



FACT SHEET

Voluntary Cleanup Program

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Former Pizza Hut Site
Project No. V-00370-9
Buffalo, NY

October, 2011

NYSDEC Certifies Cleanup Requirements Achieved At 2137 Seneca Street-Former Pizza Hut Site in Buffalo

The New York State Department of Environmental Conservation (NYSDEC) has determined that cleanup measures at the vacant Pizza Hut/Wendy's restaurant, located at 2137 Seneca Street in the City of Buffalo, have been sufficiently implemented.

NYSDEC approved remedial action reports that document the cleanup actions performed at the site and issued a release letter to General Electric Capital Franchise Finance Corporation (GEFF), the site owner. A copy of the release letter, which certifies that the terms of the Voluntary Cleanup Agreement have been met and the site made suitable for reuse/redevelopment, is available at the locations identified in this fact sheet.

Completion of Project

Under NYSDEC's Voluntary Cleanup Program, GEFF completed environmental investigations at the site which identified a volatile contaminant called tetrachloroethene, also known as perchloroethene (PCE), in both on-site and off-site groundwater. PCE is a common dry cleaning solvent, the contamination presumably came from an old dry cleaning facility that once occupied that part of the site where a parking lot now exists. The dry cleaning facility was demolished prior to GEFF's ownership, GEFF did not cause or contribute to the contamination found at the site.

In 2003, nearly 2000 tons of contaminated soils were removed from beneath the on-site parking lot. A system of perforated pipes was installed in the excavation before it was backfilled and the parking lot restored. The piping allowed GEFF to pour a solution of the chemical potassium permanganate into the soils to treat the PCE remaining in the deeper soils, below the water table.

Voluntary Cleanup Program: New York's Voluntary Cleanup Program (VCP) was developed to encourage private sector volunteers to investigate and clean up contaminated properties and return these sites to productive use. Once cleaned up, the properties may be redeveloped for commercial, industrial, residential or public use.

For more information about the VCP, visit:
www.dec.ny.gov/chemical/8442.html

Further investigation found a type of bacteria in the site soils which was consuming the PCE contamination, converting the contaminant to less toxic compounds, although at a very slow rate. An alternative remedy was initiated in 2007 to inject chemicals and nutrients into the soil to promote the growth of the bacteria and accelerate the

natural digestion or "bioremediation" of contaminants. To reduce the more concentrated pockets of PCE contamination to levels at which the bacteria could digest the contaminants more readily, a material known as zero-valent iron (ZVI) was also injected to chemically treat the PCE and related contaminants.

The groundwater has been sampled and tested following these treatments; the most recent results indicate significant degradation in the levels of PCE contamination. In all but the northern corner of the parking lot, the total concentration of groundwater contaminants have met the site-specific cleanup goal.

Institutional Controls/Engineering Controls

Institutional controls and engineering controls are designed to reduce or eliminate exposure to any remaining contaminants of concern. An *institutional control* is a non-physical restriction, such as deed restriction, placed on the site when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method, such as a vapor barrier, to manage contamination.

A Site Management Plan (SMP) has been prepared and a deed restriction has been filed. The following institutional controls have been put in place:

- The property may only be used for commercial or industrial purposes, excluding day care, child care and medical care uses. The property may not be used for any other purposes without additional remediation and amendment of the deed restriction, as approved by NYSDEC.
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for its intended use.
- An Excavation Work Plan has been included in the SMP to assure that future intrusive activities and soil/fill handling at the Site are completed in a safe and environmentally responsible manner.
- Periodic monitoring of the Site groundwater will be conducted to assess the effectiveness of the remedy.
- A site-wide inspection program will be conducted annually and written certification will be provided to the NYSDEC that the institutional controls have not been altered and those controls remain effective.

Next Steps

Recent monitoring indicates that the injected chemicals are still actively treating the contamination that remains. NYSDEC issued the release based on review and approval of the remedial action reports submitted by GEFF. The remedial action reports and Site Management Plan include:

- A description of the cleanup activities completed;
- Certification that cleanup requirements have been achieved for the site; and
- A description of any institutional/engineering controls to be used.

Previous investigations found that the groundwater contamination beyond the Pizza Hut site was situated directly beneath Seneca Street. NYSDEC assessed the contaminated vapor from the volatile PCE in this off-site groundwater contaminant plume and the potential for this soil vapor to impact the indoor air quality of the adjacent buildings. The results indicated no adverse impacts to the indoor air or significant threat from the contaminated groundwater.

NYSDEC issued the Closure Letter based on review and approval of a Final Engineering Report submitted by the volunteer. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that cleanup requirements have been or will be achieved for the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

With its receipt of a Closure Letter, the volunteer is eligible to redevelop the site. In addition, the volunteer has no liability to the State for contamination at or coming from the site, subject to certain conditions.

A Closure Letter may be modified or revoked if, for example, the volunteer does not comply with the terms of its Voluntary Cleanup Agreement with NYSDEC, or if the volunteer commits fraud regarding its application or its certification that it has met cleanup levels.

Background

The site is located on the south corner of Seneca Street and Kingston Place in a mixed commercial/residential part of the City of Buffalo. The site is approximately two thirds of an acre in size and almost entirely covered by asphalt and a vacant restaurant. Historically, the site was once occupied by homes, a pharmacy, a retail tire store and business offices. Prior uses also included a dry cleaning store and auto service garage which presumably contributed to the site contamination. The PCE contamination was found primarily in the north corner of the site, nearest the corner of Seneca and Kingston, where the dry cleaning store once stood.

FOR MORE INFORMATION

Project documents are available at the following locations:

Dudley Branch Library	NYSDEC Buffalo Office
2010 South Park Avenue	270 Michigan Avenue
Buffalo, NY 14220	Buffalo, N.Y. 14203
Phone: (716) 823-1854	Phone: (716) 851-7220
	(Please call for an appointment.)

Information about this site is also available on DEC's website at <http://www.dec.ny.gov/chemical/76773.html>

Who to Contact

Comments and questions are always welcome and should be directed as follows:

Environment related questions:

David P. Locey
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7220
region9@gw.dec.state.ny.us

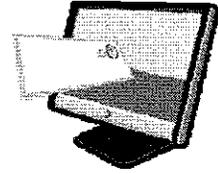
Health related questions:

Matt Forcucci
NYSDOH
584 Delaware Ave.
Buffalo, NY 14202-7295
(716) 847-4501
beci@health.state.ny.us

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: www.dec.ny.gov/chemical/61092.html . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you already have signed up and received this fact sheet electronically.