

April 23, 2018 (Revised June 4, 2018)

44 Rolling Hills Dr.
Orchard Park, NY 14127
iegpllc@aol.com
(716) 445-9684

Mr. Jaspal Walia
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999

RE: 132 Dingens St. Site (Site #C915263)
Periodic Review Report and IC/ECC Certification Submittal (Revised)
Period December 20, 2016 through April 20, 2018

Dear Mr. Walia:

On 132 Dingens St., LLC, IEG submits for your review and approval this revised Periodic Review Report along with Certification Forms covering the period from December 20, 2016 through April 20, 2018. Your comments regarding Figures 2A, 2B and 2C, and Form A have been incorporated.

The site has been primarily rented for the temporary storage of automobiles and buses. No intrusive work was performed at the site during the reporting period.

Please email or call if you have any questions or need additional information.

Sincerely,

IYER ENVIRONMENTAL GROUP, PLLC



Dharmarajan R. Iyer, Ph.D., P.E.

cc: Mr. J. Panepinto (132 Dingens St., LLC)

Box 2A

YES NO

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information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

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. C915263

Box 3

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
112.19-1-14.11	132 Dingens St., LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan

1. Prohibition of groundwater use.
2. Land use restrictions.
3. Implementation of the Site Management Plan.

Box 4

Description of Engineering Controls

<u>Parcel</u>	<u>Engineering Controls</u>
112.19-1-14.11	Cover system

Maintenance of the Cover System.

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. C915263

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 James Panepinto at 1 Babcock St., Buffalo, NY 14210
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

4/20/2018
Date

IC/EC CERTIFICATIONS

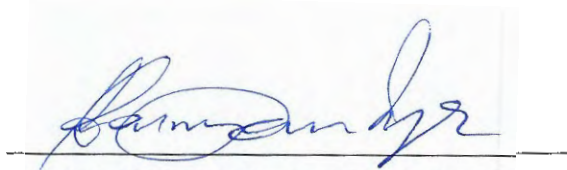
Box 7

Qualified Environmental Professional Signature

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

I Dharmarajan Iyer, Ph.D., PE at 44 Rolling Hills Dr., Orchard Park, NY14127
print name print business address

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



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



4/20/2017

Date

132 DINGENS ST. SITE
(Site No. C915263)
PERIODIC REVIEW REPORT (PRR)
Period from December 20, 2016 through April 20, 2018

I. EXECUTIVE SUMMARY

A. Site History

The 13.22-acre site (see location on Figure 1A and property boundary on Figure 1B) and its surrounding areas were built up with various industrial/urban fill. The site consists of an 85,000 square-foot foundation, a one-story storage building, paved/crushed stone areas, and small areas of vegetation.

Contamination at the site is mostly limited to industrial fill material, while the underlying natural soil (clay, silt) is minimally impacted. SVOCs, PCBs and a few metals (As, Pb and Hg) are the parameters of concern. Groundwater is not adversely impacted.

132 Dingens St, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC in June 2012 to investigate and remediate the site. The site was remediated in 2016 to restricted commercial use (see Final Engineering Report, October 2016). The remedy included excavation of soil/fill exceeding the site-specific Soil Cleanup Objectives (SCOs) for the parameters of concern.

A cover system was developed to prevent human exposure to residual contaminated soil/fill remaining at the site. Newly installed cover systems were placed over a demarcation layer of Geotextile fabric to distinguish them from the underlying industrial/urban fill or clean fill that was used to establish the required grade. The cover system included asphalt, concrete, gravel, floor slab, building, or a soil cover in areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs).

Aerial photos on Figure 2 from 2011, 2014 and 2017 shows the pre-remediation and post-remediation conditions of the Site. The site is zoned commercial/light industrial and is currently rented to temporarily park automobiles and buses

B. Effectiveness of Remedial Program

The cover system has remained intact since completion of remediation and serves to effectively provide a barrier to human contact and exposure. The cover system is routinely inspected and the SMP provides for the cover system to be repaired/replaced as and when necessary. Inspection reports for January and March 2018 are included herein.

C. Compliance

There are no non-compliance issues regarding the major elements of the SMP.

D. Recommendations

The site management program will continue to include inspection/reporting on an annual basis and maintenance/repair of the cover system as required. No changes are recommended to the SMP at this time.

II. SITE OVERVIEW

A. Site Description

The 13.22-acre site, located in Buffalo, NY (see location on Figure 1A) is and its surrounding areas contained numerous rail lines and yards dating back to 1917, and they were built up to the current grade with various types of industrial/urban fill. The site consists of the following: an 85,000 square-foot foundation (remaining from an old warehouse that burned down in 2010) and a one-story storage building. Most of the remaining land area is covered with asphalt/concrete/stone with small areas of vegetation. The site is zoned commercial/light industrial and is currently rented to temporarily park automobiles and buses.

The site is bounded by UPS terminal and Buffalo Games to the north, Dingens Street to the south, Niagara Tying Service to the east, and warehouses owned by Buffalo News and FPPF Chemical Company to the west. The property boundary is shown on Figure 1B. Site soils are mapped by the Soil Conservation Service as "Urban Land" which can typically contain fill materials with little native soil conditions remaining.

The fill at the site includes randomly deposited heterogeneous materials, construction debris (bricks, concrete and wood), trash (rubbish, glass, paper and scrap metal), oil-soaked materials and sludge. It is underlain by various types of natural soils (clay, silt, sand and gravel). The thickness of the fills ranged from four feet along the southeastern boundary to twenty feet along the northern boundary.

The bulk of the contamination is limited to industrial fill material, while the underlying natural soil (clay, silt) is minimally impacted. Several semi-volatile compounds, PCBs and a few metals (As, Pb and Hg) were identified during the Phase II (2011) and RI (2015) investigations as parameters of significant concern. SVOCs and metals are typically associated with the industrial type fill material making up the top four to twenty feet of the subsurface. Groundwater is not adversely impacted.

Based on the results of site investigations, site-specific PETLs (Proposed Excavation Threshold Limits) were established as the site-specific Soil Cleanup Objectives (SCOs) as follows: SVOCs 500 mg/Kg, PCBs 1 mg/Kg, Arsenic 79 mg/Kg, Lead 5000 mg/Kg and Mercury 5.7 mg/Kg.

B. Chronology of Site Remedy

The site was remediated in 2016. The Remedial Action Objectives (RAOs) for the site as listed in the Decision Document (May 2015) are as follows:

- Public Health Protection: Prevent ingestion/direct contact with contaminated soil
- Environmental Protection: Prevent potential migration of contaminants that will result in groundwater contamination

The selected remedy was implemented as described in the Decision Document and included the excavation of soil/fill exceeding the site-specific Soil Cleanup Objectives (SCOs) as defined by the PETLs. Newly installed cover systems were placed over a demarcation layer of Geotextile fabric to distinguish them from the underlying industrial/urban fill or clean fill that was used to establish the required grade.

The objective of the cover system is to prevent human exposure to contaminated soil/fill remaining at the site. The cover system included asphalt, concrete, gravel, floor slab, building, or a soil cover in areas where the upper one foot of exposed surface soil exceeds the applicable soil cleanup objectives (SCOs). The soil or crushed stone cover has a minimum thickness of one foot, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use (CSCOs). The asphalt cover includes a 2" base of crushed stone, and 4" of blacktop material on top of that.

The Site Management Plan (SMP, October 2016) provides for long term management of remaining contamination, and includes requirements for institutional and engineering Controls, maintenance and reporting.

III. REMEDY PERFORMANCE, EFFECTIVENESS AND PROTECTIVENESS

The remediation of the site included the removal of 2033 tons of contaminated soil/fill exceeding the site-specific PETLs. Contamination levels based on confirmatory soil sampling following excavations and previous investigation results for remaining soil/fill areas are below the PETLs (see SMP, October 2017 for figures/tables on remaining contamination at the site).

The cover system layout and details are shown on the attached Drawing 1 and will be protective of human health and the environment. The four types of cover systems include (a) new and existing impermeable asphalt cover, (b) existing concrete cover, (c) new crushed stone, and (4) existing soil cover. Groundwater is not adversely affected at the site.

IV. IC/EC PLAN COMPLIANCE

A. IC/EC Requirements and Compliance

The site remains in compliance with the IC/EC requirements included in the SMP (October 2016). A Declaration of Covenants and Restrictions was developed and filed with the Erie County Clerk.

Specifically:

- Property use will be limited to commercial/light industrial use.
- Groundwater underlying the site is not used as a source of potable water.
- The cover system is maintained and inspected as required in the SMP.
- There have been no intrusive activities since remediation.
Future intrusive activities will be conducted in accordance with the SMP.
- Maintenance, inspection and reporting are conducted as per the SMP.
- Vegetable gardens or farming is prohibited at the site.

B. IC/EC Certification

The IC/EC certification by 132 Dingens St., LLC and IEG is attached.

V. MONITORING PLAN COMPLIANCE

There is no long-term monitoring for this site.

VI. O&M PLAN COMPLIANCE

A. Compliance Monitoring

Inspection, maintenance and repair of the cover system at the site is conducted in accordance with the SMP. Inspection reports for January 2018 and March 2018 are included herein. There are no operations related to the remedy for the site.

B. Compliance Remedy

There are no compliance issues with the cover system maintenance and repair.

VII. OVERALL PRR CONCLUSIONS AND RECOMMENDATIONS

A. Compliance with SMP

Monitoring: There is no monitoring at the site.

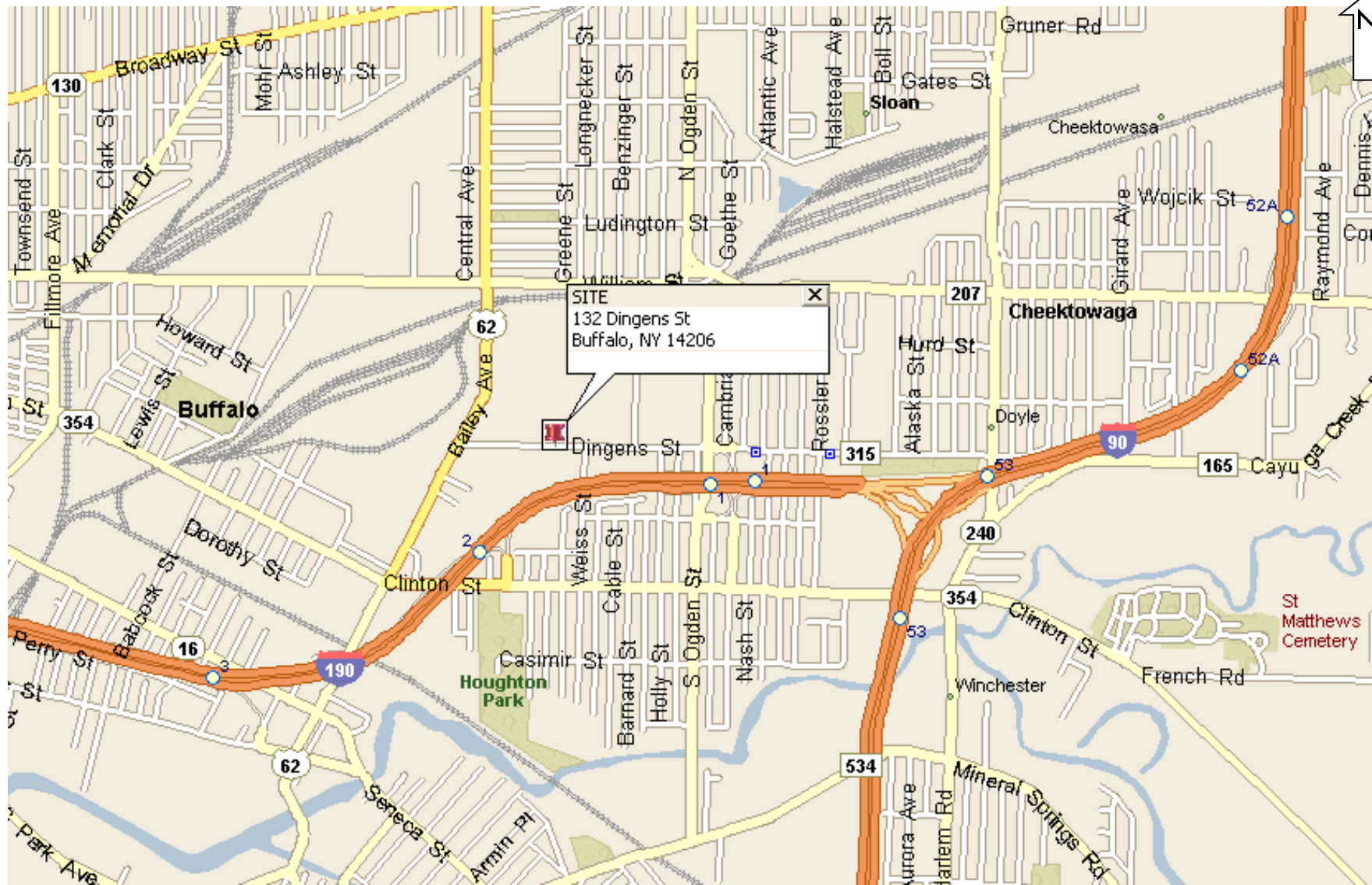
IC/EC: All IC/EC requirements are met in accordance with the SMP.

B. Performance and Effectiveness of Remedy

The remedy has been effective in meeting its objectives. Exposure to residual contamination is prevented by the four types of cover systems. Groundwater is not adversely impacted at the site.

C. Future PRR Submittals

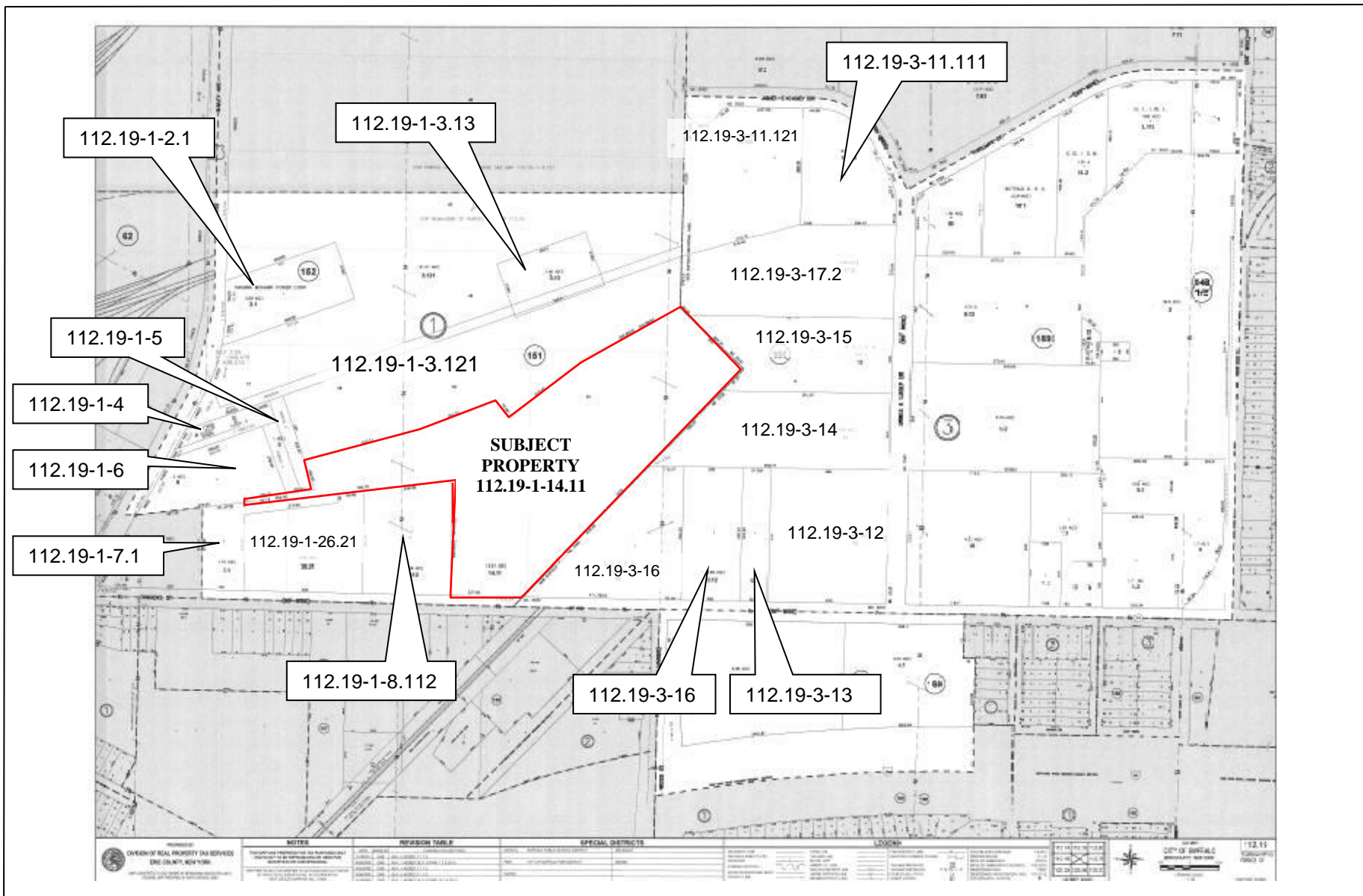
The next PRR will document ongoing maintenance/repair work on the cover system. Institutional controls will remain in place as required to meet the site-specific RAOs.



**132 DINGENS ST. SITE, BUFFALO, NY
SITE LOCATION MAP**

FIGURE 1A

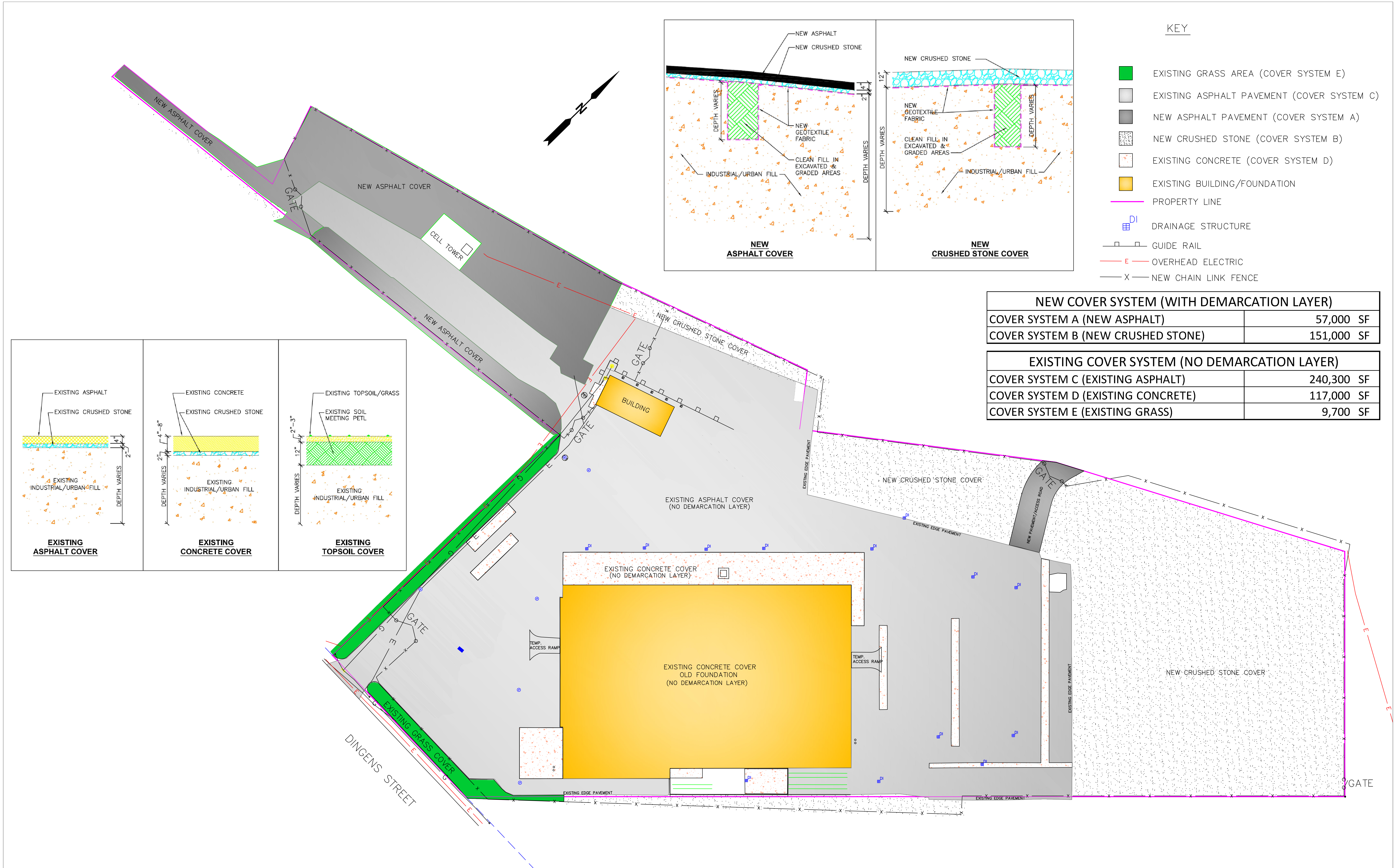
IEG



**132 DINGENS STREET, BUFFALO, NY
SITE LAYOUT AND PROPERTY BOUNDARY**

FIGURE 1B

IEG



KEY

- EXISTING GRASS AREA (COVER SYSTEM E)
- EXISTING ASPHALT PAVEMENT (COVER SYSTEM C)
- NEW ASPHALT PAVEMENT (COVER SYSTEM A)
- NEW CRUSHED STONE (COVER SYSTEM B)
- EXISTING CONCRETE (COVER SYSTEM D)
- EXISTING BUILDING/FOUNDATION
- PROPERTY LINE
- DRAINAGE STRUCTURE
- GUIDE RAIL
- OVERHEAD ELECTRIC
- NEW CHAIN LINK FENCE

NEW COVER SYSTEM (WITH DEMARCATON LAYER)	
COVER SYSTEM A (NEW ASPHALT)	57,000 SF
COVER SYSTEM B (NEW CRUSHED STONE)	151,000 SF

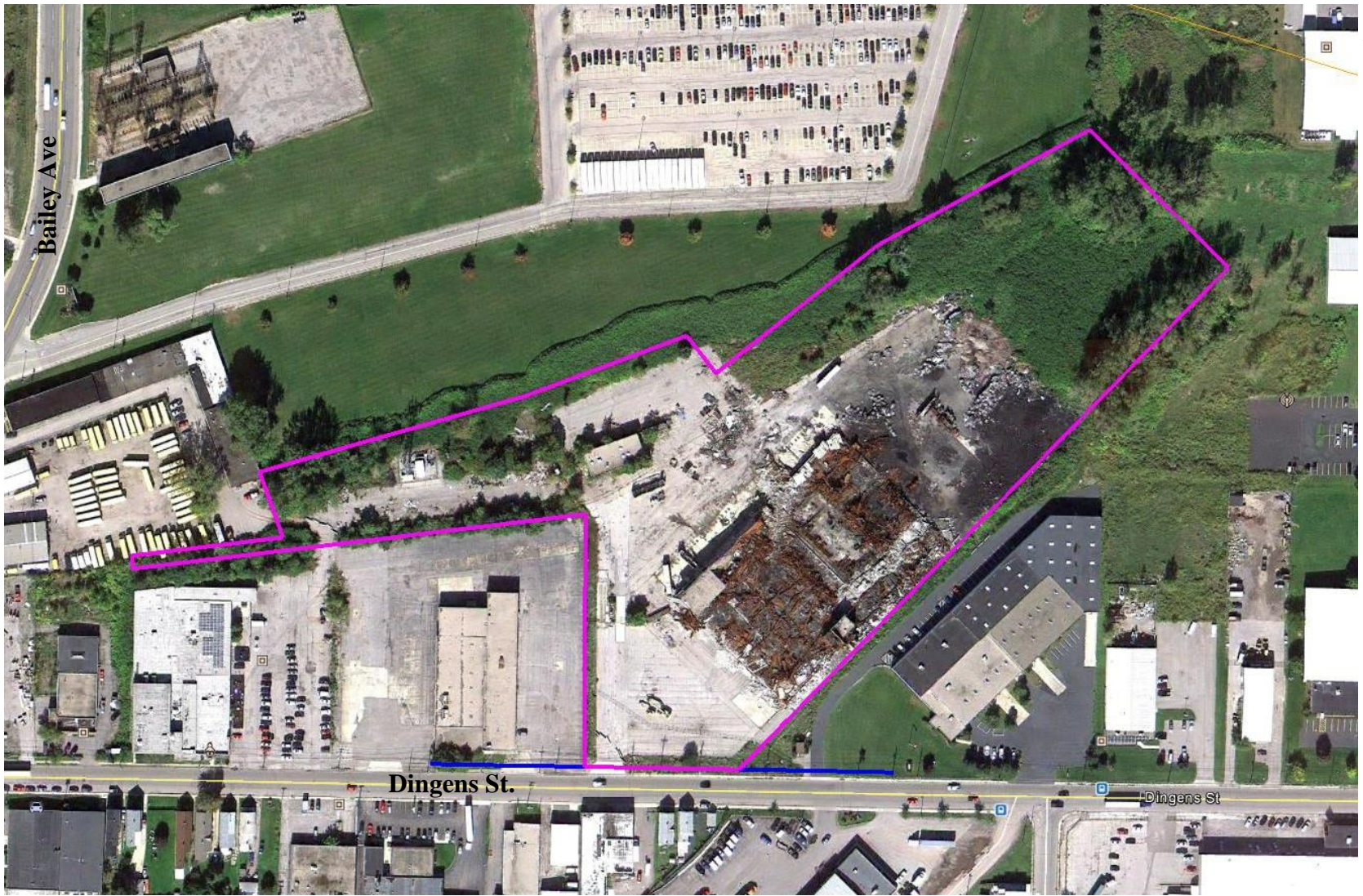
EXISTING COVER SYSTEM (NO DEMARCATON LAYER)	
COVER SYSTEM C (EXISTING ASPHALT)	240,300 SF
COVER SYSTEM D (EXISTING CONCRETE)	117,000 SF
COVER SYSTEM E (EXISTING GRASS)	9,700 SF

132 DINGENS STREET SITE- FINAL ASBUILT

PINTO
CONSTRUCTION SERVICES INC.

Pinto Construction Services
1 Babcock Street, Buffalo, NY 14210-2250
Phone: (716) 825-6666
Fax: 716-825-6773

DATE: 10/05/16	DRAWING NAME: DIN-4X225 - 03
DRAWN BY: GM	SHEET NO. D-1
SCALE: 1"=50'	

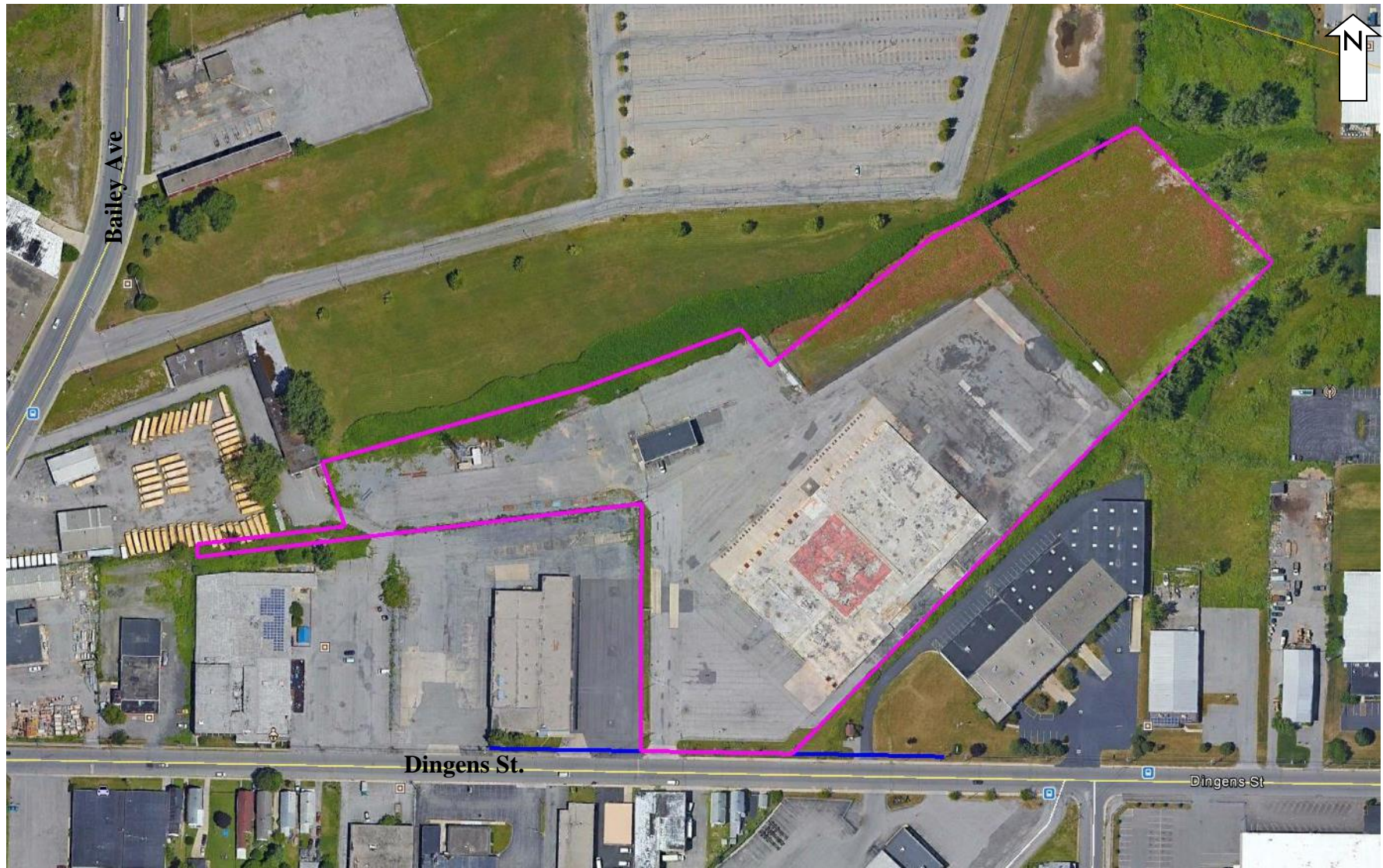


— Property Boundary

**132 DIGENS ST. SITE
AERIAL PHOTO – 2011 (PRE-REMEDICATION)**

FIGURE 2A

IEG

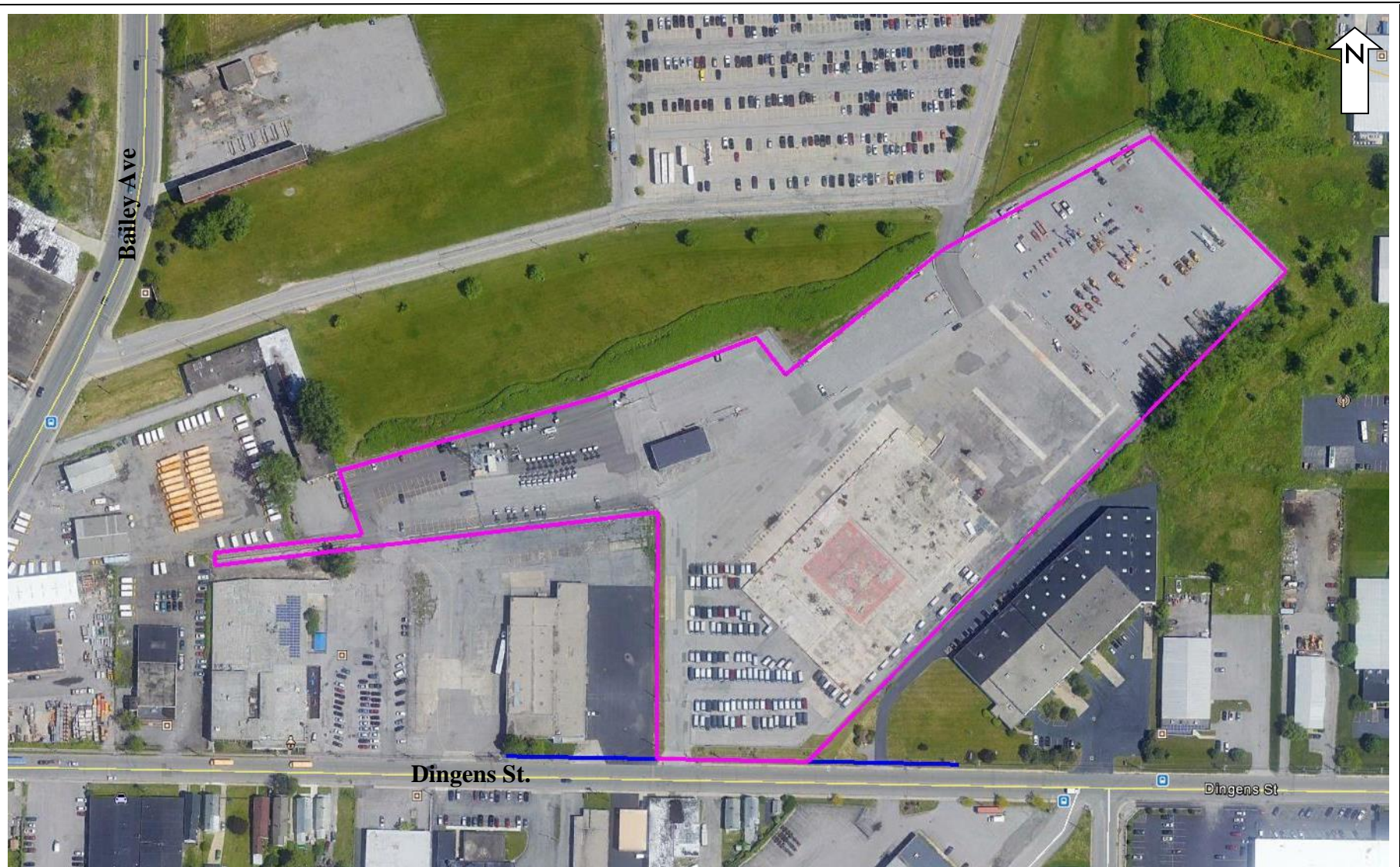


— Property Boundary

**132 DIGENS ST. SITE
AERIAL PHOTO – 2014 (DURING RI/RA)**

FIGURE 2B

IEG



— Property Boundary

**132 DIGENS ST. SITE
AERIAL PHOTO – 2017 (POST-REMEDATION)**

FIGURE 2C

IEG

FORM A: SITE WIDE INSPECTION

**132 DINGENS ST. BCP SITE
SITE MANAGEMENT PLAN**

Site Name: 132 DINGENS ST. SITE

Site Code: C915263

REPORT DATE: 1/7/2018

Address: 132 Dingens St. City: Buffalo State: NY Zip Code: 14206 County: Erie

Reporting Period From: 12/20/2016 to 12/31/2017

INSPECTED BY: Dharma Iyer/Rick Allen Phone No.: 716-445-9684 Affiliation: Iyer Environmental Group, PLLC

A. GENERAL OBSERVATIONS

SITE MANAGEMENT ACTIVITIES: Site is clean and free of debris; access is controlled by a locked front gate; open areas rented for staging automobiles/busses
EFFECTIVENESS/PROTECTIVENESS OF ECs: Cover system is protective of human health and the environment
COMPLIANCE WITH ICs: Site is in compliance with ICs
SITE RECORDS UP TO DATE? Yes

B. COVER SYSTEM

Indicate whether: Conditions are: ACCEPTABLE, NOT-ACCEPTABLE; Erosion damage YES or NO

COVER TYPE	CONDITION	EROSION	REMARKS
EASTERN SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
MIDDLE SECTION - EXISTING FOUNDATION	ACCEPTABLE	NO	
MIDDLE SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
MIDDLE SECTION - NEW ASPHALT	ACCEPTABLE	NO	
WESTERN SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
WESTERN SECTION - NEW ASPHALT	ACCEPTABLE	NO	
EXISTING ASPHALT COVER	ACCEPTABLE	NO	
EXISTING CONCRETE COVER	ACCEPTABLE	NO	
EXISTING VEGETATIVE COVER	ACCEPTABLE	NO	

C. DRAINAGE

Check for pools of water; plugged manholes; etc.

	CONDITION	EROSION	REMARKS
SURFACE DRAINAGE	ACCEPTABLE	NO	
MANHOLES	ACCEPTABLE	NO	

D. MAINTENANCE AND REPAIR

AREAS	MAINTENANCE/REPAIR	REMARKS
None required during this reporting period		

E. INTRUSIVE WORK/SOIL EXCAVATION

DESCRIPTION OF INTRUSIVE WORK	DURATION	VOLUME EXCAVATED	TESTING/TREATMENT/DISPOSAL
No intrusive work or excavation during this reporting period			

ADDITIONAL NOTES/REMARKS

FORM B: REPAIR/MAINTENANCE/EXCAVATION
132 DINGENS ST. BCP SITE
SITE MANAGEMENT PLAN

Site Name: 132 DINGENS ST. SITE

Site Code: C915263

REPORT DATE: 1/7/2018

Address: 132 Dingens St. City: Buffalo State: NY Zip Code: 14206 County: Erie

Reporting Period From: 12/20/2016 to 12/31/2017

REPAIR/MAINTENANCE BY: Pinto CS Phone No.: 716-825-6666 Affiliation: Contractor

A. SUMMARY OF ACTIVITIES PERFORMED

Routine clearing; open spaces rented for staging of vehicles

B. COVER SYSTEM - REPAIR/MAINTENANCE:

LOCATION / CONDITION	WORK PERFORMED	REMARKS
Paved areas - in good condition	No work required	
Gravel areas - in good condition	No work required	

C. DRAINAGE

LOCATION / CONDITION	WORK PERFORMED	REMARKS
Paved areas - drainages in good condition	No work required	

D. INTRUSIVE WORK/SOIL EXCAVATION

DESCRIPTION OF INTRUSIVE WORK	DURATION	VOLUME EXCAVATED	TESTING/TREATMENT/DISPOSAL
No intrusive work performed during this reporting period			

ADDITIONAL NOTES/REMARKS



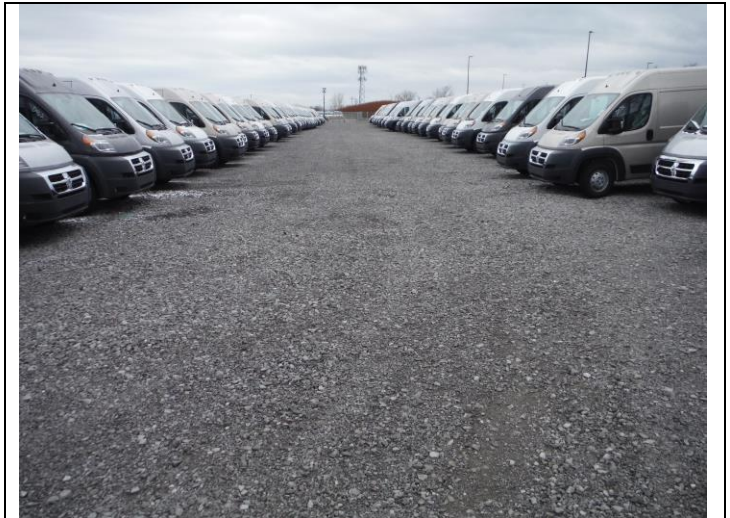
1. View along the northeast border of the site facing east



2. View along the eastern border of the property facing north



3. View along the eastern border of the property facing south



4. Looking across the middle of the east portion of the property



5. View along the southeast border of the site facing west



6. View along the east end of the paved area where the graveled east section of the property begins

SMP INSPECTION

132 DINGENS ST. SITE, BUFFALO, NY



**SITE PHOTOGRAPHS
(East Area)**

DATE: December 2017



1. View of the north area of the central section of the site



2. View from the UPS driveway on the north border of the site



3. View along the south border of the property looking west



4. View of the main entrance along Dingens St



5. View along the south border of the property looking east



6. View across the center of the property from atop the Old Foundation

SMP INSPECTION

132 DINGENS ST. SITE, BUFFALO, NY



**SITE PHOTOGRAPHS
(Middle Area)**

DATE: December 2017



1. View from west end of the western leg of the site facing east



2. View from the middle of the west leg facing east



3. View of the northwest corner of the site



4. Looking across the western area of the site facing east



5. View along the south border of the west part of the property



6. View across the west part of the site facing west

SMP INSPECTION

132 DINGENS ST. SITE, BUFFALO, NY



**SITE PHOTOGRAPHS
(West Area)**

DATE: December 2017

FORM A: SITE WIDE INSPECTION

132 DINGENS ST. BCP SITE SITE MANAGEMENT PLAN

Site Name: 132 DINGENS ST. SITE

Site Code: C915263

REPORT DATE: 3/28/2018

Address: 132 Dingens St. City: Buffalo State: NY Zip Code: 14206 County: Erie

Reporting Period From: 1/1/2018 to 4/20/2018

INSPECTED BY: Dharma Iyer/Rick Allen Phone No.: 716-445-9684 Affiliation: Iyer Environmental Group, PLLC

A. GENERAL OBSERVATIONS

SITE MANAGEMENT ACTIVITIES: Site is clean and free of debris; access is controlled by a locked front gate; open areas rented for staging automobiles/busses - no change in site use since last inspection report
EFFECTIVENESS/PROTECTIVENESS OF ECs: Cover system is protective of human health and the environment
COMPLIANCE WITH ICs: Site is in compliance with ICs
SITE RECORDS UP TO DATE? Yes

B. COVER SYSTEM

Indicate whether: Conditions are: ACCEPTABLE, NOT-ACCEPTABLE; Erosion damage YES or NO

COVER TYPE	CONDITION	EROSION	REMARKS
EASTERN SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
MIDDLE SECTION - EXISTING FOUNDATION	ACCEPTABLE	NO	
MIDDLE SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
MIDDLE SECTION - NEW ASPHALT	ACCEPTABLE	NO	
WESTERN SECTION - NEW CRUSHED STONE	ACCEPTABLE	NO	
WESTERN SECTION - NEW ASPHALT	ACCEPTABLE	NO	
EXISTING ASPHALT COVER	ACCEPTABLE	NO	
EXISTING CONCRETE COVER	ACCEPTABLE	NO	
EXISTING VEGETATIVE COVER	ACCEPTABLE	NO	

C. DRAINAGE

Check for pools of water; plugged manholes; etc.

	CONDITION	EROSION	REMARKS
SURFACE DRAINAGE	ACCEPTABLE	NO	
MANHOLES	ACCEPTABLE	NO	

D. MAINTENANCE AND REPAIR

AREAS	MAINTENANCE/REPAIR	REMARKS
None required during this reporting period		

E. INTRUSIVE WORK/SOIL EXCAVATION

DESCRIPTION OF INTRUSIVE WORK	DURATION	VOLUME EXCAVATED	TESTING/TREATMENT/DISPOSAL
No intrusive work or excavation during this reporting period			

ADDITIONAL NOTES/REMARKS

FORM B: REPAIR/MAINTENANCE/EXCAVATION
132 DINGENS ST. BCP SITE
SITE MANAGEMENT PLAN

Site Name: 132 DINGENS ST. SITE

Site Code: C915263

REPORT DATE: 3/28/2018

Address: 132 Dingens St. City: Buffalo State: NY Zip Code: 14206 County: Erie

Reporting Period From: 1/1/2018 to 4/20/2018

REPAIR/MAINTENCE BY: Pinto CS Phone No.: 716-825-6666 Affiliation: Contractor

A. SUMMARY OF ACTIVITIES PERFORMED

Routine clearing; open spaces rented for staging of vehicles - no change in activities since last inspection report

B. COVER SYSTEM - REPAIR/MAINTENANCE:

LOCATION / CONDITION	WORK PERFORMED	REMARKS
Paved areas - in good condition	No work required	
Gravel areas - in good condition	No work required	

C. DRAINAGE

LOCATION / CONDITION	WORK PERFORMED	REMARKS
Paved areas - drainages in good condition	No work required	

D. INTRUSIVE WORK/SOIL EXCAVATION

DESCRIPTION OF INTRUSIVE WORK	DURATION	VOLUME EXCAVATED	TESTING/TREATMENT/DISPOSAL
No intrusive work performed during this reporting period			

ADDITIONAL NOTES/REMARKS



1. View facing north: Entrance to Site



2. View facing east: Asphalt paved area front-middle section



3. View facing southeast: south east section



4. View facing west: Building, cell tower and western section



5. View facing west: Middle-north section



6. View facing east: Northeast section

SMP INSPECTION

132 DINGENS ST. SITE, BUFFALO, NY



SITE PHOTOGRAPHS

DATE: March 28, 2018