



**New York Power
Authority**
Generating more than electricity

John Kahabka
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Environment, Health and
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Power Supply*

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October 8, 2014

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Attention: Mr. Scott W. Kroll, Legislative Clerk

**Subject: New York Power Authority - Winter Mooring Relocation Project
Request for SEQRA Lead Agency Concurrence**

The New York Power Authority (the Authority) is planning to relocate and upgrade their present Winter Mooring Facility located at the First Buffalo River Marina property at 32 Fuhrmann Boulevard, Buffalo, NY. The planned facility will be relocated approximately 1,050 ft. north of our existing facility on the same property owned by the Authority.

This facility is critical to the Authority's ice boom operations on Lake Erie and will continue to be used from approximately November through April each year for mooring the Authority's vessels that maintain the ice boom.

The construction of the relocated mooring wharf along the Buffalo River shoreline and associated dredging of the adjacent river bottom will require permitting and approval from, at a minimum, the US Army Corps of Engineers and the NY State Department of Environmental Conservation, and the NY State Department of State's concurrence to the Authority's coastal consistency determination.

The relocation of NYPA's winter mooring facilities will also facilitate the future conveyance of a portion of the property to foster local and regional economic development. However, NYPA is not committed to a future use of the property, only that a future conveyance is anticipated.

The completed State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form Part I with attachments and a copy of the site plan for the project are enclosed for your information and review. The Authority has determined this is an unlisted action for which it is conducting a coordinated review pursuant to 6 NYCRR Part 617 and 21 NYCRR Part 461.

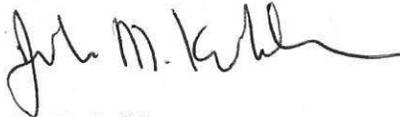
Potential SEQRA Involved Agencies are requested to concur with the Authority's SEQRA Lead Agency Status for the construction of the relocated winter mooring facility. If your agency

determines that it is an involved agency, please respond within thirty days otherwise your concurrence will be assumed.

To formalize your Agency's concurrence to the Authority's SEQRA Lead Agency status, please sign below where indicated and return the signed letter to my attention. If you wish to discuss this proposed project or have any questions, please call me at (914) 681-6308 or Erika Cozza at (914) 287-3654.

Thank you for your assistance.

Sincerely,



John M. Kahabka
Vice President
Environmental, Health & Safety Division

Enclosure: SEQRA FEAF Part I and Project Site Plan

We concur with the Authority being designated as SEQRA Lead Agency for the Winter Mooring Relocation project.

Signature

Name (Type or Print)

Title

Agency

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part I is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: NYPA Winter Mooring Site		
Project Location (describe, and attach a general location map): First Buffalo River Marina Property, 32 Fuhrmann Boulevard, Buffalo, NY		
Brief Description of Proposed Action (include purpose or need): The New York Power Authority (NYPA) is planning to relocate and upgrade their present Winter Mooring Facility at this location. The planned facility will be relocated approx. 1050 ft north of our existing facility on the same property owned by NYPA. This facility is critical to NYPA's operations on Lake Erie and will continue to be used seasonally for mooring NYPA's vessels that maintain the ice boom during the winter months. This relocation will also facilitate the future conveyance of a portion of the property to foster local and regional economic development; however, NYPA is not committed to a future use of the property, only that a future conveyance is anticipated. The planned facility will include: A 240' long by 20' wide sheet pile mooring berth along the Buffalo River shoreline - berth will include 8 mooring bollards and 3 power pedestals; Access drive off Fuhrmann Boulevard and onsite parking area, including power, sanitary sewer, and water service tie-ins; One story maintenance building approx. 30' by 26' - includes one bathroom, storage area, associated utilities; Perimeter security fencing and locking access gate; Demolition of existing structures.		
Name of Applicant/Sponsor:	New York Power Authority John M. Kahabka, Vice President, Environmental, Health & Safety Protection	Telephone: 914-681-6308 E-Mail: John.Kahabka@nypa.gov
Address: 123 Main Street		
City/PO: White Plains	State: NY	Zip Code: 10601
Project Contact (if not same as sponsor; give name and title/role): Erika Cozza, Environmental Scientist	Telephone: 914-287-3654 E-Mail: Erika.Cozza@nypa.gov	
Address: 123 Main Street		
City/PO: White Plains	State: NY	Zip Code: 10601
Property Owner (if not same as sponsor): (same as above)	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or <u>projected</u>)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Office of Strategic Planning - Site Plan Approval, Driveway Permit	By October 31, 2014
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City DPW (Harbor Master); DPW - Sanitary Sewer & Water Tie-ins; DPW FloodPlain Dvlpmt. Permit	By October 31, 2014
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Joint Appl., SPDES, NYSDOS - Div. of Coastal Resources, NYSOGS, NYPA - SEQR &	By October 31, 2014 Codes Compliance
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	US Army Corps of Engineers-Joint Application Permitting	By October 31, 2014
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
NYS Heritage Areas: West Erie Canal Corridor.	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Zone M2 - General Industrial (Note: The City is presently in the process of finalizing the City of Buffalo Unified Development Ordinance (Green Code) which will put the site in a Brownfield Opportunity Area)

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Buffalo City School District

b. What police or other public protection forces serve the project site?
City of Buffalo Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Buffalo Fire Department

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
Industrial/commercial associated with NYPA ice boom operations

b. a. Total acreage of the site of the proposed action? 1.0 acres
b. Total acreage to be physically disturbed? 0.9 acres (land); 0.18 acres (underwater)
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 16+/- acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: It is a relocation of use on the same property

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: 6 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1 new bldg and a mooring dock
 ii. Dimensions (in feet) of largest proposed structure: 15 height; 26 width; and 30 length
 iii. Approximate extent of building space to be heated or cooled: 780 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? To increase river depth for vessel access to the mooring wharf
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): 900 cy (in place volume) or approx 1,300 cy of removed mat'l
 • Over what duration of time? 1 month
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
The materials to be dredged are river bottom sediments which will be loaded on a barge and transported to the existing Corps of Engineers Confined Disposal Facility (CDF).

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. Dewatering and processing of dredged materials will be handled at the CDF or at another NYPA - approved disposal facility.

v. What is the total area to be dredged or excavated? _____ 0.2 acres
 vi. What is the maximum area to be worked at any one time? _____ 0.2 acres
 vii. What would be the maximum depth of excavation or dredging? _____ 9 +/- feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: (see attached summary)

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Minor encroachment along the Buffalo River shoreline. Project will not impact the flood level or effective flow area of the river.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
A 240' long sheet pile dock will be constructed along the riverbank. The dock will slightly encroach into the river approximately 4 ft at ordinary high water level (OHWL) resulting in a very minor reduction in river water surface along the shoreline. See attached for further details on the selected location.

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____
Erosion control measures will be implemented along the disturbed riverbanks.

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ <50 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: City of Buffalo Division of Water
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
only a service line tie-in to the existing water main will be required to service the project.
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ -- gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ <50 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Bird Island Wastewater Treatment Plant
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

Sewer line tie-in to the existing City sanitary sewer system will be required to service the project site. The project will not result in capacity expansion.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00AM-6:00PM • Saturday: _____ 7:00AM-6:00PM (if required) • Sunday: _____ -- • Holidays: _____ -- 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00AM-5:00PM (Dec to Apr only) • Saturday: _____ 7:00AM-5:00PM • Sunday: _____ -- • Holidays: _____ --
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Noise will be generated during construction (7:00 AM to 6:00 PM daily during construction)

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Security lighting mounted on the building at 10 ft height; photoelectric activated and aimed in general area around the building; closest occupied structure is the boat school approximately 125 ft away.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ <1 tons per _____ 6 mos. (unit of time)
- Operation : _____ <1 tons per _____ year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: transferred from onsite to an approved disposal facility
- Operation: weekly pickup by commercial waste handler for disposal offsite

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): adjacent to US Coast Guard facility & near dedicated park & open space
 ii. If mix of uses, generally describe:
 Existing uses in the area include marinas & boat storage, US Coast Guard facility, Erie County Naval & Military Park, dedicated open space & wetland protected areas.

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.1	0.32	+0.22
• Forested	--	--	--
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.1	0.1	0
• Agricultural (includes active orchards, field, greenhouse etc.)	--	--	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.15	0.15	0
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)	0.45	0.13	0.32
• Other Describe: grass area _____	0.2	0.3	+0.1

1.0+/- 1.0+/-

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: the site is part of an existing boat marina

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): C915262, C915270 (see attached Database Search Details)
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
(see attached details regarding status)

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 35 +/- feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

fill area consisting	_____	100 %
primarily of construction debris &	_____	_____ %
miscellaneous urban fill	_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ <3 feet at some locations

e. Drainage status of project site soils: Well Drained: _____ 70 % of site
 Moderately Well Drained: _____ 30 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 60 % of site
 10-15%: _____ 20 % of site
 15% or greater: _____ 20 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Buffalo River Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? (partially) Yes No

j. Is the project site in the 100 year Floodplain? (partially) Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:	None _____ _____ _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____	
<i>ii.</i> Source(s) of description or evaluation: _____	
<i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>See attached response from Natural Heritage Group at NYSDEC Albany Office and record of conversation with Mr. Michael Todd, Fisheries Specialist at NYSDEC Region 9 Office.</small>	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District (Historic Structures)

ii. Name: USS Croaker & USS Sullivan located on the other side of Buffalo River. Two lighthouses also located on adjacent US Coast Guard facility.

iii. Brief description of attributes on which listing is based:
(See attached additional descriptions for ii and iii.)

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? (see attached) Yes No
NYPA consultants performed a Phase I archaeological review of proj. location. Phase IB shovel testing revealed no archaeological materials at location.

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): see attached

ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource:

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

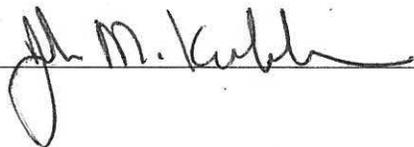
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name John M. Kahabka Date October 8, 2014

Signature  Title Vice President, Environment, Health & Safety

Attachments to Full Environmental Assessment Form – Part 1

D.2a.ix. – Summary of Site Reclamation Goals and Plan

The proposed dredging goal is to restore the designated localized area of the shoreline that has been silted in. The dredged material will be tested, characterized, and may be disposed of at the approved existing USACE's Confined Disposal Facility located three miles south of the Buffalo River on the shores of Lake Erie, or at another NYPA-approved disposal facility or beneficial reuse, subject to sediment analysis.

All other onsite excavated and/or disturbed areas will be properly backfilled and seeded or otherwise restored to prevent erosion and control sediment discharge to the river. This will include the placement of riprap or other protective measures along any disturbed shoreline areas.

D.2b.ii. – Further Details on Planned Sheet Pile Wall Location

The planned sheet pile wall would be installed in a straight alignment along the river shoreline at approximate normal river elevation of 572±. The Ordinary High Water Level (OHWL) is at approximate elevation 573.4±. An engineering assessment was initially carried out to evaluate the installation of the sheet pile wall along the OHWL. It was determined that alignment along the OHWL would be extremely difficult and costly because of the significant structural obstructions that exist along this location that would have to be removed. These obstructions are shown in the photos on the pages that follow.

Removal of these structures and possible underlying piling would require major demolition work. Based on Hatch's field observations, there are major reinforced concrete structures, steel pieces, cabling, piling, large construction debris, etc. that would have to be demolished and removed along the OHWL alignment location.

There are sections of the bank slope that do not contain large obstructions, but it would not be practical to irregularly adjust the alignment of the piling to avoid the major obstructions. Irregular alignment would also not work very well for mooring vessels along the wall and would not be desirable in terms of visual appearance along the shoreline.

It was, therefore, determined that the sheet pile alignment along elevation 572± was a much better location that would align well with the existing riverbank and create a good visual appearance. Other mooring alternatives that were considered and evaluated are described in the section below.

Practicable Alternatives Considered

Alternative locations, designs, and construction methods have been considered in attempting to avoid, reduce, and/or mitigate any potential impacts of the proposed project on the adjacent waterway and ongoing waterfront development in the area.

Alternatives assessed included the following:

(1) No Action Alternative

Keeping the winter mooring site at the current location in the middle of the property was ruled out because it would preclude additional waterfront development of the site at this desirable location. However, relocating the site to the northern end of the property (or offsite) would free up the remaining 13± acre portion of the property for future waterfront development. Additionally, being located at the extreme northern end of property will allow NYPA's vessels to be moored closer to the location of the installed ice boom and in a section of the river that experiences less severe ice conditions.

(2) Alternative Locations

Several different sites were studied between 2008 and 2010 in order to identify an alternate location for the winter mooring facility. The presently proposed site was found to be the preferred location. It offers a site in close proximity to the location where the ice boom is installed and it remains relatively free from severe ice conditions that could hinder ice boom maintenance operations during the winter months. In addition, this location is immediately available since it is part of the First Buffalo River Marina property owned by NYPA.

(3) Alternative Onsite Locations

Relocation of the winter mooring facility to the south end of the property was also feasible and briefly evaluated. However, construction of the facility at the south end was ruled out because of an existing main sanitary sewer easement that would significantly limit any development at this location along with the distance from the ice boom installation site which may require additional ice breaking.

(4) Design and Construction Method Alternatives

Feasible design and construction alternatives were also reviewed and compared with the conventional sheet pile wall type of mooring dock. These included:

- (a) Construction of the mooring site utilizing piling support groups with a mooring platform structure spanning between the pile groupings. Access from the land side of the mooring platform would be by way of gangways. This alternative design would reduce the volume of fill that would be required and reduce the potential impact of the encroachment along the shoreline.

However, this design approach would limit normal mooring operations as the platforms would be unlikely to support heavy vehicles and equipment needed for some activities and it would not fit well with the growing recreational use and planned waterfront development in the area. This type of construction would also likely prohibit the seasonal summer floating docks installed at this recreational marina.

- (b) Construction of the mooring dock further into the river while still within the property boundary. This would eliminate the need for dredging the river bottom sediments and its associated potential impacts. However, this approach was ruled out since it would have created more filling and encroachment below the Ordinary High Water Level (OHWL) and a further reduction in the river width and water surface area.

In summary, it was determined that the relocated mooring facility as currently proposed would offer several key advantages over other alternatives considered:

- (1) The location is in the immediate vicinity of Lake Erie and in a section of the river that experiences less severe ice conditions. Therefore, it provides a preferred mooring location to support NYPA's winter ice boom maintenance operations.
- (2) The property is immediately available to start construction and all required utilities and services are in close proximity to this proposed location.
- (3) The proposed design would improve the appearance along the riverfront and is consistent with the growing recreational use and ongoing waterfront development in the immediate vicinity.
- (4) The proposed location and design would also allow for continued recreational use of floating docks along the riverside of the mooring sheet pile wall during the summer season as NYPA's ice boom maintenance operations at the mooring facility will only be seasonal from November through April.
- (5) The overall estimated land disturbance at this location would be less than one acre in a section of the property that has already been developed in the past.



Photo 1 – Additional Shoreline Structure Under Gangway



Photo 2 – Additional Massive Shoreline Structure and Debris

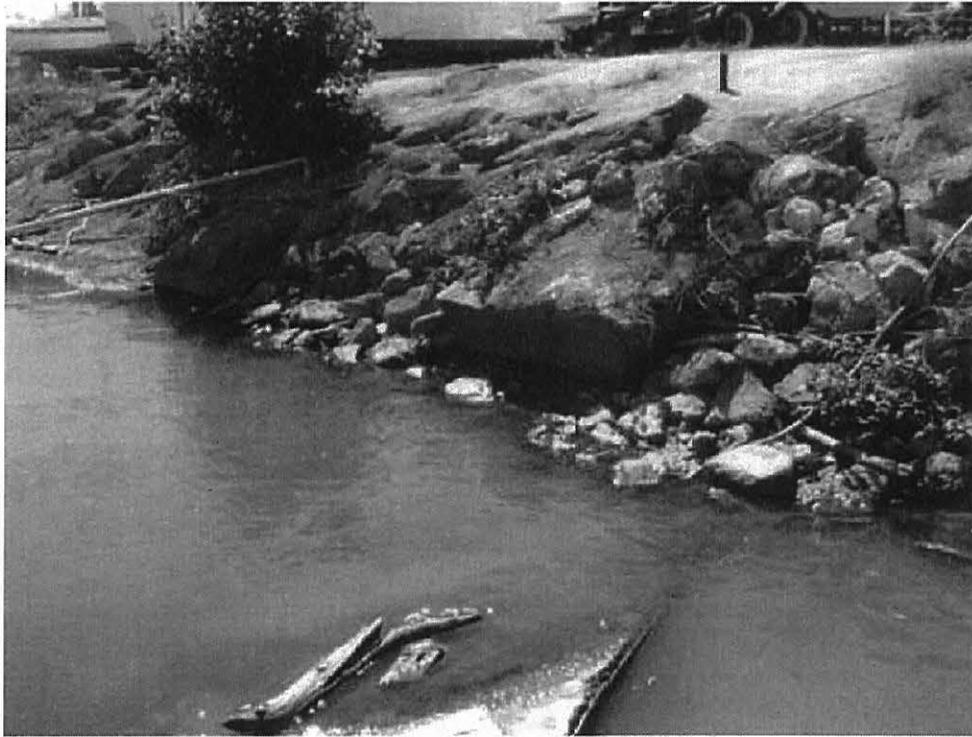


Photo 3 – Large Pieces of Concrete Along Shoreline

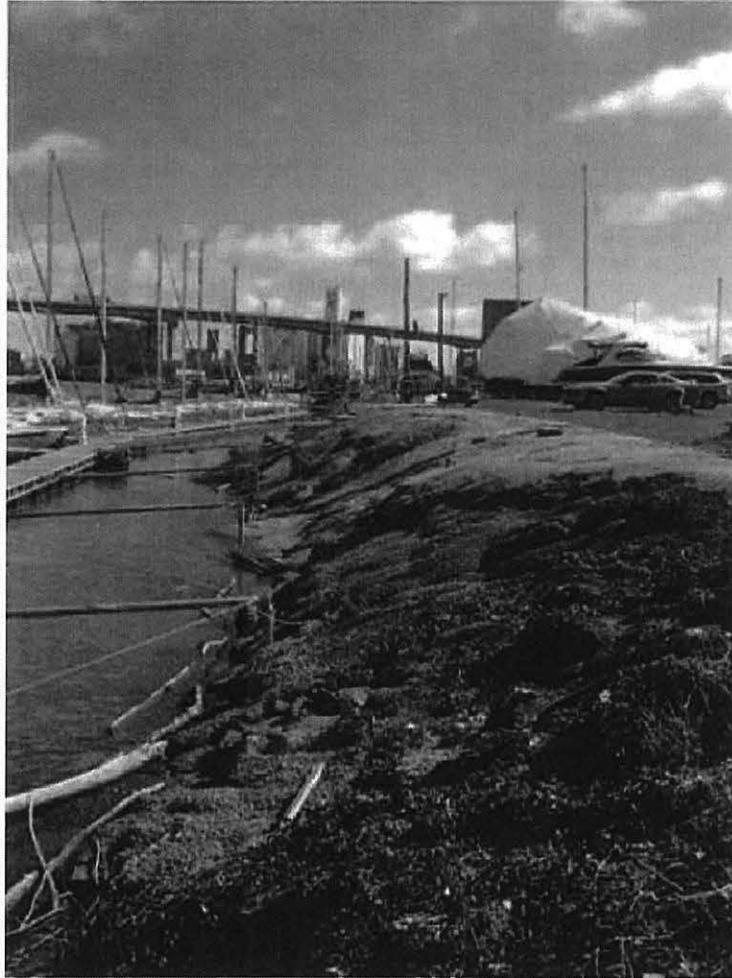


Photo 4 – Slopes Along River in Winter Mooring Area

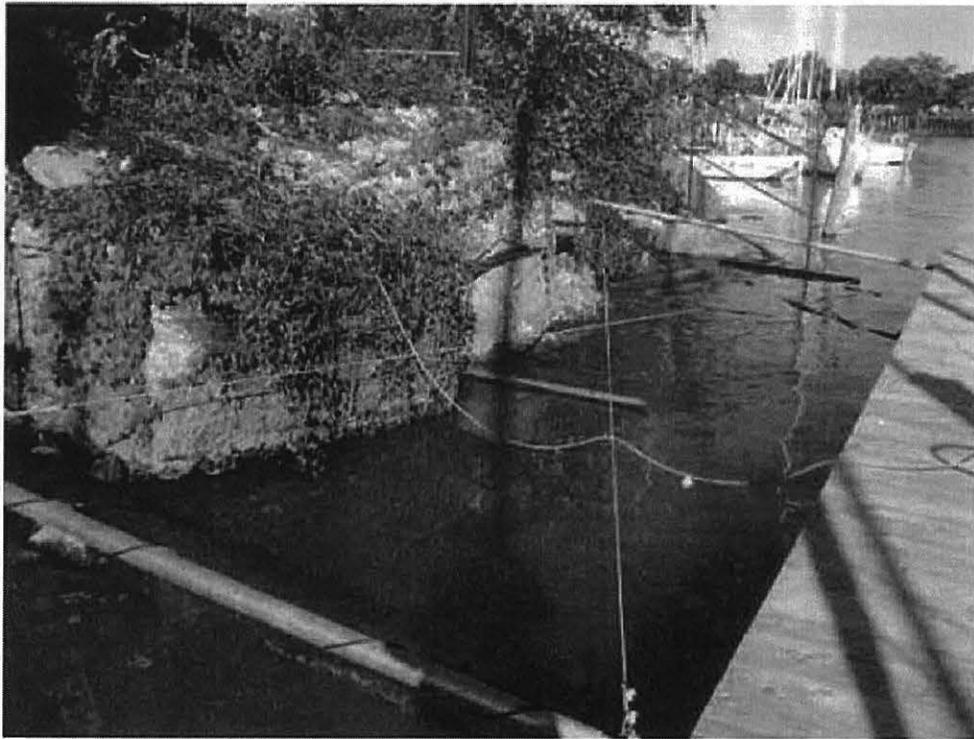


Photo 5 – Other Large Concrete Structures at North End

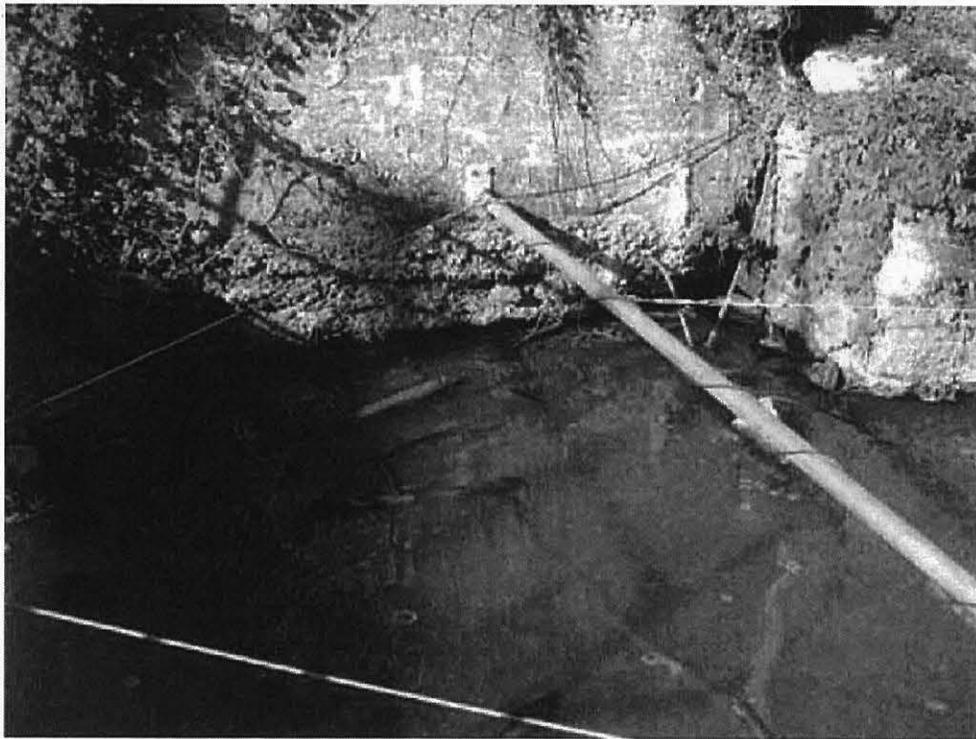


Photo 6 – Foundation Structure under Pavilion

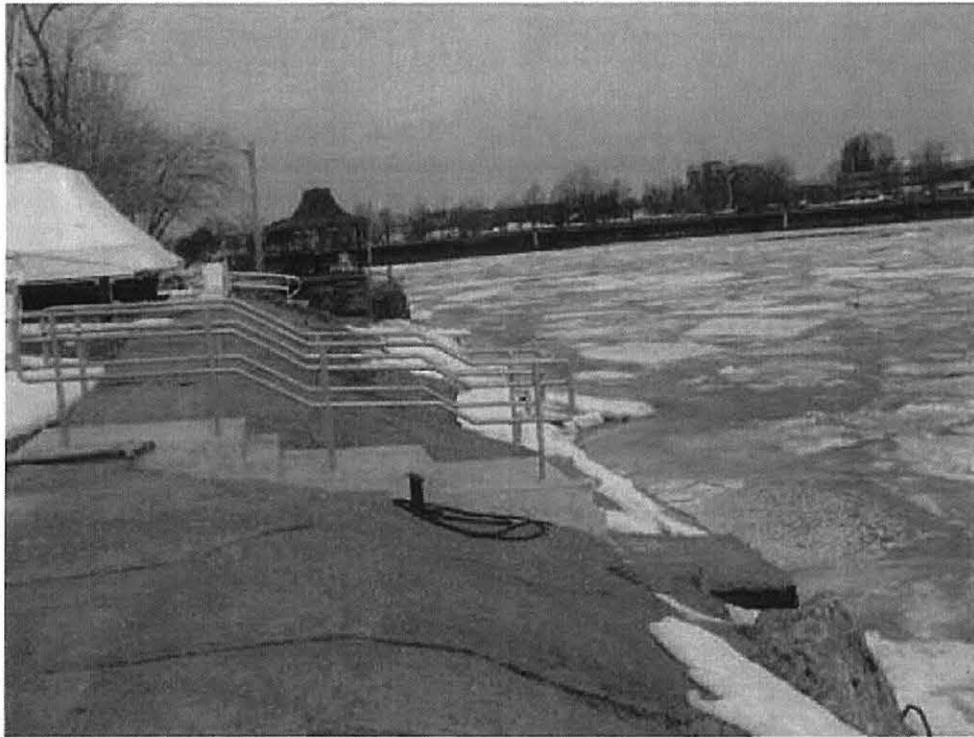


Photo 7 – Shoreline Looking North Toward Pavilion Structure in Winter Mooring Area



Photo 8 – Significant Concrete Foundation under the Pavilion in the Winter Mooring Area

E.1h.iii. – Project within 2,000 ft of the Following Sites in the NYSDEC Environmental Site Remediation Database

Site ID No. C915262: 125 Main Street Site, Buffalo, NY
Classification Code: C (Completed)
Certificate of Completion was issued on December 30, 2013.

Site ID No. C915270: Webster Block Site located at 75 Main Street, Buffalo, NY
Classification Code: A (Active); Remedial work is currently underway and not yet complete.

Both sites are located on the opposite side of the Buffalo River from the planned NYPA Winter Mooring Site and approximately 1,800 to 1,900 ft away. The 125 Main Street site has been remediated. Neither site should have any impact on the planned North Mooring Site.

The Site Database Search Details are included on the following pages.





NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: 125 Main Street Site
Site Code: C915262
Program: Brownfield Cleanup Program
Classification: C
EPA ID Number:

Location

DEC Region: 9
Address: 125 Main Street
City: Buffalo **Zip:** 14204
County: ERIE
Latitude: 42.877777778
Longitude: -78.876111111
Site Type:
Estimated Size: 1.820 Acres

Site Owner(s) and Operator(s)

Current Owner Name: New York State Department of Health
Current Owner(s) Address: Bureau of Environmental Exposure Investigation
Albany, NY, 12237
Current Owner Name: Erie Canal Harbor Development Corporation
Current Owner(s) Address: 95 Perry Street
Buffalo, NY, 14203

Site Document Repository

Name: Buffalo and Erie County Public Library
Address: 1 Lafayette Square
Buffalo, NY 14203

Site Description

Location: The site is located in the historic canal district of the City of Buffalo, Erie County, New York. The site is bound by an active, depressed railroad track and elevated section of

Interstate 190 to the north; Scott Street to the south; Washington Street to the east; and Main Street to the west. The site is located in a predominantly commercial area of the City of Buffalo. The nearest residential development is located approximately 0.15-miles to the west of the site. The site is comprised of two separate parcels, identified as parcels D1 and D2. Parcel D1 is the main development parcel and is approximately 1.61 acres. Parcel D2 is approximately 0.21 acres and is located south of D1 along Scott Street. Parcel D3, that separates parcels D1 and D2, is not part of the BCP site. Site Features: The property was previously owned and operated by the New York State Office of General Services (NYSOGS) and consists of an eight story office building. Asphalt parking areas cover most of the remaining site. The site is generally flat but drops several feet in elevation from north to south. The Hamburg Canal once transected the southern half of the site; the Hamburg Drain, a large combined sewer, is located within the backfilled canal. Current Zoning Use: The site is occupied by a formerly vacant office building that has been re-developed for both office and retail space. The property is located in a district of the local zoning map labeled as Institutional/Light industrial; in accordance with the zoning ordinances, residential uses would also be permitted in this district. Past Use of the Site: The site was once occupied by commercial storefronts, a restaurant, a junk yard, a contractors yard, the American Bit Brace Factory, a machine shop, the Cooper and Sibley Paper Box factory, a boot and shoe manufacturer, a tin shop, a paint shop, a patent medicine manufacturer, and a wire works. Quay Street once ran east and west through the central area of the site, parallel to the Hamburg Canal. The Lehigh Valley Railroad passenger terminal was once located in the southern end of the site, atop the Hamburg Canal which had been backfilled between 1899 and 1925. The office building was constructed in 1960, with three underground storage tanks (USTs) installed beneath the paved parking areas for gasoline, diesel and fuel oil. The three USTs were removed and successfully remediated in 2008. Prior uses that appear to have led to site contamination include machining and painting operations that occurred on site and the storage and use of petroleum and other fossil fuels. Site Geology and Hydrology: The general site stratigraphy consists of fill materials overlying native sands, overlying bedrock. In the northern portion of the site, the uppermost unit consists of light gray, crushed slag, in a layer approximately 9 feet thick which fades out near the south end of the site. In the southern half of the site and underlying a layer of slag in the northern half, there is a thick fill layer consisting of dark brown to dark gray to red-brown fine sand containing varying amounts of slag, ash, cinders, brick, coal fragments, and wood/organic material. This fill layer ranges in thickness from about 8 to 19 feet. Underlying the fill material is a thin layer of dark brown, sand/silty sand with a trace of fine gravel. The sand is discontinuous across the site and ranges in thickness from 0 to 6 feet. Beneath the sand/silty sand, and in some areas the fill material, is a dark brown to dark gray-black clayey silt/sandy silt. The clayey silt/sandy silt appears to be

continuous across the site and averages about 4 feet in thickness. Underlying the clayey silt is a light brown to tan to gray native sand layer that averages about 26 feet in thickness. This unit is also continuous across the site. Bedrock was encountered at the site at a depth of 51 feet and consists of light gray, limestone/dolostone. Groundwater was encountered at depths varying from approximately 12 to 19 feet. Groundwater flows to the southwest. The Certificate of Completion was issued for this site on 12/30/2013.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
ARSENIC	UNKNOWN
BENZ(A)ANTHRACENE	UNKNOWN
BENZO(A)PYRENE	UNKNOWN
BENZO(B)FLUORANTHENE	UNKNOWN
BERYLLIUM	UNKNOWN
CHROMIUM	UNKNOWN
DIBENZ[A,H]ANTHRACENE	UNKNOWN
LEAD	UNKNOWN
MERCURY	UNKNOWN
THALLIUM	UNKNOWN

Site Environmental Assessment

Nature and Extent of Contamination Prior to Remediation Based upon investigations conducted to date, the primary contaminants of concern include semi-volatile organic compounds (SVOCs) and metals. Most samples analyzed for SVOCs during the remedial investigation were reported as non-detectable or at trace (estimated) concentrations below the laboratory sample quantitation limit. Five sample locations, had SVOC concentrations above Restricted Residential SCOs. However, two of the five locations were within the excluded Parcel D3. One of the five locations was a composite sample of surface soils (SS-1) collected from the small grass-covered area along the site's southwest perimeter. The concentrations in excess of the Restricted Residential SCOs (0.33 and 1 ppm) ranged from 0.67 to 11 ppm. The

majority of samples analyzed for inorganic compounds (metals) during the RI were reported as non-detectable or at trace (estimated) concentrations below the laboratory sample quantitation limit. Lead, manganese, and mercury were detected above their respective Restricted Residential SCOs in a total of eight samples. One of the eight samples was collected from the excluded parcel D3 and another was within an area that was later excavated and the soil/fill removed. The concentrations of lead exceeding the Restricted Residential SCO of 400 ppm were detected in two of the six remaining samples at concentrations of 510 ppm and 690 ppm. Concentrations of manganese exceeding the Restricted Residential SCO of 2,000 ppm were detected in three samples ranging from 2,300 ppm to 3,100 ppm. Concentrations of mercury exceeding the Restricted Residential SCO of 0.81 ppm were detected in two samples at concentrations of 1.1 ppm and 2.5 ppm. Post-Remediation From December 2012 through March 2013, approximately 27,800 tons of soil/fill material were excavated and removed as an IRM which became part of the site redevelopment. A total of fifty post-excavation confirmatory soil samples were collected from the sidewalls and floors of the IRM excavation. Twenty-four of these samples exhibited concentrations of one or more SVOCs exceeding applicable Commercial Use SCOs. Twelve of these samples exhibited concentrations of one or more SVOC exceeding applicable Restricted Residential SCOs. Six of these samples exhibited concentrations of one or more SVOC exceeding applicable Unrestricted Use SCOs. The remaining eight samples met the Unrestricted Use SCOs for both SVOCs and metals. For post-excavation confirmatory samples that exceeded Restricted Residential and/or Commercial Use SCOs, contaminant concentrations were relatively consistent across all sampling locations. One sample however, exhibited a lead concentration of 4,500 mg/kg. The Commercial Use SCO for Lead is 1,000 mg/kg. Lead concentrations at all other sample locations within the IRM excavation area range from 4 mg/kg to 1,100 mg/kg. One VOC (1,2-dichloroethane) was detected at one location at a concentration slightly above the groundwater standards but it was not detected when the monitoring well was resampled and tested. The SVOCs benzo(a)anthracene, benzo(a)pyrene, benzo(b)flouranthene, benzo(k) flouranthene, chrysene, and indeno[1,2,3-cd]pyrene were detected slightly above groundwater standards in just one monitoring well. However, subsequent sampling of a replacement well at that location resulted in non-detection of all SVOCs analyzed. Pesticides, herbicides, and PCBs were reported as non-detectable or below groundwater standards. Lead concentrations exceeded the 25 ppb groundwater standard in one of the four wells sampled in the latest subsequent round, at a concentration of 32.8 ppb. Iron, magnesium, manganese, and sodium were detected above groundwater standards. However, these metals are commonly encountered in uncontaminated, natural environments and do not appear to be associated with the overlying soil/fill on the site. An institutional control was placed on the site and a cover system installed which will be maintained as part of the site remedy. Special Resources

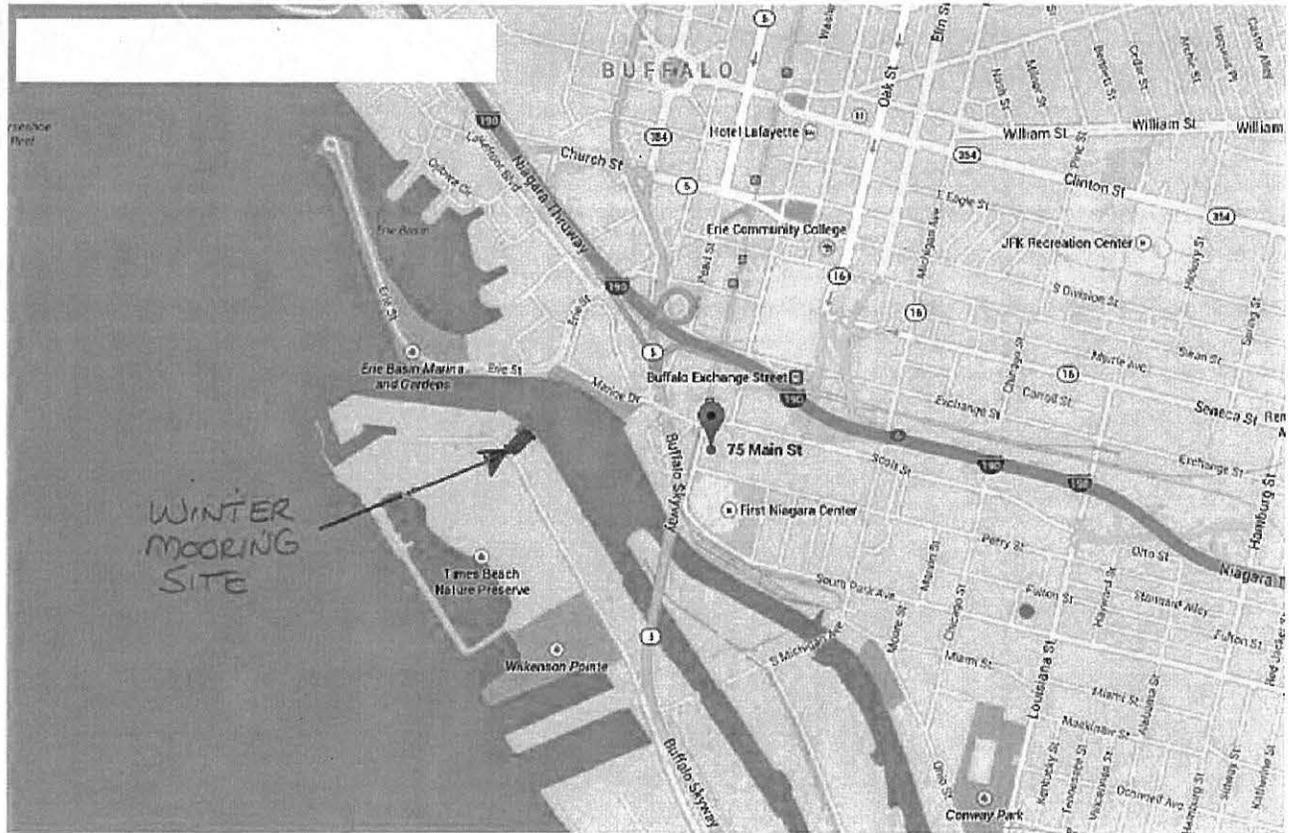
Impacted/Threatened: The Site is a commercial facility located within a highly developed, urban area in the City of Buffalo. As such, no unacceptable ecological risks are anticipated under the current or reasonably anticipated future use scenario. It has been determined that this site does not pose a significant threat to human health or the environment. The Certificate of Completion was issued for this site on 12/30/2013.

Site Health Assessment

Direct contact with contaminants in the soil is unlikely because the majority of the site is covered with buildings and pavement. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination.

For more Information: E-mail Us

Refine Current Search





Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Webster Block
Site Code: C915270
Program: Brownfield Cleanup Program
Classification: A
EPA ID Number:

Location

DEC Region: 9
Address: 75 Main Street
City: Buffalo **Zip:** 114203
County: ERIE
Latitude: 42.876666667
Longitude: -78.876666667
Site Type:
Estimated Size: 2.430 Acres

Site Owner(s) and Operator(s)

Site Document Repository

Name: NY State Department of Environmental Conservation
Address: 270 Michigan Avenue
Buffalo, NY 14203-2915
Name: Buffalo & Erie County Public Library
Address: 1 Lafayette Square
Buffalo, NY 14203-1887

Site Description

Location: This proposed BCP site is located at 75 Main Street in the city of Buffalo, Erie County, is approximately 2.43 acres in size and is known as the "Webster Block". The property is bounded on the west by Main Street; on the east by Washington Street; on the north by Scott Street, and on the south by Perry Street. **Site Features:** The main feature of this

site is the asphalt surface parking lot that is adjacent to First Niagara Center and HSBS Center office building and metro rail line. Current Zoning/Use(s): The site is currently used for commercial purposes and has been utilized as a parking lot since the 1980's. Historical Use (s): The site has been used for commercial, manufacturing, and industrial purposes since the early 1820's, originally due to it's location adjacent to the Erie Canal and the Buffalo Harbor. These uses included but are not limited to oil storage, belt manufacturing, machine shop and brass foundary, and various supply companies. Site Geology and Hydrogeology: Overburden soils in the area consist of primarily fill material at the ground surface which varies in thickness from 7 to 11 feet with some areas deeper than 15-feet. Soil beneath consists of alternating layers of silty clay, fine to sandy silt and gravel and a layer of peat. Bedrock is approximately 50 feet below grade. The site is located in the Lower Great Lakes Physiographic province, on the lake plain of Lake Erie in Buffalo. The lake plain is generally flat to slightly rolling. Surface elevations along the inner-harbor are approximately 580 feet. It is near the Buffalo River at its discharge point to Lake Erie and this area is in a low-lying lake plain adjacent to Lake Erie.

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
ACETONE	UNKNOWN
ARSENIC	UNKNOWN
BARIUM	UNKNOWN
BENZ(A)ANTHRACENE	UNKNOWN
BENZO(A)PYRENE	UNKNOWN
BENZO(B)FLUORANTHENE	UNKNOWN
COPPER	UNKNOWN
DIBENZ[A,H]ANTHRACENE	UNKNOWN
indeno(1,2,3-cd)pyrene	UNKNOWN
LEAD	UNKNOWN
MERCURY	UNKNOWN
NICKEL	UNKNOWN

Site Environmental Assessment

Information submitted with the BCP application regarding the environmental condition at the site are currently under review and will be revised as additional information becomes available.

Site Health Assessment

Information submitted with the BCP application regarding the conditions at the site are currently under review and will be revised as additional information becomes available.

For more Information: E-mail Us

Refine Current Search



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- About DEC

Site Classifications

See also the "Frequently Asked Questions" provided below

Classifications for "Registry" Sites:

Classification Codes 1-5 apply to sites that are listed in the "Registry of Inactive Hazardous Waste Disposal Sites," or "Registry." The Registry was created by Environmental Conservation Law Article 27 Section 1305 and is also described in regulation (6 NYCRR Section 375-2.7). Sites listed on the Registry are commonly said to be sites in the "State Superfund Program."

Classification Code: 1

This classification is assigned to a site at which:

- a. contamination constitutes a significant threat to public health and the environment; and
- b. the significant threat to public health and the environment is causing, or presents an imminent danger of causing, either irreversible or irreparable damage to the environment.

Classification Code: 2

This classification is assigned to a site at which:

- a. the disposal of hazardous waste has been confirmed and the presence of such hazardous waste or its components or breakdown products represents a significant threat to public health or the environment; or
- b. hazardous waste disposal has not been confirmed, but the site has been listed on the Federal National Priorities List (NPL).

Classification Code: 3

This classification is assigned to a site at which contamination does not presently and is not reasonably foreseeable to constitute a significant threat to public health or the environment. This classification is not to be used for sites where

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Contact for this Page

NYS DEC
Environmental Remediation
625 Broadway
Albany, NY 12233-7012
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Send us an email

This Page Covers



insufficient data is available to make a definitive decision concerning significant threat.

Classification Code: 4

This classification is assigned to a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Class 4 is appropriate for a site where remedial construction actions have been completed for all operable units, but the site has not necessarily been brought into compliance with standards, criteria, or guidance (e.g., a groundwater extraction and treatment system has been installed and is operating properly but groundwater standards have not been achieved yet). The Record of Decision should define the remedial action objectives that need to be achieved during site management. If a Certificate of Completion (CoC) is to be issued for a site, the CoC is issued concurrently with the reclassification.

Classification Code: 5

The classification assigned to a site that has been properly closed and requires no further action. This may include a site where continued operation, maintenance, or monitoring is not needed to achieve/maintain protectiveness, but the site is not suitable for delisting from the Registry (e.g., DEC is unable to obtain an institutional control).

Classifications for Non-Registry Sites:

Non-Registry sites are those that are being investigated and remediated in a brownfield program or other environmental remediation program and are not listed in the Registry.

Classification Code: A (Active)

The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program and RCRA Corrective action Program sites). This may be used for Manufactured Gas Plant sites or those being remediated under an EPA Cooperative Agreement.

Classification Code: C (Completed)

The classification used for sites where the Department has determined that remediation has been satisfactorily completed under a remedial program (i. e., State Superfund, Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program, and RCRA Corrective Action Program). State Superfund (Registry) sites must have

completed all active operation, maintenance, or monitoring requirements before they can be delisted and made class C. Non-registry sites may be made a class C after successful completion of all required construction or after a no further action remedy has been selected by the Department. These sites will be issued a Certificate of Completion (COC), but may still require ongoing maintenance and periodic certification of institutional/engineering controls (IC/ECs).

Classification Code: P (Potential)

This classification is used for sites where preliminary information indicates that a site may have contamination that makes it eligible for consideration for placement on the Registry of Inactive Hazardous Waste Disposal Sites (commonly referred to as the list of State Superfund Sites). Further information and/or investigation, in the form of a site characterization, is needed to determine if a Class P site qualifies for listing of the site on the Registry. Generally, to qualify for placement on the Registry, there must be evidence that hazardous waste was disposed on the site and that any resulting contamination presents a significant threat (or reasonably foreseeable threat) to public health or the environment. Class P sites are not listed on the Registry and many are eventually found to not qualify for Registry listing. Sites that do not qualify for listing are typically then reclassified to a "Class N" site.

Classification Code: PR (Potential RCRA Corrective Action)

"Class PR" is a specialty classification code that is not related to the Registry. This classification code is used for sites that are, or have been, subject to the requirements of the Resource Conservation and Recovery Act (RCRA). RCRA sites are those that are managing or have actively managed hazardous waste (e.g., waste solvents from a manufacturing process). If spills occurred resulting in environmental contamination, remediation may be necessary under the RCRA corrective action program. Similar to a Class P site, Class PR sites are investigated and reviewed to determine if RCRA corrective action is necessary. If so, remediation is carried out under a RCRA permit, order, or other legal mechanism.

Classification Code: N (No Further Action at this Time)

Sites are given a classification of "N" when:

- the investigation and evaluation of a Class P site results in a determination that contamination at the site does not warrant

- placing the site on the Registry or it is being addressed under a brownfield program;
- a site was in a brownfield program (BCP, ERP or VCP) or other non-Registry program, remediation was not completed, and the site did not otherwise qualify for listing on the Registry. As an example, this occurs when a volunteer begins a brownfield project and then for economic or other reasons, determines they cannot complete the work and the brownfield project is terminated. If the contamination at the brownfield site qualifies it for placement on the Registry, the Department acts to do so. If the site re-enters a brownfield program, it can be reclassified to Class A (active) to indicate that work has recommenced;
 - a site was identified simply as the location(s) where a drum(s) or other discrete waste was at one time present and subsequently removed by DEC or others and, based on the resulting conditions, no need for additional work was apparent; or
 - an application to the BCP, ERP or VCP was submitted, and was then withdrawn or terminated before any actions were taken to investigate or remediate the site.

Frequently Asked Questions about Site Classifications

Q. Are Registry sites more heavily contaminated than non-Registry sites?

A: Sites are placed on the Registry if the Department determines that they present a significant threat to public health (as determined by the Department of Health) or the environment and therefore meet the definition of Class 2. When a Class 2 site has been remediated, it is reclassified or removed from the Registry (delisted) to indicate that the significant threat(s) has been addressed. Non-Registry sites may but usually do not also present significant threats. For all sites in a Department remedial program, the goal of investigating and remediating a site is that the result must be protective of public health and the environment regardless of whether the site is on the Registry or not.

Q. When did the Department begin to make information available on its public website about Class P?

A: Prior to 2013, information about Class P sites was available by request but was not placed on the public website because by the nature of these sites, the information is often preliminary,

incomplete, or not verified. Since existing conditions at P sites are often unknown or incomplete and not fully characterized, information about these sites can easily be misunderstood. Their mere existence may unnecessarily raise concern about human exposures or environmental impacts before the sites are better characterized. This information is now being made available on the public website due to the increasing and large numbers of requests for property information that are often associated with buying and selling property. **DEC offers the information with the caution that it should not be used to form conclusions about site contamination beyond what the definition of this classification provides, namely the potential for concern. It should be noted that the information provided for a P site is preliminary in nature and unverified and that no DEC investigation has yet been completed.** Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon these summaries.

Q. When did the Department begin to make information available on its public website about Class N sites?

A: Like the Class P sites, prior to 2013, information about Class N was available by request but was not placed on the public website for several reasons. Many Class N sites were investigated decades ago before information was added to the database making the online information incomplete. Others are brownfield sites where only an application to a program was submitted and no further action taken. Still others were projects undertaken voluntarily but not completed for lack of funding or another reason. Class N site information is now being made available on the public website due to the increasing and large numbers of requests for property information that are often associated with buying and selling property. Again, DEC offers the information with the caution that the amount of information provided for Class N sites is highly variable, not necessarily based on any DEC investigation, sometimes of unknown origin, and sometimes is many years old. Due to the nature of this information, significant conclusions or decisions should not be based solely upon the released summaries.

Q. How can I get more information about Registry and Non-Registry Sites?

A: If you have specific questions about a remedial site and need more information, you may send an email to derweb@gw.dec.state.ny.us. Please include a description of the specific information you need and when you need it.

Q. How does DEC determine that a site should be placed on the Registry?

A. To be placed on the Registry, a site must pass two basic conditions. First, there must be evidence that hazardous waste (as defined in the law and regulations) was disposed on the site. Second, the existence of hazardous waste on the site must create an existing or reasonably foreseeable significant threat to public health or the environment. There are many criteria that define a significant threat that are described in the regulations (6 NYCRR 375-2.7(a)) including whether the contaminants disposed at the site or coming from the site result in, or are reasonably foreseeable to result in adverse impacts to public health (e.g., morbidity, disease, reproductive toxicity, etc.), adverse impacts to plants/animals, or significant environmental damage.

Q. Will DEC determine whether the P sites should be placed on the Registry?

A. All P sites are evaluated to determine if they should be placed on the Registry. The time it takes to complete an evaluation depends upon the priority of the site which reflects what is known about the nature and extent of contamination at the site and the potential for adverse impacts to public health and the environment.

Q: When is a site reclassified and how does the reclassification process work?

A: Generally, sites are given an initial classification when they enter a remedial program and are reclassified when major milestones are accomplished (e.g., remediation complete, construction complete and site management needed, decision made that no further remediation is necessary, etc.). Registry site classifications follow the requirements of the applicable regulation (6 NYCRR section 375-2.7). All Registry reclassifications include various forms of public notice as described in subdivision 375-2.7(b). When initially placed on the Registry, public notice is provided to property and adjacent property owners, municipal officials, and the public generally through newspaper notices and the issuance of fact sheets. Registry sites typically begin the remedial process as a "Class 2" site and progress to "Class 4" when remedial construction is complete but site management is needed to achieve the remedial goals for the site (e.g., by collecting and treating

contaminated groundwater). When all work is completed at a Registry site, it is "delisted" from the Registry.

Non-Registry sites are given an "Active" (Class A) classification when they enter a program (e.g., Brownfield Cleanup Program) and are reclassified to "Complete" (Class C) when the work is finished or only site management remains. In the Brownfield Cleanup Program, public comment on the project is built in at major milestones (e.g., application to the program, investigation work plan (if applicable), remedy selection). If a party begins a voluntary investigation or remediation project under one of the non-registry programs and elects to terminate the work before completion, and the site does not otherwise qualify for listing on the Registry, it will be identified as a Class N site.

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E.2.0 – Does Project Site Contain Any Species of Plant or Animal that is Listed by the Federal Government or NYS as Endangered or Threatened, etc.?

A copy of the response received from the Natural Heritage Group at NYSDEC Albany Office and record of conversation with Mr. Michael Todd, Fisheries Specialist at NYSDEC Region 9 Office are provided on the following pages.

As noted during the discussion with Mr. Todd, the only restriction with respect to the listed Lake Sturgeon is the spawning season exclusion period. NYPA and Hatch will work with the NYSDEC Region 9 to develop the construction schedule and any workable variances regarding the exclusion period to minimize the potential for any impacts on the Lake Sturgeon and other fish species in the vicinity of the site.



Telephone Conversation

DATE: September 19, 2014 TIME: PROJECT NO.: H346608
BETWEEN: Michael Todd, Fisheries Specialist AND: Ken Litfin (KFL)
 NYSDEC Region 9, Fisheries
 851-7150
SUBJECT: NYPA Winter Mooring Relocation Project - Further Information on Threatened Species Documented at the Site

COPIES TO: P. Lombardi (NYPA), D. Matthews (NYSDEC), M. Todd (NYSDEC), L. Zamojski, File (SLB)

KFL noted that Mr. Todd had been referred by Ms. Denise Matthews at Region 9 office.

KFL referenced September 18, 2014 Determination received from the Natural Heritage Coordinator, Mr. Nicholas Conrad in the Albany NYSDEC Office (see attached copy). The Determination indicated that Lake Sturgeon have been documented near the project site. KFL inquired about additional restrictions or limitations on the project construction that this could pose. KFL acknowledged that Ms. Matthews had already indicated the spawning season exclusion period from September 15 through June 15. Are there any other restrictions NYPA and Hatch should be aware of?

Mr. Todd indicated that the NY State listed Lake Sturgeon did not require any additional restrictions.

KFL noted that NYPA and Hatch would like to discuss with Mr. Todd at a later date the possible flexibility of the exclusion period or a possible variance. It was agreed that Hatch would contact him once the design has been more finalized.

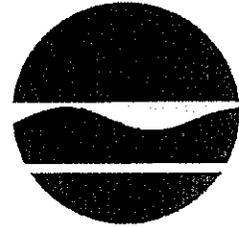
KFL:sib



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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • Fax: (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

September 18, 2014

Lawrence Zamojski, P.E.
Hatch Associates Consultants, Inc.
100 Sylvan Parkway
Amherst, NY 14228

Re: Relocation and upgrade of NYPA Winter Mooring Facility at the First Buffalo River Marina, 32
Fuhrmann Boulevard
Town/City: City Of Buffalo. County: Erie.

Dear Lawrence Zamojski, P.E. :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



**The following state-listed animals have been documented
at your project site, or in its vicinity.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species and habitats have been documented near the project site, in Lake Erie and the mouth of the Buffalo River. Potential onsite and offsite impacts from the project may need to be addressed.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Fish			
Lake Sturgeon	<i>Acipenser fulvescens</i>	Threatened	11164

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at <http://www.dec.ny.gov/animals/7494.html>.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NatureServe Explorer at <http://www.natureserve.org/explorer>.

E.3.e. – Description of Historic Structures Substantially Contiguous to the Project Site

- i. Historic Structures (The National Park Service categorizes boats and lighthouses as structures since they are functional constructions made for purposes other than creating human shelter).
- ii. The USS Croaker (08NR05869), a Gato Class submarine, and USS Sullivans (90NR01207), a Fletcher Class Destroyer named after the five Sullivan brothers, are located approximately 525 ft (east) across the Buffalo River from the project site at the Buffalo and Erie County Naval & Military Park. The Buffalo North Breakwater South End Light (90NR01230) and Buffalo Main Light (90NR01228) are located approximately 1,650 ft west of the project site on the grounds of the U.S. Coast Guard Station Buffalo.
- iii. Both the USS Croaker and Sullivans saw extensive action during World War II. The Buffalo North Breakwater South End Light and Buffalo Main Light are former navigation aids that demarcated the entrances to Buffalo Harbor during the 19th and 20th centuries.

E.3.f. – Is project site located in or adjacent to an area designated as sensitive for archaeological sites on NY State Historic Preservation Office (SHPO) archaeological site inventory?

NYPA hired a consultant to complete a Phase I archeological investigation of the project location. A total of 68 historical artifacts were collected during the investigation at the site, none of which were diagnostic due to their presence in fill materials. No historical or Precontact features were present. NYPA will be submitting the Phase I report along with a finding of No Adverse Effect on archeological, historic, or architectural resources to the SHPO.

E.3.g. – Have additional archaeological or historic site(s) or resources been identified on the project?

- i. Describe Possible Resources: Connecting Terminal Elevator
- ii. Basis of Identification: The Connecting Terminal Elevator is a contributing element of a Buffalo Grain and Materials Elevators Multiple Property Submission.

EAF Mapper Summary Report

E.2.i. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	USS CROAKER (Submarine)
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No