



## ***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:** September 28, 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 regarding the Brownfield Cleanup Program (BCP) application from Rite Aid of New York for 350 Niagara Street, Buffalo must be submitted no later than October 16, 2015.

Cleanup action will begin at the 905 Elmwood Avenue brownfield site under NYS's Brownfield Cleanup Program.

Written comments regarding a proposed remedy to address contamination to 399 Ohio Street are being accepted through November 7, 2015.

Thank you.



**DEC DELIVERS**  
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Department of  
Environmental  
Conservation

## Rite Aid Site (Buffalo) - Public Comment Invited on Brownfield Application

The New York State Department of Environmental Conservation sent this bulletin on 09/16/2015 01:53 PM EDT



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Department of  
Environmental  
Conservation

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### **Brownfield Cleanup Program Public Notice**

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Rite Aid of New York, Inc. for a site known as the **Rite Aid, 350 Niagara Street, site ID #C915297**. This site is located in the City of Buffalo, within the County of Erie, and is located at 350 Niagara Street.

**Comments regarding this application must be submitted no later than October 16, 2015.** A copy of the application and other relevant documents are available at the document repository located at Buffalo & Erie County Public Library, Niagara Branch, 280 Porter Avenue, Buffalo, NY 14201.

Information regarding the site, the application, and how to submit comments can be found at <http://www.dec.ny.gov/chemical/60058.html> or send comments to David Locey, Project Manager, 270 Michigan Avenue, Buffalo, NY 14203; [David.Locey@dec.ny.gov](mailto:David.Locey@dec.ny.gov); or call 716-851-7220.

NOTE: General information about New York's Brownfield Cleanup Program can be found at <http://www.dec.ny.gov/chemical/8450.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the site identified above, please use the contact information provided above.

<http://content.govdelivery.com/accounts/NYSDEC/bulletins/11a230b>



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** 905 Elmwood Avenue Site  
**DEC Site #:** C915288  
**Address:** 905 Elmwood Avenue; Buffalo, NY 14222  
**Website:** <http://www.dec.ny.gov/chemical/102090.html>

Have questions?  
See  
"Who to Contact"  
Below

### Cleanup Action to Begin at Brownfield Site

Action is about to begin that will address the contamination related to the 905 Elmwood Avenue Site ("site") located at 905 Elmwood Avenue, Buffalo, Erie County under New York State's Brownfield Cleanup Program. Please see the figure 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 by Elmwood Village Properties, LLC ("applicant(s)") in accordance with the Decision Document recently issued for the site by New York State Department of Environmental Conservation (DEC).

#### Highlights of the Upcoming Cleanup Activities

The goal of the cleanup action for the site is to achieve cleanup levels that protect public health and the environment. The cleanup action for the site includes:

The Site will be remediated to achieve a Residential Use (Track 2) cleanup, which will include:

- 1) Excavation and removal of the UST system including tanks, vent and fill lines, pumps and infrastructure, including canopy;
- 2) Demolition of the existing building, including in-ground hydraulic lifts;
- 3) Removal of above ground storage tanks and miscellaneous containers (i.e., 55-gallon drums), including contents;
- 4) Excavation and off-site disposal/recycling of petroleum impacted soil/fill and soil/fill exceeding Part 375 Residential Use soil cleanup objectives (RSCOs);
- 5) Collection of post-excavation confirmatory samples;
- 6) Management of on-Site excavation waters during intrusive activities; and,
- 7) Provisions for Active Sub-slab Depressurization (ASD) systems in future buildings, if required. The ASD system would consist of suction cavities, pipes, manifold lines, and fans to reduce the pressure beneath the floor of the building, prevent the buildup of contaminated soil vapors and redirect the soil vapor outdoors and away from the indoor air space.

#### Next Steps

After the applicant completes the cleanup activities, they will prepare a Final Engineering Report and

submit it to DEC. The Final Engineering Report will describe the cleanup activities completed and certify that cleanup requirements have been achieved or will be achieved.

When DEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the Final Engineering Report. DEC will then issue a Certificate of Completion to the applicant(s).

The applicant(s) would be able to redevelop the site after receiving a Certificate of Completion. In addition, the applicant(s):

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

A fact sheet that describes the content of the Final Engineering Report will be sent to the site contact list. The fact sheet will identify any institutional controls (for example, deed restrictions) or engineering controls (for example, a site cap) necessary at the site in relation to the issuance of the Certificate of Completion.

### **Background**

**Location:** The site is located on the southeast corner of Elmwood and West Delevan Avenue, in the City of Buffalo. Residential properties border the site to the east and south, to the west and north are commercial properties. In the near vicinity, the properties are a mix of commercial and residential.

**Site Features:** The site is comprised of a convenience store and automobile service station building, three (3) known underground storage tanks (USTs), fuel dispensers, and associated canopy. The building and asphalt/concrete pavement cover nearly the entire site.

**Current Zoning and Land Use:** The site is within the Elmwood Avenue Business district and is zoned for commercial use. The site is currently inactive.

**Past Use of the Site:** The site has been a petroleum filling and automobile service station since 1964. The site has contained at least eight underground storage tanks since that time, three tanks are known to remain. Hazardous/regulated materials and/or wastes associated with automobile repair activities were likely used, stored and/or generated on-site including gasoline, diesel, No. 2 fuel oil, kerosene, propane, motor oil, and waste oils. The DEC Spill database includes four (4) spill records associated with the site since 2002, including the current open spill file No. 0803566 which is related to a 2008 tank test failure.

**Site Geology and Hydrogeology:** Beneath the pavement and building, non-native soil/fill material is generally present in the upper 4 to 8 feet below ground surface (fbgs) with varying amounts of granular soils (silts, sand and clay). Native soils generally consisted of sandy clay or silty sand.

Based on the bedrock geologic map of Erie County, the site is situated over the Onondaga Formation of limestone. The Remedial Investigation boring refusal depths ranged from 10 to 15 fbgs, which is the

suspected top of solid, competent bedrock.

Depth to groundwater ranged from 4 to 7.5 fbs. Groundwater flow direction was to the northwest, toward the intersection of Elmwood and West Delevan Avenues.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/102090.html> and <http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915288>.

**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 & Erie County Public Library  
Crane Branch  
633 Elmwood Avenue  
Buffalo, NY 14222  
716-883-6651

Project documents are also available on the DEC website at:

<http://www.dec.ny.gov/chemical/102090.html>

### Who to Contact

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

#### Site-Related Environmental Questions

David Locey  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220  
[david.locey@dec.ny.gov](mailto:david.locey@dec.ny.gov)

#### Site-Related Health Questions

Dawn Hettrick, P.E.  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
Empire State Plaza - Corning Tower Room 1787  
Albany, NY 12237  
(518) 402-7860  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

**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.



**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.**



# FACT SHEET

## Brownfield Cleanup Program

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**Site Name:** 399 Ohio Street Site  
**DEC Site #:** C915287  
**Address:** 399 Ohio Street; Buffalo, NY 14204  
**Website:** <http://www.dec.ny.gov/chemical/103381.html>

Have questions?  
See  
"Whom 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 399 Ohio Street Site ("site") located at 399 Ohio 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 location(s) identified below under "Where to Find Information."

The proposed remedy was developed by TurnKey Environmental Restoration, LLC for 1093 Group, LLC ("applicant(s)") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP).

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/103381.html> and <http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915287>.

#### How to Comment

DEC is accepting written comments about the proposed plan for 45 days, from **September 23, 2015** through **November 7, 2015**. The Draft Remedial Investigation/Alternatives Analysis Report (RI/AAR) containing the proposed site remedy is available for public 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.

#### The proposed remedy consists of:

- Excavation and off-site disposal of soil/fill with elevated levels of polycyclic aromatic hydrocarbons (PAHs), and metals;
- Placement of Cover System, including demarcation layer underlying acceptable backfill in areas without hardscape (building, asphalt and concrete) to address remaining contamination above RRSCOs;
- Implementation of a Site Management Plan (SMP); and
- 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 petroleum, SVOCs and metals impacts are limited and localized. Groundwater impacts were minimal.

### Next Steps

DEC will consider public comments, revise the plan as necessary, and issue a final Decision Document. New York State Department of Health (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 399 Ohio Street Site is located in an urban area of the City of Buffalo. The site is approximately 1/4 mile south of the intersection with Michigan Avenue.

**Site Features:** The site is currently improved with an approximately 10,000 square foot vehicle maintenance and office building, with the remainder of the site covered by asphalt and/or concrete. The site is bordered by the River Fest Park to the north, a rowing club to the south, Ohio Street to the east, and the Buffalo River to the west.

**Current Zoning/Use:** The site is zoned for commercial use and currently used for various storage, recycling of road base materials from the Ohio Street re-construction project, and a maintenance building. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles to the east.

**Past Use of the Site:** The site has been utilized for various industrial and commercial operations since at least 1889. Operations included rail lines, material handling and shipping equipment maintenance, and the use and storage of paints, solvents, thinners, greases, hydraulic oils and lubricants common among former commercial operations. More recently property uses have included the operation of bus and trucking terminal and maintenance operations, including the placement of underground storage tanks, aboveground storage tanks, and fuel dispensing pump(s).

**Geology and Hydrogeology:** The Site consists of 4-6 feet of fill (soil, ash, brick, and sand) grading to native clay. Shallow groundwater was encountered at 4-6 feet below ground surface and flows westward towards the Buffalo River.

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## **FOR MORE INFORMATION**

### **Where to Find Information**

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

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

Project documents are also available on the DEC website at:

<http://www.dec.ny.gov/chemical/103381.html>.

### **Whom to Contact**

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

#### Project Related Questions

Anthony Lopes, P.E.  
NYS DEC  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220  
[anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov)

#### Site-Related Health Questions

Anthony Perretta  
NYS DOH  
Empire State Plaza - Corning Tower Room #1787  
Albany, NY 12237  
518-402-7860  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

