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ERIE COUNTY LEGISLATURE
92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: June 8, 2015

SUBJECT New York State Department of Environmental Conservation Documents Received

The following documents were submitted by the New York State Department of Environmental Conservation (NYSDEC):

Comments are being accepted about remedy to address contamination related to 3021 Orchard Park Road site in the Town of Orchard Park.

Thank you.

Department of Environmental Conservation

June 2015

FACT SHEET

Brownfield Cleanup Program

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

Site Name: 3021 Orchard Park Road
DEC Site #: C915289
Address: Town of Orchard Park, Erie County
Website: http://www.dec.ny.gov/chemical/101999.html

Have questions? See "Who to Contact" Below

Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

The public is invited to comment on a proposed remedy being reviewed by New York State Department of Environmental Conservation (DEC) to address contamination related to 3021 Orchard Park Road site ("site") in the Town of Orchard Park, Erie County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the location identified below under "Where to Find Information."

The cleanup activities will be performed and funded by 3021-3041 Orchard Park Road LLC and Comprehensive Cancer Services Oncology, P.C. (co-applicants) with oversight provided by DEC. When DEC is satisfied that cleanup requirements have been achieved, the applicant may be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at http://www.dec.ny.gov/chemical/101999.html and http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915289.

How to Comment

DEC is accepting written comments about the proposed cleanup plan for 45 days, from **June 5** through **July 20, 2015**. The draft Remedial Work Plan (RWP) containing the proposed site remedy is available for public review at the location identified below under "Where to Find Information." Please submit comments to DEC project manager listed under Project Related Questions in the "Who to Contact" area below.

The proposed remedy consists of:

- Excavation of an approximate 42-foot by 42-foot by 4 feet deep area for the construction of a building addition in the southeast corner of the site, followed by off-site disposal of asphalt and soil. Groundwater treatment amendments will be applied to the bottom of the excavation and mix prior to backfilling with 3 feet of structural fill. A vapor barrier with minimum thickness of 6-mil will be placed over the fill followed by a 1-foot thick concrete slab.
- Removal of sediment from catch basin CB-1 followed by off-site disposal as a characteristic hazardous waste. The inverts will be plugged and the interior of the catch basin will be steam cleaned. The water will be collected and properly disposed off-site. The catch basin will be removed and the surrounding soil will be sampled. Additional soil may require excavation and off-site disposal if significant contamination is encountered.

- Excavation of an estimated 70 feet of storm sewer pipe and bedding stone from catch basin CB-1. The excavated material will be disposed off-site. Prior to backfilling, up to three soil samples will be collected from the bottom of the excavation for analysis; additional soil may require excavation and off-site disposal if significant contamination is encountered. A new catch basin and new storm sewer drain pipe will be installed.
- Direct injection of groundwater treatment amendments over an approximate 3,147 square-foot area in the southeast corner of the site, near CB-1 and the building excavation.
- The Installation of an Active Sub-slab Depressurization (ASD) system within the southern half of the building. The ASD system will consist of suction cavities, pipes, manifold lines, and three exterior roof fans to reduce the pressure beneath the floor of the building, prevent the buildup of contaminated soil vapors and redirect the soil vapor through roof vents and away from the indoor space.
- Maintenance and repair/reconstruction, as necessary, of the existing soil (landscape) and impervious (i.e., asphalt paved driveways and parking lots, and concrete pads, etc.) cover systems.
- Implementation of a Site Management Plan.
- Environmental Easement filed with Erie County.

Summary of the Investigation

Consistent with the initial findings of the earlier site investigations, the remedial investigation confirmed that chlorinated volatile organic compound (VOC) impacts are limited and localized to the southeastern corner of the Site, immediately behind the existing building, with the highest concentrations identified in catch basin CB-1. Residual impacts via soil and soil vapor were identified beneath the building adjacent to and west of the area of concern. Although shallow groundwater is being controlled via the site-wide underdrain system, remedial investigation results indicate chlorinated VOC impacts within the area of concern are not migrating away from this area at concentrations above regulatory limits via this pathway.

Next Steps

DEC will consider public comments received on the proposed remedy presented in the draft RWP and ultimately issue a final Decision Document. New York State Department of Health (DOH) must also concur with the remedy. The final RWP (with revisions if necessary) and the Decision Document will be made available to the public. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by DEC.

DEC will keep the public informed throughout the investigation and cleanup of the site.

Background

Location:

The site is located in a moderately developed, mixed-use commercial and residential area of the Town of Orchard Park, Erie County, New York. The site is bordered by Orchard Park and Michael Roads on the west and north respectively, and commercial properties and Union Road to the east.

Site Features:

A single story, multiple-tenant, commercial building occupies the eastern half of the 5.06- acre site. The building and an asphalt parking lot cover nearly the entire site.

Current Use:
The site is currently active and is zoned for commercial use. Only commercial properties are located adjacent to the site. The nearest residential areas are located approximately 300 to 400 feet from the site boundaries, to the west (on Eaglebrook Drive) and northeast (on Union Road).

Historical Use:
Between 1979 and 2008, the building housed a dry cleaning shop in two of the building units, addressed as 3035 and 3039 Orchard Park Road, near the south end of the building. The dry cleaning operations appear to have led to the site contamination. Other current and former tenants included discount, grocery, drug, paint and antique stores as well as a bank, credit union, hair salon and a photocopy/printing shop.

Site Geology and Hydrogeology:
The site is generally flat and slopes gently to the north-northeast. Much of the Site is covered with asphalt underlain with a poorly graded gravel with sand subbase. Beneath the asphalt and subbase, the native soil across the site is generally described as a brown to dark grey sandy clay (till). Bedrock is 11.5 to 17 feet below ground surface (fbgs) The upper 3 to 6.5 feet of bedrock is a very weathered, shale followed by a more competent shale bedrock unit.

Shallow groundwater was encountered generally between 1.7 and 7.3 fbgs. The shallow groundwater flow is dominated by the existing underdrain system present beneath the asphalted areas across the Site. The invert elevations of the underdrain are generally 2 to 2.5 fbgs. The shallow groundwater is intercepted and directed by the underdrain system toward the northeast corner of the Site where it exits through a single catch basin (CB-3) and connects to the Orchard Park storm sewer system on Michael Road. A localized (and possibly natural) groundwater mound extends from the southeast corner of the Site, beneath the on-site building, toward and intercepted by the western portion of the underdrain system. Subsequent groundwater flow from this mound is west-northwest. In addition, the underdrain system has created a localized groundwater sink in the western portion of the Site. Shallow groundwater flow associated with this sink is inward toward the underdrain system.

The deeper, bedrock groundwater, flows in a northwesterly direction and is not apparently affected by the underdrain system. The elevation of the deeper groundwater varies from 4.1 to 6.7 fbgs, and the vertical gradient between shallow and deeper groundwater is variable.

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

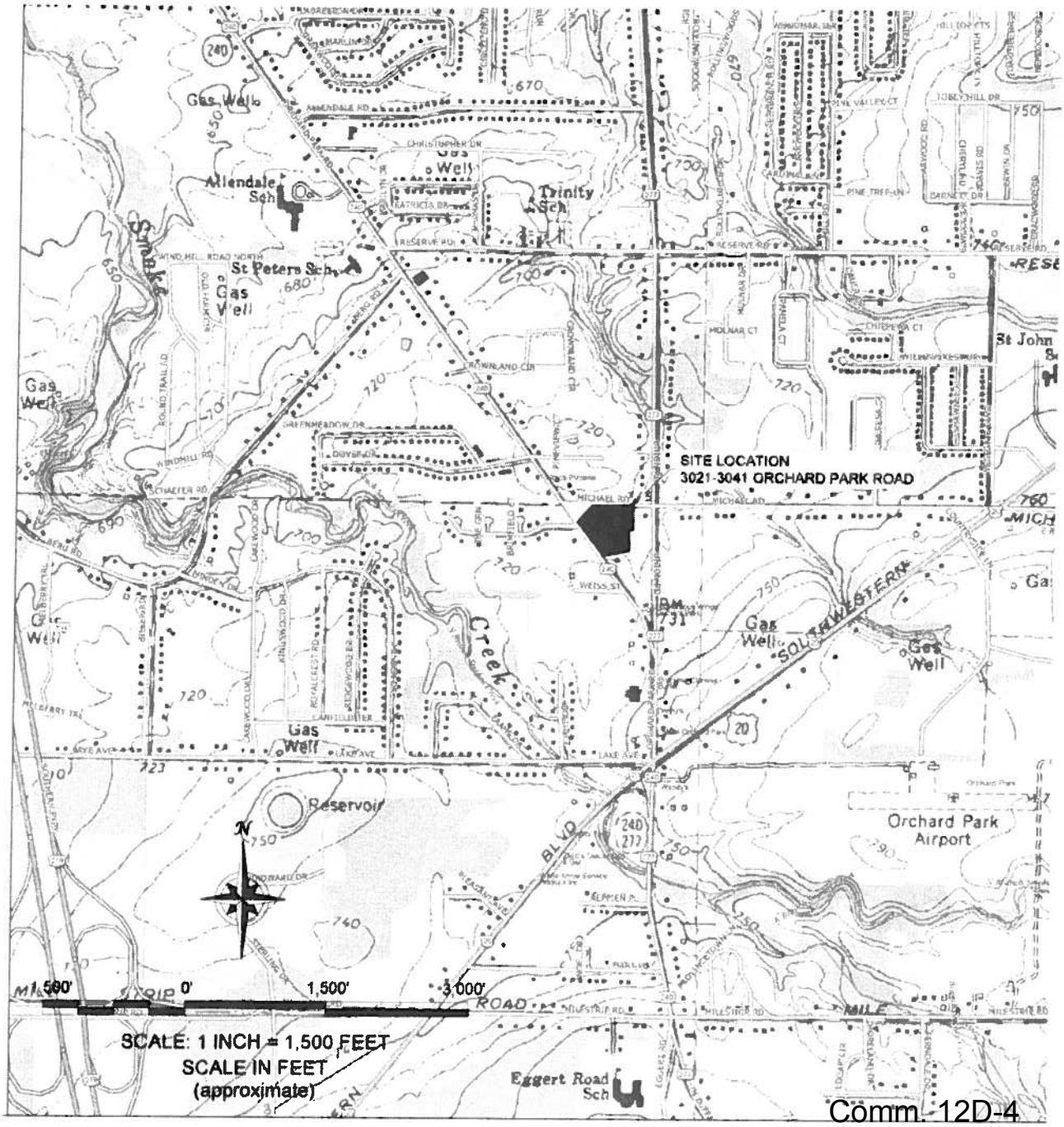
FOR MORE INFORMATION

Where to Find Information

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

Buffalo and Erie County Public Library - Orchard Park Branch
4570 S Buffalo Street
Orchard Park, NY 14127

Selected project documents are also available on DEC's website at:
http://www.dec.ny.gov/chemical/101999.html.



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

Project Related Questions
David Locey
New York State Department of
Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203
716-851-7220
david.locey@dec.ny.gov
{Call for an appointment}

Site-Related Health Questions
Christopher Doroski
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1787
Albany, NY 12237
518-402-7860
beei@health.ny.gov

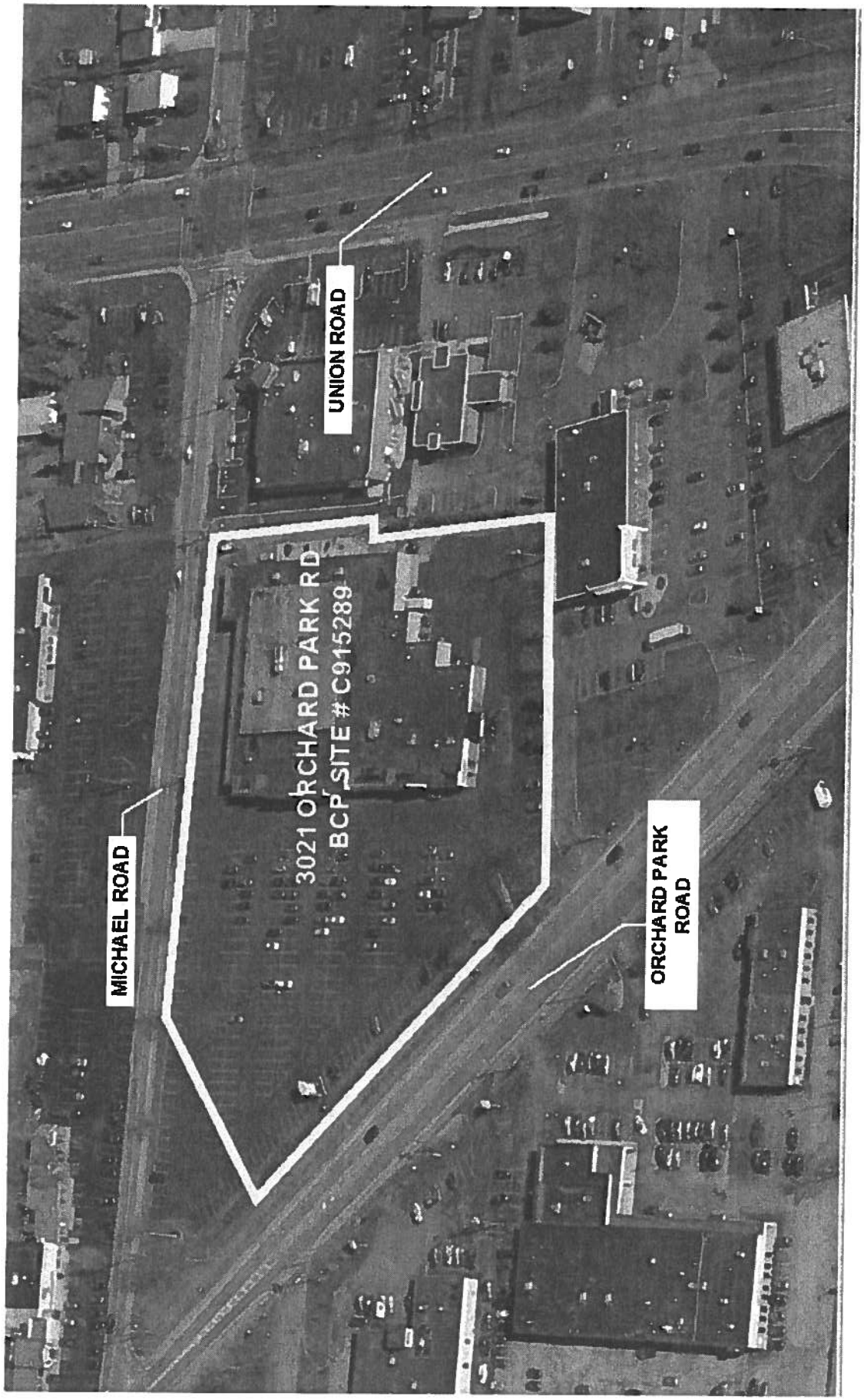
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

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.


MICHAEL ROAD
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