

PERIODIC REVIEW REPORT

**NOCO #S41
(SITE NO. C915211)
1055 GENESEE STREET
BUFFALO, NY 14218**

Prepared For:

Realty Income Corporation

11995 El Camino Real
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(858) 284-5366
Attn: Matthew McClellan

Prepared By:

SCS ENGINEERS
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August 10, 2017
File No. 02217030.00

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Table of Contents

Section	Page
EXECUTIVE SUMMARY.....	ii
1 INTRODUCTION.....	1
Purpose	1
Special Terms and Conditions.....	1
2 SITE OVERVIEW	2
Site History and Remedial Program.....	2
3 REMEDY PERFORMANCE EVALUATION	3
August 2017 Site Inspection.....	3
Institutional Control Plan	4
Long-term Groundwater Monitoring Plan	4
4 REMEDY COMPLIANCE EVALUATION	4
5 CONCLUSIONS AND RECOMMENDATIONS.....	4
6 REFERENCES.....	6

Appendices

- A Figures
- B Site Photographs
- C Institutional and Engineering Controls (IC/EC) Certification Form

EXECUTIVE SUMMARY

SCS Engineers was retained by Realty Income to prepare a Periodic Review Report (PRR), in general conformance with New York State Department of Environmental Conservation (NYSDEC) requirements, for the site located at 1055 Genesee Street, Buffalo, NY. The site currently operates as a Dollar General store, and the property is owned by Realty Income Buffalo Genesee LLC.

The PRR covers the monitoring period from March 2014 through August 2017, and is based on:

- Field observations made during a site reconnaissance performed on August 9, 2017.
- Discussions with the store manager during the site reconnaissance.
- Review of the March 2014 Periodic Review Report prepared by TurnKey Environmental Restoration LLC.
- Review of the December 2009 Site Management Plan prepared by Benchmark Environmental Engineering & Science PLLC.

This executive summary does not contain all the information that is found in the full report. The report should be read in its entirety to obtain a more complete understanding of the information provided and to aid in any decisions made or actions taken based on this information.

Conclusions

- Site Maintenance – the site is currently occupied by an operating Dollar General store. The site grounds consist of a paved parking area and landscaped areas. Five monitoring wells are currently located on site and appear to be intact. Scattered trash was noted on site and represents a house-keeping concern.
- Engineering Controls – no engineering controls have been established for this Site.
- Institutional Controls – at the time of the site visit, the property was currently being utilized for commercial purposes. The property was not being utilized for residential purposes. It did not appear that residual subsurface contaminated material was (or has been) disturbed. Groundwater was not being utilized at the property for potable or non-potable purposes. No vegetable gardens or farming was being conducted at the property.

In summary, no areas of non-compliance with the Site Management Plan were identified at the Site.

Recommendations

The following modifications and recommendations are offered by SCS:

- Recommend no modifications to the current triennial inspection and certification reporting requirements. The next PR inspection should be performed in 2020.

- Recommend notification to NYSDEC for approval to abandon the five remaining groundwater monitoring wells at the Site.

1 INTRODUCTION

SCS Engineers was retained by Realty Income to prepare a Periodic Review Report (PRR) for the property located at 1055 Genesee Street, Buffalo, New York (the “Subject Site”). A location map for the Site is included as Figure 1 in **Appendix A**.

The Site is located in the City of Buffalo, Erie County, New York and is referenced in the County tax records as Square 100.76, Block 5, Lot 1.1. The Site is developed as an active Dollar General store that opened in 2011. The Site previously operated as a gasoline service station from around 1950 through 2007.

This PRR covers the period from March 2014 through August 10, 2017, and is based on a periodic “site-wide” inspection performed on August 9, 2017 for overall compliance with the Site Management Plan (SMP). The SMP was approved by New York State Department of Environmental Conservation (NYSDEC) in December 2009. The SMP outlined the post-remedial steps required to manage the residual contamination at the Site, including the performance of a Periodic Review.

Purpose

The Periodic Review process is used to evaluate whether a site remedy continues to be properly managed, as set forth in the guidance documents for the Site, and is protective of human health and the environment. The objectives of the Periodic Review for sites in the NYSDEC Brownfield Cleanup Program (BCP) are as follows:

- Assess whether the remedy remains in place, is performing properly and effectively, and is protective of public health and the environment.
- Evaluate compliance with the decision document(s) and the Site Management Plan (SMP).
- Evaluate the condition of the remedy.
- Verify, if appropriate, that the intent of Institutional Controls (IC) continues to be met, and that Engineering Controls (EC), if any, remain in place, are effective and protective of public health and the environment.
- Evaluate the effectiveness of the remedy(ies) implemented at the Site in progressing the Site to closure.
- Evaluate appropriateness of any remedial and monitoring costs.

Special Terms and Conditions

This report has been prepared specifically for our Client’s use. The report has been prepared in accordance with the care and skill generally exercised by reputable professionals, under similar

circumstances, in this or similar localities. No other warranty, express or implied, is made as to the professional opinions presented herein.

No other party, known or unknown to SCS, is intended as a beneficiary of this work product, its content, or information embedded therein. The Client may choose to share the contents of this report with any third party. However, third parties use and rely on this report at their own risk.

Certain limitations could affect the accuracy and completeness of this report, such as:

- Access Limitations – none.
- Physical Obstructions to Observations – none.
- Outstanding Information Requests – none.
- Historical Data Sources Failure – none.

2 SITE OVERVIEW

The Site is located at 1055 Genesee Street in the Buffalo (Erie County), New York. The Erie County tax records identify the Site on Square 100.76, Block 5, Lot 1.1. The current site owner is listed as Realty Income Buffalo Genesee LLC. A site plan is included as Figure 2 in **Appendix A**.

The Site covers approximately 0.7 acres and is developed with a one-story commercial building operating as a Dollar General store. The exterior portions of the Site consist of asphalt-paved parking. The Site is relatively flat.

Site History and Remedial Program

According to the 2014 PRR, the site was formerly a gasoline service station that operated from approximately 1950 until 2007. As described in Section 1 (above) and further summarized in the 2009 SMP, remedial activities were completed under the BCP from 2007 through 2009, including:

- Removal of three 8,000-gallon underground storage tanks (USTs), including associated dispensing units and underground product piping, as well as removal and disposal of residual product/water mixture from the USTs and associated piping.
- Excavation and off-site disposal of petroleum-impacted soil/fill. An estimated 1,212 tons of material were excavated and disposed at Modern Landfill, Model City, New York. The post-excavation soil sample results were below the Part 375 Commercial Soil Cleanup Objectives (SCOs).
- Pump and treat of impacted groundwater from the excavation during remediation activities. An estimated 17,790 gallons of groundwater were extracted, treated, and

discharged to the City of Buffalo municipal sanitary sewer under authorization from the Buffalo Sewer Authority.

- Placement and compaction of backfill within the resulting excavation.
- Execution and recording of an Environmental Easement to restrict land use and prevent future exposure of residual contamination at the Site.
- Completion of multi-phased environmental investigations from 2008 to 2009.

Redevelopment activities undertaken by the previous owner, 1055 Genesee Street, LLC, included:

- Demolition of the former convenience store building
- Excavation for new building footers, utility corridors, and parking lot catch basins.
- Construction of the new building and parking lot, which were completed in 2011.

3 REMEDY PERFORMANCE EVALUATION

An evaluation of the remedy performance, effectiveness, and protectiveness was performed as part of this PR process. This included a review of the 2014 PRR prepared by TurnKey, and a site inspection performed on August 9, 2017.

The 2014 PRR indicated that annual inspections were completed at the Site from 2009 (when the final SMP was approved by NYSDEC) through 2014. Based on the 2014 PRR site inspection, site conditions were found to be in conformance with the SMP, and it was recommended to modify the inspection frequency to triennial (every three years).

August 2017 Site Inspection

The SMP included plans to establish and maintain institutional controls (ICs), and for conducting periodic inspections of the Site.

For this periodic review under the SMP, a site inspection was conducted on August 9, 2017 by Mr. Austin Drooger with SCS Engineers. The inspection included a walk-over of the exterior portions of the property and accessible interior portions of the Site structure.

No areas of non-compliance with the SMP were identified, based on the site inspection. Surficial debris was observed on the exterior portion of the Site. This is considered a housekeeping matter, rather than a compliance issue with the SMP.

A copy of the Institutional and Engineering Controls (IC/EC) Certification Form from the SMP is included in **Appendix C**.

Institutional Control Plan

The Institutional Control (IC) Plan within the SMP addressed the following specific institutional controls:

- **Excavation Work Plan** – an Excavation Work Plan was developed that provided guidance on handling potentially impacted soils encountered during future intrusive activities. No signs of intrusive activities were observed, nor reported for the monitoring period. Therefore, there has been no requirement for the development of a specific Excavation Work Plan over the monitoring period.
- **Site Land Use** – the Site use is currently commercial. No changes in site use were identified.

Long-term Groundwater Monitoring Plan

The SMP required post-remedial groundwater monitoring on an annual basis. However, cessation of the long-term groundwater monitoring plan outlined in the SMP was approved by NYSDEC in 2012, and no additional groundwater monitoring has been performed.

Five groundwater monitoring wells were identified at the Site and appear to be intact.

4 REMEDY COMPLIANCE EVALUATION

Based on the 2009 SMP and 2014 PRR, the Site has several ICs that require to be maintained. These include:

- **Groundwater Use Restriction** – use of groundwater on-site for potable and non-potable purposes is prohibited. Based on the compliance inspection, groundwater is not being used for potable or non-potable purposes.
- **Land Use Restriction** – the property may be used for commercial purposes only. Based on the compliance inspection, the use of the property has remained commercial (Dollar General store).
- **Implementation of SMP** – the SMP was approved in 2009 and, based on the compliance inspection, is being followed.

No Engineering Controls (ECs) are required for the Site.

5 CONCLUSIONS AND RECOMMENDATIONS

Based on the August 9, 2017 site inspection and background records review, SCS presents the following conclusions for this PRR:

- No areas of non-compliance with the SMP were identified at the Site.

The following modifications and recommendations are offered by SCS:

- Recommend no modifications to the current triennial inspection and certification reporting requirements. The next PR inspection should be performed in 2020.
- Recommend notification to NYSDEC for approval to abandon the six remaining groundwater monitoring wells at the Site.

6 REFERENCES

Periodic Review Report for the NOCO #S41 Site (Site No. C915211). Prepared by TurnKey Environmental Restoration LLC, dated March 2014.

Site Management Plan for the NOCO #S-41 Site, BCP Site No. C915211, 1055 Genesee Street, Buffalo, New York. Prepared by Benchmark Environmental Engineering & Science PLLC, dated December 2009.

Technical Guidance for Site Investigation and Remediation. New York State Department of Environmental Conservation (NYSDEC), Department of Environmental Remediation (DER) guidance document DER-10, http://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf

APPENDICES

APPENDIX A
FIGURES

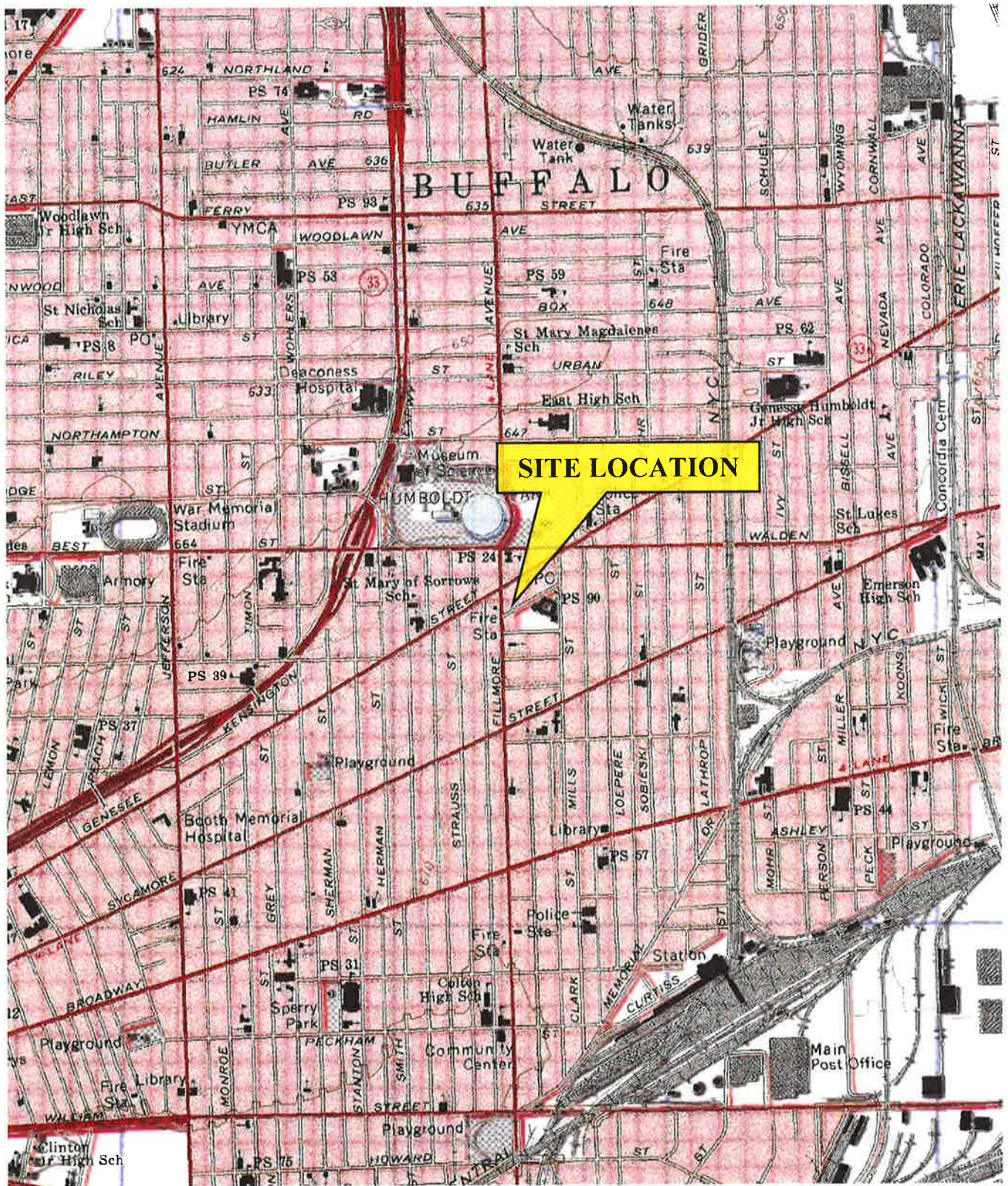


Figure 1. Site Location Map
 1055 Genesee Street, Buffalo, NY 14211
 File No. 02217030.00

Source: Mytopo (www.mytopo.com), USGS topographic quadrangle



Figure 2 – Site Plan
1055 Genesee Street, Buffalo, NY
August 2017
SCS File No. 02217030.00

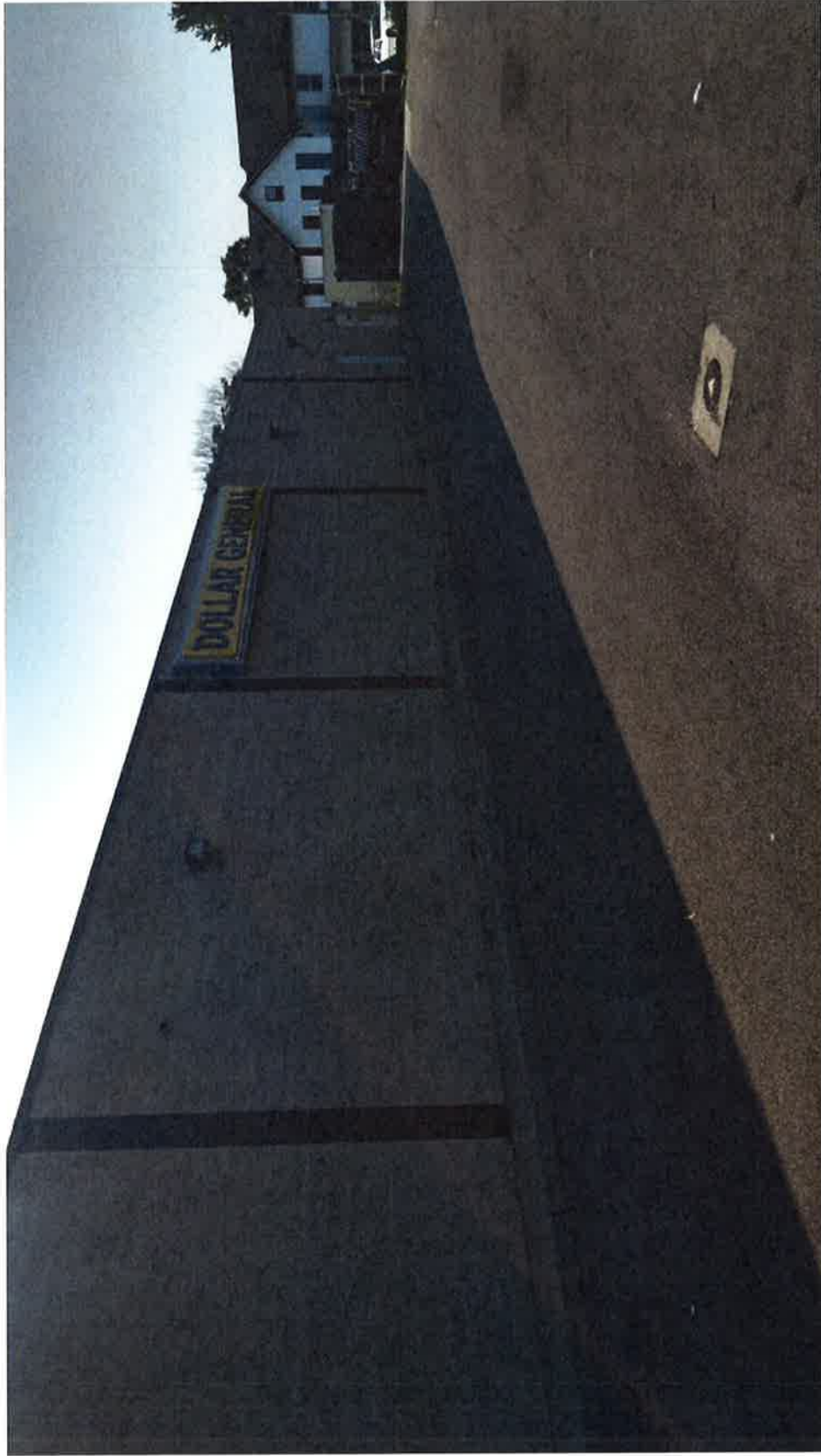
- Property Boundary
- Existing Monitoring Wells

Source: Google Earth

APPENDIX B
SITE PHOTOGRAPHS



1. The front (north side) of the store.



2. The west side of the building.



3. The back (south side) of the store.



4. A view down the east side of the building.



5. A view down the east side of the building.



6. A standard monitoring well.



7. A monitoring well.



8. Monitoring wells.

APPENDIX C
IC/EC CERTIFICATION FORM



Enclosure 1
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. C915211		
Site Name NOCO S-41 Site		
Site Address: 1055 Genesee Street	Zip Code: 14211	
City/Town: Buffalo		
County: Erie		
Current Use: Commercial	(DOLLAR GENERAL STORE)	
Intended Use: Commercial	REPORTING PERIOD: MARCH 2014 - AUGUST 10, 2017	
	Verification of Site Details	Box 2
		YES NO
1. Are the Site Details above, correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, are changes handwritten above or included on a separate sheet?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment since the initial/last certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SOLD = ACQUIRED BY REALTY INCOME BUFFALO GENESSEE LLC		
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TAX RECORD ATTACHED		
3. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NONE IDENTIFIED		
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has a change-of-use occurred since the initial/last certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CONTINUED USE AS DOLLAR GENERAL STORE		
If YES, is documentation or evidence that documentation has been previously submitted included with this certification?	<input type="checkbox"/>	<input type="checkbox"/>
5. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), has any new information revealed that assumptions made in the Qualitative Exposure Assessment for offsite contamination are no longer valid?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is the new information or evidence that new information has been previously submitted included with this Certification?	<input type="checkbox"/>	<input type="checkbox"/>
6. For non-significant-threat Brownfield Cleanup Program Sites subject to ECL 27-1415.7(c), are the assumptions in the Qualitative Exposure Assessment still valid (must be certified every five years)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
AS REPORTED IN SITE MANAGEMENT PLAN		

SITE NO. C915211

Box 3

Description of Institutional Control Certification

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Compliance with the Site Management Plan (SMP) for the implemented remedy: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. The groundwater beneath the Site is not used as a potable water source or for any other use without prior written permission of the Department: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Groundwater monitoring as specified in the SMP: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

*GROUNDWATER MONITORING CEASED
IN FEB 2012, AS APPROVED BY DEPARTMENT*

Description of Engineering Control Certification

Box 4

- | | YES | NO |
|---|-------------------------------------|--------------------------|
| 1. Maintenance of the cover systems as required in the SMP: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ASPHALT PARKING ADEQUATELY MAINTAINED

Control Certification Statement

For each Institutional or Engineering control listed above, I certify by checking "Yes" that all of the following statements are true:

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

IC/EC CERTIFICATIONS
SITE NO. C915211

Box 5

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 2 & 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 John E. TABELLA at SCS ENGINEERS
11260 ROGER BACON DR, #300, RESTON, VA
print name print business address 20190

am certifying as AGENT FOR OWNER (Owner or Remedial Party)

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

John E. Tabbella / SCS FOR OWNER 8/10/17
Signature of Owner or Remedial Party Rendering Certification Date

Box 6

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE

I certify that all information and statements in Box 4 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 John E. Tabbella at SCS ENGINEERS
11260 ROGER BACON DR, #300, RESTON, VA
print name print business address 20190

am certifying as a Qualified Environmental Professional for the Remediation Project

(Owner or Remedial Party) for the Site named in the Site Details Section of this form.

John E. Tabbella / SCS ENGINEERS 8/10/17
Signature of Qualified Environmental Professional, for Stamp (if Required) Date
the Owner or Remedial Party, Rendering Certification



Real Property Parcel Search

Real Property Information

Parcel Status	ACTIVE	City/Town	Buffalo	Village	
S-B-L	100.76-5-1.1	Owner	REALTY INCOME BUFFALO	SWIS	140200
Property Location	1055 GENESEE	Mailing Address GENESEE LLC			
Property Class	456	Line 2			
Assessment	557500	Line 3			
Taxable	430000	Street	11995 EL CAMINO REAL		
Desc	EAST COR FILLMORE	City/State	SAN DIEGO CA		
Desc	IRR EL; IRR REAR	Zip	92130		
Deed Book	11224	Deed Page	8313		
Frontage	180.47	Depth	247.52	Acres	0
Year Built		Square Ft			
Beds		Baths			
Fire Place		School	BUFFALO SCHOOL DIST		

[Owner History](#) [Tax Payment History](#)




[Click Here](#)

Owner Name

{Last Name First} or



21# 4669



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.	C915211		
Site Name NOCO #S41			
Site Address: 1055 Genesee Street ✓ Zip Code: 14212 ✓			
City/Town: Buffalo ✓			
County: Erie ✓			
Site Acreage: 0.7 ✓			
Reporting Period: December 13, 2013 to January 10, 2018			
		YES	NO
1. Is the information above correct?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	

msm

Box 2A

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915211

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
100.76-5-1	Realty Income Buffalo Genesee, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

No engineering controls. IC includes Environmental Easement, Site Management Plan, ground water monitoring, and periodic certification.

Box 4

Description of Engineering Controls

None Required

Not Applicable/No EC's

Periodic Review Report (PRR) Certification Statements

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

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

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

YES NO

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

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

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

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

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

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

YES NO

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

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

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915211

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 Kyle Campbell at 11995 El Camino Real, San Diego, CA 92130
print name print business address

am certifying as Owner (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

1/17/13
Date

Approved As To Form
Legal Department
msm
M. McClellan