New York State Department of Environmental Conservation

January 2014

# FACT SHEET

## Brownfield Cleanup Program

**Receive Site Fact Sheets by *Email.*** See "For More Information" to Learn How.

**Site Name:** 154 South Ogden Street Site
**DEC Site #:** C915268
**Address:** 154 South Ogden
Buffalo, NY 14210

Have questions? See "Who to Contact" Below

## DEC Certifies Cleanup Requirements Achieved at Brownfield Site

New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the 154 South Ogden Street Site ("site") located at 154 South Ogden, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by 154 South Ogden LLC with oversight provided by DEC. DEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the locations identified below under "Where to Find Information."

**Completion of Project**

• Limited excavation and off-site disposal of approximately 1,811 tons (1,132 cubic yards) of contaminated soil/fill 2 – 17 feet below ground surface (fbgs) impacted by metals, polycyclic aromatic hydrocarbons (PAHs), and petroleum in nine (9) discrete areas of concern (AOCs);

• Placement of a cover system to allow for restricted-residential use of the site consisting either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover. Where the soil cover is required it will be a minimum of two feet of soil meeting the requirements for restricted residential use. The soil cover will be placed over a demarcation layer, with the upper layer of soil of sufficient quality to maintain a vegetation layer;

• Implementation of a SMP that will include Institutional and Engineering Controls including:

• Restrictions on groundwater use and Site use to restricted-residential;

• Excavation Work Plan to assure that future intrusive activities and soil/fill handling at the Site are completed in a safe and environmentally responsible manner; and

• Environmental Easement filed with Erie County which includes any land use, and groundwater use restrictions.

**Final Engineering Report Approved**
DEC has approved the Final Engineering Report, which:

1) Describes the cleanup activities completed.
2) Certifies that cleanup requirements have been or will be achieved for the site.
3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, 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 to manage contamination such as a cap or vapor barrier.
4) Certifies that a site management plan for any engineering controls used at the site has been approved by DEC.

The following institutional controls have been or will be put in place on the site:

-Zoning Restriction
-Soil Management Plan
-Local Groundwater Restriction
-Environmental Easement
-Decision Document

The following engineering controls have been or will be put in place on the site:

-Cover System

**Next Steps**
With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- Has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- Is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with DEC.

**Background**
Location: The 154 South Ogden Street Site is located in an urban area. The site is near the intersection of Mineral Springs Road and South Ogden Street.

Site Features: The site is developed with one school building, and bound by the Buffalo River to the north, South Ogden Street to the east, railroad tracks to the west, and vacant property, a cell tower, and Mineral Springs Road to the south.

Current Zoning and Land Use: The site is zoned for residential and commercial use. The surrounding parcels are currently used for a combination of residential, commercial, and rail

right-of-ways. The nearest residential area is directly east of the Site across South Ogden Street.

Past Use of the Site: Until 2013, the site was vacant, vegetated with grasses, emergent trees and invasive species (e.g., knotweed). Prior uses that appear to have led to site contamination include past solid waste disposal over a majority of the site. Historic records indicate that the site was not previously developed. A portion of the property was historically traversed by the Buffalo River and this area was filled when the river channel was straightened to its current configuration.

Site Geology and Hydrogeology: The soil type at the site is generally described as sandy clay with silt intermingled with waste material (ash, black sand, brick, wood, glass), underlain by native poorly graded sand with silt. Groundwater depth is 15-20 feet below ground surface (fbgs), and flows north to northwest toward the Buffalo River.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at:
http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915268

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit: http://www.dec.ny.gov/chemical/8450.html

## FOR MORE INFORMATION

### Where to Find Information

Project documents are available at the following location(s) to help the public stay informed.

Buffalo & Erie County Public Library
Attn: Mary Jean Jakubowski
1 Lafayette Square
Buffalo, NY 14203
phone: (716) 858-8900

Buffalo & Erie County Public Library
Attn: Susan Carson
East Clinton Branch
1929 Clinton Street
Buffalo, NY 14206
phone: (716) 823-5626

Project documents are also available on the NYSDEC website at:
http://www.dec.ny.gov/chemical/37554.html

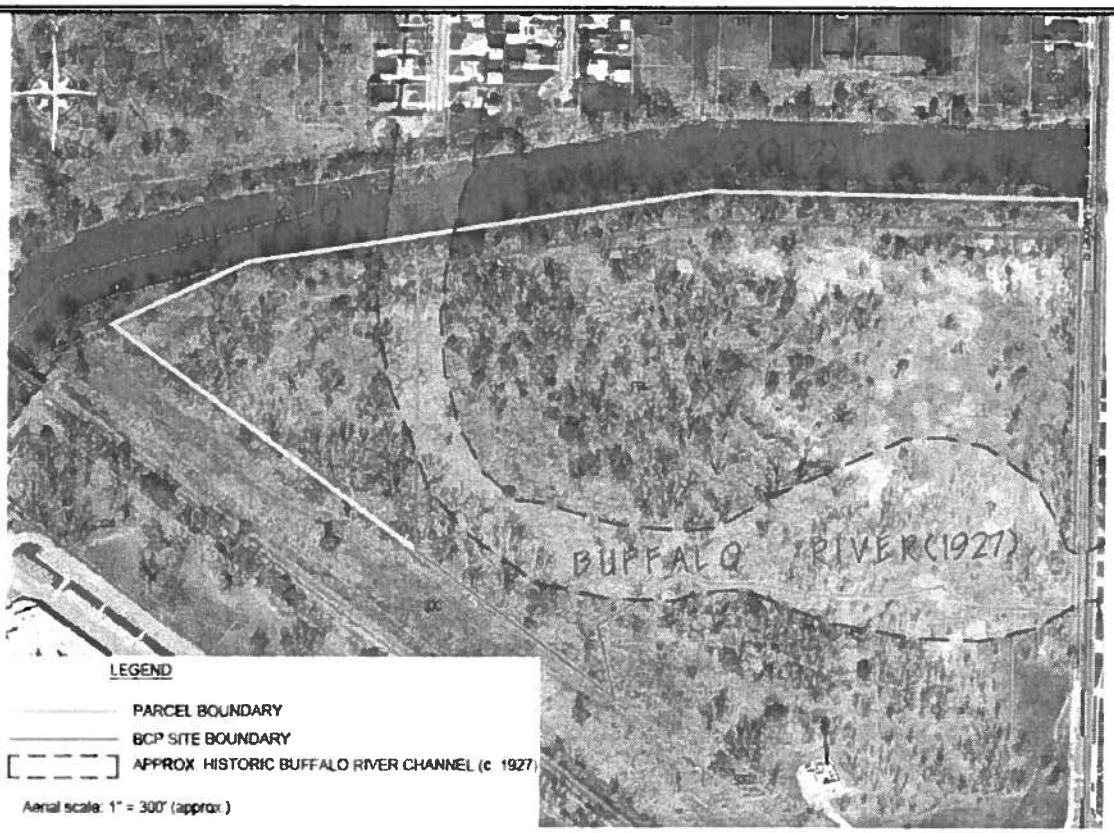
**Who to Contact**
Comments and questions are always welcome and should be directed as follows:


Project Related Questions
Anthony Lopes, P.E.
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
anthony.lopes@dec.ny.gov

Site-Related Health Questions
Wendy S. Kuehner, P.E.
New York State Department of Health
Empire State Plaza Coring Tower Room 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov


**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. DEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: http://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.

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