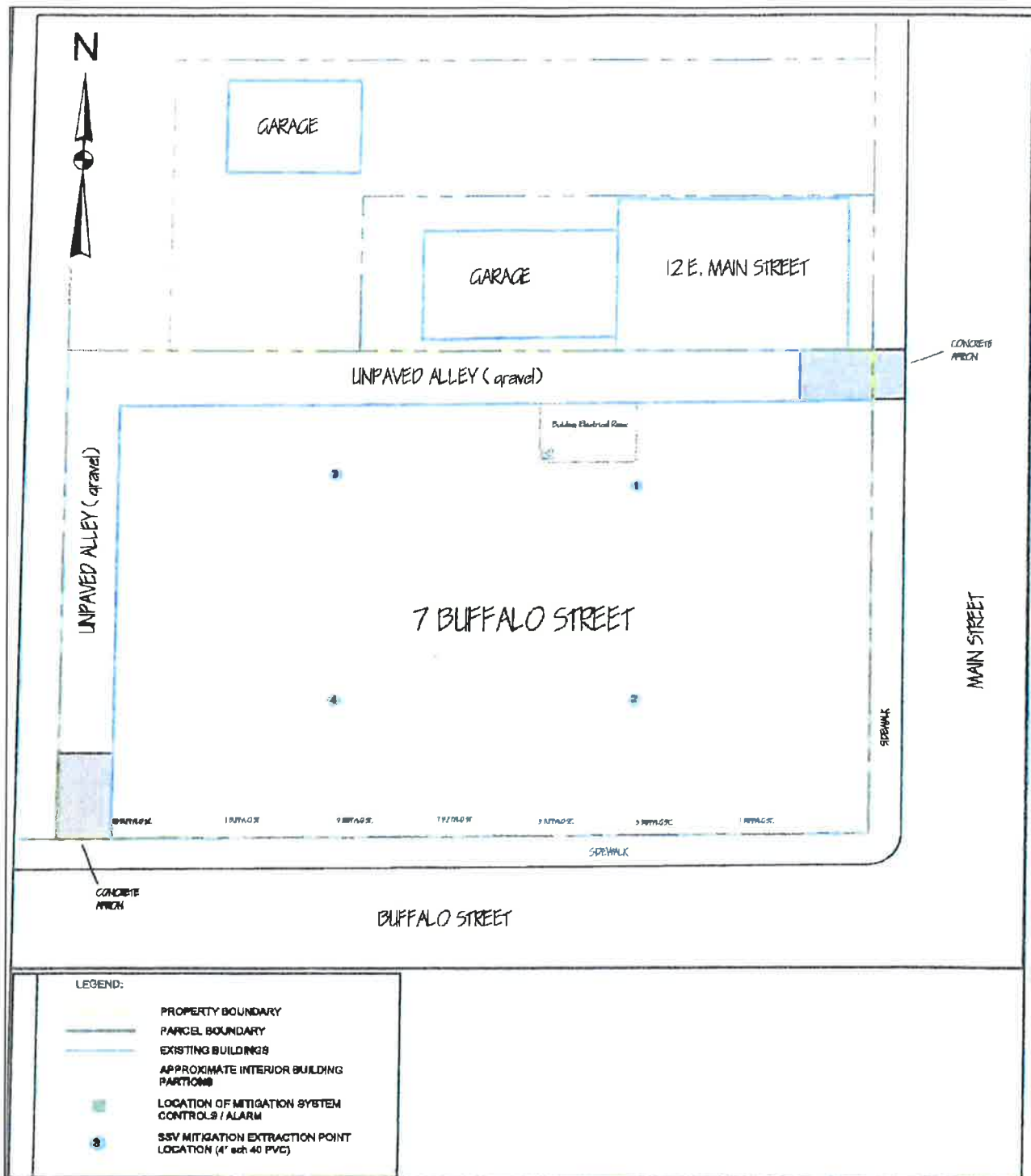
ONE BUFFALO STREET
HAMBURG, NEW YORK

PROJECT NO. 17NY034

SCALE: 1 INCH = 1250 FEET

DATE: FEBRUARY 2017

FIGURE NO. 1



SITE PLAN



ONE BUFFALO STREET
HAMBURG, NEW YORK

PROJECT NO. 17NY034

NOT TO SCALE

DATE: FEBRUARY 2017

FIGURE NO. 2

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

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:deg
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

APPENDIX B
PHOTOGRAPHS



Photograph 1 – Northern SSV Mitigation Roof Fan



Photograph 2 – Southern SSV Mitigation Roof Fan



Photograph 3 – Unpaved Alleyway (North of the Building Looking West)



Photograph 4 – Unpaved Alleyway (West of the Building Looking North)



Photograph 5 – Building Exterior (Buffalo St. Looking East)



Photograph 6 – Building Exterior (Corner of One Buffalo St. & E. Main St.)



Photograph 7 – Interior (The Atrium)



Photograph 8 – Tenant Spaces



Photograph 9 – Sealed Sump in Building Basement



Photograph 10 – Sealed Sump in Building Basement



Photograph 11 – SSV Mitigation System Controls and Monitoring Equipment

APPENDIX C
NYSDEC INSTITUTIONAL AND 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. V00659

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: January 01, 2015 to January 01, 2017

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/ECs 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

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.

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/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 VALENTINO T. BATES at KHEOPS 300 Pearl St, Buffalo, NY 14202 Suite 100
print name print business address

am certifying as a Qualified Environmental Professional for the Owner- One Buffalo St.
(Owner or Remedial Party)



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



Stamp
(Required for PE)

2/28/17

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 VALENTINO T. BATES at KHEOPS 300 Pearl St., Buffalo, NY 14202 Suite 100
print name print business address

am certifying as Designated Representative (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

2/28/17
Date