



Asbestos & Environmental
Consulting Corporation

PHASE I ENVIRONMENTAL SITE ASSESSMENT

1 State Street, Auburn, New York

April 16, 2009

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Prepared for:

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PHASE I ENVIRONMENTAL SITE ASSESSMENT

1 State Street
Auburn, New York

EXECUTIVE SUMMARY

The Asbestos and Environmental Consulting Corporation (AECC) completed a Phase I Environmental Site Assessment (ESA) for the property located at 1 State Street in Auburn, New York. The ESA was completed for the Musical Theater Festival, Inc. (MTFI) of Auburn, New York. The MTFI is considering the purchase of the property from the City of Auburn for potential redevelopment as a community theater.

This ESA report has been prepared by AECC for the express use of MTFI. No other parties shall rely on this report without the written consent from AECC and MTFI. MTFI may release this report to third parties; however, such third party in using this report agrees that it shall have no legal recourse against AECC, its parent, or subsidiaries.

The Property includes one parcel of land in Auburn, New York identified as Cayuga County Assessor's Parcel Number (APN) 115-60-2-47 (about 0.15). The street address for APN 115-60-2-47 is 1 State Street, portions of which have been historically identified as 1, 3, 5 and 7 State Street. According to information provided by MTFI disseminated to AECC, the property is currently owned by the City of Auburn.

The Property is currently vacant and occupies approximately 0.16 acres and is located in a commercial area in downtown Auburn, Cayuga County, New York. The topography in the vicinity of the Property grades downward to the north-northwest. The majority of the Site (i.e., greater than 95%) is occupied by a two-story brick and concrete block building. Concrete sidewalks (frontage along State Street) and asphalt in the alley/passage area, located behind the building, occupy the remaining portion of the Property.

The Phase I ESA of the Property was performed in conformance with the scope and limitations of ASTM International Standard E 1527-05. This assessment has indicated no evidence of recognized environmental conditions (RECs), historic RECs or de minimis conditions. One potential environmental condition was identified as follows:

During AECC's review of historical Sanborn map, a former dry cleaner was identified at the intersection of State and Clark Streets, approximately 150 feet northwest of the Property. As the property is located downgradient (presumed) of the Site and at a lower elevation, and because no evidence of a spill or release at that location has been identified, AECC does not consider the former dry cleaner a recognized environmental condition. However, AECC does consider the condition a potential environmental concern, because the direction of groundwater flow has not been confirmed in the immediate vicinity of the Site.

In order to address the potential environmental concern, AECC recommends that indoor air samples (i.e. vapor intrusion testing) be collected from the basement of the building and that the samples be analyzed for volatile organic compounds, including chlorinated constituents typically used in dry cleaning operations (e.g., perchloroethylene). If volatile constituents are identified in the indoor air samples, subsequent investigation involving soil and/or groundwater sampling may be warranted.

Based on observations made during AECC's reconnaissance of the Property, other potentially harmful environmental or site considerations that MTFI should be aware of include, the presence of asbestos-containing materials (ACM) in the building, the presence of lead-based paint, the presence of mold, the presence of numerous bird carcasses and bird droppings inside the building, and the general poor condition of structural elements (walls, flooring, stairs). These conditions represent chemical, biological and physical hazards to occupants and future workers. A thorough hazardous materials survey and Engineering Evaluation are strongly recommended prior to any occupancy, renovation, and/or demolition activities that may take place on-site.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

1 State Street
Auburn, New York

1.0 INTRODUCTION

This report presents the results of a Phase I Environmental Site Assessment (ESA) for the property located at 1 State Street in Auburn, New York (Site or Property; see Figure 1). The Asbestos and Environmental Consulting Corporation (AECC) performed the ESA on behalf of Musical Theater Festival, Inc. (MTFI) of Auburn, New York. We understand the property is currently owned by The City of Auburn and that MTFI is considering purchasing the property for redevelopment as a community theater.

This ESA was conducted in accordance with the ASTM International (ASTM) E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Standard, 2005). ASTM E 1527-05 complies with U.S. Environmental Protection Agency (EPA) All Appropriate Inquiries (AAI) Final Rule (40 CFR 312), which was promulgated November 1, 2005 and went into effect November 1, 2006.

1.1 PURPOSE

The purpose of the ESA is to compile and review available information about the Site and immediate vicinity to identify recognized environmental conditions (RECs) to the extent feasible pursuant to ASTM E 1527-05. According to the ASTM Standard, a REC is defined as:

“the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a threat to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies.”¹

¹ The AAI Final Rule applies to “...conditions indicative of releases and threatened releases of hazardous substances...(and) petroleum or petroleum products are excluded from the definition of hazardous substance...” (40 CFR 312.1).

1.2 REASON FOR PERFORMING THE ESA

As stated above, MTFI is considering purchasing the Site from the City of Auburn. As such, we understand that MTFI has commissioned this ESA to satisfy one of the requirements to qualify for the *innocent landowner, contiguous property owner, or bona fide prospective purchaser* limitations on Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability (referred to as the *landowner liability protections* or LLPs). This ESA has been prepared using the ASTM Standard and constitutes “*all appropriate inquiry* into the previous ownership and uses of the property consistent with good commercial or customary practice” as defined at 42 United States Code (U.S.C.) §9601(35)(B).

1.3 SCOPE OF SERVICES

The scope of services for this ESA is described in the AECC proposal (dated March 24, 2009) addressed to MTFI. This ESA includes the following tasks:

- Conducting site reconnaissance to observe and document current conditions and activities at the Site.
- Conducting a visual survey of immediately adjacent parcels from the subject Site or from public streets.
- Interviewing the Site owner and occupant as identified by MTFI.
- Interviewing past owners and occupants of the Site if identified by the current owner.
- Interviewing a representative of a local environmental regulatory agency regarding potential environmental conditions, if applicable.
- Reviewing historical documents, state, tribal and local government records or other restrictions on the Site going back to the first time the Site had structures or was used for residential, agricultural, commercial, industrial, or governmental purposes, if readily available.
- Reviewing available historical aerial photographs for the Site and vicinity.
- Reviewing available Sanborn Fire Insurance maps for the Site and vicinity.
- Reviewing available historical topographic maps for the Site and vicinity.

- Obtaining a regulatory database search report to identify reported on-site and off-site chemical releases that may affect soil or groundwater conditions at the Site.
- Obtaining a report of environmental liens against the Site.
- Reviewing selected agency files identified in the regulatory database search report to obtain current status of environmental assessments and/or remediation at the Site and nearby properties.
- Reviewing environmental documents related to the Site provided by MTFI.
- Evaluating the data and identifying data gaps, open issues, and key uncertainties.
- Preparing a report documenting these activities and identified *recognized environmental conditions*, including our opinions on the significance of the data gaps insofar as they impact the ability to identify possible contamination.

1.4 EXCLUSIONS

This ESA did not include a property title search or identification of all previous tenants; collection and chemical analysis of samples of soil, water, or air; or an evaluation of seismic characteristics. In addition, according to the ASTM Standard, the following issues are evaluated during a Phase I ESA:

Asbestos-containing building materials	Industrial hygiene
Lead-based paint	Health & safety
Radon	Ecological resources
Lead in drinking water	Endangered species
Wetlands	Indoor air quality
Regulatory compliance	Biological agents
Cultural & historic resources	Mold

1.5 SIGNIFICANT ASSUMPTIONS

Based on the topography in the vicinity and the Owasco Outlet (located approximately 0.15 miles north-northeast of subject property), groundwater flow direction in the vicinity of the Site is assumed to be dominantly to the north-northeast. However, please note that AECC did not measure groundwater elevations during this Phase I ESA to confirm groundwater flow direction at the subject property.

1.6 LIMITATIONS

In preparing this report, AECC has relied upon information provided by others. AECC did not attempt to independently verify the accuracy or completeness of that information. To the

extent that the opinion and conclusions in this report are based in whole or in part on such information, those conclusions are contingent on the accuracy and validity of the information provided to AECC.

This report does not constitute legal advice. In addition, AECC makes no determination or recommendations regarding the decision to purchase, sell, or provide financing for the Site.

Time Constraint

MTFI required a draft ESA report by April 17, 2009 to meet its transaction deadlines. The opinion and conclusions presented in this report are only based on the site conditions observed and information reviewed at the time of this assessment. Information pertaining to site conditions or changes may exist that AECC is not aware of or which we have not had the opportunity to evaluate within the time available for this ESA.

Uncertainty Not Eliminated

Per the ASTM Standard, no ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. The use of the ASTM Standard is intended to reduce, but not eliminate, this uncertainty.

Within the limitations of the agreed-upon scope of work and the ASTM Standard, AECC has conducted this ESA in a professional manner in accordance with generally accepted practices, using the degree of skill and care ordinarily exercised by environmental consultants under similar circumstances. Due to physical limitations inherent to this or any environmental assessment, AECC does not warrant that the Site is free of pollutants or that all pollutants have been identified. As such, no absolute determination of environmental risks can be made. No other warranties, expressed or implied, are made.

Reliance on Information Provided by Others

AECC has relied upon information provided by others in the evaluation of environmental site conditions reported herein. AECC did not attempt to independently verify the accuracy or completeness of that information. To the extent that the opinion and conclusions in this report are based in whole or in part on such information, those conclusions are contingent on its accuracy and validity. AECC assumes no responsibility for any consequence arising from any information or condition that was concealed, withheld, misrepresented, or otherwise not fully disclosed or available to AECC.

1.7 USER RELIANCE

This ESA report has been prepared by AECC for the express use of MTFI. No other parties shall rely on this report without the written consent from AECC and MTFI. MTFI may release this report to third parties; however, such third party in using this report agrees that it shall have no legal recourse against AECC, its parent, or subsidiaries.

2.0 SITE DESCRIPTION

The characteristics and uses of the Property and vicinity are described in the following sections.

2.1 LOCATION AND LEGAL DESCRIPTION

The Property is shown on U. S. Geological Survey (USGS) “Auburn, New York” 7.5-minute topographic map (USGS, 1978), which was used as the base map for Figure 1. The Property includes one parcel of land in Auburn, New York identified as Cayuga County Assessor’s Parcel Number (APN) 115-60-2-47 (about 0.16 acres). The street address for APN 115-60-2-47 is 1 State Street, portions of which have been historically identified as 1, 3, 5 and 7 State Street. According to information provided by MTFI, the property is currently owned by the City of Auburn, New York.

2.2 SITE AND VICINITY GENERAL CHARACTERISTICS

The general Site setting and the geology and hydrogeology in the vicinity of the Site are summarized in the following subsections.

2.2.1 General Site Setting

The Property occupies approximately 0.16 acres and is located in a commercial area in downtown Auburn, Cayuga County, New York (Figure 1). According to the 1978 USGS topographic map of Auburn, New York, the Property is at an elevation of approximately 690 feet above mean sea level. The topography in the vicinity of the Property grades downward to the north-northwest. The majority of the Site (i.e., greater than 95%) is occupied by a two story brick building. The remaining portion of the Property is occupied by concrete sidewalks (frontage along State Street) and asphalt that edges the alley/passage behind the building.

2.2.2 Geology and Hydrogeology

According to the Cayuga County Soil Survey, the immediate vicinity of the Site is identified as an industrial area, and soil descriptions are not available. The area, in general, is dominated by high lime silt loams that developed on glacial tills. The two dominant soil types mapped in the vicinity surrounding the “Industrial Area” are the Cazenovia Silt Loam (CeB) and the Ovid Silt Loam (OvA).

According to the Geologic Map of New York (1970) the bedrock underlying the Site is mapped as middle-Devonian-aged, shale and limestone of the Hamilton Group Marcellus Formation

(Dhmr).

The depth to groundwater under the Site is not known with certainty, but is expected to be greater than 10 feet below grade. As previously noted, based on the topography and surface water in the vicinity of the Site, it is assumed that groundwater flow is toward the north-northeast.

2.3 CURRENT USE OF THE SITE AND NEIGHBORING PARCELS

The Site is currently vacant. The City of Auburn acquired the property in foreclosure in 1994 and it has been vacant since that time. Immediately north and adjacent to the Site is a Choices for Change elderly home care office, beyond which are office spaces for the American Red Cross and ElderChoice. Further north are a parking lot and Dill Street. North of Dill Street is a First Niagara drive through branch. The Site is bound on the east by State Street, beyond which are a First Niagara Bank branch (frontage on Genesee Street), vacant office space, a frame shop, a vacant bar, a vacant tavern/café, and a vacant department store identified as the John Stevens Company. To the south, the Property is abutted by a vacant building at 117 Genesee Street, a vacant former deli (119 Genesee Street), and a tattoo parlor (121 Genesee Street). Other buildings south of the Property include a real estate office, law offices, Parker's Grill and Tap House and a visitor's information center. Located south of Genesee Street are a branch of Key Bank, Smith Barney offices, and a branch of Bank of America. West of the Site, the building abuts a passage/alleyway, beyond which are a custom frame shop and realtors offices situated along Dill Street. Further west, beyond Dill Street, is the Edward T. Boyle Center Apartments.

3.0 INFORMATION PROVIDED BY USER

At the request of AECC, MTFI completed an ESA questionnaire for the Site. The purpose of the questionnaire was to gather information from MTFI, user of this ESA, regarding the Site. The questionnaire was completed by Michael Chamberlain, Director of MTFI. A copy of the completed questionnaire is included in Appendix A. Specific information about the Site provided by MTFI is described in the following sections.

3.1 TITLE RECORDS AND ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS

According to Mr. Chamberlain, MTFI does not have knowledge regarding environmental liens or activity and use limitations of the Site.

3.2 SPECIALIZED KNOWLEDGE

Pursuant to the questionnaire, MTFI did not provide any specialized knowledge about the particular Site to AECC.

3.3 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

According to the questionnaire responses, MTFI was not aware of past uses of the property, specific chemicals that are present or once were present at the property, spills or other chemicals releases that have taken place at the property, or any environmental cleanups that have taken place at the property. At the request of MTFI, as per the request for this Phase I ESA, AECC performed an internet search of “1, 3, 5, & 7 State Street, Auburn New York, which yielded approximately 9 results. The results were historical newspaper pages that included advertisements for prior businesses at the Property. Dated periodicals referencing the Property are as follows:

- The Advertiser – Union Springs, New York – 1889, 1 State Street identified as Turner’s Shoe Store (Shoe store).
- Auburn Daily Advertiser – Auburn, New York – December 1906, 1 State Street identified as Murphy Brothers (Haberdashers).
- Skaneateles Free Press – Skaneateles, New York – March 10, 1922, 5 State Street Identified as F.L. Griswold Co., Inc. (Clothing and unfinished goods)

- The Savannah Times, Savannah, New York – August 4, 1922, 7 State Street identified as Kalet’s (furs and department store).
- Moravia Republican Register, Moravia, New York, February 17, 1939; 5-7 State Street identified as Kalet’s (furs and department store).
- The Cato Citizen, Cato, New York, August 30, 1956; 1-3-5-7 State Street identified as Kalet’s (furs and department store).
- Fair Haven Register, Fair Haven, N.Y., December 15, 1960; 1-7 State Street identified as Kalet’s (furs and department store).

Other undated periodicals identify the property at 1 State Street as Turner’s Shoe Store (shoe store) and the property at 3 State Street as O’Brien’s (department store).

Refining the internet search to include the Site “+ *environmental*” yielded no results. None of the internet results indicated an environmental concern at the Property. In addition, AECC visited the Cayuga County Historian’s office on March 9, 2009. A summary of the information obtained is as follows:

- City of Auburn Atlas, 1882 – Site building(s) occupied by W.C. Carpenter (5, 7 State Street) and Greenough (1, 3 State Street). Schagh Hotel located to the north along Dill Street. A bank was located to the east, across State Street, and an opera house located west of the Property.
- County Atlas of Cayuga, New York, 1875 – Site building(s) present, ownership not indicated. The armory is depicted at the corner of Dill and State Streets. The atlas included a Postcard depicting the M. L. Walley & Co. Druggists building located adjacent to the Site at the corner of State and Genesee Streets.
- New Century Atlas Cayuga County, New York, 1904 - Site building(s) present, ownership not indicated. Majestic Hotel depicted north on Dill Street, music hall depicted to the west.
- 1859 Land ownership map. Building(s) present at Property. Ownership unidentified.
- 1857 City Directory indicated that 1 State Street property was owned by Amos T. and Martin L. Walley. The 3 & 5 State Street property was owned by John Patten and used

as a meat market, and the 7 State Street property was owned/occupied by Bemis & Carpenter Livery.

3.4 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

According to Mr. Chamberlain, the Site is not being purchased by MTFI at this time; we understand MTFI may purchase the Site for development in the future, however, no information pertaining to property valuation reduction for environmental issues was provided to AECC.

3.5 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

MTFI provided contact information for the City to AECC (Section 5). MTFI also provided a copy of the tax deed for the Property indicating that the property was acquired by the City as a result of unpaid taxes in 1994. A questionnaire was completed by Mr. William H. Lupien, Jr., P.E., on behalf of the City and is provided in Appendix A.

According to Mr. Lupien, prior to 1948, 1, 3, and 5-7 State Street were owned by Gold Net Realty Company. The buildings were used as Department Stores (O'Brien's Dry Goods, a 5 & Dime Store, a shoe store and barber shop) with apartments above. In 1948, the building was sold to Myron and Simon Kalet and 1-7 State Street was used as Kalet's Department Store until the mid-1970s. The main portion of the building has been vacant since then. The southern storefront (1 State Street) was used as a health food store for a few years in the late 1970's, and has been vacant since that store closed.

Mr. Lupien did not indicate any knowledge of the historical use of the Property that would indicate adverse environmental impacts associated with the property. He was unaware of any previous environmental or geotechnical assessments of the Property, and was not aware of any environmental cleanup liens against the property, or government orders, consent decrees, cleanup and abatement orders or lawsuits filed pertaining to the Property.

3.6 OTHER

A report entitled Bulk Sampling Survey and Assessment for Asbestos-Containing Materials at 3, 5 & 7 State Street in Auburn, New York, prepared by Independent Asbestos Labs, Inc. of East Syracuse, New York, dated August 24, 1990, was provided by MTFI. The report was performed to determine the presence of asbestos-containing materials (ACM) in preparation for the building's demolition. The report indicated that ACM was present in pipe insulation, pipe

elbows, duct insulation, duct vibration dampers, floor tile and roofing materials. A copy of the report has been provided in Appendix A.

Based on hearsay from City representatives, limited abatement of ACM was conducted by the previous owner prior to the City's acquisition of the Property in 1994. No documentation regarding the nature and extent of ACM abatement was identified, and recent observations/testing by AECC indicate that ACM is still present throughout the building.

4.0 RECORDS REVIEW

The records reviewed for this ESA included standard environmental databases, readily-available historical information, and documents provided by MTFI. The information from the review of these documents is described in the following sections.

4.1 STANDARD ENVIRONMENTAL RECORD SOURCES

AECC retained Environmental Data Resources, Inc. (EDR) of Milford, Connecticut, to search federal, state, and tribal environmental regulatory databases to identify properties located within 1 mile of the Site (ASTM, 2005) with documented environmental releases and/or those that use, store, or dispose of regulated chemicals. The radii of the database searches corresponded to the recommended radii in the ASTM Standard (ASTM, 2005). A list of the regulatory databases searched and the results are presented in the EDR report, dated March 30, 2009, which has been provided in Appendix B.

The following databases included the Site and/or surrounding properties of interest and were considered those most likely to report properties with soil and/or groundwater impacts:

- RCRA CORRACTS – list of sites with RCRA Corrective Action Activity.
- SHWS – State Hazardous Waste Sites
- LTANKS – Leaking Storage Tank Incident Reports.
- HIST LTANKS – Historic Leaking Storage Tank Incident Reports (prior to 1/1/2002)
- UST – Sites with registered underground storage tanks
- HIST UST – Historic underground storage tanks (Prior to 1/1/2002)
- DEL SHWS – Inactive Hazardous Waste Disposal Sites
- NY Spills – Petroleum Spill Incident Reports
- NY Hist Spills - Historic Petroleum Spill Incident Reports
- EDR Proprietary Records - Manufactured Gas Plants

Further description of the ASTM databases and descriptions of the ASTM supplemental databases that were searched are included in the EDR report (Appendix B). The information provided by EDR is limited to what has been reported or registered in each database. This information was used to evaluate whether these properties could potentially affect soil or

groundwater beneath the Site. In general, the sites considered of primary concern were those potential releases that were located hydraulically up gradient of the Site. If the EDR report did not contain sufficient information to determine whether a property has the potential to affect the Site or if the information provided by EDR indicated that a property does have the potential to affect the Site, then AECC requested access to review case files at the NYSDEC. In addition to open case files, AECC requested files for properties that were listed as “closed” in the EDR report to obtain information regarding groundwater flow direction. AECC did not request information for properties listed as “orphan sites” by EDR that did not have any information regarding their locations relative to the Site. Based on these criteria, AECC contacted the NYSDEC and requested files for the Site and surrounding properties of interest.

4.1.1 On-site

The Site was not identified on any of the environmental databases reviewed by EDR.

4.1.2 Off-site

Based on the presumed direction of groundwater flow in the vicinity of the Site (toward the north-northeast), and the elevation of surrounding properties, AECC narrowed the list of sites that could potentially impact soil and groundwater at the Site those located southeast to southwest of the Property.

AECC further evaluated the following up-gradient sites that were listed on databases that suggested potential impacts to soil or groundwater.

Cayuga County Downtown Complex - 160 Genesee Street: The EDR report indicates that the County has five (5) petroleum tanks comprising four (4) USTs and one (1) AST located at 160 Genesee Street. The author/EP of this ESA report has had extensive recent involvement with Cayuga County and their Petroleum Bulk Storage program and provides the following clarifications. The five storage tanks identified in the EDR report include four (4) USTs and one (1) AST and are located on three (3) County-Owned properties in downtown Auburn. Two (2) tanks are located at 160 Genesee Street (County Office Building), two (2) tanks are presumed to be present at the Historic Post Office Building located at 157 Genesee Street, and one (1) tank is present at the County Courthouse Building located at 152 Genesee Street.

Two (2) petroleum storage tanks are located at the County Office Building located at 160 Genesee Street in downtown Auburn. One (1) teakettle-type 1,000-gallon diesel AST that is currently in service, and one (1) 15,000-gallon (volume based on building plans and not yet confirmed) fuel oil UST that is empty, permanently out of service, and scheduled for closure. No evidence of petroleum contamination associated with the AST or UST at the 160 Genesee Street location has been identified to date. The UST and AST are located approximately 500 feet southwest of the subject Property. If impact to soil or groundwater has occurred at their locations, it is unlikely to have impacted soil and groundwater under the Site.

Two (2) unconfirmed USTs may be present at the Historic Post office located at 157 Genesee Street. One of the potential USTs is a 1,000-gallon gasoline UST located in the parking lot behind the Post office building, approximately 510 feet west of the Site. The second UST is a 9,000 gallon fuel oil tank that was located on the west side of the Post office building (approximately 475 feet west southwest of the Site) and was unofficially closed in place, or removed, during renovations to the post office building in the 1980s. No evidence of petroleum contamination associated with the USTs at the 157 Genesee Street location has been identified. If impact to soil or groundwater has occurred at the tank's locations, it is unlikely to have impacted soil and groundwater under the Site.

One (1) 1,000-gallon (based on geophysical evidence) heating oil UST is located on the east side of the Cayuga County Courthouse located at 152 Genesee Street (approximately 400 feet south-southwest of the Site). The tank is empty and scheduled for closure this year. No evidence of petroleum impact to soil or groundwater has been identified at the Site to date. If impact to soil and groundwater had occurred at the tank's location, it is unlikely to have impacted soil and groundwater under the Site.

New York Telephone/NYNEX – 36 South Street Auburn:

The New York Telephone Site was listed on several Databases including LTANKS, HIST LTANKS, and HIST UST. This location is approximately 840 feet southeast of the subject Property.

A tank test failure of a 5,100 gallon, No. 2 fuel oil, UST was reported to the NYSDEC in June 1987. The UST was reportedly removed in August 1987 and the spill was closed by the NYSDEC in September 1987 with the notation that the "Cleanup meets Standard". Based this information the spill was unlikely to impact soil and groundwater at the subject Property.

A tank failure was reported to the NYSDEC in August 1995 when a hole was observed during the removal of a No. 2 fuel oil UST. The spill was reportedly closed by the NYSDEC in October 2005, however the database indicated that the cleanup did not meet standards, indicating that impact to soil and/or groundwater remained at the site. Because the Site is located approximately 840 feet southeast of the Site, the possibility for contamination to have impacted soil and groundwater under the subject Property exists, but is not likely due to the distance of the spill from Site.

The location was identified on the HIST UST database as having one (1) 5,000-gallon fuel oil UST that was closed before April 1, 1991, one (1) 1,000-gallon diesel UST that was closed before April 1, 1991, one (1) 2,000 gallon diesel UST that was closed June 1, 1994 one (1) 4,000 gallon fuel oil UST that was closed May 1 1998 and one (1) 4,000 gallon fuel oil UST reported as in service that was installed in May 1998. Closure information on those USTs closed before April 1, 1991 was not available. No indications of a Spill were associated with the closure of the fuel oil UST in May 1998 were identified in the EDR report.

4.1.3 Orphan Sites

EDR provided a list of 41 properties that could not be located due to incomplete address information. AECC reviewed the information provided in the EDR report to assess whether they are listed in a database that indicates a potential release and/or impact to soil and groundwater. In addition, AECC made an attempt to identify the orphan sites. The databases on which 17 of these properties are listed indicate use, storage, and handling of hazardous materials. However, this is not necessarily indicative of a chemical release. Twenty-four (24) of these properties are on one or more of the SHWS, LTANKS, HIST LTANKS, HSWDS, NY Spills, NY HIST Spills databases, which are indicative of a release of chemicals at a facility. Based on addresses included in the EDR report and with the use of an internet-based mapping service, AECC was able to locate 21 of the 24 properties; 14 of which were located greater than one mile from the Site, and the remaining 7 were located either side-gradient or down-gradient of the Site. AECC was unable to locate 3 of the orphan properties, all of which were reportedly located on State Street. AECC did not observe indications of these remaining locations during the reconnaissance of the Site and adjacent properties, and the locations are therefore probably located north of the Site (assumed down-gradient direction) and are unlikely to impact it.

4.2 ADDITIONAL RECORDS REVIEW

Additional records were not identified by AECC for review.

4.3 HISTORICAL INFORMATION

The following sources of information were obtained from EDR and used to compile historical information about the site:

- aerial photographs dated 1957, 1959, 1985, 1988, 1995 and 2006;
- topographic maps dated 1902, 1954, 1956 and 1978;
- Sanborn maps dated 1886, 1892, 1898, 1904, 1949, 1955, 1967 and 1972; and
- city directory abstracts for the period of 1939, 1944, 1949, 1964, 1969, 1974, 1979, 1984, 1988, 1993, 1998, 2003, and 2008.

Aerial photographs are presented in Appendix C; topographic maps are presented in Appendix D; Sanborn maps are presented in Appendix E; and city directory abstracts are presented in Appendix F.

AECC also requested EDR conduct a record search of environmental liens against the Site; a copy of EDR's environmental lien search report is presented in Appendix G. A summary of historical information pertaining to the Site and its surroundings culled from the information sources listed above is presented herein.

4.3.1 Historical Aerial Photographs

AECC reviewed historical aerial photographs of the Site and vicinity from the years stated above. Observations from the aerial photograph reviewed are presented in Table 1. Copies of the aerial photographs are presented in Appendix C.

In general, the City of Auburn was developed and established before aerial photographs were available. No RECs were identified based on the review of aerial photographs.

4.3.2 Historical Topographic Maps

Topographic maps were obtained from EDR for the years shown above. The topographic map scales ranged from 1:62,500 to 1:24,000. Copies of the topographic maps are included in Appendix D and observations from the topographic maps reviewed are presented in Table 2.

In general, the City of Auburn was developed and established well before the 1902 topographic map. Changes to the immediate vicinity of the Site were not identifiable due to the scale and detail of the topographic maps. No RECs were identified based on the review of historical topographic maps.

4.3.3 Historical Sanborn Maps

AECC reviewed Sanborn maps of the Site and vicinity. Maps from the years stated above were reviewed. A summary of the information observed for the Site and surrounding areas is presented below. Observations from the Sanborn map review are presented in Table 3. Copies of the Sanborn maps are presented in Appendix E.

Between 1886 and 1898 the Property was identified as four individual shops that were used for dry goods, boots and shoes, electric supplies, wholesale liquor and tailor shops. The upper floor of the south-most portion of the Property (1 State Street) was identified as a print shop.

After 1904, the Site was marked as Stores, however, the occupant information was not provided. By 1949, the Property was depicted as two buildings; one consisting of 1 State Street and the second comprised of 3, 5 and 7 State Streets.

The areas surrounding the Property have been used as commercial properties since the 1880s. The properties immediately surrounding the Site were used for meat markets, jewelry stores, hotels, drug stores, offices and the like, and do not indicate potential environmental concerns for the Site. In the Sanborn maps, dated 1967 and 1972, a drycleaner was depicted at the corner of Clark Street (approximate location of current Dill Street) and State Street, approximately 150 feet from the Property. While the drycleaner was located downgradient (presumed) of the Site, its proximity to the Property is considered a potential environmental concern.

4.3.4 City Directory Abstracts

AECC reviewed a historical city directory abstract for the site and surrounding area obtained from EDR. A summary of listings for the period between 1939 and 2008, using approximately 5-year intervals, were provided in the abstract. The city directory abstract has been included in Appendix F of this report.

The properties listed as 1, 3, 5 and 7 (those comprising the Site) were identified as commercial or residential for the years researched. Uses of the Property, or portions of the Property, included residential apartments, a Nature's Storehouse, State Street Mall, shoe stores, beauty salon, woman's clothing store, appliance store, an insulating company, a dentist office, a dance studio, a barber, a window cleaning company, shoe and luggage shop, and Kalet's, Inc. (department store and ladies apparel). The historic uses of the Property, as indicated in the city

directory abstract provided by EDR, do not suggest potential environmental concerns at the Site.

The city directory abstract also included properties across State Street and the property immediately south of the Site (119 Genesee Street), and the property immediately north of the Site (9 State Street). The city directory abstract indicated that the properties across State Street to the east of the Site were used for a variety of commercial, residential and manufacturing purposes including residential apartments, real estate offices, credit service offices, a podiatrist office, jewelers, shoe store, drug store, drug company, restaurants, a pants and cap factory, and a Veterans of Foreign Wars lodge.

The property located north of the Site at 9 State Street was identified as commercial and residential use and was identified as The Busy Bee, Catholic and Novelty Shop, Imported Knitwear Shop, residential use and Choices for Change Home Health Service.

Based on information provided in the EDR city directory abstract, AECC did not identify any RECs.

4.3.5 Environmental Lien Records

AECC reviewed an environmental lien search report prepared by EDR for the Site. A copy of the report has been included in Appendix G of this report. The search report indicated that there were no environmental liens or activity and use restrictions for the Property.

5.0 SITE RECONNAISSANCE

AECC personnel conducted site reconnaissance on March 25, 2009, with a subsequent follow-up visit on April 6, 2009. Access to the property was provided by the City, however a knowledgeable City representative was not available to accompany AECC during the inspection. Our observations are summarized in this section.

5.1 METHODOLOGY AND LIMITING CONDITIONS

A reconnaissance of the property was conducted on the afternoon of March 25, 2009. The weather was overcast with temperatures in the mid 50s Fahrenheit. During the reconnaissance, AECC observed the exterior of the building, surrounding properties, and the interior of the building's three levels. While AECC attempted to observe all portions of the building, some areas in the basement either were considered unsafe or could not be accessed for observation. These areas are noted on Figure 2, Figure 3 and Figure 4. AECC took photographs during the site reconnaissance, which have been provided in Appendix H.

5.2 ON-SITE OBSERVATIONS

The building is constructed of concrete block, brick, and wood. The front of the building is covered with limestone and the rear of the building is bare brick. The north and south walls of the building are also of brick, and abut the adjacent buildings. The building is serviced by natural gas, public water, public sewer and electric. Sidewalks are present between the front of the building and State Street. The rear of the building abuts an alleyway and adjacent buildings. The alleyway behind the building is paved with asphalt.

The interior of the building has three levels; a basement, a first floor, and a second floor (see Figures 2, 3 and 4). The entire basement of the building is damp and moldy, and shows evidence of extensive deterioration either as a result of time, or as a result of incomplete renovations conducted by the previous owner of the building. Debris covers much of the basement's concrete floor. Some of the basement floor is covered by resilient asbestos-containing floor tiles.

The central portion of the basement is dominated by a large concrete vault that was formerly used for fur storage. The floor of the vault is littered with debris and damaged cork ceiling-tiles. Two small air compressors and an air handling unit were observed at the vault's north end and were probably used for temperature and humidity control.

The easternmost corner of the basement comprises the former heating room where a small boiler and old heating equipment are located. Drawings provided by MTFI, dated 1945, indicated that a portion of this building was formerly used for coal storage. Coal residuals were not observed in the area. A motor driven dumb waiter that serviced the basement, first floor, a former mezzanine, and the second floor is located on the northwest wall of the basement in this area.

As stated previously, two basement areas could not be accessed during the reconnaissance, either because an access way was not observed during the visit or because an area was deemed unsafe for entry (see Figure 2). No RECs were identified in the portions of the basement that were inspected during the reconnaissance.

The first floor of the building is also littered with debris, dead pigeons, pigeon droppings, and is in general disrepair. Portions of the floor and stairwells have been severely damaged by water. No RECs were identified on the first floor.

The second floor of the building is space that was formerly used as offices and residential dwellings. No RECs were identified on the second floor.

Based on AECC's reconnaissance of the interior of the building, the primary concerns are health concerns associated with the biological agents (i.e. pigeon droppings, carcasses, mold), damaged lead-based paint, and damaged asbestos-containing materials. Evidence of environmental concerns that might impact soil and groundwater at the Site was not observed during the reconnaissance.

5.3 SURROUNDING PROPERTIES

During the reconnaissance on March 25, 2009, AECC observed the properties surrounding the Site. Immediately north and abutting Site building is a Choices for Change elderly care office, beyond which are offices for the American Red Cross and ElderChoice. The Site is bound on the east by State Street, beyond which are a First Niagara branch, vacant office space, a frame shop, a vacant bar, a vacant tavern/café, and a vacant department store identified as the John Stevens Company. To the south, the Property is abutted by a vacant building at 117 Genesee Street, a vacant former deli (119 Genesee Street), and a tattoo parlor (121 Genesee Street). Other buildings south of the Property include a real estate office, law offices, Parker's Grill and Tap House, and a visitor's information center. Beyond Genesee Street further south are a Key Bank, offices of Smith Barney, and a Bank of America. To the west, the Property abuts a

passage/alleyway, beyond which is a rear entrance to Parker's Grill and Tap House, and a custom frame shop and realtors offices situated along Dill Street. Further west, beyond Dill Street is the Edward T. Boyle Center Apartment complex.

In the passage/alleyway behind the Site, adjacent to the rear entrance to Parker's Grill and Tap House, several 55-gallon steel drums and several 5-gallon plastic buckets were observed. The drums appeared to be used for accumulation of cooking grease. Based on the location of the containers and the grade of the passage/alley, the contents are not considered a REC.

6.0 INTERVIEWS

Because the site has been vacant since 1994 (when the City acquired the Property), AECC was not able to interview individuals with knowledge of site activities during commercial use of the Property. AECC did obtain a completed questionnaire from the City of Auburn (as discussed in Section 3.5). Additionally, AECC interviewed the City of Auburn Fire Chief for available information.

6.1 SITE REPRESENTATIVE

A property owner questionnaire was completed by a representative of the City of Auburn, and is discussed in Section 3.5.

6.2 LOCAL GOVERNMENTAL OFFICIAL

On March 25, 2009, AECC submitted a Freedom of Information Act (FOIA) request to the City of Auburn Fire Department for available information pertaining to the Property. On March 26, 2009, Fire Chief Charles Mike Hammon responded that there was no underground storage tanks (USTs) located at the Property. Chief Hammon indicated that the only information on file for the Site pertained to a car leaking fuel that was parked on State Street in November 2006. According to the information provided, the car was towed away, and the Auburn Fire Department used absorbent material to contain and clean up the spill. No impacts to soil or groundwater at the Property were reported.

FOIA requests were also submitted to the New York State Department of Environmental Conservation (NYSDEC), Cayuga County Health Department, and New York State Department of Health (NYSDOH). With the exception of the NYSDOH, who had not responded to the request by the date this report was prepared, the agencies indicated that they had no files pertaining to the Property. Copies of FOIA requests and responses to those requests are provided as Appendix I.

7.0 FINDINGS

The findings of this ESA indicate that there are no RECs, historical RECs, or *de minimis* conditions at the Site.

During AECC's review of historical Sanborn map, a former dry cleaner was identified at the intersection of State and Clark Streets, approximately 150 feet northwest of the Property. As the property is located downgradient (presumed) of the Site and at a lower elevation, and because no evidence of a spill or release at that location has been identified, AECC does not consider the former dry cleaner a REC. AECC does however consider the condition a potential environmental concern, because the direction of groundwater flow has not been confirmed in the immediate vicinity of the Site.

8.0 OPINION

AECC identified no RECs associated with the Property.

As stated previously, during AECC's review of historical Sanborn map, a former dry cleaner was identified at the intersection of State and Clark Streets, approximately 150 feet northwest of the Property. As the property is located downgradient (presumed) of the Site and at a lower elevation, and because no evidence of a spill or release at that location has been identified, AECC does not consider the former dry cleaner a REC. AECC does however consider the former dry cleaner a potential environmental concern, because the direction of groundwater flow has not been confirmed in the immediate vicinity of the Site.

8.1 ADDITIONAL INVESTIGATION

In order to address the potential environmental concern, AECC recommends that indoor air samples (i.e. vapor intrusion testing) be collected from the basement of the building and that the samples be analyzed for volatile organic compounds, including chlorinated constituents typically used in dry cleaning operations (e.g., perchloroethylene). If volatile constituents are identified in the indoor air samples, subsequent investigation involving soil and/or groundwater sampling may be warranted.

8.2 DATA GAPS

No significant data gaps were identified during this ESA.

9.0 CONCLUSIONS

AECC has performed a Phase I ESA of the Site located at 1 State Street, Auburn, New York in conformance with the scope and limitations of ASTM Standard E 1527-05. Any exceptions to, or deletions from, this practice are described in Section 1.6 of this report. This assessment has revealed no evidence of RECs in connection with the Site. One potential environmental concern, associated with the location of a former dry cleaner down-gradient (presumed) but proximal to the Site. Limited indoor air sampling in the building should be conducted to evaluate this potential environmental concern and to determine whether additional investigation activities are warranted.

9.1 OTHER CONSIDERATIONS

Based on observations made during AECC's reconnaissance of the Property, other potentially harmful environmental or site considerations that MTFI should be aware of include; the presence of asbestos-containing materials (ACM) in the building, the presence of lead-based paint, the presence of mold, the presence of numerous bird carcasses and bird droppings inside the building, and the general poor condition of structural elements (walls, flooring, stairs). These conditions represent chemical, biological and physical hazards to occupants and future workers. A thorough hazardous materials survey and Engineering Evaluation are strongly recommended prior to any occupancy, renovation, and/or demolition activities that may take place on-site.

10.0 DEVIATIONS

No deviations or deletions from ASTM Standard E 1527-05 were made during preparation of this ESA.

11.0 ADDITIONAL SERVICES

No additional services were provided as part of this ESA.

12.0 REFERENCES

Isachsen, Y.W., and Fisher, D.W., 1970, Geologic Map of New York: N.Y. State Mus. and Sci. Serv., Map and Chart Series No. 15, reprinted in 1995.

USDA Soil Conservation Service, 1971, Soil Survey of Cayuga County, New York.

13.0 ENVIRONMENTAL PROFESSIONAL SIGNATURE AND STATEMENT

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in section 312.10 of 40 Code of Federal Regulations (CFR) 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312. My resume has been included in Appendix J.



John T. Imhoff
Sr. Project Manager