Periodic Review Report

132 Dingens St. Site
BCP Site No. C915263
Buffalo, New York

May 2020

B0365-020-001

Prepared For:

132 DIngens St, LLC
Buffalo, New York

Prepared By:

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

2558 Hamburg Turnpike, Suite 300, Buffalo, NY | phone: (716) 856-0635 | fax: (716) 856-0583

PERIODIC REVIEW REPORT
for the
132 DINGENS ST. SITE
(SITE NO. C915263)

132-136 DINGENS STREET
BUFFALO, NEW YORK

May 2020 B0365-020-001

Prepared for:

132 Dingens St, LLC
132-136 Dingens Street
Buffalo, New York 14206

Prepared By:

Benchmark Environmental Engineering & Science, PLLC
2558 Hamburg Turnpike, Suite 300
Buffalo, NY 14218
(716) 856-0599

PERIODIC REVIEW REPORT
132 Dingens St. Site
BCP Site No. C915263

Table of Contents

PERIODIC REVIEW REPORT
132 Dingens St. Site
BCP Site No. C915263

Table of Contents

FIGURES

TABLES

APPENDICIES

1.0 INTRODUCTION

Benchmark Environmental Engineering and Science, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) on behalf of 132 Dingens St, LLC to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC or the Department) Brownfield Cleanup Program (BCP) Site No. C915263 located in the City of Buffalo, Erie County, New York (see Figure 1).

This PRR and associated Institutional and Engineering Control (IC/EC) Certification Form (see Appendix A) have been prepared for the April 20, 2019 to April 20, 2020 reporting period in accordance with the NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation (Ref. 1). This PRR has been based on the information contained within the October 2016 Site Management Plan (SMP; Ref. 2) and June 2018 PRR (Ref. 3) prepared by Iyer Environmental Group, PLLC (IEG). Benchmark was not involved with any investigation, remedial activities or reporting for this Site and did not confirm the information presented in the referenced reports.

1.1 Site Background

As outlined in the 2019 PRR submitted to NYSDEC, Pinto Construction Services (Pinto CS) moved its corporate offices from 1 Babcock Street to the existing concrete block garage/building on the 132 Dingens St. Site and began occupying the building on November 16, 2018.

The Site is located at 132-136 Dingens Street in the City of Buffalo, Erie County, New York and identified as Section 112.19, Block 1, and Lot 14.11 on the City of Buffalo Tax Map. The irregular shaped approximate 13.22-acre Site is bordered by UPS ground 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 Site and its surrounding areas contained numerous rail lines and yards dating back to 1917; this area was built up to its current grade with various types of industrial/urban fill. Soils on the Site are mapped by the Soil Conservation Service as "Urban Land," which can typically contain fill materials with little native soil conditions remaining. No sensitive ecological receptors were identified in or around the Site. Potable water is supplied from Lake Erie by the City of Buffalo; no drinking water wells are present on the Site.

The Site is zoned light industrial and consists of an 85,000 square-foot foundation (remaining from an old warehouse that burned down in 2010), a two-story office building, and a new 12,000 square-foot storage garage currently undergoing construction. Most of the remaining land area is covered with asphalt/concrete/stone with small areas of vegetation. 132 Dingens St, LLC leases the office building to Pinto CS and a large portion of the paved area to Unicell for temporarily parking of new vehicles. The new building will be leased by Pinto CS for use as a storage garage. The northwestern portion of the property is leased to First Student Bus Services for employee parking.

1.2 Compliance

The Site and associated IC/EC requirements complied with the SMP during the monitoring period.

2.0 SITE OVERVIEW

132 Dingens St, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC on June 12, 2012 to investigate and remediate the Site. The Site was investigated and remediated under the NYSDEC BCP in accordance with the approved June 2012 Work Plan for Remedial Investigation/Interim Remedial Action (Ref. 4), May 2015 Alternatives Analysis Report & Remedial Action Work Plan (RAWP; Ref. 5), and July 2015 RAWP Report (Ref. 6) prepared by IEG. The Site was remediated in 2016 to Part 375 commercial soil cleanup objectives (SCOs) as described in the October 2016 Final Engineering Report (Ref. 7). The remedy included excavation of soil/fill exceeding the site-specific SCOs for the parameters of concern. The Site received a Certificate of Completion (COC) from NYSDEC on December 20, 2016.

2.1 Existing Conditions

2.1.1 New Building Construction

The Site is currently undergoing construction of a new building. As outlined in the September 2019 Notification Addendum to Excavation Work Plan (Ref. 8) submitted to NYSDEC by Benchmark in accordance with the Department approved SMP, Pinto CS planned intrusive activities related construction of a new 12,000 square-foot storage garage. In preparation for construction, Pinto CS procured a City of Buffalo building permit and submitted the 60-Day Advance Notification of Site Change of Use to NYSDEC on August 7, 2019. Appendix B includes copies of the City of Buffalo building permit and 60-Day Advance Notification of Site Change of Use.

Construction activities performed during this April 20, 2019 to April 20, 2020 PRR reporting period included excavation and grading activities for building footers, utilities, and subgrades; placement of concrete footers/foundations and floor slabs; building envelope construction; off-site transportation and disposal of existing subgrade soil/fill; and import of clean stone backfill for building construction activities. Benchmark provided oversight for ground-intrusive activities for the new building in conformance with the NYSDEC approved Addendum to Excavation Work Plan requirements. All redevelopment activities were fully compliant with the NYSDEC approved SMP at the time of the Site inspection.

2.1.2 Site Cover System

The Site cover system was inspected on April 15, 2020 by Ms. Lori Riker, P.E. No evidence of erosion or breaches were observed on the soil covered areas and a good stand of grass was present across the cover. Between May and October 2019, Pinto CS, on behalf of 132 Dingens St, LLC, made asphalt cover system repairs across the Site (see Section 3.2 for details). Existing concrete and asphalt and new asphalt appeared in good condition. The crushed stone cover was in good condition. Future site inspections will continue to monitor the integrity of the asphalt, concrete, crushed stone, and vegetated cover systems.

2.2 Remedial Program Chronology

Prior to entry into the BCP in 2012, Phase I Environmental Site Assessments (ESAs) by Acres International (1997; Ref. 9) and Kay Ver Group (2004; Ref. 10), and Phase II ESAs by Baron Associates (2004; Ref. 11) and IEG (2011; Ref. 12 and 2012; Ref. 13) were completed for the Site.

2.2.1 Remedial Investigation

In 2012 and 2013, a Supplemental Phase II ESA and Remedial Investigation (RI) were performed by IEG to characterize the nature and extent of soil and groundwater contamination at the Site. SMP Figure 2C shows the Phase II ESAs and RI sample locations. The field activities conducted by IEG during the 2011 Phase II ESA, 2012 Supplement Phase II ESA, and 2012/2013 RI included:

- Collection of soil samples from test pit locations across unpaved, vegetated areas of the Site.
- Collection of soil samples from soil borings.
- Installation of monitoring wells at eight soil boring locations.
- Analysis of soil samples from test pits and borings for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), pesticides, total cyanides, toxicity characteristic leaching procedure (TCLP) lead, and landfill parameters.
- Collection of two rounds of groundwater sample at eight monitoring wells and analysis for VOCs, SVOCs, PCBs, pesticides, metals and total cyanide.
- Collection and analysis of chemical drum and transformer oil samples for disposal.

- Pump out and sampling of water accumulated in an underground tunnel connecting the pump-house and the old warehouse building

The results of the RI are presented in the RI Report (Ref. 14) prepared by IEG. The Site investigations revealed various types of industrial/urban type fill that was used to elevate the ground surface to its present grade on and around the Site. The fill included randomly deposited heterogeneous materials, construction debris (bricks, concrete and wood), trash (rubbish, glass, paper, and scrap metal), oil soaked materials and sludge. The fill was underlain by various types of natural soil (clay, silt, sand, and gravel). The thickness of the fill ranged from four feet along the southeastern boundary to 20 feet along the northern boundary.

The bulk of the contamination appeared to be limited to the industrial fill material, while the underlying natural soil (clay, silt) appeared to be minimally impacted. The highest levels of soil contamination exceeding SCOs for commercial and industrial use were observed in vegetated areas along the northern property boundary and eastern section. Elevated levels were also found in the old underground storage tank (UST) area just northeast of the warehouse foundation. Relatively lower levels of contamination were found in the paved areas surrounding the warehouse foundation, and even lower along the southeastern property boundary.

As indicated on SMP Table 2, the parameters of concern in Site soils were SVOCs, PCBs and metals (specifically arsenic, lead and mercury). No petroleum compounds of significance were found in any of the soil samples, even in the paved area northeast of the old warehouse foundation where the petroleum USTs were located. Since VOCs, pesticides and cyanide were only found at trace levels in soil and groundwater, they were not considered contaminants of concern for this Site.

Based on the results of two rounds of sampling, Site groundwater did not appear to be adversely impacted. Unfiltered groundwater samples from eight overburden monitoring wells straddling the fill materials were found to have low levels of contaminants consistent with the carryover of fine solids from the formation. Filtered groundwater samples from the first round and unfiltered samples from the second round had only trace levels of SVOCs and metals.

2.2.2 Remedial Action

The Site was remediated in accordance with the July 2015 RAWP. A total of 2,033 cubic yards of contaminated soil/industrial fill was excavated and disposed off-site at a

permitted solid waste facility. Some of this excavated soil was treated on-site with cement to stabilize its lead content before disposal as non-hazardous waste.

Site-specific excavation objectives (proposed excavation threshold limits) were established for arsenic (79 ppm), lead (5,000 ppm), mercury (5.7 ppm), and SVOCs (total PAHs; 500 ppm). PCBs were remediated to meet the Part 375 commercial SCO of 1 ppm. A total of 11,782 cubic yards of clean off-site fill meeting the requirements of 6NYCRR Part 375-6.7(d) was imported for use as backfill for the excavations. The Site was re-graded to accommodate installation of a cover system. Geotextile fabric was placed beneath the cover system materials to distinguish them from the underlying industrial/urban fill or clean fill that was used to establish the required grade.

A cover system was required to allow for commercial use of the Site, preventing human exposure to remaining contamination. The cover system consists of asphalt, concrete, gravel, floor slab, building foundation, and soil cover in areas where the upper one foot of exposed surface soil exceeded the applicable SCOs. The soil and crushed stone cover systems have a minimum thickness of one foot, meeting the SCOs for cover material as set forth in 6NYCRR Part 375-6.7(d) for commercial use. The asphalt cover includes a 2-inch base of crushed stone overlain by 4 inches of blacktop material. The cover system was placed over a demarcation layer of Geotextile fabric to distinguish it from the industrial/urban fill or clean fill used to establish the required grade. All fill material brought to the Site met the requirements for commercial use as set forth in 6NYCRR Part 375-6.7(d). Figure 2 shows the cover system across the Site. All groundwater monitoring wells were decommissioned during remedial activities.

Institutional and engineering controls (IC/ECs) have been incorporated into the Site remedy to control exposure to remaining contamination to ensure protection of public health and the environment. An Environmental Easement granted May 2, 2016, and recorded with the Erie County Clerk, requires compliance with the SMP and all IC/ECs placed on the Site.

3.0 SITE MANAGEMENT PLAN

The October 2016 SMP provides for long-term management of remaining contamination and includes requirements for IC/ECs, maintenance, and reporting.

3.1 IC/EC Compliance

Because remaining contaminated soil/fill exists at the Site, IC/ECs are required to protect human health and the environment.

3.1.1 Institutional Controls (ICs) Requirements

The Site is subject to the following ICs:

- Compliance with Department-approved SMP.
- The use of groundwater underlying the property as a source of potable or process water is prohibited without necessary water quality treatment as determined by the NYSDOH or County DOH.
- Data and information pertinent to Site management must be reported at the frequency and in the manner defined in the SMP.
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP.
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP.
- Vegetable gardens and farming on the Site are prohibited.
- Access to the Site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.

ICs identified in the Environmental Easement may not be discontinued without an amendment to or extinguishment of the Environmental Easement.

3.1.2 Engineering Controls (ECs) Requirements

A cover system has been installed at the Site to prevent exposure to remaining contamination above the commercial SCOs in soil/fill. The cover system consists of the following:

- Existing Soil Cover: Minimum 12 inches of soil, mostly along the sidewalks near the front entrance (Dingens St.).
- New Crushed Stone Cover: Mostly along the property boundary and eastern portion of the Site.
- New and Existing Asphalt Cover: Minimum 4 inches of blacktop over a minimum 2 inches of crushed stone for paved parking areas.
- Existing Concrete Cover: 4 to 8 inches of concrete over 2 to 4 inches of crushed stone, including the warehouse foundation, existing building, and the new storage garage (see Figure 2).

The cover system was placed over a demarcation layer of Geotextile fabric to distinguish it from the industrial/urban fill or clean fill used to establish the required grade.

At the time of the Site inspection, the Site was fully compliant with all engineering and institutional control requirements.

3.2 Excavation Work Plan

The Excavation Work Plan (EWP), included as Appendix C of the SMP, outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. All material excavated and removed from the Site will be treated as contaminated and transported/ disposed off-site in accordance with all local, State (including 6NYCRR Part 360) and Federal regulations. Any new excavations will be properly backfilled with clean, pre-tested off-site fill, cover material, and geotextile layers to delineate between existing on-site materials, clean fill and cover material.

Procedures for the inspection of the cover systems are provided in the Inspection and Maintenance Plan included as Section 4.0 of the SMP. Any work conducted pursuant to the EWP must also be conducted in accordance with the procedures defined in the Site Health and Safety Plan (HASP) and associated Community Air Monitoring Plan (CAMP) included as Appendix H of the SMP.

The elements of the Engineering Control for the Site include the following:

- The cover systems described above.
- The EWP that details provisions for management of future excavations in areas of remaining contamination.

- Provisions in the Environmental Easement (SMP Appendix E) regarding land use and groundwater use restrictions.
- Provisions for the management and inspection of the identified ECs.
- Maintaining Site access controls and Department notifications.
- Periodic review and certification of the IC/ECs.

In September 2019, a Notification Addendum to Excavation Work Plan was submitted to notify the NYSDEC and summarize the planned intrusive activities related to new building construction that may result in exposure to remaining contamination on-site. The EWP was prepared in accordance with the May 2010 NYSDEC DER-10 and October 2016 SMP.

3.2.1 Activities Subject to EWP During Reporting Period

Ground-intrusive activities requiring disturbance of the cover system, management of on-site soil/fill material, and placement of backfill materials occurred during the April 20, 2019 to April 20, 2020 reporting period. Activities subject to the EWP during the reporting period are described below.

3.2.1.1 Asphalt Cover Repairs

Between May 20 and October 23, 2019, Pinto CS made asphalt cover system repairs over a total combined area of 23,375 square-feet. Approximately 144 tons of asphalt millings were stripped and transported off-site for recycling at Swift River and approximately 268 tons of new asphalt was placed as part of the cover system repair activities. Appendix D includes cover repair locations and details.

3.2.1.2 New Building Construction Activities

A portion of the BCP Site is currently being redeveloped to include construction of a new 12,000 square-foot storage garage. A summary of new building construction is included in the May 2020 Construction Completion Report (CCR) for 132 Dingens St. Site (Ref. 15). Benchmark provided oversight and community air monitoring for the following activities.

On July 15, 2019, Benchmark collected two soil/fill waste characterization samples during oversight of geotechnical borings advanced within the planned building footprint prior to construction activities. Soil/fill samples were analyzed by Alpha Analytical for the full list of waste characterization parameters. A waste profile application was submitted to Republic

Services, Inc. on July 30, 2019 for approval to dispose the soil at the Allied Waste Niagara Falls sanitary landfill. Waste disposal approval was received from Republic Services on August 8, 2019 for use of the material as alternate daily cover at the Allied Waste Landfill in Niagara Falls under Waste Profile #42151911668. Appendix B of the May 2020 CCR includes landfill approval documentation.

On February 24, 2020, approximately 2,720 pounds of fencing was transported off-site for recycling as scrap at Metalico Buffalo, Inc., located in Buffalo, New York. Between February 25, 2020 and March 9, 2020, Benchmark provided construction oversight and monitoring for ground intrusive activities for construction of the new storage garage. Approximately 155 tons of existing asphalt cover was stripped within the area of the new building footprint and transported off-site by Mallare Enterprise for recycling at Swift River Associates Inc, located in Tonawanda, New York. Appendix B of the May 2020 CCR includes copies of the fencing and asphalt recycling tickets. Ground intrusive activities included excavation of building footers and subgrade utilities, specifically:

- Five, 5 ft by 5 ft excavations to a depth ranging from 6 to 8 feet below ground surface (fbgs) for installation of catch basins.
- Utility trench excavations to depths ranging from 0.5 to 4 fbgs for installation of new storm sewer piping, drainage piping, and electric conduit.
- One, approximately 20 ft by 35 ft excavation to a depth of 8 fbgs for installation of an underground oil/water separator.
- One, approximately 10 ft by 20 ft excavation to a depth of 10 fbgs for connection of the new storm piping to the existing sewer line.
- Excavation of the building perimeter foundation to approximately 3.5 fbgs.

Approximately 785 tons of soil/fill was direct-loaded to dump trucks for off-site transportation by Mallare Enterprise to Allied Waste Landfill, located in Niagara Falls, New York for disposal. Appendix B of the May 2020 CCR includes copies of disposal documentation.

On May 6, 2020, Benchmark provided oversight and monitoring for the advancement of four, 1-foot diameter and 5-foot deep holes for installation of electric utility poles along the northwestern property boundary.

3.2.1.3 Imported Materials

Between February 25 and March 9, 2020, approximately 190 tons of DEC-approved round #1 gravel was imported to the Site from the New Enterprise Stone & Lime Co., Inc. Franklinville Quarry, located in Franklinville, New York and approximately 130 tons of virgin source 2-inch crusher run stone was imported to the Site from New Enterprise Stone & Lime Co., Inc. Wehrle Quarry, located in Williamsville, New York and used for building construction activities.

Between March 4 and March 5, 2020, approximately 200 cubic yards of concrete was imported to the Site from VCNA United Materials LLC, located in Depew, New York and used for the new building perimeter foundation.

Benchmark completed a NYSDEC Request to Import Soil Form for each stone source and submitted them to the Department for review and approval on September 9, 2019. Appendix C of the May 2020 CCR provides copies of the import documentation, including import request forms and NYSDEC approval.

3.2.1.4 On-Site Reuse

During building foundation excavation activities along the northern portion of the Site, existing clean approved cover material above the demarcation layer was segregated and reused as backfill within the utility excavation trenches.

3.2.1.5 Community Air Monitoring Program (CAMP) Results

During excavation activities, Benchmark personnel recorded visual, olfactory, and photoionization detector (PID) screening observations and conducted community air monitoring. Community air monitoring was performed at a downwind location during all activities involving disturbance of soil/fill material in accordance with the Community Air Monitoring Program (CAMP) included with the Health and Safety Plan (HASP) in the NYSDEC approved SMP. Per the CAMP, action limits of 100 ug/m^3 for respirable particulates and 5 parts per million (ppm) were employed. No exceedances of the 15-minute time weighted average (TWA) thresholds were recorded during intrusive activities. Appendix D of the May 2020 CCR includes a CAMP summary report and CAMP data.

3.2.1.6 Reporting

Benchmark personnel was on-site during all intrusive construction activities. Appendix E includes all daily reports. Appendix C includes a photolog of new building construction activities.

3.3 Site Inspection & IC/EC Compliance

On April 15, 2020, Benchmark's Certifying Professional Engineer performed a Site visit and cover system assessment. During this visit, the Site covered by this PRR was found to be compliant with the IC/EC requirements. Appendix A includes the completed and P.E.-certified IC/EC Form for the Site. Appendix C includes a photographic log of Site conditions at the time of the inspection.

3.4 Monitoring Plan Compliance

The Monitoring Plan presented in the SMP describes the measures for evaluating the performance and effectiveness of the remedy to reduce or mitigate contamination at the Site, the soil cover system, and all affected site media presented below. Table 1 summarizes the required monitoring program, which is limited to cover system inspections.

Table 1: Monitoring/Inspection Schedule

Monitoring Program	Frequency*	Matrix	Analysis
Cover System	Annual Inspection; and following severe storms events	N/A	Visual only

* The frequency of events will be conducted as specified in the SMP until otherwise approved by NYSDEC and NYSDOH.

3.4.1 Cover System Monitoring

In accordance with the SMP, the cover system must be maintained and replaced in the event it is breached as described in the EWP (SMP Appendix C). The cover will be inspected on an annual basis and following severe storm events. If frequent areas of distress are noted, they will be repaired based on the following conditions.

- Asphalt Cover Monitoring: A brief summary of the key maintenance concerns and the respective corrective actions is provided below:

- *Half-inch or greater cracks or potholes exposing the sub-base will be sealed or repaired to restore the asphalt cover.*
- *Vegetation will be removed, and the associated impact, hole, or crack will be sealed or repaired to restore the asphalt cover.*

- Vegetative Soil Cover Monitoring: A brief summary of the key maintenance concerns and the respective corrective actions is provided below:
  - *Areas where erosion problems (i.e., rills or gullies) are observed will be repaired by re-grading the localized area, adding the required fill material and/or topsoil, and reseeding/replanting as necessary.*
  - *If burrowing animals are observed breaching the soil cover, as evidenced by exposed fill material, they will be eradicated by a licensed exterminator.*

Based on the Site inspection performed April 15, 2020, the asphalt and vegetative soil cover systems at the Site were compliant with the IC/EC requirements. No observable indication of intrusive activities was noted during the Site inspection beyond those described in Section 3.2.

3.5 O&M Compliance

The Site remedy does not rely on any mechanical systems (e.g., sub-slab depressurization systems, groundwater pump and treat, or soil vapor extraction systems) to protect public health and the environment; therefore, an Operation and Maintenance (O&M) Plan is not required for the Site.

4.0 CONCLUSIONS

Based on our observation during the April 15, 2020 Site inspection, the Site covered by this PRR was fully compliant with the IC/EC requirements.

5.0 DECLARATION/LIMITATION

This report has been prepared for the exclusive use of 132 Dingens St, LLC. The contents of this report are limited to information available at the time of the Site inspection. Data provided by others as referenced herein is assumed to be accurate and reliable. The findings herein may be relied upon only at the discretion of 132 Dingens St, LLC. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Benchmark Environmental Engineering and Science, PLLC.

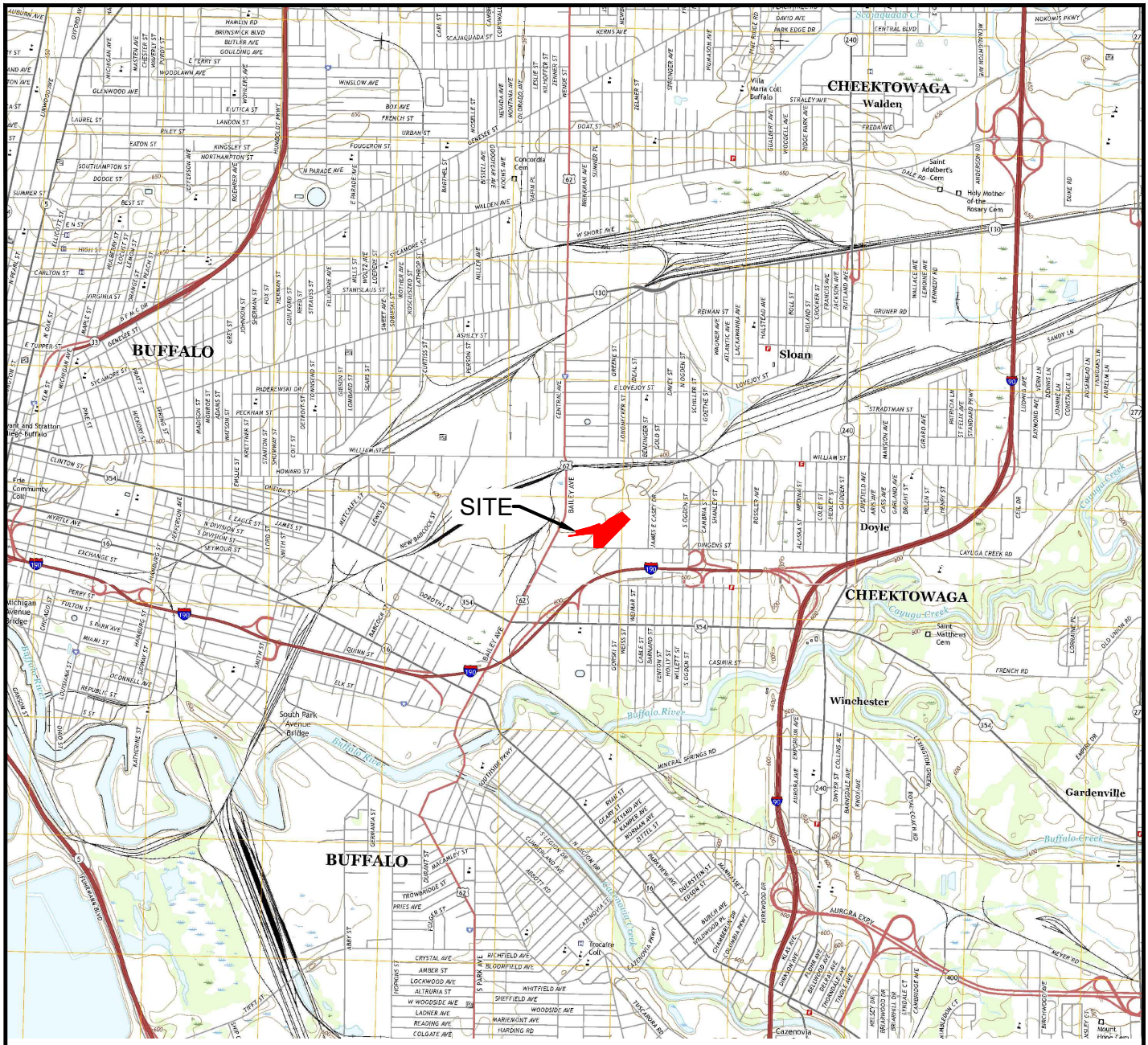
6.0 REFERENCES

1. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation.* May 2010.
2. Iyer Environmental Group, PLLC. *Site Management Plan, 132 Dingens St. Site, Erie County, Buffalo, New York, BCP Site No. C915263*. July 2016; revised October 2016.
3. Iyer Environmental Group, PLLC. *Periodic Review Report and IC/EC Certification, 132 Dingens St. Site, Buffalo, New York, BCP Site No. C915263*. April 23, 2018.
4. Iyer Environmental Group, PLLC. *Work Plan for Remedial Investigation/Interim Remedial Action, 132 Dingens St. Site, Buffalo, New York*. June 2012.
5. Iyer Environmental Group, PLLC. *BCP Alternatives Analysis Report & Remedial Action Work Plan, 132 Dingens St. Site, Buffalo, New York, Site No. C915263*. Revised February and May 2015.
6. Iyer Environmental Group, PLLC. *Remedial Action Work Plan, 132 Dingens St. Site, Buffalo, New York, BCP Site No. C915263*. July 2015.
7. Iyer Environmental Group, PLLC. *Final Engineering Report, 132 Dingens St. Site, Buffalo, New York*. October 2016.
8. Benchmark Environmental Engineering & Science, PLLC. *Notification Addendum to Excavation Work Plan, 132 Dingens St. Site, Site No. C915263, Buffalo, New York*. September 2019.
9. Acres International. *Phase I Environmental Site Assessment, 132 Dingens St. Site, Buffalo, New York*. 1997.
10. Kay Ver Group. *Phase I Environmental Site Assessment, 132 Dingens St. Site, Buffalo, New York*. 2004.
11. Baron Associates. *Phase II Environmental Site Assessment, 132 Dingens St. Site, Buffalo, New York*. 2004.
12. Iyer Environmental Group, PLLC. *Phase II Environmental Site Assessment, 132 Dingens St. Site, Buffalo, New York*. 2011.
13. Iyer Environmental Group, PLLC. *Supplemental Phase II Environmental Site Assessment, 132 Dingens St. Site, Buffalo, New York*. 2012.
14. Iyer Environmental Group, PLLC. *BCP Remedial Investigation Report, 132 Dingens St. Site, Buffalo, New York, BCP Site No. C915263*. January 2013.
15. Benchmark Environmental Engineering & Science, PLLC. *Construction Completion Report for 132 Dingens St. Site, Site No. C915263, Buffalo, New York*. May 2020.

FIGURES

F:\CAD\Benchmark\Pinto Construction\132 Dingens St. Site\2020 PRR\Figure 1; Site Location & Vicinity Map.dwg

FIGURE 1



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 17T
10 000-foot ticks: New York Coordinate System of 1983 (west zone)

N

QUADRANGLE LOCATION

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0365-020-001

DATE: APRIL 2020

DRAFTED BY: CCB

SITE LOCATION & VICINITY MAP

PERIODIC REVIEW REPORT

132 DINGENS STREET SITE
SITE NO. C915263
BUFFALO, NEW YORK

PREPARED FOR

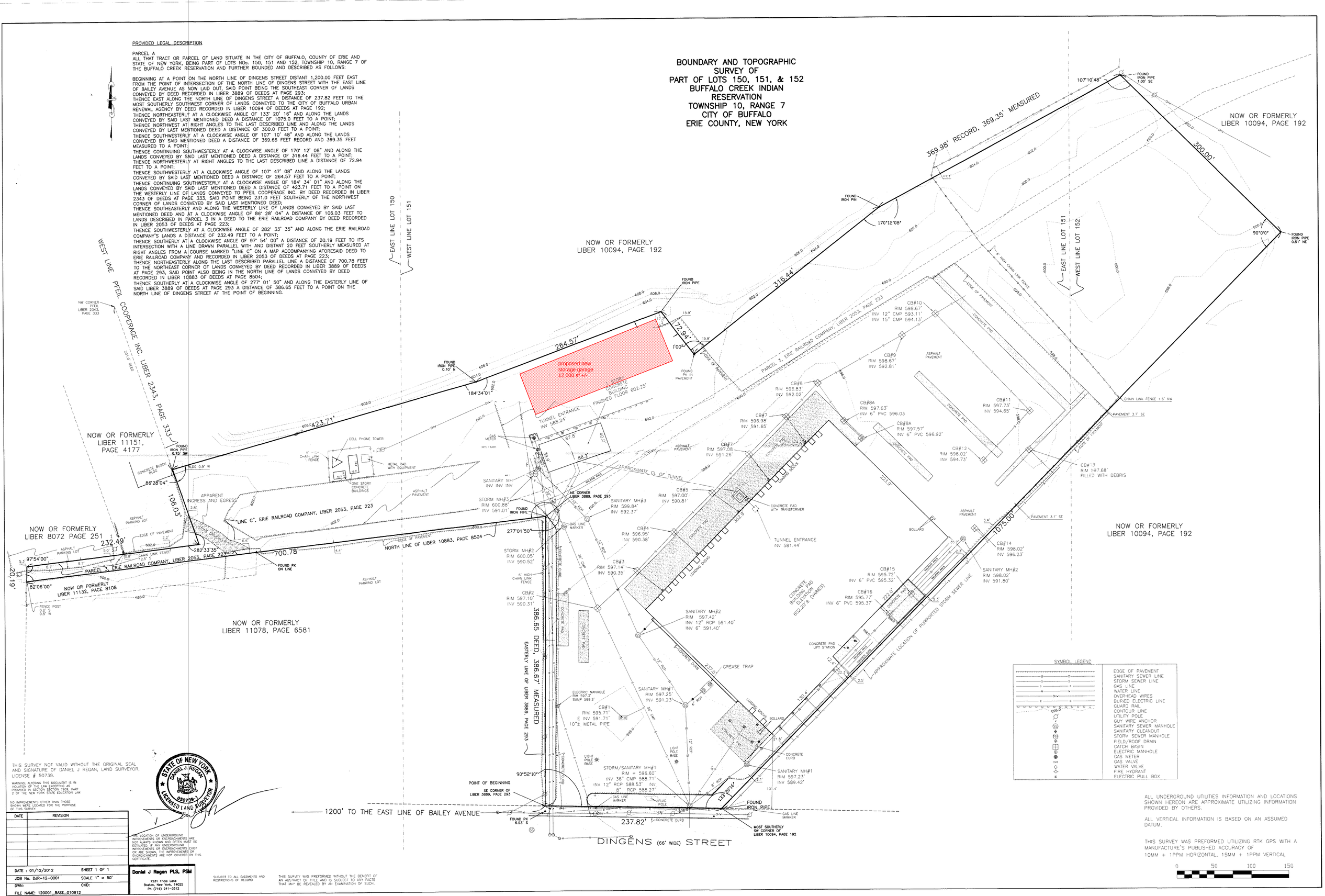
132 DINGENS ST, LLC

BOUNDARY AND TOPOGRAPHIC SURVEY OF PART OF LOTS 150, 151, & 152 BUFFALO CREEK INDIAN RESERVATION TOWNSHIP 10, RANGE 7 CITY OF BUFFALO ERIE COUNTY, NEW YORK

PROVIDED LEGAL DESCRIPTION

PARCEL A
ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS NOs. 150, 151 AND 152, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF DINGENS STREET DISTANT 1,200.00 FEET EAST FROM THE POINT OF INTERSECTION OF THE NORTH LINE OF DINGENS STREET WITH THE EAST LINE OF BAILEY AVENUE AS NOW LAID OUT, SAID POINT BEING THE SOUTHEAST CORNER OF LANDS CONVEYED BY DEED RECORDED IN LIBER 3889 OF DEEDS AT PAGE 293;
THENCE EAST ALONG THE NORTH LINE OF DINGENS STREET A DISTANCE OF 237.82 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF LANDS CONVEYED TO THE CITY OF BUFFALO URBAN RENEWAL AGENCY BY DEED RECORDED IN LIBER 10094 OF DEEDS AT PAGE 192;
THENCE NORTHEASTERLY AT A CLOCKWISE ANGLE OF 133° 20' 16" AND ALONG THE LANDS CONVEYED BY SAID LAST MENTIONED DEED A DISTANCE OF 1075.0 FEET TO A POINT;
THENCE NORTHWEST AT RIGHT ANGLES TO THE LAST DESCRIBED LINE AND ALONG THE LANDS CONVEYED BY LAST MENTIONED DEED A DISTANCE OF 300.0 FEET TO A POINT;
THENCE SOUTHWESTERLY AT A CLOCKWISE ANGLE OF 107° 10' 48" AND ALONG THE LANDS CONVEYED BY SAID MENTIONED DEED A DISTANCE OF 369.66 FEET RECORD AND 369.35 FEET MEASURED TO A POINT;
THENCE CONTINUING SOUTHWESTERLY AT A CLOCKWISE ANGLE OF 170° 12' 08" AND ALONG THE LANDS CONVEYED BY SAID LAST MENTIONED DEED A DISTANCE OF 316.44 FEET TO A POINT;
THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE A DISTANCE OF 72.94 FEET TO A POINT;
THENCE SOUTHWESTERLY AT A CLOCKWISE ANGLE OF 107° 47' 08" AND ALONG THE LANDS CONVEYED BY SAID LAST MENTIONED DEED A DISTANCE OF 264.57 FEET TO A POINT;
THENCE CONTINUING SOUTHWESTERLY AT A CLOCKWISE ANGLE OF 184° 34' 01" AND ALONG THE LANDS CONVEYED BY SAID LAST MENTIONED DEED A DISTANCE OF 423.71 FEET TO A POINT ON THE WESTERLY LINE OF LANDS CONVEYED TO PFEIL COOPERAGE INC. BY DEED RECORDED IN LIBER 2343 OF DEEDS AT PAGE 333, SAID POINT BEING 231.0 FEET SOUTHERLY OF THE NORTHWEST CORNER OF LANDS CONVEYED BY SAID LAST MENTIONED DEED;
THENCE SOUTHEASTERLY AND ALONG THE WESTERLY LINE OF LANDS CONVEYED BY SAID LAST MENTIONED DEED AND AT A CLOCKWISE ANGLE OF 86° 28' 04" A DISTANCE OF 106.03 FEET TO LANDS DESCRIBED IN PARCEL 3 IN A DEED TO THE ERIE RAILROAD COMPANY BY DEED RECORDED IN LIBER 2053 OF DEEDS AT PAGE 223;
THENCE SOUTHWESTERLY AT A CLOCKWISE ANGLE OF 282° 33' 35" AND ALONG THE ERIE RAILROAD COMPANY'S LANDS A DISTANCE OF 232.49 FEET TO A POINT;
THENCE SOUTHERLY AT A CLOCKWISE ANGLE OF 97° 54' 00" A DISTANCE OF 20.19 FEET TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL WITH AND DISTANT 20 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM A COURSE MARKED "LINE C" ON A MAP ACCOMPANYING AFORESAID DEED TO ERIE RAILROAD COMPANY AND RECORDED IN LIBER 2053 OF DEEDS AT PAGE 223;
THENCE NORTHEASTERLY ALONG THE LAST DESCRIBED PARALLEL LINE A DISTANCE OF 700.78 FEET TO THE NORTHEAST CORNER OF LANDS CONVEYED BY DEED RECORDED IN LIBER 3889 OF DEEDS AT PAGE 293, SAID POINT ALSO BEING IN THE NORTH LINE OF LANDS CONVEYED BY DEED RECORDED IN LIBER 10883 OF DEEDS AT PAGE 8504;
THENCE SOUTHERLY AT A CLOCKWISE ANGLE OF 277° 01' 50" AND ALONG THE EASTERLY LINE OF SAID LIBER 3889 OF DEEDS AT PAGE 293 A DISTANCE OF 386.65 FEET TO A POINT ON THE NORTH LINE OF DINGENS STREET AT THE POINT OF BEGINNING.



SYMBOL LEGEND

	EDGE OF PAVEMENT
S	SANITARY SEWER LINE
S	STORM SEWER LINE
G	GAS LINE
W	WATER LINE
OHW	OVER-HEAD WIRES
E	BURIED ELECTRIC LINE
	GUARD RAIL
596.0	CONTOUR LINE
	UTILITY POLE
	GUY WIRE ANCHOR
S	SANITARY SEWER MANHOLE
S	SANITARY CLEANOUT
S	STORM SEWER MANHOLE
	FIELD/ROOF DRAIN
	CATCH BASIN
E	ELECTRIC MANHOLE
G	GAS METER
	GAS VALVE
W	WATER VALVE
	FIRE HYDRANT
E	ELECTRIC PULL BOX

ALL UNDERGROUND UTILITIES INFORMATION AND LOCATIONS SHOWN HEREON ARE APPROXIMATE UTILIZING INFORMATION PROVIDED BY OTHERS.

ALL VERTICAL INFORMATION IS BASED ON AN ASSUMED DATUM.

THIS SURVEY WAS PREFORMED UTILIZING RTK GPS WITH A MANUFACTURE'S PUBLIS-HED ACCURACY OF 10MM + 1PPM HORIZONTAL, 15MM + 1PPM VERTICAL

0 50 100 150

THIS SURVEY NOT VALID WITHOUT THE ORIGINAL SEAL AND SIGNATURE OF DANIEL J REGAN, LAND SURVEYOR, LICENSE # 50739.

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

NO IMPROVEMENTS OTHER THAN THOSE SHOWN WERE LOCATED FOR THE PURPOSE OF THIS SURVEY.

STATE OF NEW YORK · DANIEL J. REGAN · 050739 · LICENSED LAND SURVEYOR

DATE	REVISION

THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.

DATE : 01/12/2012 SHEET 1 OF 1
JOB No. DJR-12-0001 SCALE 1" = 50'
DWN: CKD:
FILE NAME: 120001_BASE_010912

Daniel J Regan PLS, PSM
7231 Trico Lane
Boston, New York, 14025
Ph. (716) 941-3512

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD

THIS SURVEY WAS PREFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

APPENDIX A

SITE INSPECTION (IC/EC) FORM

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

Site Details **Box 1**

Site No. **C915263**

Site Name 132 Dingens St. Site

Site Address: 132-136 Dingens Street Zip Code: 14206
City/Town: Buffalo
County: Erie
Site Acreage: 13.200

Reporting Period: April 20, 2019 to April 20, 2020

	YES	NO
1. Is the information above correct?	☑	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☑
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☑	☐
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? City of Buffalo Building Permit (See Appendix B)	☑	☐
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☑	☐

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial	☑	☐
7. Are all ICs/ECs in place and functioning as designed?	☑	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

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

Signature of Owner, Remedial Party or Designated Representative Date

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

Parcel	Owner	Institutional Control
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

Parcel	Engineering Control
112.19-1-14.11	Cover System

Maintenance of the Cover System.

Box 5

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 compete.

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 (print name) at 132 Dingens St. Buffalo, NY 14206 (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 — Date: 5/15/2020

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 Lori E. Riker, P.E. at 2558 Hamburg Turnpike, Suite 300 Buffalo, NY 14218,
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 | Stamp (Required for PE) | 5/15/2020 Date

APPENDIX B

NEW BUILDING CONSTRUCTION DOCUMENTATION

BUILDING PERMIT

Department of Permit & Inspection Services

65 Niagara Sq Rm. 301
Buffalo, NY 14202

Byron W. Brown, Mayor

Department of Permit & Inspection Services

. . . . Building a Better Buffalo

Application Type: General Construction Permit

You must contact the Inspector at (716)851-4818 or at the number listed below prior to starting any work.

Application/Permit No.: GC19-9479737

Location: 132 DINGENS

Applicant: PINTO CONSTRUCTION SERV (GNC)
1 BABCOCK
BUFFALO, NY 14210-

SBL No.: 1121900001014110

Land Use: 449

Census Track: 167.00

Inspector: Erik Hoepfinger (716)851-4818

Issue Date: 12/16/2019

Processed By: FRANK DIGENNARO

Expire Date: 06/16/2020

Fees: $4,965.00

License No.: SPC11-538759

License Type: SPECIALITY CONTRACTOR

DBA: PINTO CONSTRUCTION SERVICES

Value: $200,000.00

Plans: Yes

Description of Work: ***PLANS / MAJOR SITE PLAN APPROVAL REQUIRED*** ERECT A 13300S.F. STORAGE/VEHICLE MAINTENANCE BUILDING IN THE REAR OF AN EXISTING STORAGE BUILDING. ***PLANS FILED 10/2/19***
*** THE OWNER IS ACTING AS THE GENERAL CONTRACTOR AND A LIST OF ALL SUBCONTRACTORS BEING USED FOR WORK SHALL BE LICENSED WITH THE CITY OF BUFFALO AND A LIST OF THOSE SUBCONTRACTORS SHALL BE SUPPLIED TO THE BUILDING INSPECTOR ***
*** ALL SEPERATE MECHANICAL, ELECTRICAL, AND PLUMBING PERMITS SHALL BE PULLED AS NEEDED PER PERMIT ***

YOU MUST CONTACT YOUR INSPECTOR PRIOR TO STARTING ANY WORK

RECEIVED/PAID
DEC 16 2019
COB TREASURY

James Comerford Jr.

Commissioner, Permit & Inspection Services

Thank you for investing in the City of Buffalo

AND AS SHOWN ON APPLICATION NUMBERED ABOVE. WHICH APPLICATION IS MADE PART OF THIS PERMIT.
*** ALL GENERAL CONTRACTORS AND SUB-CONTRACTORS MUST CARRY A CITY LICENSE ***
ALL WORK PERFORMED AND ANY ASSOCIATED PLANS SUBMITTED FOR THE ISSUANCE OF THIS PERMIT, SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS.
THIS PERMIT IS VOID IF FOUND TO BE ISSUED IN VIOLATION OF ANY LAW OR ORDINANCE AND CONDITIONS STATED ABOVE.

THIS PERMIT MUST BE DISPLAYED WHERE IT IS VISIBLE FROM THE STREET

Signature of Contact/Contractor _____ Date: 12/16/2019

Apply for your next Building Permit online at http://www.buffalony.gov

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. Site Name: 132 Dingens St. Site **DEC Site ID No.** C915263

II. Contact Information of Person Submitting Notification:

Name: James Panepinto

Address1: 132 Dingens St.

Address2: Buffalo, NY 14206

Phone: 716-825-6666 E-mail: jpinto@pintocs.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☐ Change in Ownership or Change in Remedial Party(ies)
- ☐ Transfer of Certificate of Completion (CoC)
- ☑ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): Oct 9, 2019

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

New building construction requiring cover system disturbance. Attached Site Layout Plan shows approximate building location.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

During a recent geotechnical investigation, Benchmark collected soil samples for waste characterization analyses. The project will be conducted in accordance with the August 2019 Excavation Work Plan. The soil excavated for building footers will be placed in roll off containers and transported by Pariso Trucking to the Allied Waste Systems sanitary landfill at 5600 Niagara Falls Blvd., Niagara Falls, NY 14304-0354 under a new Waste Profile. The Construction Completion Report will be prepared and submitted to NYSDEC with the next PRR. SMP figures will be updated with post-construction features and submitted to NYSDEC.

APPENDIX C

SITE PHOTOGRAPHIC LOG

SITE PHOTOGRAPHS

Photo 1:

Photo 2:

Photo 3:

Photo 4:

SOUTH-CENTRAL PORTION OF PROPERTY (April 15, 2020)

Photo 1: Asphalt cover repairs and access road at gate (looking north)

Photo 2: Asphalt cover repairs and access road at gate (looking east along southern property boundary)

Photo 3: Asphalt cover (looking west)

Photo 4: Asphalt cover (looking east)

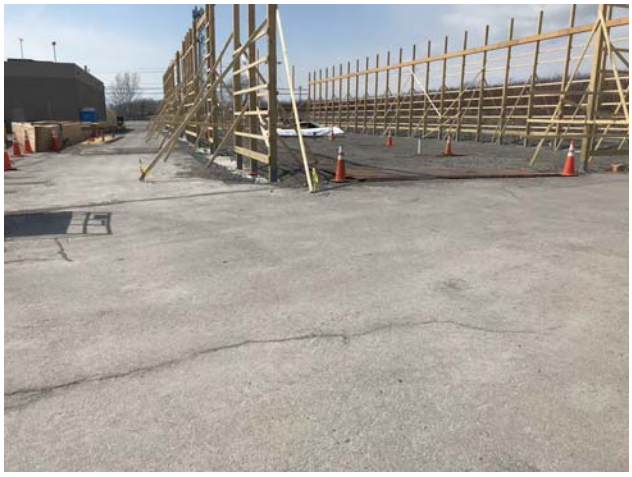
SITE PHOTOGRAPHS

Photo 5:

Photo 6:

Photo 7:

Photo 8:



CENTRAL PORTION OF PROPERTY (April 15, 2020)

Photo 5: Office building, asphalt cover, and asphalt cover repairs (looking north)

Photo 6: Asphalt cover and asphalt cover repairs (looking east)

Photo 7: New building construction and asphalt cover (looking northwest)

Photo 8: New building construction and asphalt cover (looking west)

SITE PHOTOGRAPHS

Photo 9:

Photo 10:

Photo 11:

Photo 12:

EAST-CENTRAL PORTION OF PROPERTY (April 15, 2020)

Photo 9: New building construction and existing asphalt cover (looking north)

Photo 10: New building construction materials and existing crushed stone cover (looking east)

Photo 11: Transition from crushed stone cover to asphalt cover (looking south)

Photo 12: Crushed stone cover and fence along northern property boundary (looking east)

SITE PHOTOGRAPHS

Photo 13:

Photo 14:

Photo 15:

Photo 16:

EASTERN END OF PROPERTY (April 15, 2020)

Photo 13: Crushed stone cover (looking west)

Photo 14: Crushed stone cover and fence along eastern property boundary (looking south)

Photo 15: Transition from crushed stone cover to asphalt cover (looking northwest)

Photo 16: Transition from crushed stone cover to asphalt cover (looking northwest)

SITE PHOTOGRAPHS

Photo 17:

Photo 18:

Photo 19:

Photo 20:

WESTERN END OF PROPERTY (April 15, 2020)

Photo 17: Asphalt cover, office building, and new building construction (looking southeast)

Photo 18: Asphalt cover along western end of northern property boundary (looking southwest)

Photo 19: Asphalt cover along (looking east)

Photo 20: Asphalt cover along western end of property boundary (looking west)

SITE PHOTOGRAPHS

Photo 21:

Photo 22:

Photo 23:

Photo 24:

NEW BUILDING CONSTRUCTION ACTIVITIES (February 25 - March 9, 2020)

Photo 21: Asphalt removal from new building footprint (looking west)

Photo 22: Utility trench excavation for catch basin and storm piping installation (looking east)

Photo 23: Utility excavation for oil/water separator installation (looking south)

Photo 24: New building foundation excavation (looking east)

SITE PHOTOGRAPHS

Photo 25:

Photo 26:

Photo 27:

Photo 28:

NEW BUILDING CONSTRUCTION ACTIVITIES (February 25 - March 9, 2020)

Photo 25: New building foundation excavation and clean stone above existing demarcation fabric (looking west)

Photo 26: Poured concrete building perimeter foundation (looking east)

Photo 27: Utility excavation for sanitary sewer connection (looking south)

Photo 28: Utility trench excavation for perimeter drainage pipe installation (looking west)

SITE PHOTOGRAPHS

Photo 29:

Photo 30:

Photo 31:

Photo 32:

NEW BUILDING CONSTRUCTION ACTIVITIES (February 25 - March 9, 2020)

Photo 29: New building foundation excavation and clean stone above existing demarcation fabric (looking west)

Photo 30: Perimeter drainage pipe installation (looking east)

Photo 31: Community Air Monitoring Plan (CAMP) Station downwind of Site activities (looking southeast)

Photo 32: Electric utility pole installation activities performed May 6, 2020 (looking northeast).

APPENDIX D

COVER REPAIR ACTIVITIES

From: Jim Panepinto
To: Lori E. Riker
Subject: RE: 132 Dingens - Cap Repairs/Patching
Date: Tuesday, February 25, 2020 4:31:54 PM

132 DINGENS STREET - 2019 ASPHALT CAP REPAIR DATES
5/20/2019
5/21/2019
5/22/2019
5/23/2019
5/24/2019
5/27/2019
5/28/2019
5/29/2019
5/30/2019
5/31/2019
6/18/2019
6/19/2019
6/22/2019
6/23/2019
6/24/2019
6/25/2019
6/26/2019
10/14/2019
10/15/2019
10/16/2019
10/17/2019
10/18/2019
10/19/2019
10/21/2019
10/22/2019
10/23/2019

From: Lori E. Riker <lriker@bm-tk.com>
Sent: Tuesday, February 25, 2020 9:07 AM
To: Jim Panepinto <jpinto@pintocs.com>
Subject: RE: 132 Dingens - Cap Repairs/Patching

Jim,

What were the dates the repairs were made? I will need to do my inspection of the property prior to

April 20 (end of reporting period). We will include a description of the new building construction.

Thanks,
Lori

Lori E. Riker, P.E.
Sr. Project Manager
lriker@bm-tk.com

Benchmark Environmental Engineering & Science, PLLC
www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0599, *Facsimile:* (716) 856-0583

Strong Advocates | Effective Solutions | Integrated Implementation

---

From: Jim Panepinto <jpinto@pintocs.com>
Sent: Monday, February 24, 2020 4:28 PM
To: Lori E. Riker <lriker@bm-tk.com>
Subject: FW: 132 Dingens - Cap Repairs/Patching

Lorie,

Please see the attached cap repair map. We did this work in 2019.

Please let me know if you need anything else for the annual report.

Jim

From: Andrew Maziarz <amaziarz@pintocs.com>
Sent: Monday, February 24, 2020 4:06 PM
To: Jim Panepinto <jpinto@pintocs.com>
Subject: 132 Dingens - Cap Repairs/Patching

Jim,
Please see attached for the map of the patching done at Dingens St.

Andrew Maziarz
Pinto Construction Services, Inc.
132 Dingens St. Buffalo, NY 14206
CELL: (716) 481-6998
OFFICE: (716) 825-6666 Ext: 112
FAX: (716) 825-6773

132 DINGENS STREET
CITY OF BUFFALO, STATE OF NEW YORK
PART OF LOTS 150, 151, & 152
BUFFALO CREEK INDIAN RESERVATION
TOWNSHIP 10, RANGE 7
CITY OF BUFFALO
ERIE COUNTY, NEW YORK
SCALE 1"=40'
NOW OR FORMERLY
LIBER 10094, PAGE 192
EAST LINE LOT 150
WEST LINE LOT 151
EAST LINE LOT 151
WEST LINE LOT 152
PARCEL 3, ERIE RAILROAD COMPANY, LIBER 2053, PAGE 223
ERIE RAILROAD COMPANY, LIBER 2053, PAGE 223
NORTH LINE OF LIBER 10883, PAGE 8504
SBL 112.19-3-3.121
SBL 112.19-3-14
SBL 112.19-1-26.21
SBL 112.19-1-8.112
CELL PHONE TOWER
6' HIGH CHAIN LINK FENCE
METAL PAD WITH EQUIPMENT
ONE STORY CONCRETE BUILDINGS
ASPHALT PAVEMENT
ASPHALT PARKING LOT
1 STORY CONCRETE BUILDING FINISHED FLOOR 602.25'
APPROXIMATE CL OF TUNNEL
TUNNEL ENTRANCE INV 581.44'
CONCRETE PAD WITH TRANSFORMER
LOADING DOCKS
CONCRETE PAD
SUSPENDED CONCRETE SLAB
264.57'
423.71'
700.78'
316.44'
352.9'
223.9'
222.0'
237.0'
130.4'
1075.00'
237.82'
386.65 DEED, 386.67' MEASURED
EASTERLY LINE OF LIBER 3889, PAGE 293
1200' TO THE EAST LINE OF BAILEY AVENUE
DINGENS (66' WIDE) STREET
132 DINGENS STREET – BCP
ASPAHLT CAP REPAIRS 2019
SURVEY LOCATIONS OF PATCHING
SURVEYED ON 01/15/20
KEY
MILL AND OVERLAY AREAS =
TOTALS
TOTAL AREA OF ASPHALT CAP REPAIRS = 23,373.5 Sq. Ft
ASPHALT MILLINGS DISPOSED = 144.03 TONS
NEW ASPHALT PLACED = 267.47 TONS
2" TYPE 7F TOP COURSE HMA 80 SERIES COMPACTION
3" TYPE 3 BINDER COURSE HMA 80 SERIES COMPACTION
12" NYSDOT TYPE 2 SUBBASE, ITEM 304.12
ASPHALT TO REMAIN
MILL & OVERLAY
APPROXIMATELY 1 1/2" MILLING AREA
EXTENT OF MILL, TACK COAT ALL SURFACES
EXISTING PAVEMENT TO REMAIN
OVERLAY MILLED AREA WITH TYPE 7F TOP COURSE 80 SERIES COMPACATION
SCALE: NOT TO SCALE
TYPICAL ASPHALT MILL & OVERLAY SECTION

APPENDIX E

FIELD ACTIVITY DAILY LOGS

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

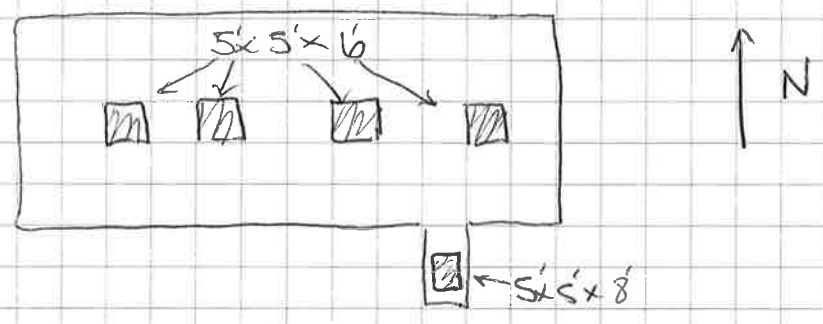
DAILY LOG	DATE	2	25	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street	PROJECT NO. B0365-019-002
PROJECT LOCATION: Buffalo NY	CLIENT: Pinto Const / 132 Dingens Street LLC.
FIELD ACTIVITY: Stripping Asphalt & digging Utilities Caten Basins	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
1145	On-site, set up CAMP Station #3. Met w/ Dave & Charles from Pinto. - Stripping asphalt & sending to Swift River. - Pinto will provide scale slips. - Clean Stone on-site ~~3~~ 6 loads: Pinto will provide slips Stone from where Buffalo Crushed. - Digging out Caten basins 5'x5'x~8' Mallare transporting soil/fill to Allied, direct loading. 9A-738. Loads 11 (Mallare 101, 118) Camp down 350 pm.
400	Offsite Backfilled bottoms of 5 CB excavations w/ bedding stone.



VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:
WEATHER CONDITIONS: A.M.: P.M.: 35°F, ENE 10mph.	IMPORTANT TELEPHONE CALLS:
PERSONNEL ON SITE: CCB.	
SIGNATURE [signature]	DATE: 2/25/20

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

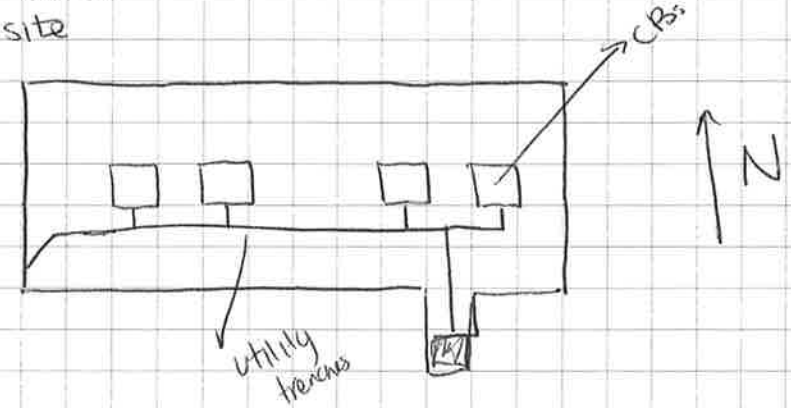
DAILY LOG	DATE	2	26	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME:	132 Dingens Street Site	PROJECT NO.	B0336S - 019-007
PROJECT LOCATION:	Buffalo NY.	CLIENT:	132 Dingens Street LLC
FIELD ACTIVITY:	Utility Trenches		

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	Onsite Set up CAMP #3, light snow & rain throughout the day. Mallare Trucks onsite to haul out to Allied. Truck count: IIIII #118, 141, 110 Pinto Excavating utility trenches to ~4 fbgs Import Count from ~~truck~~ : 11 Peat Stone. Plumbers on-site installing pipe backfilling trenches w/ peat stone surrounding pipe.
415	CAMP down Off site



VISITORS ON SITE: Plumbers - Installing Stormpipe	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:
WEATHER CONDITIONS: A.M.: 33°F, NE 11mph light snow. P.M.: 37°F NE 10mph rain.	IMPORTANT TELEPHONE CALLS:
PERSONNEL ON SITE: CCB	
SIGNATURE: CCBell	DATE: 2/26/20

No Work 2/27/20 due to snow

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

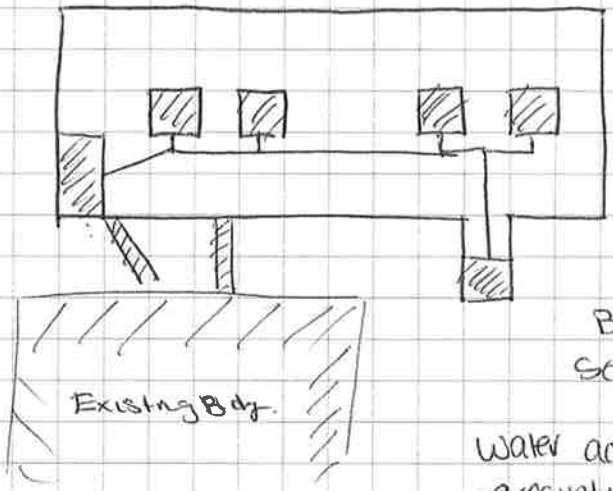
DAILY LOG				
	DATE	3	2	20
	NO.			
	SHEET	1	OF	1

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B0360-019-002
PROJECT LOCATION: 132 Dingens Street	CLIENT: 132 Dingens Street LLC
FIELD ACTIVITY: Utility Excavations	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	On-site, NO CAMP due to rain.
	Pinto continuing to dig trenches & underground oil/water separator excavation. to 8 bgs.
740	Set up CAMP #3.
	2 trucks out 3 loads of stone



All utility excavation backfilled w/ Franklinville Cleanstone w/ 6"-12".

Backfilled floor of oil/water separator excavation.

Water accumulated at bottom of excavation. @ 8 bgs.

1215	Done digging for the day CAMP down Offsite to office.

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:
plumbers & electrician.	
WEATHER CONDITIONS: A.M.: 44°F, SSW 11mph	**IMPORTANT TELEPHONE CALLS:**
P.M.: rain.	
PERSONNEL ON SITE: CCB	
SIGNATURE	DATE: 3/2/20

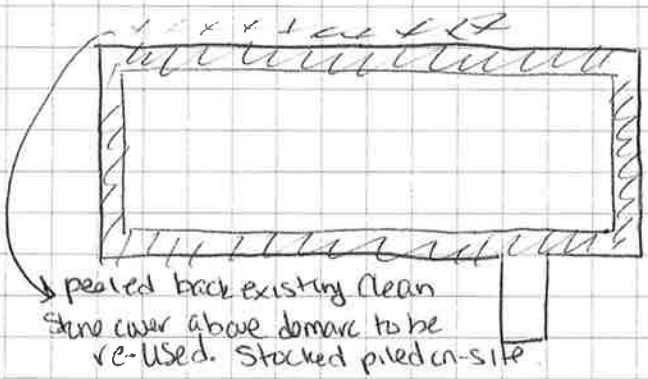
BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

DAILY LOG	DATE	3	3	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B0365-019-002
PROJECT LOCATION: Buffalo NY	CLIENT: 132 Dingens Street LLC
FIELD ACTIVITY: Building Foundation	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	Onsite, set up CAMP #3 Backfilling utility excavations w/ 1" Stone from where Franklinville used for bedding. Excavated building perimeter foundation to approximately 3.5 fbgs x 3' wide  CAMP down, off-site
400	

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:

WEATHER CONDITIONS:	IMPORTANT TELEPHONE CALLS:
A.M.: 39°F, SSE, 3mph heavy fog. light rain. P.M.: 50°F SSW 9mph rain on & off	

PERSONNEL ON SITE: CCB

SIGNATURE [signature] DATE: 3/3/20

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

DAILY LOG	DATE	3	4	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B0365-019-002
PROJECT LOCATION: 132 Dingens Street	CLIENT: 132 Dingens Street LLC
FIELD ACTIVITY: Completed Building Perimeter Foundation Excavation	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	On-site setup CAMP #3
	Completed building perimeter foundation excavation to ~3.5 fbgs ; disposed of drum material from July 2019 waste characterization.
	CAMP down
930	Off site to office
	Plans to dig next on friday.
	pouring concrete foundations thursday ~~friday~~.

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:

WEATHER CONDITIONS:	IMPORTANT TELEPHONE CALLS:
A.M.: 30°F WSW 13mph.	
P.M.:	

PERSONNEL ON SITE: CCB

SIGNATURE [signature] DATE: 3/4/20

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

DAILY LOG	DATE	3	5	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B0365-019-001
PROJECT LOCATION: 132 Dingens Street	CLIENT: 132 Dingens Street LLC
FIELD ACTIVITY: Sewer line Excavation	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
800	On-site, set up CAMP #3.
	Stripped asphalt in area of sewer connection, sent to Swift River.
	Excavated to approx. 8bgs to find sewer connection, made connection + backfilled w/ peat stone + concrete.
	@ 1 truck running., 2 loads off site
	CAMP down
230	off-site

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS:
WEATHER CONDITIONS: A.M.: 32°F, WSW 7mph P.M.: 39°F, WSW 7 mph	IMPORTANT TELEPHONE CALLS:
PERSONNEL ON SITE: JAB	
SIGNATURE [signature]	DATE: 3/5/20

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

DAILY LOG	DATE	3	6	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B0305-019-001
PROJECT LOCATION: 132 Dingens Street	CLIENT: 132 Dingens LLC
FIELD ACTIVITY: Excavating Drainage Pipe.	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	on-site - delayed field work until 8.
800	Back onsite Setup CAMP #3. Equipment error → PID not transmitting data field screened all intrusive work w/ PID & periodically checked CAMP station. Excavated ~~~ drainage pipe around perimeter of building to approximately 2 fbgs One Mallard track running.
1030	Heavy snow at 1030 causing errors w/ dust track data. CAMP down due to precipitation.
1350	CAMP back up.
345	CAMP down offsite.

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS: partial CAMP due to snow/rain.
WEATHER CONDITIONS: A.M.: 34°F SW 8mph. ~~light~~ snow/rain P.M.: 34°F WSW 5mph. snow/rain.	IMPORTANT TELEPHONE CALLS:
PERSONNEL ON SITE: CCB	
SIGNATURE Carl Bell	DATE: 3/6/20

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

DAILY LOG	DATE	3	9	20
	NO.			
	SHEET		OF	

FIELD ACTIVITY DAILY LOG

PROJECT NAME: 132 Dingens Street Site	PROJECT NO. B13205-019-001
PROJECT LOCATION: 132 Dingens Street	CLIENT: 132 Dingens Street LLC.
FIELD ACTIVITY: Hauling Soil offsite	

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

TIME	DESCRIPTION
700	On-site CAMP #3 not working, back to office to get new station.
745	Back on-site, set up CAMP #1 Hauling off stock piled soil to landfill. Excavating trench for electric conduit.
245	CAMP down. Off-site to office.

VISITORS ON SITE:	CHANGES FROM PLANS AND SPECIFICATIONS, AND OTHER SPECIAL ORDERS AND IMPORTANT DECISIONS: Switched from CAMP # 3 to CAMP #1.
WEATHER CONDITIONS: A.M.: 50°F SW 13mph P.M.: 54°F SW 14mph.	IMPORTANT TELEPHONE CALLS:
PERSONNEL ON SITE: CJCB	
SIGNATURE [signature]	DATE: 3/9/20