



## **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:** July 27, 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):

Public written comment is being accepted on a proposed remedy plan to address contamination related to 600 Seneca Street Buffalo NY from July 15 – August 31, 2015.

Public written comment is being accepted on a draft work plan to investigate the Highland Plaza site at 215 Highland Parkway, Tonawanda NY from July 20 – August 20, 2015.

Thank you.



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** 500 Seneca Street Site  
**DEC Site #:** C915273 Operable Units 01, 01A, 01B \*  
**Address:** 500 Seneca Street; Buffalo, NY 14204  
**Website:** <http://www.dec.ny.gov/chemical/102463.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 the 500 Seneca Street Site ("site") located at 500 Seneca Street, Buffalo, Erie County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the locations identified below under "Where to Find Information."

Based on the findings of the investigation, DEC in consultation with New York State Department of Health (DOH) has determined that the site does not pose a significant threat to public health or the environment.

#### How to Comment

DEC is accepting written comments about the proposed plan for 45 days, from **July 15, 2015** through **August 31, 2015**. The proposed plan is available for public review at the locations identified below under "Where to Find Information." Please submit comments to the DEC project manager listed under Project Related Questions in the "Who to Contact" area below.

#### Draft Remedial Work Plan and Proposed Decision Document

The cleanup plan is described in DEC's Proposed Decision Document, which is based on a more detailed "Remedial Work Plan". The proposed remedy consists of:

#### *Summary of the Remedy for OU 01:*

An Interim Remedial Measure (IRM) is a remedial action, such as excavation and removal that quickly eliminate sources of contamination. IRMs are often incorporated in redevelopment projects where contamination quantity and extent are known. At the 500 Seneca Street Site two IRMs were completed including removal of petroleum contaminated soil from a former underground storage tank area and removing a small quantity of metals contaminated soil. An asphalt parking lot was placed over the excavated area. A second IRM was completed within the building's loading dock area. An area approximately 30 feet by 30 feet was excavated down to existing bedrock effectively removing for disposal any Volatile Organic Compounds (VOCs) from the soil in the area.

General housekeeping items will be addressed such as, removal of any fluorescent light and ballasts for proper disposal, removing any item such as pails, jugs of waste supplies and any mercury containing thermostats or any other item that could, if left unaddressed, be a potential detriment to public health or the environment.

*Summary of the Remedy for OU 01A:*

An IRM, completed November 25, 2014 excavated approximately 385 tons of soil in the western lot area, addressing the residual material that could not be removed under Spill No. 0751217. The petroleum impacted soils were removed to approximately 8 feet below ground surface and laterally until site SCOs were met. Excavation of this material also removed the one arsenic result of 24.3 mg/Kg that exceeded SCOs. Also included in this IRM was a separate area excavated to approximately 2 feet below ground surface that removed PAHS found in surface sample SS-3. Post remedial sampling results note PAHS slightly above restricted residential SCOs remain in this area.

A site cover is in place that includes asphalt and a small area of soil cover meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for restricted residential use.

*Summary of the Remedy for OU 01B:*

A second IRM included excavation of volatile organic compound (VOCs) impacted soils in a loading dock area within the northern-central portion of the facility. The extent of excavation was limited due to structural concerns relating to building walls adjacent to the excavation. Excavation was completed to bedrock effectively removing VOCs to applicable site cleanup objectives. This removal addressed recommendations of the two Soil Vapor/Indoor Air Matrices included in the DOH's "Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York" dated October 2006 to "identify sources and reduce exposures".

The excavation was backfilled with approved backfill and concrete was re-poured over the excavation.

The proposed remedy was developed by 500 Seneca Street, LLC ("applicant(s)") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP).

*Summary of the Investigation for OU 01:*

Investigations have determined that elevated levels of volatile organic compounds (VOCs) including and semi-volatile organic compounds (SVOCs) as well as metals including arsenic, lead and mercury existed at the site.

Soils within a loading dock area were determined to contain VOCs including trichloroethylene (TCE) and perchloroethene (PCE) exceeding site cleanup goals.

SVOCs associated with former petroleum storage tanks were found in the western lot area. Metals including arsenic, lead and mercury were also found to exceed commercial cleanup goals.

Miscellaneous items were found which require remediation, such as, the cleaning of a

basement area that had been flooded and an inactive blower motor sump within the basement found to contain low level polychlorinated biphenyls (PCBs). Also found were several hundred florescent light bulbs and ballasts along with several random pails and cans containing miscellaneous greases and chemicals requiring removal and disposal.

Groundwater is located from 6 to 10 feet below the ground surface. Groundwater contained residual VOCS and SVOCs. Groundwater is not of quantity or quality for potable uses. Additionally, groundwater is prohibited from use without treatment or without notification to the Department. Public water service is provided to the site.

*Summary of the Investigation for OU 01A:*

Prior to the IRM surface soils located in a small, empty lot area in the western portion of the site which contained a maintenance garage, parking and a re-fueling area were impacted with semi-volatile volatile compounds (SVOCs). The SVOCs consisted mainly of polycyclic aromatic hydrocarbons (PAHs), a group of organic contaminants that form from the incomplete combustion of hydrocarbons, such as coal and gasoline.

Also found in the western lot area were volatile organic compounds (VOCs) that remained after a removal of two former USTs and approximately 45 tons of impacted soil addressed under DEC Spills Program (Spill No. 0751217). The petroleum related compounds including benzene, ethylbenzene, toluene and xylene all exceeded unrestricted SCOs. Sub-surface soils were also impacted with, semi-volatile organic compounds (SVOCs) and metals.

*Summary of the Investigation for OU 01B:*

Prior to the IRM investigations had noted the presence of volatile organic compounds (VOCs) including, trichloroethene (TCE) and tetrachloroethene (PCE.) These compounds existed in the soil and groundwater in a roughly 30 feet by 30 feet area within a loading dock area in the north-central portion of the existing building.

Post IRM excavation sampling affirmed that the removal of the impacted soil was effective in addressing the recommendations set forth in the two Soil Vapor/Indoor Air matrices included in the DOH's "Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York" dated October 2006 to "identify sources and reduce exposures".

Post-IRM groundwater monitoring has shown the removal to be effective in removing the source area. Sampling results from all monitoring wells were below groundwater quality standards for VOCs.

The excavation was backfilled with approved backfill and concrete was re-poured.

**Next Steps**

DEC will consider public comments, revise the plan as necessary, and issue a final Decision Document. DOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The draft Remedial Work Plan and Proposed Decision Document are revised as needed to describe the selected remedy, and 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 and DOH.

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

### **Background**

#### **Location:**

The 500 Seneca Street Site is located in an urban, mixed-use, commercial and residential area. Located within the City of Buffalo the approximately 1.87 acre site encompasses an entire block bordered by Seneca Street to the South, Myrtle Street to the North, Hamburg Street to the East and Spring Street to the West.

#### **Site Features:**

The site is comprised of a 328,000 square foot multi-story building with a small open lot on the western site of the parcel. The building was constructed beginning in 1901 with various additions and expansions. An open-air courtyard exists in the eastern portion of the building.

#### **Current Zoning and Land Use:**

The site is currently vacant commercial property, and is zoned M-1, light industrial district. The building is listed in the National Registry of Historic Places. The future use of the site is intended for restricted residential and commercial. The nearest residential parcel is less than 500 feet to the north.

#### **Past Use of the Site:**

The site originally housed the F.N. Burt Company, which utilized the property for box manufacturing from original building construction in the early 1900's until 1959. Between approximately 1968 and 1980, Wolkind Bros, Inc., a clothing rental company, utilized the property. Between 1986 and 2004, the site was used for manufacturing, warehousing and shipping operations. The site has been largely vacant and underutilized since manufacturing operations ceased in 2004.

Two underground storage tanks were removed in December 2007 under spill number 0751217. In addition to the tanks approximately 45 tons of petroleum contaminated soil and 1,650 gallons of petroleum/water mixture was removed and disposed. Residual petroleum remained under a single story garage. The remaining impacts resulted in a closed-inactive status for the petroleum spill.

#### **Site Geology and Hydrology:**

The majority of the site is characterized by 6 inches of asphalt or concrete above 6 inches of gravel, with underlying fill soils comprised mostly of sand and brick from 4 to 4.5 feet below ground surface. Native soils are encountered about 4.5 feet below ground surface and generally consist of clayey silt with intermittent layers of silty sand and gravel. Bedrock consisting of Middle Devonian, Onondaga Shale was encountered about 13 feet below ground surface

Groundwater is encountered from 5 to 9 feet below ground surface. However when excavated to bedrock little infiltration was noted, indicative of a perched condition. The site is located approximately 0.8 miles northeast of the Buffalo River and local Site groundwater flows west-northwest with the upper horizon influenced by urban infrastructure.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/102463.html> and

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915273>

**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 locations to help the public stay informed.

Buffalo & Erie County Public Library  
Attn: Ms. Mary Jean Jakubowski  
1 Lafayette Square  
Buffalo, NY 14203  
716-858-8900  
([jakubowskim@buffalolib.org](mailto:jakubowskim@buffalolib.org))

New York State Department of Environmental Conservation  
Attn: Maurice Moore  
270 Michigan Avenue  
Buffalo, NY 14203  
716-851-7220  
[maurice.moore@dec.ny.gov](mailto:maurice.moore@dec.ny.gov)

### Who to Contact

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

#### Project Related Questions

Maurice Moore  
NYS DEC  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220  
[maurice.moore@dec.ny.gov](mailto:maurice.moore@dec.ny.gov)

#### Site-Related Health Questions

Bridget K. Boyd  
NYS DOH  
Empire State Plaza Corning Tower, Rm. 1787  
Albany, NY 12237  
518-402-7860  
[BEEI@health.ny.gov](mailto: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.**

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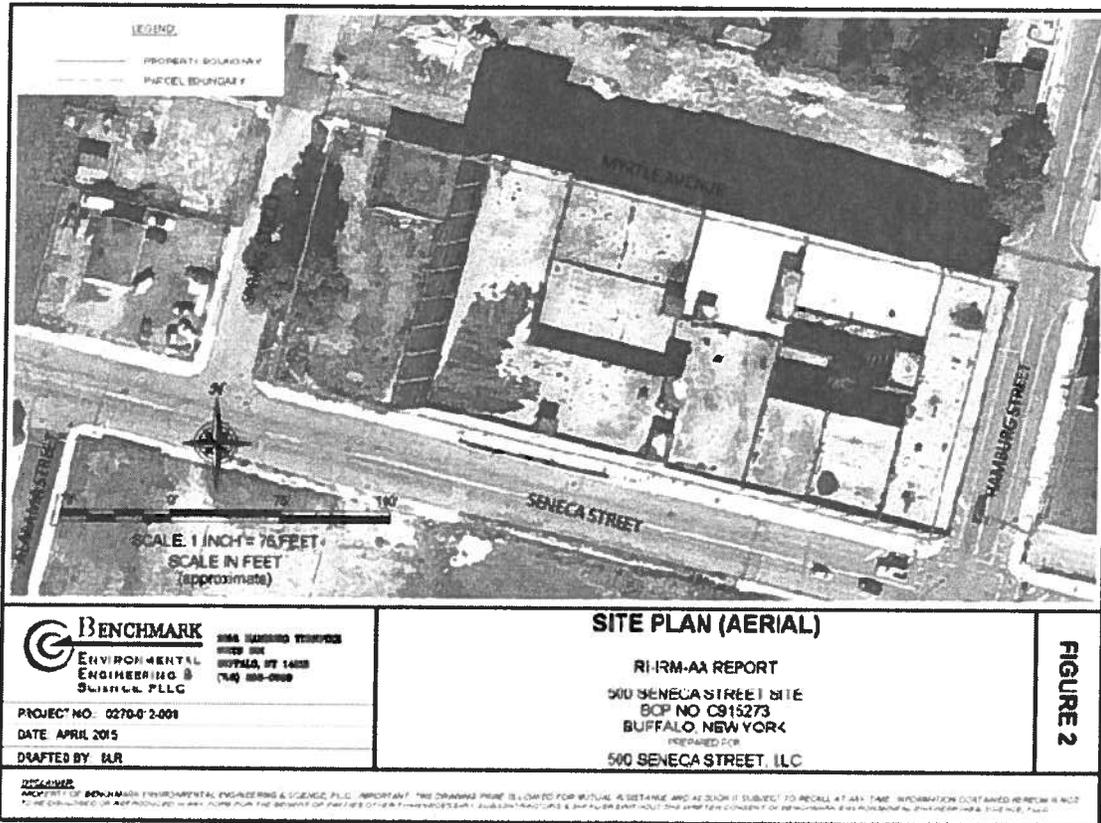
Have site information such as this fact sheet sent right to your email inbox. DEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better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

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# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Highland Plaza  
**DEC Site #:** C915293  
**Address:** 215 Highland Parkway; Tonawanda, NY 14150  
**Website:** <http://www.dec.ny.gov/chemical/102665.html>

Have questions?  
See  
"Who to Contact"  
Below

### Draft Investigation Work Plan for Brownfield Site Available for Public Comment

The public is invited to comment on a draft work plan being reviewed by New York State Department of Environmental Conservation (DEC) to investigate the Highland Plaza site ("site") located at 215 Highland Parkway, Tonawanda, 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."

#### Draft Investigation Work Plan

The draft investigation work plan, called a "Remedial Investigation Work Plan," was submitted to DEC under New York's Brownfield Cleanup Program. The investigation will be performed by Gary Crewson as an Individual ("applicant(s)") with oversight by DEC and New York State Department of Health (DOH).

#### How to Comment

DEC is accepting written comments about the draft investigation work plan for 30 days, from **July 20, 2015** through **August 20, 2015**. The proposed plan is available for review at the location identified below under "Where to Find Information." Please submit comments to the DEC project manager listed under Project Related Questions in the "Who to Contact" area below.

#### Highlights of the Proposed Site Investigation

The investigation will define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected.

Soil quality under the building where the former dry cleaner was located was previously evaluated. During the upcoming investigation, soil outside the building and on the adjoining properties to the east and south will be evaluated. In addition, monitoring wells will be installed to evaluate groundwater quality and flow direction. Lastly, a soil vapor intrusion and air quality survey will be completed at the site.

#### Next Steps

DEC will consider public comments, revise the plan as necessary, and approve the work

plan. DOH must concur with the plan. The approved work plan will be made available to the public (see “Where to Find Information” below). After the work plan is approved, the activities detailed in the work plan will be implemented.

When the investigation is completed, a report will be prepared and submitted to the DEC that summarizes the results. DEC will review the report, make any necessary revisions and, if appropriate, approve the report.

After the investigation, a cleanup plan, called a “Remedial Work Plan” will be developed and a Decision Document will be proposed. The cleanup plan will include an evaluation of the proposed site remedy, or recommend a no action or no further action alternative. The goal of the cleanup plan is to ensure the protection of public health and the environment. DEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period. DEC will keep the public informed throughout the investigation and cleanup of the site.

## **Background**

### **Location:**

The Highland Plaza BCP Site consists of approximately 0.7 acres at 215 Highland Parkway in the Town of Tonawanda, Erie County. The site is bounded by Highland Parkway to the north, commercial property to the east, a service road and residential properties to the south, and a former Getty Service Station and Colvin Boulevard to the west.

### **Site Features:**

The site is approximately 250 feet long by 100 feet wide. The site gently slopes northward toward Highland Parkway. Approximately 50% of the property is occupied by a strip plaza, with the northern half of the property covered by an asphalt parking lot. The building is presently subdivided into nine commercial businesses.

### **Current Zoning/Land Use:**

The site is occupied by a strip plaza, and is zoned for commercial use. The proposed future use of the site is commercial. The site is located in a mixed residential and commercial area of the Town of Tonawanda. The nearest residential property is located about 65 feet south of the BCP site.

### **Historic Use:**

In 1928 the site was not developed, although the property was subdivided into 17 parcels for future residential development. By 1950 the site was fully developed into a strip plaza. One of the former tenants in the plaza was High Park Dry Cleaners, which closed in March 2010.

In 2014, a Phase II Environmental Site Investigation (ESI) was completed to evaluate the property. During the ESI twelve soil borings were completed throughout the property. In addition, a soil vapor intrusion study was completed in the former dry cleaner tenant space.

Soil samples collected from under the concrete floor of the former dry cleaner contained

Cis-1,2-dichloroethene, tetrachloroethene, and trichloroethene. Surface soil samples contained tetrachloroethene. Soil vapor contained elevated concentrations of dichloroethene, tetrachloroethene, and trichloroethene.

#### Brownfield Cleanup Program:

In January 2015, a Brownfield Cleanup Program (BCP) application was submitted to the DEC to further evaluate contamination at the site, and to evaluate remedial alternatives to address this contamination. This site was accepted into the BCP in April 2015, with an agreement between the applicant and the Department executed in May 2015.

#### Geology and Hydrogeology:

The majority of the site is underlain by either 1 foot of asphalt and crushed stone (the parking lot area) or 0.5 feet of concrete (building area) with the exception of a narrow strip of soil/grass, south of the plaza structure.

Native soils consist of reddish brown silty clay that is very dense. This unit has a very low permeability (meaning that groundwater cannot easily move through it). The thickness of this unit is unknown, but is greater than 11 feet.

Groundwater was generally not encountered in the soil borings that were completed during the Phase II ESI. Groundwater was encountered in one of three temporary wells, but depth to groundwater was not measured. Groundwater flow direction is not known.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/102665.html> and <http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915293>.

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## FOR MORE INFORMATION

### Where to Find Information

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Kenmore Public Library  
160 Delaware Avenue  
Kenmore, NY 14217  
716-873-2842

**Who to Contact**

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

Project Related Questions

Glenn May  
NYS DEC  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220  
[glenn.may@dec.ny.gov](mailto:glenn.may@dec.ny.gov)

Site-Related Health Questions

Brad Wenskoski  
NYS DOH  
Empire State Plaza Corning Tower  
Albany, NY 12237  
(518) 402-7880  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

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