



**SECURE STORAGE
BUFFALO**

P: 716-462-8997 F: 716-662-6680

A: 31 Tonawanda St, Buffalo, NY 14207

E: csb@securestorage.org W: www.securestorage.org

August 18, 2022

Honorable Robert J. Rodriguez
Secretary of State
New York State Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

RECEIVED

AUG 22 2022

**NYS DEPARTMENT OF STATE
PLANNING AND DEVELOPMENT**

Re: Request for Determination and Certificate of Conformance for the 31 Tonawanda Street, LLC Brownfield Project located within the Tonawanda Street Corridor Brownfield Opportunity Area, City of Buffalo, Erie County

Site No: C915299
Street Address: 31 Tonawanda Street
150 Tonawanda Street

Dear Sir;

I am the owner, developer and general contractor for the above-referenced project. I respectfully request a determination of conformance that the project is located in the City of Buffalo, Erie County, Tonawanda Street Corridor Brownfield Opportunity Area. If determined that the project is located within the BOA, please send a Certificate of Conformance so that we may claim an increase in the allowable tangible property tax credit component with the New York State Tax department.

Should you need further information regarding the above, please do not hesitate to contact the undersigned.

Sincerely,

31 Tonawanda St. LLC


John F. Ruh
Secure Storage of Buffalo
jack@ruh.net
716-923-3534



Office of Planning and Development

New York State
Department of State
Office of Planning and Development
One Commerce Plaza
99 Washington Avenue
Albany, NY 12201-2001
(518) 474-6000
www.dos.ny.gov

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an "eligible taxpayer", must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? ☒ YES or ☐ NO

Name of Requestor: John (Jack) Ruh for 31 Tonawanda Street, LLC

Address: 124 Meadow Road

Orchard Park, NY 14127

Phone: 716-923-3534

Email: jack@ruh.net

Name and Contact Information of Authorized Representative (if different):

NA

Name and Contact Information of Property Owner (if different):

NA

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: C915299

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: 11/1/2017

The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Provide date of the Final Decision Document: May 20, 2020
(Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
☒ YES (If yes, date of COC: 12/22/2020) or ☐ NO

Section 3: Property Information

A. Proposed Project Name: 31 Tonawanda Street LLC

B. Address/Location: 31 Tonawanda Street, 150 Tonawanda Street
City/Town/Village and Zip: Buffalo 14207
Municipality(ies): Buffalo
County(ies): Erie

C. Size of Site to be Developed (acres): 2.74

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.
88.42-2-4.21, 88.58-1-1

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: Tonawanda Street Corridor

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.
Buffalo, Erie County

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?
☒ YES or ☐ NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

	Strategic Site Information	BOA Nomination Page(s)
1	31 Tonawanda St Scajaquada Creek	pg. 103
2	*note: 150 Tonawanda is not in a SS. (Both properties were under 1 BCP)	---
3		
4		

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 5: Project Information

- A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

See Attachment #1

-
- B. List of maps and documents attached to the application: (Refer to instructions DOS-2045-INST.)

☒ Property base map

☒ Site plan

☒ Renderings

☐ Other (Describe: see Attachment #2 for all items requested for 5B)

Attachment 1

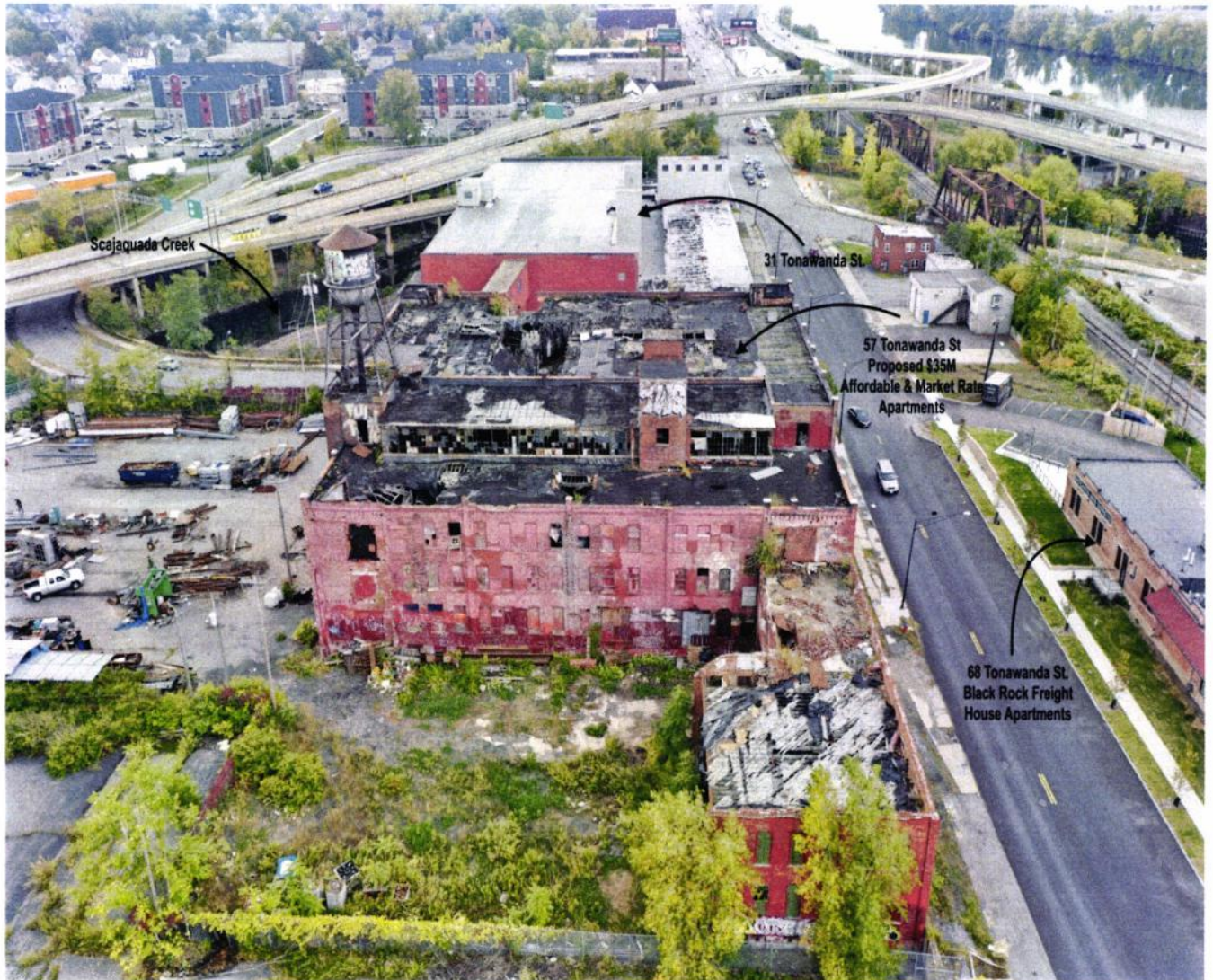
Section 5: Project Information

The 31 Tonawanda St. LLC BCP site consists of two separate parcels on Tonawanda St. in the Black Rock section of the City of Buffalo: 31 Tonawanda St. and 150 Tonawanda St.

- The **31 Tonawanda St** property is a 1.86-acre property on the East side of Tonawanda St, bordering Scajaquada Creek with a 115,000 square foot irregularly shaped building.
 - This building had been in regular use for manufacturing since 1906 by Fedders Radiators
 - The building had been vacant since 2005
 - The property is zoned light industrial/commercial
- The **150 Tonawanda St** property is a 0.95-acre vacant parcel on the West side of Tonawanda St. approximately 0.1 miles to the North of 31 Tonawanda St.
 - This property has been associated with rail operations since the mid-late 1800's
 - The property is zoned light industrial/commercial
 - Since the rail lines were removed – unclear on date – it has been a vacant lot and dumping ground for hard building waste: e.g., cinder block, wood, tires, concrete
- Both properties were accepted – as one project - into the NYS Brownfield program in November, 2017
 - Work began in the Spring 2019 and continued throughout the Covid-19 months
 - \$2.1M was spent on the Brownfield clean-up of both sites
 - \$8.5M additional was spent on tangible cost at both sites.
 - A Certificate of Occupancy was received for 150 Tonawanda St. on August 6, 2021
 - A Certificate of Occupancy was received for 31 Tonawanda St. on July 27, 2022
- **150 Tonawanda St.** is now a first class, fully fenced, gated and secure standard storage facility consisting of 106 units.
- **31 Tonawanda St.** is now a state-of-the-art climate controlled self-storage facility consisting of:
 - 724 climate-controlled storage units on 3 floors and a basement
 - 2 new elevators
 - 1 drive through and 1 fully enclosed loading/unloading areas
 - 1 managers apartment
 - 30,000 square feet of additional light manufacturing/commercial space for lease
- Additional neighboring projects: finished and planned: - **(Figure 1)**
 - **68 Tonawanda St.** Black Rock Freight House Apartments
 - ~ 28 apartments on the East Side of Tonawanda St.
 - Completed and fully occupied since ~2020
 - **57 Tonawanda St.**
 - Proposed \$35M conversion of another Fedders Radiator building into affordable and market rate apartments.

Figure 1

31 Tonawanda St.
57 Tonawanda St.
68 Tonawanda St.





Carmina Wood Morris



SECURE STORAGE

SECURE STORAGE
31 Tonawanda Street
Buffalo, NY 14207
January 8, 2020

EXTERIOR RENDERING





31 Tonawanda St. – indoor climate control storage units

Pre-Development
2019

Finished/Current
2022



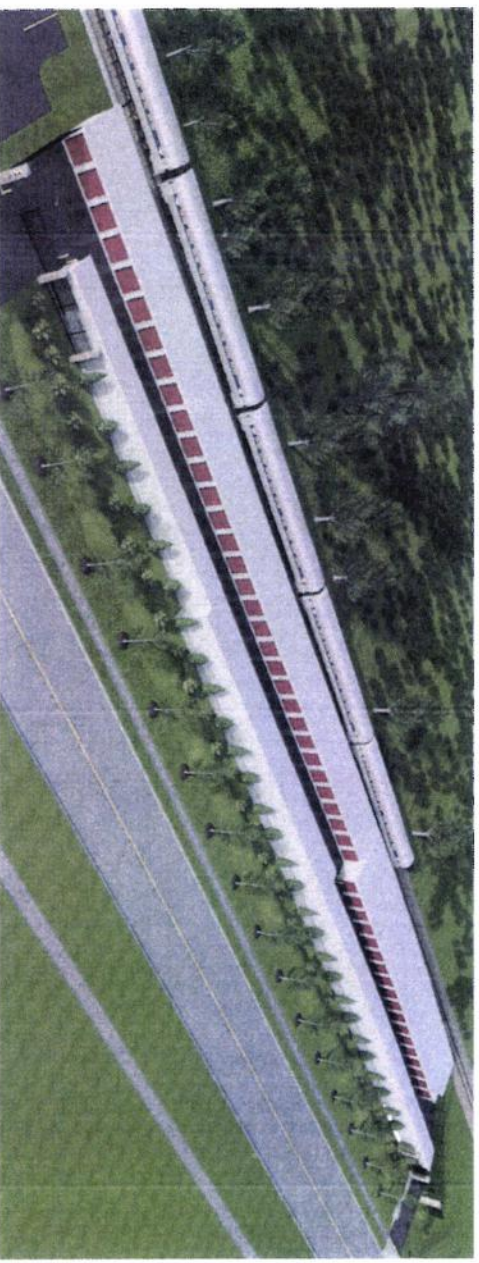


150 Tonawanda St. – Drive Up Standard Storage Units

Pre-Development
2019



Finished/Current
2022



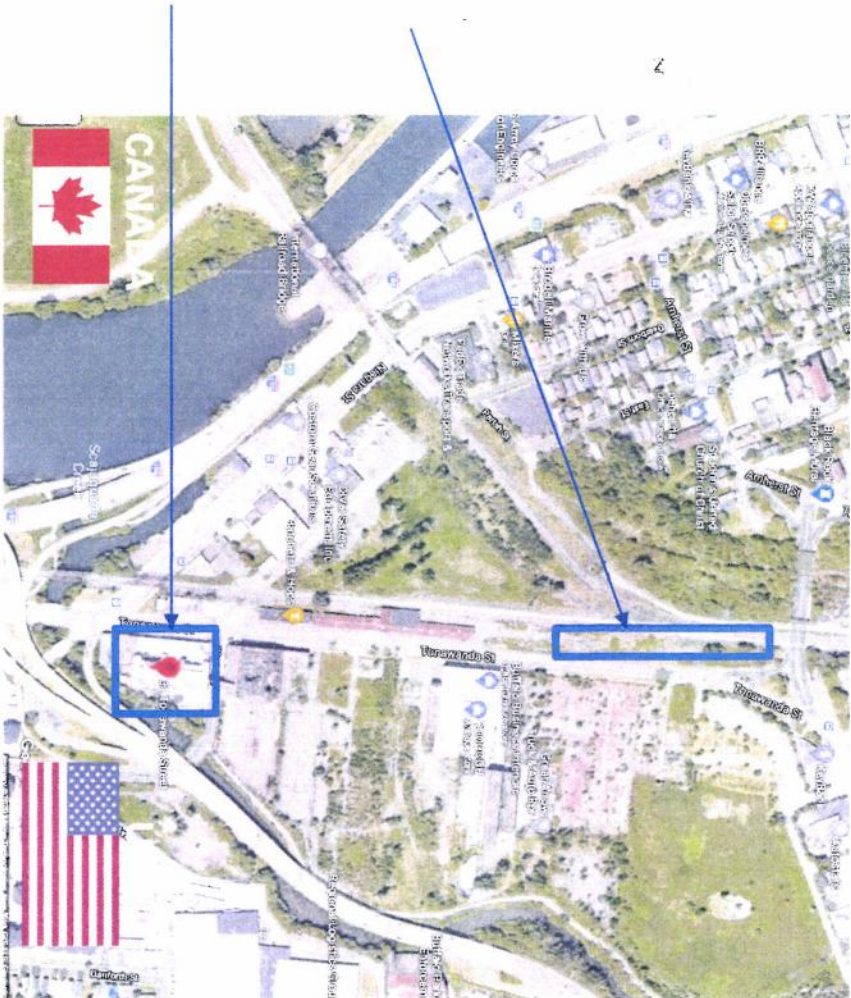


Aerial of Existing Sites

The project consists of approximately 0.95 acres of industrial land and a single 140,000 sq. ft. building

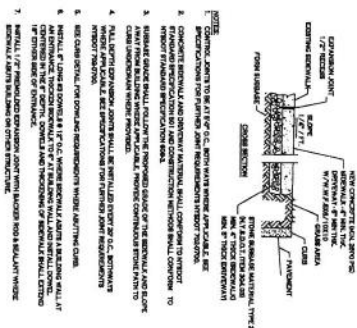
150 Tonawanda St.

31 Tonawanda St.





CONCRETE SIDEWALK - 3



- [illegible]

**Carmilna
Wood
Morris**
447 Lake Street, Suite 200
Boulder, CO 80501
Phone: 303.440.1400
Fax: 303.440.0888
E-Mail: info@carmilna.com

PRELIMINARY
NOT FOR CONSTRUCTION
01.07.2000

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 6. Project Conformance to Criteria

- A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

See Attachment #3

-
- B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

See Attachment #4

Attachment 3

Section 6A: Project Conformance to Criteria

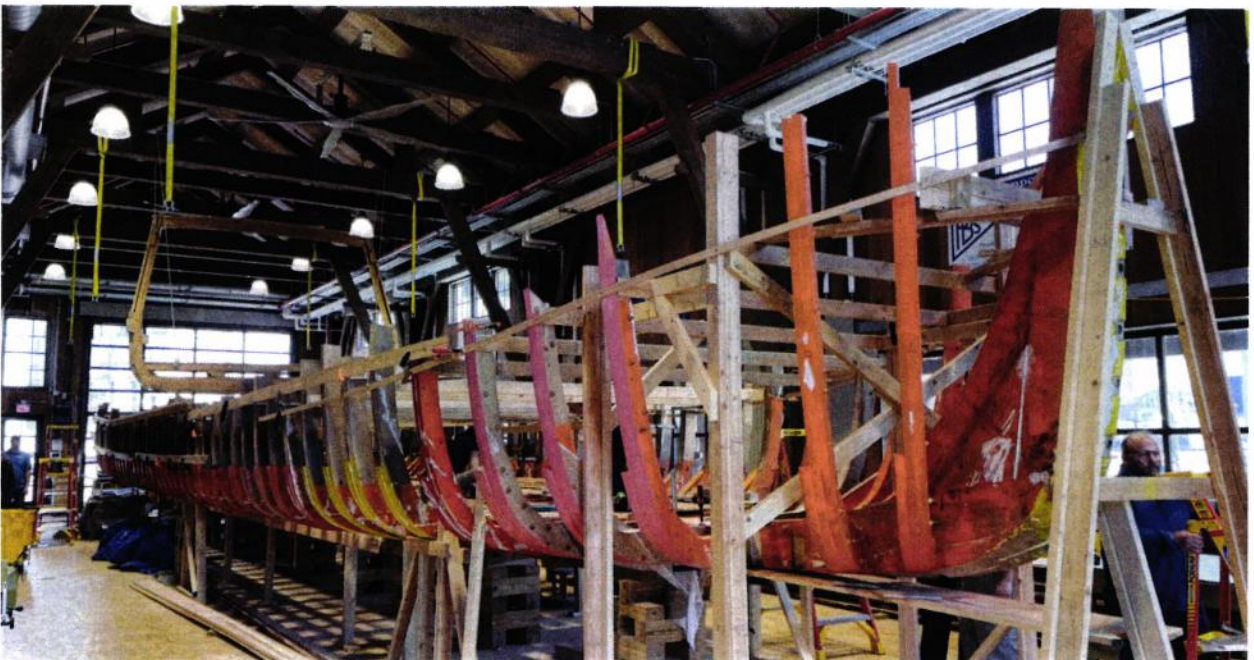
- The **Tonawanda Street Corridor BOA** is intended to:
 - *“...Initiate, prioritize, and guide land remediation and redevelopment by identifying economic, social and cultural opportunities”*. (pg. 15 TSC BOA)
 - *“...must be guided with broad-based community, municipal and state support”* (pg. 1 TSC BOA)
 - From the beginning, this project was supported by North District Councilman Joseph Golombek. Vacant for nearly 20 years, multiple different projects had been proposed but never came to fruition. Along with the Councilman, the I met multiple times with the Black Rock & Riverside Block Club and worked in concert with the community to keep them informed and involved.
 - *“...pursue both environmental enhancement and sustainable development”* (pg. 1 TSC BOA)
 - **31 Tonawanda St.**
 - The 115,000 sq. ft. building at 31 Tonawanda St. was a 70+-year contaminated industrial site that was 30 feet from Scajaquada Creek. Testing showed contaminated ground water leeching from the building into the creek. Remnants of chlorinated cleaning solvents were found throughout the building and posed a continuing vapor hazard to any future occupancy. The cleanup was a combination of SSDS systems in the building, anerobic bacterial injection into the ground for ground water contamination, removal/disposal of impacted soils and cut and cover where indicated.
 - 550’ of the bank of Scajaquada Creek, that borders the property, was also cleared of invasive species and River Birch trees and a grassy berm were installed.
 - **150 Tonawanda St.**
 - The cleanup of this nearly 1-acre abandoned railroad site which had been used as a dumping ground for industrial waste – concrete, wood, railroad ties, refrigerators was one of the many suggestions that came from the community.
 - The site also served to enhance our immediate next-door neighbors: the 1-year-old Black Rock Freight House Apartments at 68 Tonawanda St. (another TSC BOA project).
 - *...generate employment opportunities and tax revenues that are balanced with strengthening neighborhoods, preserving industrial heritage and improving habitats and watershed ecology.* (pg. 15 TSC BOA)

- In summary, the cleanup of both of these sites goes directly to this stated BOA goal.
 - In addition to the self-storage use of the building, 30,000 square feet is available for lease to small businesses. For the past 18 months, the Buffalo Maritime Center has used this space (free to them) for storing wood that they are using to rebuild an exact replica of a 73' Erie canal boat – *Seneca Chief*. This boat will be finished in time for the 2025 Bi-Centennial celebration of the opening of the Erie Canal. **(Figure 2)**
 - Though no longer used as an industrial building, one of the 3 main 1906 Fedders Radiator buildings is no longer at risk for demolition.
 - Not a week after we finished this creek bank mitigation, I saw a fellow fishing from shore. That made all the work involved worth it.
 - Our manager at 31 Tonawanda St. tells numerous stories of locals stopping in and complimenting us on how nice the building looks. "We watched it for years while you worked on it." It doesn't get any better than that.

Figure 2



Replica of the Seneca Chief



Work on Seneca Chief at Buffalo Maritime Center

Attachment 4

Section 6B: Project Conformance to Criteria

- The **Tonawanda Street Corridor BOA** states that
 - *"The Implementation Strategy expands on previous planning efforts for the BOA, and provides recommendations for three strategic locations. A number of parcels through-out the BOA are owned by the city, and have sufficient environmental information regarding existing conditions for prospective buyers. However, most of the land is privately held, so that the assessment and remediation at these sites will be done at the discretion of individual owners." (pg.13 TSC BOA)*
 - The density and configuration of the project at 31 & 150 Tonawanda St. is in line with the stated community goals of the BOA as it:
 - compliments closely located projects – **Figure 3 & 3A: Tonawanda Street Corridor BOA map**
 - 57 Tonawanda St
 - 68 Tonawanda St
 - 150 Tonawanda St.
 - 31 Tonawanda St.
 - rebuild and restore vacant buildings and land in concert with the **goals of the community**
 - *"desire for cleaner economy....and new linkages – green and otherwise -within neighborhoods"*
 - *"support for proposals to improve safety and security"*
 - *"significant opposition to the development of an industrial precinct"*
 - *"housing infill concepts were seen as means to reweave the fabric of the overall district.*
 - *"very strong support for environmental improvements to Scajaquada Creek"*
 - (pg. 10 TSC BOA)
- In summary, the density and configuration of the project at 31 and 150 Tonawanda St. is consistent with the objectives and priorities for investment in the area as stated in the BOA plan. It was done by an individual owner; it is contiguous to other completed and proposed projects and it meets many of the needs/goals proposed by the community.

Figure 3



Four properties in the Tonawanda Street Corridor BOA

Map 2.2 Aerial view



The Brownfield Opportunity Area Program Determination of Conformance Application Form

- C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

See Attachment #5

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent.
(Attach proof of delivery as per instructions DOS-2045-INST.)

Municipality	Mailing Address	Date Application Sent
City of Buffalo	Councilman Joseph Golombek, Jr. North District 65 Niagara Square Rm 1502 Buffalo NY 14202	8-10-2022
Erie County	Mr. Daniel Castle Erie County Department of Environment and Planning 95 Franklin St. 10 th Floor Buffalo, NY 14202	8-10-2022
City of Buffalo	Mr. Brendan Mehaffy Mayor's Office of Strategic Planning 65 Niagara Square Room 901 Buffalo NY 14202	8-10-2022

Attachment 5

Section 6C: Project Conformance to Criteria

- The **Tonawanda Street Corridor BOA** states that:
 - *"The consultant team and city used the community's feed-back on the alternative scenarios to develop land use and zoning recommendations for implementation under the city's proposed **Green Code**. In addition to the public input received during the BOA process, nearly 1,000 residents attended Green Code meetings that were held throughout the city".*
 - *"The resulting land use and zoning recommendations reflect this input, along with the city's existing and desired development character, and market trends that are driving investment. The land use and zoning recommendations proposed for the BOA will provide guidance for the next 20 years. These designations generally offer more flexibility than the existing zoning. The **Green Code** is designed to lay the foundation for future development, so that the market can determine what investments make sense and where, within the parameters agreed upon by the community."*
 - *"It is expected that this approach will be more adaptable and encourage **greater levels of private investment**. The result of this planning process will be a BOA that truly balances employment, recreational, and natural uses."*
 - (pg.11 TSC BOA)
 - At 31 Tonawanda St. we complied with the City of Buffalo **Green Code** in regards to no storage at street level. The Green Code calls for commercial space on the 1st. floor to encourage a more pedestrian friendly access, storefront approach to development.
 - 40,000 sf of the first-floor level is at street level
 - Approximately 8,000 sf is used for the our office, a managers apartment and the drive-through area for customers to load/unload.
 - At 150 Tonawanda St. there were no special zoning issues as it was vacant land and the proposed use met all zoning requirements

John F. Ruh
31 Tonawanda St. LLC
Secure Storage of Buffalo
124 Meadow Rd
Orchard Park, NY 14127
jack@ruh.net
716-923-3534

August 10, 2022

Mr. Daniel Castle
Erie County Department of Environment and Planning
95 Franklin St 10th Floor
Buffalo, NY 14202

RE: Brownfield Opportunity Area Program Determination of Conformance Application
31 and 150 Tonawanda Street

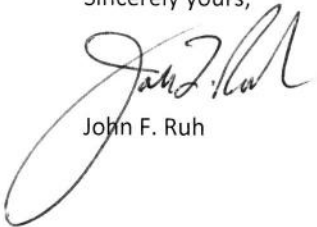
Mr. Castle,

I am sending your office a copy of the application noted above. It is a requirement of the NYS Department of State that I submit this to your office and receive back a USPS Return Receipt Requested before I can submit it to NYSDOS.

This application is in regard to the property at 31 and 150 Tonawanda St. that was successfully entered into the NYS Brownfield Cleanup Program. The Certificate of Completion for this BCP project was received by us in December 2020. Both 31 and 150 have current Certificates of Occupancies.

If you have any questions, please contact me personally.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John F. Ruh", written over a large, stylized loop.

John F. Ruh

John F. Ruh
31 Tonawanda St. LLC
Secure Storage of Buffalo
124 Meadow Rd
Orchard Park, NY 14127
jack@ruh.net
716-923-3534

August 10, 2022

Councilman Joseph Golombek, Jr.
North District
65 Niagara Square Rm 1502
Buffalo, NY 14202

RE: Brownfield Opportunity Area Program Determination of Conformance Application
31 and 150 Tonawanda Street

Councilman Golombek,

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John F. Ruh

John F. Ruh
31 Tonawanda St. LLC
Secure Storage of Buffalo
124 Meadow Rd
Orchard Park, NY 14127
jack@ruh.net
716-923-3534

August 10, 2022

Mr. Brendan Mehaffy
Mayor's Office of Strategic Planning
65 Niagara Square Rm 901
Buffalo, NY 14202

RE: Brownfield Opportunity Area Program Determination of Conformance Application
31 and 150 Tonawanda Street

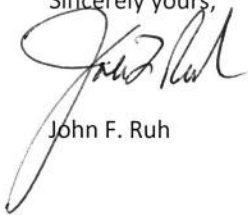
Mr. Mehaffy,

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Sincerely yours,

A handwritten signature in black ink, appearing to read 'John F. Ruh', is written over the typed name.

John F. Ruh

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☐ Adult Signature Restricted Delivery \$0.00
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Sent To
 Councilman Joseph Golombek
 Street and Apt. No., or PO Box No.
 65 Niagara Sq. Room 1502
 City, State, ZIP+4®
 BUFFALO, NY 14202

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
 7020 3160 0001 4796 6905

PS Form 3811, July 2020 PSN 7530-02-000-9053

SECTION ON DELIVERY

Printed Name) C. Date of Delivery

Address different from item 1? ☐ Yes
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 Mayor's Office of Strategic Planning
 Street and Apt. No., or PO Box No.
 attn: Brandon Mehoffy
 City, State, ZIP+4®
 69 Niagara Square Room 901 Buf NY 14202

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
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 Buffalo, NY 14202

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☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
 Postage \$2.64
 Total Postage and Fees \$9.89

Sent To
 Erie County Dept of Environment & Planning
 Street and Apt. No., or PO Box No.
 attn: Don Castle 95 FRANKLIN ST 10th Floor
 City, State, ZIP+4®
 BUFFALO NY 14202

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
 7020 3160 0001 4796 6905

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 delivery address below: ☐ No

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☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: 

Print Name: John F. Ruh

Date: August 19, 2022

(By a requestor other than an individual)

I hereby affirm that I am NA (title)

of _____ (entity);

that this application was prepared by me or under my supervision and direction. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Robert J. Rodriguez
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 22, 2020

Mr. Jack Ruh
c/o 31 Tonawanda Street, LLC
124 Meadow Road
Orchard Park, NY 14127

Re: Certificate of Completion
31 Tonawanda Street
Site No. C915299
Buffalo, Erie County

Dear Mr. Ruh:

Congratulations on having satisfactorily completed the remedial program at the 31 Tonawanda Street BCP Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Glenn M. May, PG
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203

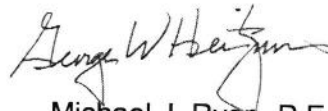


Department of
Environmental
Conservation

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2022.

If you have any questions regarding any of these items, please contact Mr. Glenn M. May at 716-851-7220.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

J. Brydges – BE3, jbrydges@be3corp.com
 C. Slater – The Slater Law Firm, cslater@cslaterlaw.com
 C. Vooris – NYSDOH
 C. Bethoney – NYSDOH
 G. Rys - NYSDOH
 M. Gokey – NYSDTF, matthew.gokey@tax.ny.gov
 P. Takac – NYSDTF, paul.takac@tax.ny.gov

ec w/o enc.:

G. May - NYSDEC
 S. Radon - NYSDEC
 M. Cruden - NYSDEC
 J. Dougherty – NYSDEC
 K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

31 Tonawanda Street, LLC

Address

124 Meadow Road, Orchard Park, NY 14127

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/5/17

Agreement Execution: 11/1/17

Agreement Index No.: C915299-08-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C915299

Site Name: 31 Tonawanda Street

Site Owner: 31 Tonawanda Street, LLC

Street Address: 31 Tonawanda Street

150 Tonawanda Street

Municipality: Buffalo

County: Erie

DEC Region: 9

Site Size: 2.740 Acres

Tax Map Identification Number(s): 88.42-2-4.21, 88.58-1-1

Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book 11365 Page 6056.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: December 22, 2020

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

31 Tonawanda Street, Site ID No. C915299
31 and 150 Tonawanda Street, Buffalo, Erie County, New York, 14207
Buffalo, Erie County, Tax Map Identification Numbers 88.42-2-4.21 and 88.58-1-1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 31 Tonawanda Street, LLC for parcels approximately 2.740 acres in size located at 31 and 150 Tonawanda Street in the City of Buffalo, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book: 11365, Page: 6056.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

DECISION DOCUMENT

31 Tonawanda Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915299
May 2020



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

31 Tonawanda Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915299
May 2020

Statement of Purpose and Basis

This document presents the remedy for the 31 Tonawanda Street site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 31 Tonawanda Street site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design: A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy

efficiency as an element of construction.

31 Tonawanda Street Property:

2. Excavation: Excavation and off-site disposal of all soils that exceed the restricted residential SCOs to 1-foot depth in areas where asphalt paving and concrete will be installed, and 2-foot depth in areas where a clean soil cover will be installed. In addition, petroleum impacted soils in an area approximately 20 feet long by 20 feet wide by 9 feet deep will be excavated and transported off-site for disposal. All sediment found in building trenches and drains will also be removed and properly disposed off-site.

3. Backfill: Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the design grades at the site. Any excavated material from the installation of buried utilities will be disposed of off-site at an approved facility and backfilled with clean stone and/or other approved material as set forth in 6 NYCRR Part 375-6.7(d).

4. In-Situ Groundwater Treatment: In-situ enhanced bioremediation will be employed to treat chlorinated VOCs in overburden groundwater at the southeast corner of the property including beneath the crawl space of the on-site building. The biological breakdown of contaminants through anaerobic reductive dechlorination will be enhanced by the injection of a soluble organic carbon substrate containing zero valent iron or other similar product. The method and depth of injection will be determined during the remedial design.

5. Vapor Mitigation: Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the on-site building from soil and/or groundwater. The layout and specific components of these systems will be determined during the remedial design.

Remedial Elements Common to Both the 31 and 150 Tonawanda Street Properties:

6. Cover System: A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components will include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

7. Institutional Controls: Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:

- (a) Requires the remedial party or site owner to complete and submit to the Department a

periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);

(b) Allows the use and development of the controlled property for restricted residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

(c) Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and

(d) Requires compliance with the Department approved Site Management Plan.

8. Site Management Plan: A Site Management plan is required, which includes the following:

(a) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:

- Institutional Controls: The Environmental Easement discussed in Paragraph 7 above; and
- Engineering Controls: The site cover system discussed in Paragraph 6 above, and the sub-slab depressurization systems discussed in Paragraph 5 above.

This plan includes, but may not be limited to:

- An Excavation Plan that details the provisions for management of future excavations in areas of remaining contamination;
- Descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;
- A provision for evaluating the potential for soil vapor intrusion prior to occupancy of any future buildings constructed on the site, including the provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- Provisions for the management and inspection of the identified engineering controls;
- Maintaining site access controls and Department notification; and
- The steps necessary for periodic reviews and certification of the institutional and engineering controls.

(b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- Monitoring of soil vapor, indoor air and/or sub-slab pressure testing to assess the performance and effectiveness of the sub-slab depressurization systems, and groundwater monitoring to assess the effectiveness of in-situ groundwater treatment. Enhancements to the sub-slab depressurization systems and additional groundwater injections will be completed as necessary;
- A schedule of monitoring and frequency of submittals to the Department;
- Monitoring for vapor intrusion for any future buildings constructed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

05/20/2020

Date

Michael Cruden

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

31 Tonawanda Street
Buffalo, Erie County
Site No. C915299
May 2020

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

DECInfo Locator - Web Application
<https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C915299>

Riverside Branch Library
820 Tonawanda Street
Buffalo, NY 14207
Phone: 716-875-0562

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:

The 31 Tonawanda Street Site consists of two separate parcels on Tonawanda Street in the Black Rock section of the City of Buffalo. The 31 Tonawanda Street property is located on the east side of Tonawanda Street and is 1.86 acres in size. The 150 Tonawanda Street property is located on the west side of Tonawanda Street and is 0.92 acres in size.

The 31 Tonawanda Street property is bordered by Scajaquada Creek to the east; the Scajaquada Expressway off ramp and Scajaquada Creek to the south; Tonawanda Street, vacant buildings and a rail line to the west; and the 57-71 Tonawanda Street BCP Site (Site No. C915024), which includes the Class 3 Fedders Automotive Site (Site No. 915024), to the north. The New York State Thruway and the Black Rock Canal are located about 0.25 miles southwest of this property.

The 150 Tonawanda Street property is bordered by a rail line and vacant undeveloped industrial and commercial properties to the west; vacant property owned by the City of Buffalo to the north; Tonawanda Street, mostly vacant commercial and industrial properties, and Scajaquada Creek to the east; and the 68 Tonawanda Street BCP Site (Site No. C915316) to the south.

Site Features:

The 31 Tonawanda Street property contains an irregularly shaped, approximately 115,000 square foot building that occupies the majority of the property. The only green space is located along Scajaquada Creek on the east side of the property. The creek bank at the rear of the property is lined by a concrete retaining wall and large stone rip-rap on the creek side of the wall. The 150 Tonawanda Street property is vacant.

Current Zoning and Land Use:

Both properties are currently zoned for commercial use. The building at 31 Tonawanda Street is currently vacant. The 150 Tonawanda Street property is vacant and contains no structures. Surrounding properties are zoned for commercial and industrial use and are mostly vacant. Residential properties are located approximately 740 feet west of the 150 Tonawanda Street property and approximately 380 feet southeast of the 31 Tonawanda Street property. The future use for both properties is storage with the 31 Tonawanda Street property also containing a residential unit.

Past Use of the Site:

In the late 1800s, the United States Electric Light and Power Company of Buffalo (later called

the Buffalo General Electric Company) had a plant for arc lighting on the southern portion of the 31 Tonawanda Street property while the Thompsons Shingle Mill was located on the northern portion. The electric company was an experimental station of the National High Temperature Furnace Company.

In 1907 the Fedders Manufacturing Works was located at 55-59 Tonawanda Street. Available information indicates that the initial plant was a 3-story building located at 55 Tonawanda Street. A major building expansion took place in 1910. By 1914 the company was known as the Fedders Manufacturing Co., Inc., with another major expansion occurring in 1915. A 1916 Sanborn map shows the company at 31 Tonawanda Street, but it is uncertain when use of that property began.

Initially, Fedders made milk cans, kerosene tanks for the Standard Oil Co., and bread pans for the National Biscuit Co. Later, Fedders converted the plant to make radiators for automobiles. During World War I the company also made radiators for airplanes and manufactured appliances for heating and electrical refrigeration. During World War II, Fedders received contracts to make links and clips for machine-gun belts and rifle bullets. In the late 1940s through the 1960s, Fedders made room air conditioners and electric water coolers, heaters, radiators, radiator cores, home radiators, convectors, hot-water boilers and women's handbag frames, as well as heat-transfer equipment, including convectors, condensers, evaporators, and dehumidifiers. By 1990 the company was sold to FEDCO who manufactured automobile heating equipment. Manufacturing operations at the facility ceased in June 2005 and the property was sold to Black Rock Trade Center, Inc. later that year.

The Fedders Manufacturing Company had a history of using various chemicals, oils, solvents and other materials in their manufacturing processes. Processes at the property included metal stamping, soldering, brazing, welding, painting, acid washing and degreasing. Industrial wastes were reported to include solder dross, degreasing still bottoms including trichloroethene (TCE) and tetrachloroethene (PCE), and petroleum-based lubricating fluids.

The 150 Tonawanda Street property has been associated with rail operations since the mid-late 1800s. By the late 1800s the property contained freight platforms and separate freight depots. As a freight depot, much of the raw and manufactured products that supported the surrounding industry and residential community were on/off loaded to/from freight trains. By 1916 the freight house building was located on the adjacent southern parcel (68 Tonawanda Street) and rail lines extended across the 150 Tonawanda Street property.

In May 2011, a Phase I Environmental Site Assessment (ESA) was completed on the 31 Tonawanda Street property. This was followed by the completion of a Phase II ESA in September 2014, and a Limited Sub-Slab Soil/Subsurface Assessment in March 2015. These ESAs documented the presence of volatile organic compounds (primarily chlorinated solvents), semi-volatile organic compounds (primarily polycyclic aromatic hydrocarbons or PAHs), and metals at concentrations that exceeded the restricted residential soil cleanup objectives (SCOs). Pesticides were also detected but at concentrations below the restricted residential SCOs. Polychlorinated biphenyls (PCBs) were not detected.

In February 2013, a Phase I ESA was completed on the 150 Tonawanda Street property. This was followed by the completion of a Phase II ESA in February 2016. These ESAs documented the presence of semi-volatile organic compounds (primarily PAHs), and metals at concentrations that exceeded the restricted residential soil cleanup objectives (SCOs). Pesticides and PCBs were also detected but at concentrations below the restricted residential SCOs.

Site Geology and Hydrogeology:

At the 31 Tonawanda Street property, fill material exists throughout the property at depths generally less than 3 feet along Tonawanda Street and up to 18 feet near Scajaquada Creek. The fill material consists mainly of black sandy gravel fill along Tonawanda Street and foundry sand, wood, brick and cement intermixed with silty clay near Scajaquada Creek. Native brown clay or silty clay underlies the fill material. This soil is stained black near Scajaquada Creek. At the 150 Tonawanda Street property, fill material exists throughout the property at depths ranging from 3 to 8 feet. The fill material consists mainly of black sandy fill mixed with brown soil, concrete, brick and other debris. Native brown clay underlies the fill material.

Bedrock was not encountered at either property; however, at the nearby Iroquois Gas/Westwood Pharmaceutical Site (Site No. 915141A) depth to bedrock ranges from 72.3 to 89.2 feet below ground surface (bgs).

Depth to groundwater at the 150 Tonawanda Street property ranged from 5.5 to 9.3 feet, and from 5.2 to 13.3 feet at the 31 Tonawanda Street property. Overburden groundwater flow is to the southeast toward Scajaquada Creek.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, alternatives (or an alternative) that restrict(s) the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement are Volunteer(s). The Applicant(s) do not have an obligation to address off-site contamination. The Department has determined that this site poses a significant threat to human health and the environment and there are off-site impacts that require remedial activities; accordingly, enforcement actions are necessary.

The Department will seek to identify any parties (other than the Volunteer(s)) known or

suspected to be responsible for contamination at or emanating from the site, referred to as Potentially Responsible Parties (PRPs). The Department will bring an enforcement action against the PRPs. If an enforcement action cannot be brought, or does not result in the initiation of a remedial program by any PRPs, the Department will evaluate the off-site contamination for action under the State Superfund. The PRPs are subject to legal actions by the State for recovery of all response costs the State incurs or has incurred.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- air
- groundwater
- soil
- indoor air
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see:

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

trichloroethene (TCE)	tetrachloroethene (PCE)
1,1,1-Trichloroethane (TCA)	copper
cis-1,2-dichloroethene	polycyclic aromatic hydrocarbons (PAHS),
1,1-dichloroethane	total
vinyl chloride	arsenic
1,1-dichloroethene	lead
1,4-dioxane	

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil
- soil vapor intrusion
- indoor air

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

During the Environmental Site Assessments completed at this site and the Remedial Investigation completed in 2018, samples for analysis were collected from surface fill, shallow fill, subsurface fill, sub-slab soil vapor, indoor air, outdoor air, and groundwater. Samples of surface fill (0-2 inch depth) and shallow fill (0-3 feet depth) were analyzed for semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and metals.

Samples of subsurface fill (3-15 feet depth) were analyzed for volatile organic compounds (VOCs), SVOCs, pesticides, PCBs and metals. Groundwater samples were analyzed for VOCs, SVOCs, pesticides, PCBs, metals, per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane. Sub-slab soil vapor, indoor air and outdoor air samples were analyzed for VOCs. These investigations determined that the chlorinated VOCs (trichloroethene (TCE), trichloroethane (TCA), cis-1,2-dichloroethene (DCE), dichloroethane (DCA) and vinyl chloride (VC)), select metals, and polycyclic aromatic hydrocarbons (PAHs) were the primary contaminants of concern at the site.

Surface Fill:

No surface fill samples (0-2 inch depth) were collected from the 31 Tonawanda Street property, while three (3) surface fill samples were collected from the 150 Tonawanda Street property. These samples were analyzed for SVOCs, pesticides, PCBs, and metals. Several SVOCs, specifically PAHs, exceeded the NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (SCOs) at the 150 Tonawanda Street property (Figure 2). These PAHs (with the number of exceedances and highest concentrations) are summarized as follows:

150 Tonawanda Street:

- benzo(a)anthracene (2 samples exceeded the 1 part per million (ppm) SCO; maximum detection 4.1 ppm);
- benzo(a)pyrene (2 samples exceeded the 1 ppm SCO; maximum detection 4.1 ppm);
- benzo(b)fluoranthene (2 samples exceeded the 1 ppm SCO; maximum detection 5.8 ppm); and
- indeno(1,2,3-cd)pyrene (2 samples exceeded the 0.5 ppm SCO; maximum detection 2.5 ppm).

Metals also exceeded the NYSDEC Part 375 Restricted Residential SCOs in surface fill at the 150 Tonawanda Street property (Figure 2). These metals (with the number of exceedances and highest concentrations) are summarized as follows:

150 Tonawanda Street:

- arsenic (1 sample exceeded the 16 ppm SCO; maximum detection 18.1 ppm);
- copper (1 sample exceeded the 270 ppm SCO; maximum detection 339 ppm); and
- lead (2 samples exceeded the 400 ppm SCO; maximum detection 639 ppm).

No concentrations of pesticides or PCBs exceeded the NYSDEC Part 375 Restricted Residential SCOs in surface fill at the 150 Tonawanda Street property.

Shallow Fill:

Four shallow fill samples (0-3 feet depth) were collected from the 31 Tonawanda Street property, while three shallow fill samples (0-1 feet depth) were collected from the 150 Tonawanda Street property. These samples were analyzed for SVOCs, pesticides, PCBs, and metals. Several SVOCs, specifically PAHs, exceeded the NYSDEC Part 375 Restricted Residential SCOs at both the 31 and 150 Tonawanda Street properties (Figures 2 and 3). These PAHs (with the number of exceedances and highest concentrations) are summarized by property as follows:

31 Tonawanda Street:

benzo(a)anthracene (3 samples exceeded the 1 ppm SCO; maximum detection 7.17 ppm);
benzo(a)pyrene (2 samples exceeded the 1 ppm SCO; maximum detection 6.37 ppm);
benzo(b)fluoranthene (3 samples exceeded the 1 ppm SCO; maximum detection 6.76 ppm);
benzo(k)fluoranthene (1 sample exceeded the 3.9 ppm SCO; maximum detection 5.41 ppm);
chrysene (2 samples exceeded the 3.9 ppm SCO; maximum detection 8.83 ppm);
dibenz[a,h]anthracene (2 samples exceeded the 0.33 ppm SCO; maximum detection 1.56 ppm); and
indeno(1,2,3-cd)pyrene (3 samples exceeded the 0.5 ppm SCO; maximum detection 4.89 ppm).

150 Tonawanda Street:

benzo(a)anthracene (3 samples exceeded the 1 ppm SCO; maximum detection 4.02 ppm);
benzo(a)pyrene (3 samples exceeded the 1 ppm SCO; maximum detection 3.89 ppm);
benzo(b)fluoranthene (3 samples exceeded the 1 ppm SCO; maximum detection 4.36 ppm);
chrysene (1 sample exceeded the 3.9 ppm SCO; maximum detection 4.32 ppm);
dibenz[a,h]anthracene (2 samples exceeded the 0.33 ppm SCO; maximum detection 0.61 ppm); and
indeno(1,2,3-cd)pyrene (3 samples exceeded the 0.5 ppm SCO; maximum detection 2.73 ppm).

No concentrations of pesticides, PCBs or metals exceeded the NYSDEC Part 375 Restricted Residential SCOs in shallow fill at either the 31 or 150 Tonawanda Street properties.

Subsurface Fill:

Twenty-two subsurface fill samples were collected from the 31 Tonawanda Street property while, six subsurface fill samples were collected from the 150 Tonawanda Street property. These samples were analyzed for VOCs, SVOCs, pesticides, PCBs, and metals. Several VOCs exceeded the NYSDEC Part 375 Restricted Residential SCOs at the 31 Tonawanda Street property (Figures 3 and 3A). These VOCs (with the number of exceedances and highest concentrations) include the following:

31 Tonawanda Street:

TCE (6 samples exceeded the 21 ppm SCO; maximum detection 7,340 ppm);
TCA (2 samples exceeded the 100 ppm SCO; maximum detection 670 ppm);
cis-1,2-DCE (4 samples exceeded the 100 ppm SCO; maximum detection 1,970 ppm);
DCA (2 samples exceeded the 26 ppm SCO; maximum detection 246 ppm);
VC (2 samples exceeded the 0.9 ppm SCO; maximum detection 30.7 ppm);
ethylbenzene (1 sample exceeded the 41 ppm SCO; maximum detection 168 ppm);
1,2,4-trimethylbenzene (1 sample exceeded the 52 ppm SCO; maximum detection 91.4 ppm); and
total xylenes (1 sample exceeded the 100 ppm SCO; maximum detection 595 ppm).

No concentrations of VOCs exceeded the NYSDEC Part 375 Restricted Residential SCOs in subsurface fill at the 150 Tonawanda Street property.

Several SVOCs, specifically PAHs, exceeded the NYSDEC Part 375 Restricted Residential SCOs in subsurface fill at both the 31 and 150 Tonawanda Street properties (Figures 2 and 3). These PAHs (with the number of exceedances and highest concentrations) are summarized by property as follows:

31 Tonawanda Street:

benzo(a)anthracene (4 samples exceeded the 1 ppm SCO; maximum detection 48.9 ppm);
benzo(a)pyrene (2 samples exceeded the 1 ppm SCO; maximum detection 47.4 ppm);
benzo(b)fluoranthene (3 samples exceeded the 1 ppm SCO; maximum detection 24.2 ppm);
benzo(k)fluoranthene (1 samples exceeded the 3.9 ppm SCO; maximum detection 25.3 ppm);
chrysene (2 samples exceeded the 3.9 ppm SCO; maximum detection 53.2 ppm);
indeno(1,2,3-cd)pyrene (3 samples exceeded the 0.5 ppm SCO; maximum detection 16.6 ppm);
phenanthrene (1 sample exceeded the 100 ppm SCO; maximum detection 142 ppm); and
pyrene (1 sample exceeded the 100 ppm SCO; maximum detection 137 ppm).

150 Tonawanda Street:

benzo(a)anthracene (5 samples exceeded the 1 ppm SCO; maximum detection 10.0 ppm);
benzo(a)pyrene (3 samples exceeded the 1 ppm SCO; maximum detection 9.7 ppm);
benzo(b)fluoranthene (5 samples exceeded the 1 ppm SCO; maximum detection 15.0 ppm);
benzo(k)fluoranthene (1 sample exceeded the 3.9 ppm SCO; maximum detection 5.5 ppm);
chrysene (2 samples exceeded the 3.9 ppm SCO; maximum detection 11.0 ppm); and
indeno(1,2,3-cd)pyrene (6 samples exceeded the 0.5 ppm SCO; maximum detection 5.4 ppm).

Metals also exceeded the NYSDEC Part 375 Restricted Residential SCOs in subsurface fill at both the 31 and 150 Tonawanda Street properties (Figures 2 and 3). These metals (with the number of exceedances and highest concentrations) are summarized by property as follows:

31 Tonawanda Street:

chromium (1 sample exceeded the 180 ppm SCO; maximum detection 202 ppm);
copper (4 samples exceeded the 270 ppm SCO; maximum detection 9,550 ppm);
lead (1 sample exceeded the 400 ppm SCO; maximum detection 876 ppm);
manganese (1 sample exceeded the 2000 ppm SCO; maximum detection 7,780 ppm); and
mercury (2 samples exceeded the 0.81 ppm SCO; maximum detection 1.34 ppm).

150 Tonawanda Street:

arsenic (3 samples exceeded the 16 ppm SCO; maximum detection 69.0 ppm).

No concentrations of pesticides or PCBs exceeded the NYSDEC Part 375 Restricted Residential SCOs in subsurface fill at either the 31 or 150 Tonawanda Street properties.

Groundwater:

Six overburden groundwater samples were collected from wells at the 31 Tonawanda Street property, while four overburden groundwater samples were collected from wells at the 150 Tonawanda Street property. These samples were analyzed for VOCs, SVOCs, pesticides, PCBs, metals, PFAS and 1,4-dioxane. Contaminants that exceeded the Department's groundwater standards (with the number of exceedances and highest concentrations) are summarized by property as follows (Figures 5 and 6):

31 Tonawanda Street:

TCE (1 sample exceeded the 5 parts per billion (ppb) Groundwater Standard; maximum detection 194 ppb);

TCA (2 samples exceeded the 5 ppb Groundwater Standard; maximum detection 188,800 ppb);

DCA (2 samples exceeded the 5 ppb Groundwater Standard; maximum detection 75,700 ppb);

1,1-DCE (1 sample exceeded the 5 ppb Groundwater Standard; maximum detection 2,510 ppb);

cis-1,2-DCE (3 samples exceeded the 5 ppb Groundwater Standard; maximum detection 37,500 ppb);

VC (2 samples exceeded the 2 ppb Groundwater Standard; maximum detection 5,080 ppb);

dieldrin (1 sample exceeded the 0.004 ppb Groundwater Standard; maximum detection 0.07 ppb);

heptachlor (2 samples exceeded the 0.04 ppb Groundwater Standard; maximum detection 0.104 ppb);

heptachlor epoxide (1 sample exceeded the 0.03 ppb Groundwater Standard; maximum detection 0.16 ppb);

PCBs (2 samples exceeded the 0.09 ppb Groundwater Standard; maximum detection 1.81 ppb);

manganese (1 sample exceeded the 300 ppb Groundwater Standard; maximum detection 547 ppb);

1,4-dioxane (3 samples exceeded the 1 ppb Groundwater Screening Level; maximum detection 5,020 ppb);

perfluorooctanoic acid (PFOA; 2 samples exceeded the 10 parts per trillion (ppt) Screening Level; maximum detection 19.2 ppt); and

perfluorooctanesulfonic acid (PFOS; 2 samples exceeded the 10 ppt Groundwater Screening Level; maximum detection 31.3 ppt).

150 Tonawanda Street:

heptachlor (2 samples exceeded the 0.04 ppb Groundwater Standard; maximum detection 0.141 ppb);

heptachlor epoxide (2 samples exceeded the 0.03 ppb Groundwater Standard; maximum detection 0.178 ppb);

PCBs (1 sample exceeded the 0.09 ppb Groundwater Standard; maximum detection 0.134 ppb); and

manganese (2 samples exceeded the 300 ppb Groundwater Standard; maximum detection 1,400 ppb).

The presence of dieldrin, heptachlor, heptachlor epoxide, and PCBs in groundwater at the 31 and 150 Tonawanda Street properties is likely related to off-site sources as these contaminants were not detected in any on-site fill samples at concentrations that exceeded the NYSDEC Part 375 Restricted Residential or Groundwater Protection SCOs. In addition, PCBs in groundwater at the 31 Tonawanda Street property were only detected in the two upgradient wells, again suggesting an off-site source. Potential off-site sources will be investigated by NYSDEC during investigation of the 31 Tonawanda Street - Off-Site Area (Site No. C915299A).

Sub-Slab Soil Vapor, Indoor Air, and Outdoor Air:

There is no building at the 150 Tonawanda Street property. Six sub-slab soil vapor samples were collected below the on-site building slab at the 31 Tonawanda Street property during the RI (Figure 4). Chlorinated VOCs detected in these samples (with the number of samples and highest concentrations) include the following:

- Tetrachloroethene (PCE) (6 samples; 2,900 micrograms per cubic meter (ug/m3));
- TCE (6 samples; 650 ug/m3);
- TCA (6 samples; 350 ug/m3);
- 1,1-DCE (1 sample; 8.2 ug/m3); and
- cis-1,2-DCE (3 samples; 0.79 ug/m3).

Five indoor air samples from the on-site building at the 31 Tonawanda Street property were collected and analyzed for VOCs (Figure 4). Chlorinated VOCs detected in these samples (with the number of samples and highest concentrations) include the following:

- PCE (1 sample; 1 ug/m3);
- TCE (5 samples; 230 ug/m3);
- TCA (5 samples; 1,700 ug/m3);
- 1,1-DCE (1 sample; 2.9 ug/m3); and
- cis-1,2-DCE (1 sample; 5.5 ug/m3).

The concentration of TCE in all five indoor air samples exceeded the NYSDOH ambient air guideline value of 2 ug/m3.

One outdoor air sample was collected and analyzed for VOCs (Figure 4). Chlorinated VOCs detected in this sample (with highest concentrations) include the following:

- PCE (not detected (ND <0.59 ug/m3));
- TCE (1.3 ug/m3);
- TCA (ND <0.59 ug/m3);
- 1,1-DCE (ND <0.59 ug/m3); and
- cis-1,2-DCE (<0.59 ug/m3).

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

Direct contact with contaminants in the soil is unlikely because the majority of the site is fenced and covered by the onsite building or pavement. People are not drinking the contaminated groundwater because the area is served by a public water supply not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of a building is referred to as soil vapor intrusion. Because the site is vacant, the inhalation of site related contaminants due to soil vapor intrusion does not represent a current concern. The potential exists for the inhalation of site contaminants in indoor air due to soil vapor intrusion in any future building occupancy. The potential exists for the inhalation of site contaminants in indoor air due to soil vapor intrusion in off-site structures. Evaluation of this potential will be conducted under another remedial program.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Prevent the discharge of contaminants to surface water.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.
- Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with site-specific soil cleanup objectives remedy.

The selected remedy is referred to as the Cover System, In-Situ Groundwater Treatment and Vapor Mitigation remedy.

The elements of the selected remedy, as shown in Figures 7 and 8, are as follows:

1. Remedial Design: A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a

minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

31 Tonawanda Street Property:

2. Excavation: Excavation and off-site disposal of all soils that exceed the restricted residential SCOs to 1-foot depth in areas where asphalt paving and concrete will be installed, and 2-foot depth in areas where a clean soil cover will be installed. In addition, petroleum impacted soils in an area approximately 20 feet long by 20 feet wide by 9 feet deep will be excavated and transported off-site for disposal. All sediment found in building trenches and drains will also be removed and properly disposed off-site.

3. Backfill: Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the design grades at the site. Any excavated material from the installation of buried utilities will be disposed of off-site at an approved facility and backfilled with clean stone and/or other approved material as set forth in 6 NYCRR Part 375-6.7(d).

4. In-Situ Groundwater Treatment: In-situ enhanced bioremediation will be employed to treat chlorinated VOCs in overburden groundwater at the southeast corner of the property including beneath the crawl space of the on-site building. The biological breakdown of contaminants through anaerobic reductive dechlorination will be enhanced by the injection of a soluble organic carbon substrate containing zero valent iron or other similar product. The method and depth of injection will be determined during the remedial design.

5. Vapor Mitigation: Any on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the on-site building from soil and/or groundwater. The layout and specific components of these systems will be determined during the remedial design.

Remedial Elements Common to Both the 31 and 150 Tonawanda Street Properties:

6. Cover System: A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components will include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

7. Institutional Controls: Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:

- (a) Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);
- (b) Allows the use and development of the controlled property for restricted residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- (c) Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
- (d) Requires compliance with the Department approved Site Management Plan.

8. Site Management Plan: A Site Management plan is required, which includes the following:

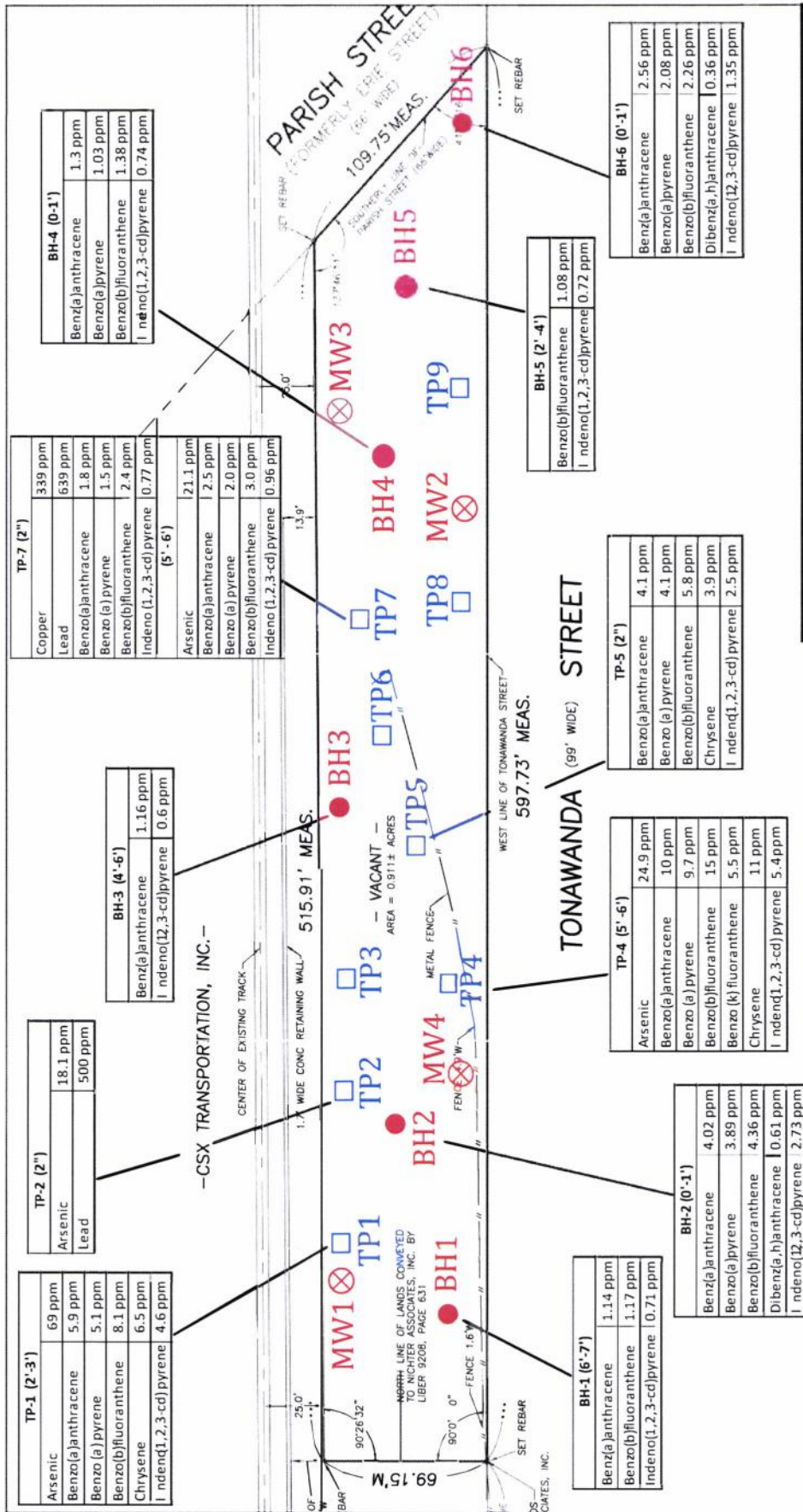
- (a) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:
 - Institutional Controls: The Environmental Easement discussed in Paragraph 7 above; and
 - Engineering Controls: The site cover system discussed in Paragraph 6 above, and the sub-slab depressurization systems discussed in Paragraph 5 above.

This plan includes, but may not be limited to:

- An Excavation Plan that details the provisions for management of future excavations in areas of remaining contamination;
- Descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;
- A provision for evaluating the potential for soil vapor intrusion prior to occupancy of any future buildings constructed on the site, including the provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- Provisions for the management and inspection of the identified engineering controls;
- Maintaining site access controls and Department notification; and
- The steps necessary for periodic reviews and certification of the institutional and engineering controls.

(b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- Monitoring of soil vapor, indoor air and/or sub-slab pressure testing to assess the performance and effectiveness of the sub-slab depressurization systems, and groundwater monitoring to assess the effectiveness of in-situ groundwater treatment. Enhancements to the sub-slab depressurization systems and additional groundwater injections will be completed as necessary;
- A schedule of monitoring and frequency of submittals to the Department;
- Monitoring for vapor intrusion for any future buildings constructed on the site, as may be required by the Institutional and Engineering Control Plan discussed above.



NOTES:
 -Compound levels are all presented in ppm
 -All compound levels shown exceed Restricted Residential SCO's

LEGEND

- TP1 - PH2 ESA 1/16 TEST PITS
- BH1 - RI SOIL BORINGS
- MW1 - RI MONITORING WELLS

Figure 2 - 150 Tonawanda St Soil Analytical Results

150 Tonawanda Street
Buffalo, NY 14207

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 PANAMERICAN
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 1070 Niagara Street
 Buffalo, NY 14203
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10-29-2018 SCALE: N/A



TONAWANDA STREET

PROPERTY LINE

31-MW-1
BH-1
BH-2
BH-3
BH-4
31-MW-2O
BH-4

HIGH BAY SLAB ON GRADE

BH-10

WEST AVENUE

31 TONAWANDA STREET BUILDING

CRAWL SPACE

FULL BASEMENT

271'

310'

292'

88'

SCAJAQUADA CREEK

C-3 (6'-8')	Trichloroethene	1630 ppm
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C-4 (6'-8')	Trichloroethene	244 ppm
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C-1 (8'-12')	1,1-Dichloroethane	315 ppm
	1,1,1-Trichloroethane	670 ppm

BH-1 (0-3')	Benzaldehyde	6.37 ppm
	Benzofluoranthene	5.41 ppm
	Benzofluoranthene	0.76 ppm
	Benzofluoranthene	5.41 ppm
	Chrysene	8.93 ppm
	Dibenzofluoranthene	1.56 ppm
	Indeno(1,2,3-cd)pyrene	4.89 ppm
(13.5'-15')	Benzaldehyde	1.45 ppm
	1,1,2,2-Tetrachloroethane	152 ppm
	Vinyl chloride	10.7 ppm

BH-5 (0'-12')	Copper	911 ppm
	dis-1,2-Dichloroethene	880 ppm
	Benzofluoranthene	5.7 ppm
	Chrysene	7.74 ppm
	Trichloroethene	6960 ppm

BH-5-3N (11'-12')	Benzaldehyde	48.9 ppm
	Benzofluoranthene	47.4 ppm
	Benzofluoranthene	24.2 ppm
	Chrysene	25.3 ppm
	Indeno(1,2,3-cd)pyrene	53.2 ppm
	Phenanthrene	16.6 ppm
	Pyrene	142 ppm
	Pyrene	137 ppm

BH-3S (12'-13.5')	Benzaldehyde	2.58 ppm
	Benzofluoranthene	1.68 ppm
	Benzofluoranthene	1.14 ppm
	Indeno(1,2,3-cd)pyrene	0.83 ppm

BH-8 (5'-8')	Chromium	202 ppm
	Copper	9550 ppm
	Manganese	7780 ppm

BH-7 (0'-12')	Copper	747 ppm
---------------	--------	---------

BH-5 (0-2')	Benzaldehyde	1.08 ppm
	Benzofluoranthene	1.04 ppm
	Indeno(1,2,3-cd)pyrene	0.77 ppm
(4'-6')	Indeno(1,2,3-cd)pyrene	0.51 ppm
	Ethylbenzene	168 ppm
	m,p-Xylene	595 ppm
	1,2,4-Trimethylbenzene	91.4

BH-6 (4'-6')	Copper	1480 ppm
	Total Mercury	1.34 ppm

BH-4 (0-1')	Benzaldehyde	5.7 ppm
	Benzofluoranthene	4.87 ppm
	Benzofluoranthene	5.02 ppm
	Chrysene	5.93 ppm
	Dibenzofluoranthene	1.06 ppm
	Indeno(1,2,3-cd)pyrene	3.51 ppm

LEGEND

RI PROGRAM:

● SOIL BORINGS BH-1

○ MONITORING WELLS MW-1

ESA PROGRAM

● SOIL BORINGS BH-1 APRIL 2014

● SOIL BORINGS BH-5-1S SEPT 2014

● SOIL BORINGS C-1 MARCH 2015

Figure 3:

31 Tonawanda St Soil Analytical Results

31 Tonawanda Street
Buffalo, NY 14207



31 Tonawanda Street
Buffalo, NY 14207

11-15-2018

SCALE: N/A

NOTES:
-Compound levels are all presented in ppm
-All compound levels shown exceed Restricted Residential SCO's

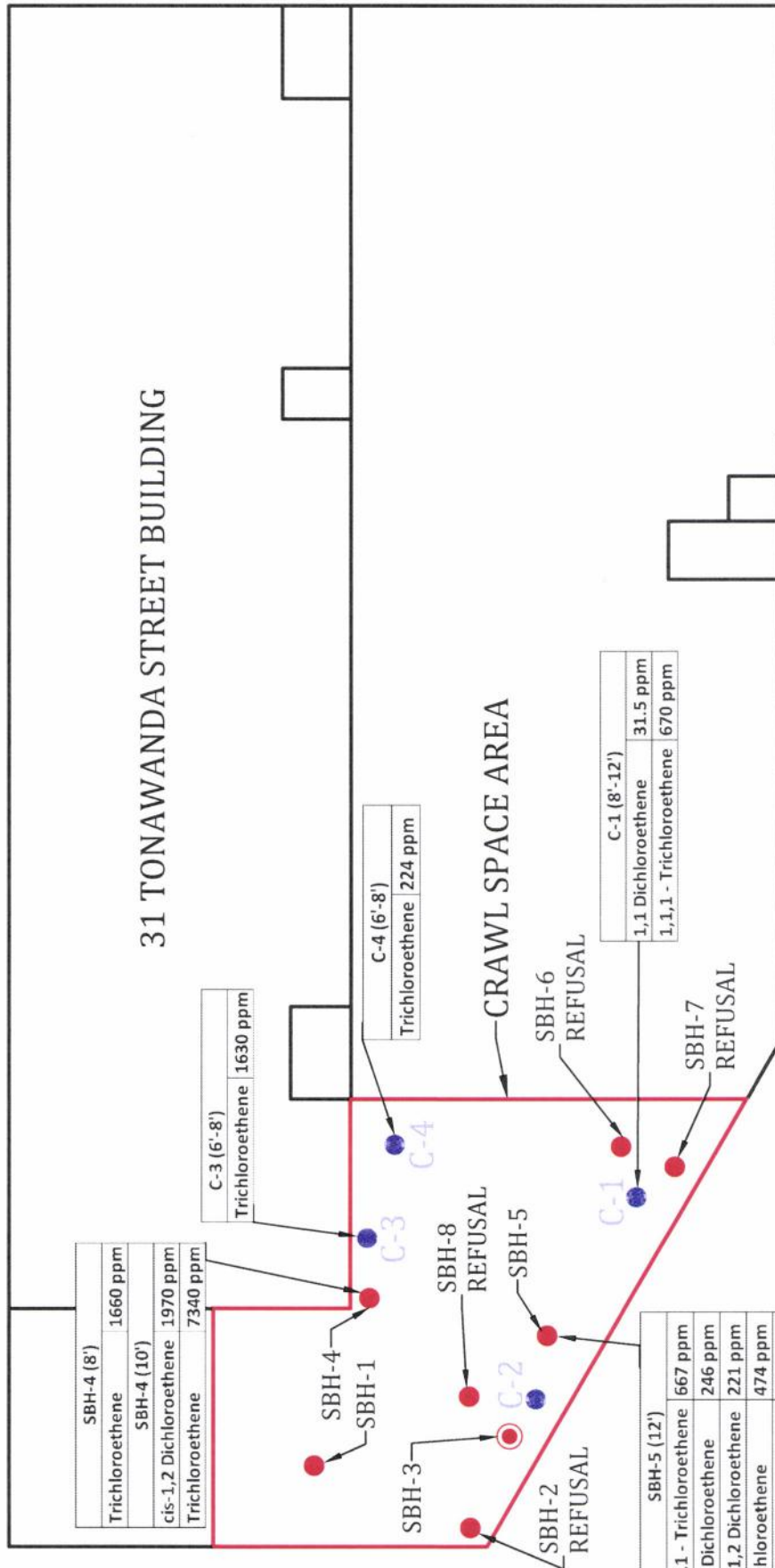
LEGEND

- SOIL BORINGS FEBRUARY 2019
- GW SAMPLE FEB. 2019
- SOIL BORINGS MARCH 2015

TONAWANDA STREET

31 TONAWANDA STREET BUILDING

WEST AVENUE



NOTE:

- 1) SBH-3 GW SAMPLE RESULTS SHOWN ON FIGURE 6
- 2) ALL SOIL COMPOUND LEVELS SHOWN EXCEED PART 375 RESTRICTED RESIDENTIAL VALUES

BE3 CORP <small>1372 Niagara Street Buffalo, NY 14207 716.836.8888</small>		Figure 3A - 31 Tonawanda 2019 Crawl Space Investigation	
31 Tonawanda Street Buffalo, NY 14207		SCALE: N/A	
04-04-2019		SHEET 1 OF 1	

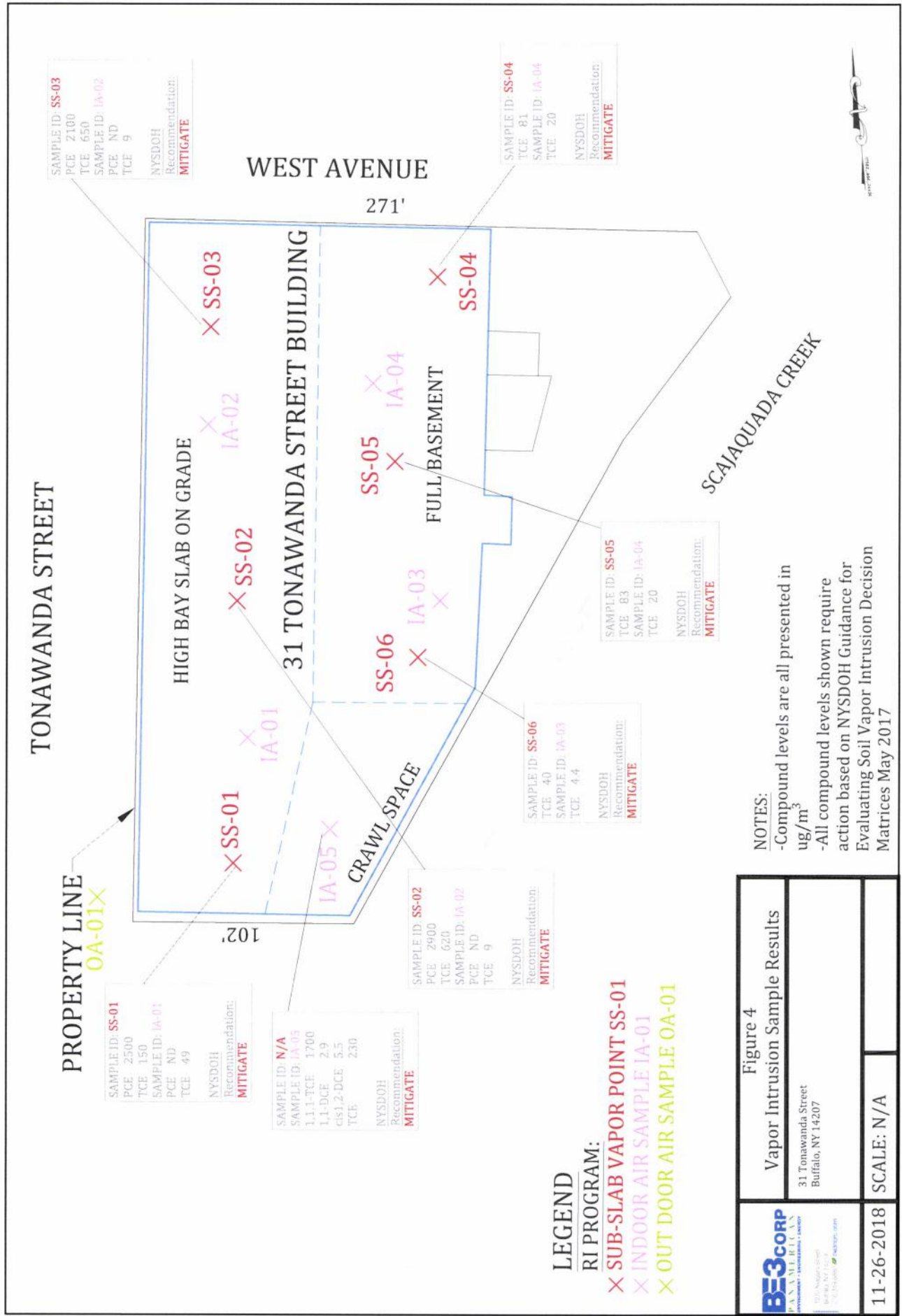
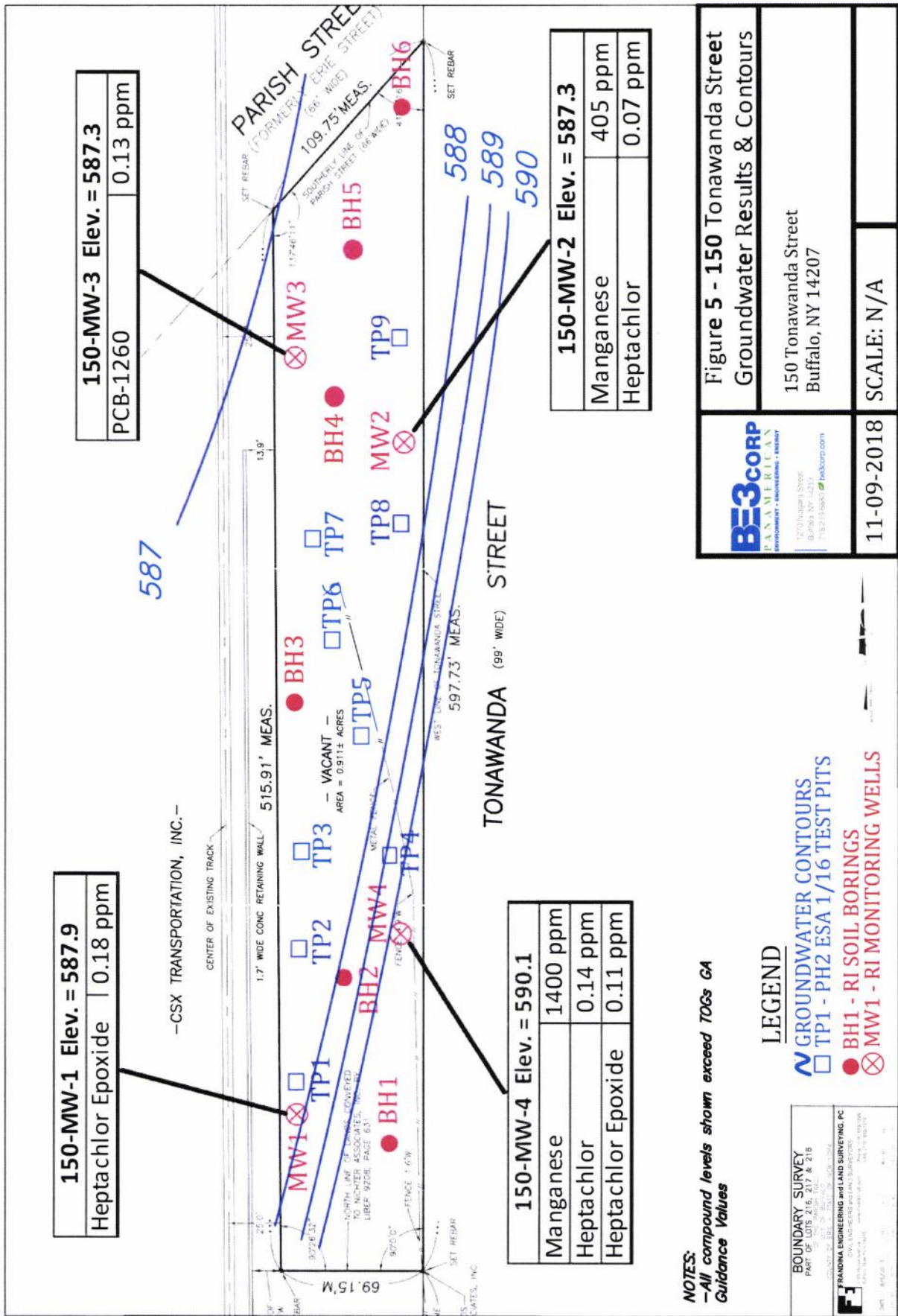


Figure 4		Vapor Intrusion Sample Results	
31 Tonawanda Street Buffalo, NY 14207			
11-26-2018		SCALE: N/A	



Notes:

-All compound levels shown exceed TOGS GA Guidance Values or NYSEDEC emergent chemical guidance values

31-MW-1 Elev. = 572.9	
PCB-1260	1.81 ppb

31-MW-2 Elev. = 576.9	
Manganese	547 ppb
PCB-1260	1.22 ppb

SBH-3 GW	
1,1,1-Trichloroethane	51.1 ppb
1,1-Dichloroethane	42 ppb
cis-1,2-Dichloroethene	369 ppb
Trichloroethene	194 ppb
Vinyl chloride	147 ppb

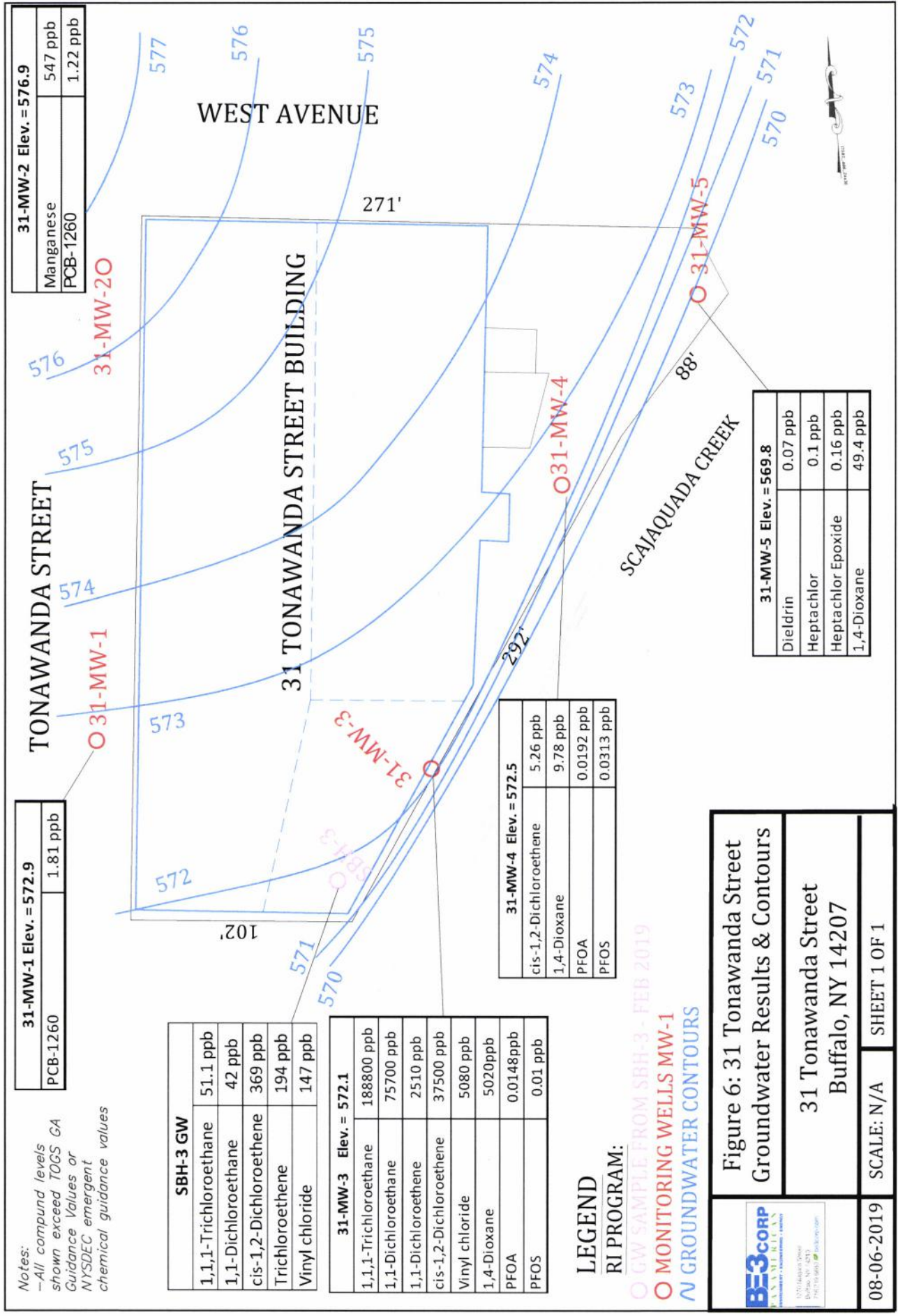
31-MW-3 Elev. = 572.1	
1,1,1-Trichloroethane	188800 ppb
1,1-Dichloroethane	75700 ppb
1,1-Dichloroethene	2510 ppb
cis-1,2-Dichloroethene	37500 ppb
Vinyl chloride	5080 ppb
1,4-Dioxane	5020ppb
PFOA	0.0148ppb
PFOS	0.01 ppb

31-MW-4 Elev. = 572.5	
cis-1,2-Dichloroethene	5.26 ppb
1,4-Dioxane	9.78 ppb
PFOA	0.0192 ppb
PFOS	0.0313 ppb

31-MW-5 Elev. = 569.8	
Dieldrin	0.07 ppb
Heptachlor	0.1 ppb
Heptachlor Epoxide	0.16 ppb
1,4-Dioxane	49.4 ppb

LEGEND
RI PROGRAM:

○ GW SAMPLE FROM SBH-3 - FEB 2019
○ MONITORING WELLS MW-1
~ GROUNDWATER CONTOURS



1370 Oakley Street
Buffalo, NY 14213
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**Figure 6: 31 Tonawanda Street
Groundwater Results & Contours**

**31 Tonawanda Street
Buffalo, NY 14207**

08-06-2019

SCALE: N/A

SHEET 1 OF 1

LEGEND

— SITE BOUNDARY

▨ HARDSCAPE - REMOVE TOP 1' OF SOIL
AND REPLACE w/ HARDSCAPE (4" ASPHALT OVER 8" CLEAN STONE)

■ LANDSCAPE - REMOVE TOP 2' OF SOIL
AND REPLACE w/ 2' CLEAN FILL

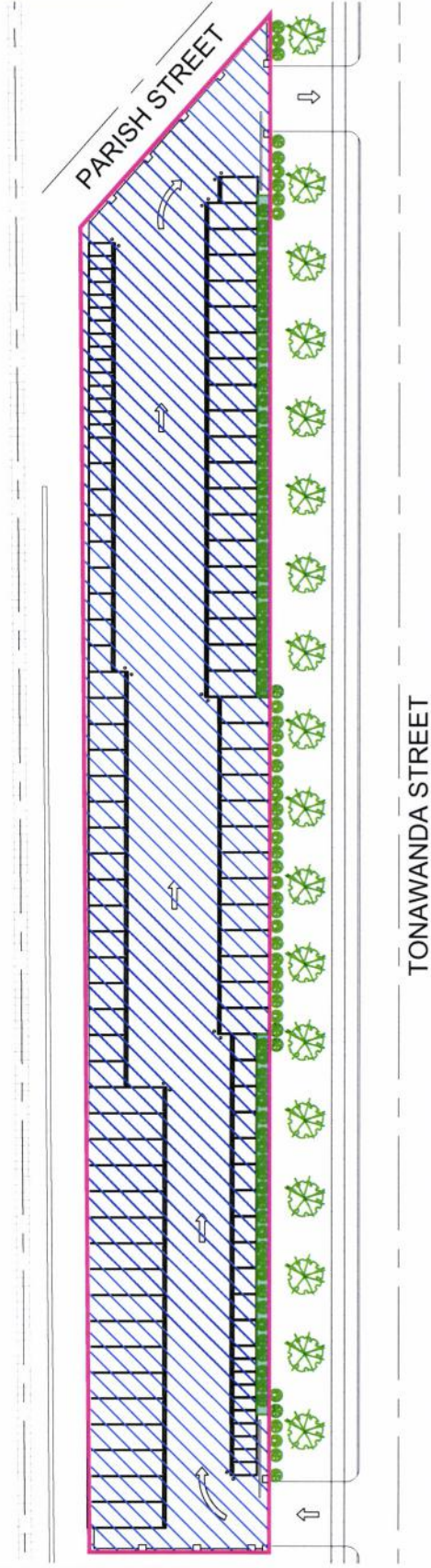


Figure 7
Alternative 1




Exterior Self Storage
150 Tonawanda Street
Buffalo, New York

10-15-2019

SCALE: N/A

SHEET 1 OF 1

LEGEND

- BUILDING
-  HARDSCAPE - REMOVE TOP 1' OF SOIL AND REPLACE w/ HARDSCAPE (4" ASPHALT OVER 8" CLEAN STONE)
-  REMOVE TOP 2' OF SOIL AND REPLACE w/ 2' CLEAN FILL
-  BORING HOLE LOCATION

TONAWANDA STREET

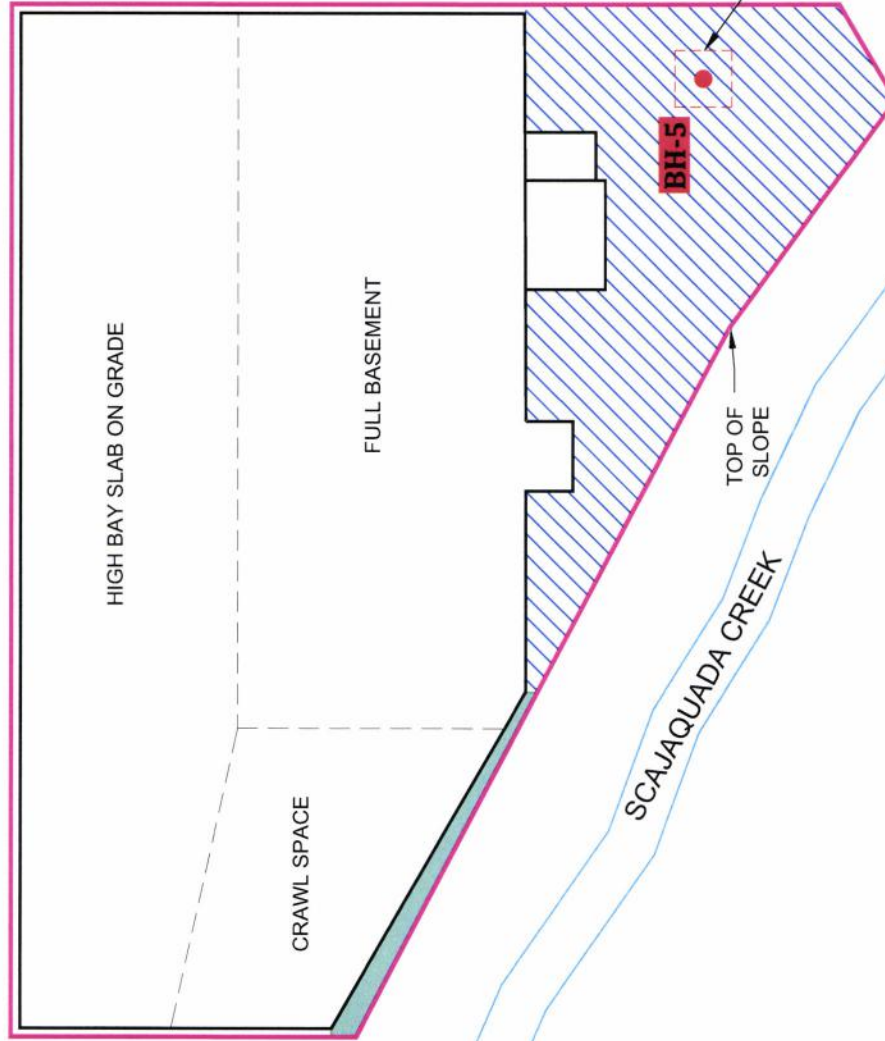


Figure 8 - Alternative 1
Exterior Soils Remediation



31 Tonawanda Street
Buffalo, New York

10-15-2019

SCALE: N/A

SHEET 1 OF 1