

January 29, 2016

Mr. David Szymanski New York State Dept. of Environmental Conservation Division of Environmental Remediation 270 Michigan Avenue Buffalo, New York 14203-2999

Re: 154 South Ogden Street Site (C915268)

Buffalo, New York

Periodic Review Report (December 9, 2014 to January 2, 2016)

Dear Mr. Lopes:

Enclosed please find a hard copy of the Periodic Review Report (PRR) for the above-referenced sites, which was electronically transmitted to the Department on January 29, 2016.

The PRR has been prepared for the referenced Site with the IC/EC Certification form completed. As indicated in the PRR, the institutional controls are in place and the Site is in compliance with the Site Management Plan for the reporting period of December 9, 2014 to January 2, 2016.

Please contact us if you have any questions or require additional information.

Sincerely,

Benchmark Environmental Engineering & Science, PLLC

Thomas H. Forbes, PE

Principal Engineer

Bryan C. Hann Project Manager

J. Neimeier (154 South Ogden, LLC)

B. Wiesinger (SBCS)

File: B0249-015-014

cc:

## Periodic Review Report

154 South Ogden Street Site

BCP Site No. C915268 154 South Ogden Street Buffalo, New York

January 2016

0249-015-014

**Prepared For:** 

154 South Ogden LLC



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, NY | phone: (716) 856-0599 | fax: (716) 856-0583

## PERIODIC REVIEW REPORT

## 154 SOUTH OGDEN STREET SITE (BCP SITE No. C915268)

**BUFFALO, NEW YORK** 

January 2016 B0249-015-014

Prepared for:

## 154 South Ogden, LLC

Prepared By:



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

## PERIODIC REVIEW REPORT

## 154 South Ogden Street Site (C915268)

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#### PERIODIC REVIEW REPORT

## 154 South Ogden Street Site (C915268)

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Appendix C	Import Material Documentation
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#### 1.0 Introduction

Benchmark Environmental Engineering and Science, PLLC (Benchmark) has prepared this Periodic Review Report (PRR) to summarize the post-remedial status of New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C915268, located at 154 South Ogden Street, in the City of Buffalo, Erie County, New York (see Figure 1).

This PRR has been prepared in accordance with the NYSDEC DER-10 *Technical Guidance for Site Investigation and Remediation* (May 2010; Ref. 1) and the NYSDEC's Institutional and Engineering Controls (IC/EC) Certification Form has been prepared for the Site. This PRR and the associated IC/EC Form (see Appendix A) have been completed for the post-remedial period from December 9, 2014 to January 2, 2016.

#### 1.1 Site Background

154 South Ogden, LLC entered into a Brownfield Cleanup Agreement (BCA) with the New York State Department of Environmental Conservation (NYSDEC) in November, 2012, to investigate and remediate a 21-acre portion of a greater 26.6 acre parcel located in the City of Buffalo, County of Erie, New York. BCP site activities were performed in accordance with Brownfield Cleanup Agreement (BCA) Index#C915268-10-12, Site #C915268, which was executed on November 13, 2012. The property was remediated to restricted residential use is currently being used as a charter school educational facility.

The site is located in the County of Erie, New York and is identified as a portion of Block 1 and Lot 4 on the City of Buffalo Tax Map # 123.15 per Erie County Tax Map records. The site is situated on an approximately 21-acre area bounded by the Buffalo River to the north; vacant property, a cell tower, and Mineral Spring Road to the south; South Ogden Street to the east; and railroad tracks and power lines to the west (see Figures 1 and 2).

#### 1.2 Remedial History

Until 2013, the site was vacant, vegetated with grasses, emergent trees, and invasive species (e.g., knotweed). Prior uses that appear to have led to site contamination include past solid waste disposal over a majority of the site. Historical records indicate that the site was



B0249-015-014

not previously developed. A portion of the property was historically traversed by the Buffalo River and filled when the river channel was straightened to its current configuration.

A Remedial Investigation (RI) was performed in January 2013 (and a supplemental investigation completed in March 2013) to characterize the nature and extent of contamination at the site. The results of the RI are described in detail in the Remedial Investigation/Interim Remedial Measures/Alternatives Analysis (RI/IRM/AA) Report prepared by Benchmark and dated April 2013 (revised March 2014). Generally, the RI determined the following contaminants of concern (COCs) in Site soil and/or groundwater: lead, arsenic, polycyclic aromatic hydrocarbons (PAHs) (particularly benzo(a)pyrene), chlorobenzene, 1,2-dichlorobenzene, and cis-1,2-dichloroethene.

The RI/IRM/AA Report recommended remediation of nine areas of concern (AOCs) (characterized by more pronounced levels of COCs), with cover placement recommended as the final remedial measure under a Track 4 Cleanup approach. Additional requirements included development and adherence to a Site Management Plan (SMP) and filing of an Environmental Easement to restrict use of the property to restricted residential, commercial, and industrial applications and to place other limitations on post-redevelopment activities.

#### 1.3 Compliance

At the time of the Site inspection, the Site was fully compliant with the NYSDEC-approved SMP dated September 2014.

#### 1.4 Recommendations

Based on the results of the annual inspection and certification, no modifications are recommended at this time with the exception of a change in the reporting period to avoid potential incomplete or hindered site inspection due to snow cover and/or school-related activities. It is requested that the PRR deadline be shifted to July 15<sup>th</sup>.



#### 2.0 SITE OVERVIEW

An overview of the remediation and redevelopment activities undertaken on the Site covered by this PRR is presented below. The remediated property is subject to a comprehensive, site-wide SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls and procedures for post-remedial excavation and related activities.

The 154 South Ogden Street Site was redeveloped under the BCP as a charter school educational facility. The following nine AOCs were remediated:

- Metals-impacted (arsenic) AOC SS-6: excavation of approximately 87.5 tons within an approximate 20 by 20 foot area to an average two-foot depth;
- Petroleum-impacted AOC SB-4: excavation of approximately 652 tons within an approximate 33 by 38 foot area to an approximate 17 foot depth based on visual and olfactory petroleum-like odor;
- PAH-impacted AOC SB-14: excavation of approximately 255 tons within an approximate 30 by 30-foot area to an average six-foot depth;
- PAH-impacted AOC SB-16: excavation of approximately 80.5 tons within an approximate 20 by 20-foot area to an average four-foot depth;
- Metals-impacted (lead) AOC SB-20: excavation of approximately 86 tons within an approximate 20 by 20 foot area to an average five-foot depth;
- Metals-impacted (arsenic and lead) AOC SB-27: excavation of approximately 94 tons within an approximate 20 by 20 foot area to an average five-foot depth;
- PAH-impacted AOC SB-36: excavation of approximately 122.5 tons within an approximate 23 by 30 foot area to an average two-foot depth;
- Metals-impacted (arsenic and lead) AOC SB-69: excavation of approximately 409 tons within an approximate 52 by 63 foot area to an average two-foot depth; and
- Asphalt pieces and fill AOC Column Pile Line M5: excavation of approximately 24 tons within an approximate 15 by 20 foot area.

The remedial program was successful in achieving the remedial objectives for the Site. An Environmental Easement restricting end use of the Site and enforcing adherence to the SMP was filed in September 2014 and approved in November 2014. The Final Engineering Report (FER) was approved in December 2014. Concurrently, a Certificate of Completion (COC) was issued for the Site by the NYSDEC in December 2014.



#### 3.0 REMEDY PERFORMANCE

A post-remedial site inspection involving a walk-over of the Site covered by this PRR was performed to visually observe and document the use of the Site for restricted residential, commercial, and/or industrial use, confirm absence of site groundwater use, inspect the cover system integrity, and verify conformance with other requirements under the SMP. The site inspection completed during this reporting period indicates that the controls are inplace and functioning as intended in accordance with the SMP.

The completed IC/EC Certification forms and site photographs are included in Appendices A and B, respectively.



#### 4.0 SITE MANAGEMENT PLAN

A site-wide SMP was prepared for the Site and approved by the Department in November 2014. Key components of the SMP are described below.

#### 4.1 Institutional and Engineering Control (IC/EC) Plan

Since remaining contaminated soil and groundwater exists beneath the site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all IC/ECs at the site. At the time of the site inspection, the Site covered by this PRR was fully compliant with all engineering and institutional control requirements.

#### 4.1.1 Institutional Controls (ICs)

The site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls is required by the Environmental Easement. Site restrictions that apply to the Controlled Property are:

- The property may only be used for restricted-residential, commercial, and industrial use provided that the long-term Engineering and Institutional Controls included in the SMP are employed.
- The property may not be used for a higher level of use, such as unrestricted use without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;
- All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- Vegetable gardens and farming on the property are prohibited;
- The site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and



environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable.

#### 4.1.2 Engineering Controls (ECs)

Engineering controls at the Site include:

- Cover System Exposure to remaining contamination in soil/fill at the site is prevented by a final cover system placed over the site. This cover system is comprised of a minimum of 24 inches of clean soil (with demarcation layer), asphalt pavement, concrete sidewalks, compacted fine gravel walking paths, concrete building slabs, bioretention material, and recycled rubber mulch. The cover system must be maintained in compliance with the SMP.
- Bioretention Basins There are five bioretention basins located on the Site (see Figure 2). Each bioretention basin is part of the Site erosion control plan. Procedures for the inspection and maintenance of these basins are provided in the SMP.
- Vapor Barrier A poly vapor barrier must be installed (if new construction) and remain in-place beneath existing building concrete floor slabs.

#### 4.2 Excavation Work Plan

An Excavation Work Plan (EWP) was included in the NYSDEC-approved SMP for the Site. The Excavation Work Plan provides guidelines for the management of soil and fill material during any future intrusive actives. Any intrusive work that will penetrate the cover or cap, or encounter or disturb the remaining contamination, including any modifications or repairs to the existing cover system, must be performed in compliance with the EWP.

#### 4.2.1 Site Improvement Activities

From issuance of the COC on December 9, 2014 to January 2, 2016 (i.e., the subject PRR monitoring period) certain site improvements occurred that involved management of



on-Site cover soil as well as soil/fill material beneath the final cover demarcation layer, placement of backfill materials, and disturbance of the cover system occurred during. Improvement activities included:

- A new 45 ft. by 70 ft. concrete pad to accommodate placement of above grade garden boxes. Construction involved removal of approximately 12 inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 6 inches of 2-inch run of crush material and approximately 6 inches of concrete. No materials below the demarcation layer were disturbed.
- Installation of a 6-foot high wooden fence on the east side of the existing school building to hide existing utility meters. Construction involved installation of 2 posts flanged and bolted to the existing sidewalk. No soil/fill materials below the pavement were disturbed.
- A new approximately 50 ft. by 50 ft. concrete pad to accommodate a new 30 ft. by 50 ft. pole barn used to house school lawn maintenance equipment and provide additional storage. Construction involved removal of approximately 12 inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 6 inches of 2-inch run of crush material and approximately 6 inches of concrete. Eighteen anchoring posts were installed to approximately 5 feet below ground surface (fbgs), each set in concrete. Approximately 175 lineal feet (LF) of gas line, 2-inch electrical conduit, and 2-inch data conduit were also installed from the existing school building to the new pole barn at a depth of approximately 2 fbgs. In addition, approximately 60 LF of roof drain piping was installed from the pole barn to an existing storm drain line west of the barn. Utility trenches and the pole barn pad did not breach the demarcation layer and utilities were backfilled with 2-inch run of crush material followed by excavated cover soils. Excess cover soils were stockpiled in the southwest corner of the Site. Fill materials excavated to accommodate anchoring posts were managed in accordance with the SMP as discussed below.
- Two new playgrounds, both approximately 31 ft. by 40 ft., were installed along the west side of the existing school building. Construction involved stripping approximately 6 inches of cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 6-inches of recycled rubber mulch (or 24 tons) covering approximately 2,440 square feet (SF). Roughly four tons of additional recycled rubber mulch, currently in storage, is expected to be used to supplement any areas of excess settlement identified going forward. Thirty, one-inch diameter anchoring posts were installed to approximately 2 fbgs, each set in concrete, to facilitate



- installation of playground equipment. All generated spoils were managed in accordance with the SMP.
- Approximately 530 SF of new concrete sidewalks associated with the new playground along the west side of the existing school building were installed. Construction involved removal of approximately six inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 4 inches of 2-inch run of crush material and approximately 6 inches of concrete. No materials below the demarcation layer were disturbed.
- New pedestrian stone path. Approximately 209 LF of new pedestrian stone path was installed from the existing school building aligned east-west and located north of the new pole barn to meet the existing pedestrian stone path west of the new pole barn (see Figure 3). Construction involved removal of approximately four inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 4 inches of trail blend aggregate. No materials below the demarcation layer were disturbed.
- Approximate 11 foot wide asphalt lane added to bus turnaround. Construction
  involved removal of approximately twelve inches of final cover soils, which
  were subsequently stockpiled in the southwest corner of the Site, followed by
  placement of approximately 12 inches of 2-inch run of crush material and
  approximately 4.5 inches of asphalt (binder and top coat). No materials below
  the demarcation layer were disturbed.
- Installation of six concrete bleacher pads (four adjacent to the softball field and two adjacent to the baseball field). Each pad was approximately 7 ft. by 20 ft. (140 SF). Construction involved removal of approximately four inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 4 inches of 2-inch run of crush material and approximately 6 inches of concrete. No materials below the demarcation layer were disturbed.
- New pedestrian stone path. Approximately 890 LF of new pedestrian path was installed adjacent to and north of the existing softball field wrapping around the west side of the Site to meet the existing pedestrian stone path west of the existing baseball field (see Figure 3). Construction involved removal of approximately four inches of final cover soils, which were subsequently stockpiled in the southwest corner of the Site, followed by placement of approximately 4 inches of trail blend aggregate. No materials below the demarcation layer were disturbed.
- Placement of additional Mar-Co Clay to fill in low spots in both ballfields and to provide additional stockpiled material for future use.



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Intrusive activities were observed by Benchmark/Zoladz/R&P personnel to verify conformance with the SMP. Approximately 450 cubic yards (CYs) of stockpiled cover soils (topsoil and clay) were stockpiled in the southwest corner of the Site and covered with polyethylene tarp to prevent erosion runoff. Approximately 70 tons of generated spoils from beneath the final cover were transported to the Chautauqua County Landfill (CCLF) in accordance with the SMP for disposal. Scale receipts from the CCLF along with a certification statement of proper disposal by Zoladz construction are provided in Appendix B. Quantities and sources of imported material used during construction activities are provided in the next section. New construction elements and modified surfaces described above are presented on Figure 3.

#### 4.2.2 Imported Materials

The following materials and estimated quantities were imported to the Site to facilitate construction activities described above:

- 2-inch run of crush stone material from Buffalo Crushed Stone, Lancaster, NY (approximately 205 CYs)
- Asphalt from Buffalo Crushed Stone, Lancaster, NY (approximately 74 tons)
- Concrete from Buffalo Crushed Stone, Lancaster, NY (approximately 130 CYs)
- Mar-Co Infield Clay 15 Series Standard soil from Great Lakes Athletic Fields, Inc., Buffalo, NY (approximately 33 tons)
- Mar-Co Clay Field Bricks from Great Lakes Athletic Fields, Inc., Buffalo, NY (approximately 320 bricks)
- Mar-Co Mound Clay from Great Lakes Athletic Fields, Inc., Buffalo, NY (approximately 108, 40 pound bags)
- Trail Blend aggregate from Buffalo Crushed Stone, Lancaster, NY (approximately 240 tons)
- Recycled rubber mulch from Rubber Mulch, Lakewood, New Jersey (approximately 24 tons)

All imported material, except the recycled rubber mulch, was provided by the same sources approved by the Department during Site remediation. Appendix C includes additional imported material documentation not already provided to the Department.



#### 4.3 Annual Inspection and Certification Program

The Annual Inspection and Certification Program outlines requirements for certifying and attesting that the institutional controls and engineering controls employed on the Site are unchanged from the original design and/or previous certification. The Annual Certification includes a Site Inspection and completion of the NYSDEC's IC/EC Certification Form. The Site inspection is intended to verify that the IC/ECs:

- Are in place and effective.
- Are performing as designed.
- That nothing has occurred that would impair the ability of the controls to protect the public health and environment.
- That nothing has occurred that would constitute a violation or failure to comply with any operation and maintenance plan for such controls.
- Access is available to the Site to evaluate continued maintenance of such controls.

Inspection of the Site was conducted by <u>Thomas Forbes</u>, <u>P.E.</u> of Benchmark on January 6, 2016. Mr. Forbes is a licensed and registered NY State Professional Engineer and meets the requirements of a Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. At the time of the inspection, the Site was being used as a charter school educational facility (South Buffalo Charter School), with surface parking, concrete sidewalks, bioretention areas, ball fields (softball, baseball, and soccer), playgrounds, pole barn, and landscaped areas. No observable indication of intrusive activities was noted during the Site inspection beyond those described in Section 4.2. The charter school educational facility utilizes the local municipal water supply, and no observable use of groundwater was noted during the Site inspection.

The completed Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form is included in Appendix A. A photographic log of the Site inspections during intrusive work as well as the January 2016 Site inspection are included in Appendix D.



#### 4.4 Operation, Monitoring and Maintenance Plan

The remedy for the Site does not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, to protect public health and the environment. Therefore, an Operation and Maintenance Plan is not required.



#### 5.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusions for this reporting period and recommendations for the next reporting period are as follows:

• At the time of the Site inspection, the Site was in compliance with the SMP. Portions of the Site underwent minor intrusive activities with NYSDEC knowledge and observation.

The following modifications are recommended for the Site:

• No modifications are recommended at this time with the exception of a change in the reporting period to avoid potential incomplete or hindered inspection due to snow cover and/or school-related activities. It is requested that the PRR deadline be shifted to July 15<sup>th</sup>.



#### 6.0 DECLARATION/LIMITATION

Benchmark Environmental Engineering and Science, PLLC personnel conducted the annual site inspection for BCP Site No. C915268, located in Buffalo, New York, according to generally accepted practices. This report complied with the scope of work provided to the South Buffalo Charter School by Benchmark Environmental Engineering & Science, PLLC.

This report has been prepared for the exclusive use of the South Buffalo Charter School. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of South Buffalo Charter School. 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.



#### 7.0 REFERENCES

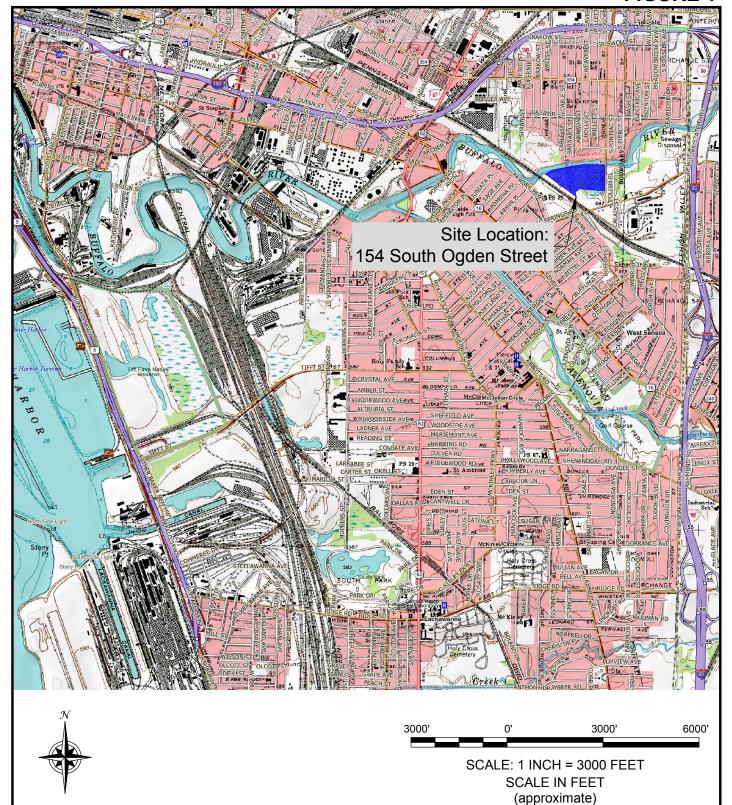
- 1. New York State Department of Environmental Conservation. *DER-10; Technical Guidance for Site Investigation and Remediation*. May 2010.
- 2. Site Management Plan, 154 South Ogden Street Site, Buffalo, NY (NYSDEC BCP Site #C915268), dated September 2014, prepared by Benchmark Environmental Engineering and Science, PLLC.
- 3. Final Engineering Report, 154 South Ogden Street Site, Buffalo, NY (NYSDEC BCP Site #C915268), dated November 2014, prepared by Benchmark Environmental Engineering and Science, PLLC.



## **FIGURES**



#### FIGURE 1





2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218

PROJECT NO.: 0249-015-014

DATE: JANUARY 2016 DRAFTED BY: BCH

(716) 856-0599

#### SITE LOCATION AND VICINITY MAP

PERIODIC REVIEW REPORT 154 SOUTH OGDEN STREET SITE

> BUFFALO, NEW YORK PREPARED FOR 154 SOUTH OGDEN, LLC

## **APPENDIX A**

## INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORMS





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



Sit	e No. C915268	Box 1		
Sit	e Name 154 South Ogden Str	eet Site		
City Co Site	e Address: 154 South Ogden y/Town: Buffalo unty: Erie e Acreage: 21.0	Zip Code: 14210		
110	porting Formati December 60, 2	2011 to Galidary 02, 2010	YES	NO
1.	Is the information above correct	rt?	×	
	If NO, include handwritten above	ve or on a separate sheet.		
2.	Has some or all of the site prop tax map amendment during this	perty been sold, subdivided, merged, or underg s Reporting Period?	one a	×
3.	Has there been any change of (see 6NYCRR 375-1.11(d))?		×	
4.	Have any federal, state, and/or for or at the property during this	ssued		
	If you answered YES to gues:	tions 2 thru 4, include documentation or ev		
		n previously submitted with this certification		
5.		n previously submitted with this certification (builing permit attached)	n form.	×
5.	that documentation has been	n previously submitted with this certification (builing permit attached)	n form. d)	×
5.	that documentation has been	n previously submitted with this certification (builing permit attached)	n form.	<b>⋉</b> NO
	that documentation has been	(builing permit attached development?	Box 2	
	Is the site currently undergoing  Is the current site use consister	(builing permit attached development?  nt with the use(s) listed below? ercial, and Industrial	Box 2 YES	NO
6.	Is the current site use consister Restricted-Residential, Comme	(builing permit attached development?  nt with the use(s) listed below? ercial, and Industrial	Box 2 YES  X	NO
6.	Is the current site use consister Restricted-Residential, Comme	the previously submitted with this certification (builing permit attached development?  Int with the use(s) listed below?  Percial, and Industrial  Inctioning as designed?  ER QUESTION 6 OR 7 IS NO, sign and date be	Box 2 YES  Allow and thue.	NO

				Box 2A	4			
_				YES	NO			
8.	Has any new information rev Assessment regarding offsit		×					
	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 (The Qualitative Exposure A			×				
	If you answered NO to que updated Qualitative Expos							
SITE	NO. C915268			Box 3				
	Description of Institution	nal Controls						
Parcel A port	<del></del>	<u>ner</u> South Ogden LLC	Institutional Control Ground Water Use Restrict Soil Management Plan Landuse Restriction Site Management Plan IC/EC Plan	tion				
Allow Prohi Allow	ence to Site Management Plass development to restricted rebition of groundwater use ance for Departmental accessires a Periodic Review and R	esidential re-use s						
	Description of Engineer	ing Controls		Box 4				
Parcel A port	tion of 123.15-1-4	Engineering Control Cover System	Į.					
Cover	system over 5 acres of soil, b	olacktop, concrete.						

Box	5
-----	---

	Periodic Review Report (PRR) Certification Statements						
1.	I certify by checking "YES" below that:						
<ul> <li>a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;</li> </ul>							
	<ul> <li>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.</li> </ul>	1					
	YES NO						
	<b>X</b> □						
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:	ıİ					
	(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;	е					
	(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;	l					
	(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						
	<b>X</b> □						
	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. C915268

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.

Jim Neimeier	154 South Ogden Stre	eet, Buffalo, NY 14210
print name	print business addre	ess
am certifying asOwner		(Owner or Remedial Party)
for the Site named in the Site Details S	ection of this form.	1/29/2016
Signature of Owner, Remedial Party, o Rendering Certification	r Designated Representative	Date

#### IC/EC CERTIFICATIONS

Box 7

#### 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.

Tom H. Forbes, P.E. at 2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14210 print name print business address

am certifying as a for the \_\_\_\_ Professional Engineer for Owner

(Owner or Remedial Party)

Signature of , for the Owner or Remedial Party, Rendering Certification

Date



Byron W. Brown, Mayor

Application Type: GC

#### Please contact the Inspector at (716)851-4100 or at the number listed below prior to starting any work.

Application/Permit No.: 228827

Location: 154 OGDEN SOUTH

Owner: No primary owner found

Fee(s): \$ 394.00

License No.: GNC11-544753

Issue Date: 10/30/2015 Issued By: CAMDUR

License Type: HIM Value: \$90,000.00

Plans: Yes

Contractor: R & P OAK HILL LLC (CONST MGT)

SBL No.:

Land Use:

Census Track:

Inspector: Tim Curtin (716)851-4100

Description of Work: \*\*\*SITE PLAN REQ D \*\*\* ERECT A POLE BARN AT THE REAR OF SOUTH BUFFALO CHARTER SCHOOL FOR STORAGE OF MAINTANCE EQUIPMENT \*\*\*PLANS FILED\*\*\* CONTACT MERCEDES 597-4371 PLANS APPROVED ON 10/22/15

RECEIVED

OCT 3 0 2015

COB TREASURY

James Commercel Jr.

Commissioner, Dept of Economic Development

#### Thank you for investing in the City of Buffalo

AND AS SHOWN ON APPLICATION NUMBERED ABOVE, WHICH APPLICATION IS MADE PART OF THIS PERMIT.

AND AS SHOWN ON AFFICIATION RUBBLES ADOLE. WHICH AFFICIATION IS MADE AND SUB-CONTRACTORS MUST CARRY A CITY LICENSE \*\*

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.

Note: In addition to codes 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential Structures"), a regulation issued and enforced by the Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in "target housing" and "child occupied facilities," "abatement" of lead-based paint hazards and other "lead-based paint activities" (as those terms are defined in 40 CFR Part 745).

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

## **APPENDIX B**

# ZOLADZ CERTIFICATION STATEMENT & CHAUTAUQUA COUNTY LANDFILL SCALE RECEIPTS





## Zoladz Construction Co., Inc.

Date: January 13, 2016

To: Thomas H. Forbes

Benchmark Environmental

From: Robert Dehr

PM/Estimator

Zoladz Construction

Re:

154 South Ogden

Tom,

Zoladz Construction was contracted to do the site work for the construction of a pole barn, a concrete pad for the placement of wooden planters, concrete pads for bleachers and the installation of some new playground equipment at the South Buffalo Charter School (154 South Ogden st.). All soils generated from below the demarcation layer (for the pole barn supports and the playground anchoring) were segregated and disposed of at the Chautauqua County Landfill. I have included the scale tickets with this letter.

Thank you

Robert Dehr Project Manager

Zoladz Construction

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type.

Driver

Generator

Comment

Telephone (716) 985-4785

Hauler: <USE ONLY AT LANDFILL>
WW6TI TO REORDER CONTACT CAROLINA SOFTWARE (910) 799-6767 SIGNATURE \_

154 SOUTH OGDEN LLC

BUFFALO, NY 14210

154 SOUTH OGDEN STREET

CHANGE

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154 SOUTH OGDEN STREET

Hauler: <USE ONLY AT LANDFILL>
WW6T1 TO REORDER CONTACT CAROLINA SOFTWARE (910) 799-6767 SIGNATURE \_

BUFFALO, NY 14210

## **APPENDIX C**

IMPORT MATERIAL DOCUMENTATION





2910 Main Street Buffalo, New York 14214 T 866.898.5529 F 716.836.8069 www.GreatAthleticFields.com

January 11, 2016

Mr. Bill Heitz Building Engineer South Buffalo Charter School 154 South Ogden St. Buffalo, NY 14210

Dear Bill,

The Material used at your Facility for Field Upgrades was the following:

## **Infield Clay-**

• Marco Infield Clay 15 Series Standard, 33 tons were used.

## **Mound Clay-**

- 1 pallet of Marco Clay, Field Bricks (320 bricks)
- 2 pallets of Marco Clay, Mound Clay (108, 40lb Bags total)

Specifics on these materials can be found at <a href="http://www.marcoclay.com/">http://www.marcoclay.com/</a>

Sincerely,

Alan Dungey, CSFM Great Lakes Athletic Fields, Inc.



## **Architectural/Bid Specification**

Playsafer<sup>TM</sup> Rubber Mulch is a unique, environment-friendly safety surface, manufactured from recycled automotive tires at Rubberecycle's state-of-the-art facility. Properly installed, Playsafer<sup>TM</sup> provides an enjoyable play area that meets the guidelines set forth by the Consumer Product Safety Commission (CPSC), the American Standard for Testing Materials (ASTM), ADA and the International Playground Equipment Manufacturers Association (IPEMA).

## 1.0 Description

## 1.1 Composition

Playsafer<sup>TM</sup> is composed of 100% recycled shredded rubber made from whole passenger tires. Loose fiber and foreign materials have been systematically removed. Playsafer<sup>TM</sup> is 99.9% free of steel content.

## 1.2 Toxicity

Playsafer<sup>TM</sup> Rubber Mulch is organic, non-hazardous and non-toxic.

## 1.3 Appearance

Playsafer<sup>TM</sup> is a loose-fill mixture of 3/8"-3/4" rubber granules and chunks, available in standard black or in a variety of colors.

#### 2.0 Certifications

#### 2.1 IPEMA certified

Almost twice as effective as other surfacing products, Playsafer<sup>TM</sup> exceeds ASTM Standard F1292-04 for impact attenuation. IPEMA has awarded Playsafer<sup>TM</sup> with an independent certification for conformance to this standard. IPEMA works to promote an open market for its members and to increase the quality of children's play equipment and surfacing.

#### 2.2 Flammability

Based on testing conducted by the "Scrap Tire Management Council", rubber mulch is non-flammable, in accordance with the Federal Hazardous Substance Act, 16 CFR 1500.44. A flammable substance ignites and burns with a self sustained flame at a rate that exceeds 0.1 inches per second along its major axis. Recycled rubber burns at a rate of <0.01 inches per second.

#### 2.3 ADA compliant

Playsafer<sup>TM</sup> Rubber Mulch, installed at a non-compacted depth of 6" / 14 pounds per sq. ft., is handicap accessible, according to ASTM F1951-08, Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playgrounds. Playsafer<sup>TM</sup> must be compacted at 3" and again at 6" using a pneumatic tamper, Bobcat, or similar.

## 3.0 Site Preparation

### 3.1 Site Analysis

Prior to design of the playground, a certified engineer or landscape architect knowledgeable of area climate and topography should be consulted. The consultant must be familiar with updated versions of applicable ASTM standards, CPSC's *Handbook for Public Playground Safety*, and state and local codes.

## 3.2 Base Preparation

Intended installation area must be cleared of rocks, stumps and other debris, including wood mulch or other surface material. Pre-existing surface material impedes the safety performance of Playsafer<sup>TM</sup> Rubber Mulch. It is not recommended to install Playsafer<sup>TM</sup> over asphalt or concrete, as these surfaces severely compromise Playsafer<sup>TM</sup>'s safety performance. Chemicals in asphalt also break down the coloring agent on Playsafer<sup>TM</sup> colored mulch.

#### 3.3 Grade

Area must be properly graded according to intended playground level, and firmly compacted. For in-ground installation, area must be excavated to a minimum depth of 6". A proper drainage system should be in place as water tends to move towards the lowest point. We do not recommend a recessed installation unless proper drainage is installed.

### 3.4 Retaining Wall

Above-ground installation of Playsafer<sup>TM</sup> material requires a retaining wall. Playsafer<sup>TM</sup> Rubber Curbs, available in 6" and 8" heights, are strongly recommended. Specifications may be obtained from the Rubberecycle. Rubber Curbs effectively contain Playsafer<sup>TM</sup> Rubber Mulch, preventing excessive kick-out of material, thereby minimizing the need for replacement material in the future.

#### 3.5 Filter Fabric

A quality geo-textile fabric, secured with landscaping staples, may be installed beneath Playsafer<sup>TM</sup> to prevent weed growth and percolation of foreign materials. Filter fabric will "Initially" prevent growth of weeds and grasses. Although the fabrics are permeable, they will collect debris and dirt and may actually promote growth over time.

Fabric must be cut to fit tightly around all playground structures. All seams should be taped in order to prevent separation during installation and to prevent dirt or debris from mixing with the mulch.

Filter fabrics are available in a variety of types, sizes and thicknesses. Individual specifications may be obtained from the manufacturer.

### 3.6 Drainage System

Excessive pooling of water can impair Playsafer's<sup>TM</sup> safety performance. To prevent this situation, a drainage system may be necessary. For manufactured drainage system, refer to manufacturer's installation instructions.

If drainage stone is used beneath Playsafer<sup>TM</sup> mulch, we suggest using a fabric. If it is placed over sand and compacted earth, the owner may opt to not use a filter fabric. For gravel drainage, gravel must be installed below the filter fabric directly beneath Playsafer<sup>TM</sup> Rubber Mulch.

## 4.0 Quantity

## 4.1 Area Coverage

When calculating required amount of mulch, calculation should be based on poundage. Although other manufacturers recommend less, fourteen pounds of Playsafer<sup>TM</sup> per square foot is the necessary amount to achieve 6" **prior to compaction** and a safe 12' critical fall height.

### 4.2 Depth

Playsafer<sup>TM</sup> must be installed at a minimum depth of 6" / 14 pounds per square foot prior to compaction, in order to maintain safety standards. The critical fall height may allow for variation in the depth of the surface. Some areas may require greater depth, depending upon the height or risk level of playground equipment. Please contact your Playsafer<sup>TM</sup> representative to see if lower depths of rubber mulch may meet your critical fall height needs. We have test data to support your requirement.

#### 4.3 Surface Area

Playsafer<sup>TM</sup> must surround play equipment by a minimum use zone of six feet, with the exception of swings, slides and mobile equipment. Current safety guidelines from CPSC /ASTM must be reviewed for these playground fixtures and for periodic updates and / or changes.

#### 5.0 Installation

### 5.1 Delivery

Playsafer<sup>TM</sup> Rubber Mulch can be delivered in bulk or in supersacks. If space is adequate, a dump truck/trailer may unload the material directly into the play area. Supersacks may be transferred to the play area by bobcat or wheelbarrow.

#### 5.2 Colored Mulch

Depending on weather conditions, Playsafer<sup>TM</sup> colored mulch may require two to three days after delivery to sufficiently dry and cure before installation.

### 5.3 Tools

Playsafer<sup>TM</sup> may be spread on play area manually, with rake or shovel, or by machine for larger playgrounds. Installer must exercise care not to disturb the geo-textile filter fabric while spreading. A final hand-raking provides a smooth finished playground surface.

#### 5.4 Rubber Wear Mats

Playsafer<sup>TM</sup> Rubber mats or equal are strongly recommended to be installed in high traffic areas, such as beneath swings and sliding poles, and at slide exits. The rubber mats are to be laid midway through the rubber mulch, as they minimize displacement of Playsafer<sup>TM</sup> Rubber Mulch. These mats may be used with any loose fill surfacing product.

Playsafer<sup>TM</sup> rubber wear mats should not be used alone. The maximum critical fall height for each mat is 3 feet.

They should only be used in conjunction with Playsafer<sup>TM</sup> Rubber Mulch.

#### 6.0 Maintenance

#### 6.1 Benchmark

Immediately following installation and inspection, the level of Playsafer<sup>TM</sup> Rubber Mulch should be marked off on the playground equipment, using a permanent marker or the like. Especially in high traffic areas, Playsafer<sup>TM</sup> requires periodic raking to restore the material to its safe and proper depth.

#### 6.2 Aesthetic Care

Playsafer<sup>TM</sup> may be cleared of foreign objects and debris using rake or leaf blower.

### 7.0 Manufacturer

## 7.1 Playsafer<sup>TM</sup> Rubber Mulch is manufactured by:

Rubberecycle 1985 Rutgers University Blvd. Lakewood, NJ 08701 888.436.6846 www.rubberecycle.com

## 7.2 Warranty

Rubberecycle guarantees the impact performance of Playsafer<sup>TM</sup> Rubber Mulch for fifty years and provides an eight-year warranty against total color loss. Note: Failure to maintain appropriate depth, as determined according to the highest potential fall height, may void manufacturer warranty and cause permanent injury or harm.

# **APPENDIX D**

PHOTOGRAPHIC LOG





**Client Name:** 

Site Location:

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. **Date** 1 07/29/15

**Direction Photo Taken:** 

west



New 45 ft. by 70 ft. concrete pad area to accommodate placement of above grade garden boxes. Two inch run of crush subbase shown with garden boxes in foreground.



Photo No. Date

> 2 07/29/15

**Direction Photo Taken:** 

northwest

### **Description:**

New 45 ft. by 70 ft. concrete pad area to accommodate placement of above grade garden boxes. Two inch run of crush subbase shown.





**Client Name:** 

Site Location:

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. **Date** 3 07/29/15

**Direction Photo Taken:** 

east



New approximately 50 ft. by 50 ft. concrete pad to accommodate a new 30 ft. by 50 ft. pole barn used to house school lawn maintenance equipment and provide additional storage.Two inch run of crush subbase shown.



Photo No.

Date

4

12/21/15

**Direction Photo Taken:** 

northeast

Description:

Completed new pole barn.





**Client Name:** 

Site Location:

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. Date

5

12/21/15

**Direction Photo Taken:** 

southwest

Description:

Completed new pole barn.



Photo No.

Date

6

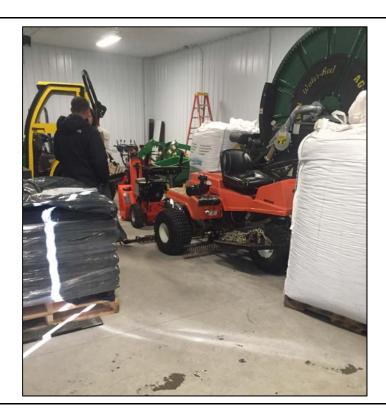
01/06/16

**Direction Photo Taken:** 

northwest

**Description:** 

Interior of new pole barn showing items stored.





**Client Name:** 

**Site Location:** 

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. Date 7 07/29/15

**Direction Photo Taken:** 

south



Existing playground in foreground, two new playground areas in background.



Photo No. Date 8 07/29/15

**Direction Photo Taken:** 

north

**Description:** 

Two new playground areas in foreground, existing playground in background.





**Client Name:** 

**Site Location:** 

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. Date 9 01/06/16

**Direction Photo Taken:** 

north

Description:

Completed new playgrounds (yellow slide and climbing bars). New concrete walk between new playground areas.



Photo No.

Date

10

07/29/15

**Direction Photo Taken:** 

east

**Description:** 

New corner sidewalk section.





**Client Name:** 

Site Location:

Project No.:

South Buffalo Charter School

154 South Ogden Street Site (C915268)

B0249-015-014

Photo No. **Date** 11 07/29/15

**Direction Photo Taken:** 

south



New concrete sidewalk subbase between two new playground areas.



Photo No.

Date

12

07/29/15

**Direction Photo Taken:** 

south

### **Description:**

Subbase for concrete bleacher pads (typical of 6; four adjacent to the softball field and two adjacent to the baseball field).





Project No.: **Client Name: Site Location:** 

B0249-015-014 South Buffalo Charter School 154 South Ogden Street Site (C915268)

Photo No. **Date** 

**Direction Photo Taken:** 

west

Description:

13

New concrete bleacher pads adjacent to softball field (typical of 6; four adjacent to the softball field and two adjacent to the baseball field).

01/06/16



Photo No. Date 14 01/06/16

**Direction Photo Taken:** 

east

**Description:** 

Stockpiled Mar-Co Clay for ballfields. Tarped stockpile of cover soils in foreground.





Project No.: **Client Name: Site Location:** 

South Buffalo Charter School 154 South Ogden Street Site (C915268) B0249-015-014

**Direction Photo Taken:** 

Date

01/06/16

west

Description:

Photo No.

15

Bus turnaround driveway.



Photo No. Date 16 01/06/16

**Direction Photo Taken:** 

west

Description:

Front asphalt parking lot of school.





17

east

**Direction Photo Taken:** 

## **PHOTOGRAPHIC LOG**

Client Name:	Site Location:	Project No.:
South Buffalo Charter School	154 South Ogden Street Site (C915268)	B0249-015-014

Photo No. **Date Description:** 07/29/15

Final cover system showing grass, ballfield Mar-Co Clay, and new bleacher pad (right) covered areas in western portion of Site.



Photo No. Date 18 01/06/16

**Direction Photo Taken:** 

west

**Description:** 

Snow covered ballfields in western portion of Site.

