



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: November 4, 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):

The NYS DEC has begun an Interim Remedial Measure involving the removal of construction and demolition debris from the Tonawanda Forge Site at 2390 and 2392 Kenmore Avenue.

The NYS DEC is accepting comments regarding the Brownfield Cleanup Program application for the Near Dingens site at 837 Bailey Avenue, Buffalo NY

The public is invited to review the Explanation of Significant Difference (ESD) for the Buffalo Color Corporation Area D Site located at 1337 South Park Avenue, Buffalo NY.

The public is invited to comment on a proposed remedy being reviewed by the NYSDEC to address contamination related to the Site III-3 Tecumseh Phase III Business Park site at 2303 Hamburg Turnpike, Lackawanna, NY.

Thank you.



FACT SHEET Brownfield Cleanup Program

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

Site Name: Site III-3 Tecumseh Phase III Business Park
DEC Site #: C915199C
Address: 2303 Hamburg Turnpike; Lackawanna, NY 14218
Website: <http://www.dec.ny.gov/chemical/83505.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 the New York State Department of Environmental Conservation (DEC) to address contamination related to the Site III-3 Tecumseh Phase III Business Park site ("site") located at 2303 Hamburg Turnpike, Lackawanna, Erie County. Please see the map for the site location.

Based on the findings of the investigation, DEC in consultation with the 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 **October 29, 2015** through **December 14, 2015**. The proposed plan is available for public review at the location(s) 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 Investigation Alternatives Analysis Report

The proposed cleanup plan is described in the draft Remedial Investigation Alternatives Analysis Report prepared for the site. The proposed remedy consists of:

- Covering all exposed soils with one foot of cover over a demarcation layer;
- Covering an area said to contain asbestos containing material (ACM) with two feet of cover over a demarcation layer;
- Placing restrictions on the property restricting use to commercial or industrial uses and prohibiting occupied development on the suspected ACM area;
- Prohibiting groundwater use;
- Requiring adherence with a Site Management Plan;
- Requiring continued maintenance of the cover; and
- Periodic certification that all required items or restrictions remain in place.

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

Summary of the Investigation

Investigations have determined that elevated levels of metals, including arsenic, cadmium and lead, associated with manufacturing processes typical of the steel making industry. In addition the widespread use of rail transportation, oils, greases and burning of fossil fuels has impacted site soils with semi-volatile organic carbon (SVOC) compounds, specifically carcinogenic polycyclic aromatic hydrocarbons, more commonly known as (PAHs.) Groundwater is not greatly impacted within the Site, and groundwater throughout the entire Tecumseh Business Park is restricted from use without further treatment. It is also believe that ACM was disposed in a portion of the site.

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 Remedial Investigation Alternatives Analysis Report and the final Decision Document will 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:

Tecumseh Phase III-3 site (Site) is one of 10 sub-parcels comprising the Tecumseh Phase III Business Park (Phase III). Phase III is located at 2303 Hamburg Turnpike in the City of Lackawanna, New York. Situated in an industrial area, Phase III is part a larger property that once included the Bethlehem Steel Company (BSC) and is identified on the Erie County Tax maps as SBL 141.11-1.111. Phase III is located west of Route 5 and the Tecumseh Phase II Business Park, south of Gateway Metroport and east of the remaining Former Bethlehem Steel property and Lake Erie.

Site Features:

Located in the southern portion of Phase III the Site is a 9.18 acre, irregularly shaped, sub-parcel located to the north of sub-parcel Phase III-2. Approximately one third of the site is a rectangular area identified with signs warning of the presence of Asbestos Containing Material (ACM).

The parcel is flat, covered with slag fill. Most of the business park is vegetated with natural grasses, shrubs and poplar trees typical of a primary shrub-young forest ecosystem. Also typical are remnants of former steel manufacturing buildings and foundations. The entire BSC site is fenced with vehicle access limited to one automatic gate.

Current Zoning and Land Use:

The Site is zoned medium industrial. Surrounding uses specific to the site include: adjacent and to the south and west is a lumber transfer facility, further south is metals recycling facility further to the west is vacant land that was mined for slag, and to the north is Smokes Creek and sub-parcel Phase III-4.

Past Use of the Site:

Phase III was formerly a portion of BSC's steel making operations. Specific steel making facilities on or proximate to the Site that contributed to soil impacts included:

- Rail corridor and roadway
- Soaking Pit Building

Future use anticipates commercial or industrial re-use.

Site Geology and Hydrology:

The entire Phase III is filled with between two to eight feet of steel and iron-making slag as well as other fill material being used for backfill. Underlying the fill material are lacustrine silts and clays. At the site native material is encountered from about 12 to 14 feet below ground surface.

Bedrock is Middle Devonian, Levanna shale and Stafford limestone of the Hamilton Group within the Skaneateles Formation. Bedrock varies from about 24 feet deep in the southeastern corner of the site to 45 feet deep near the northern border of the site.

Due to the porous nature of the slag/soil fill there is very little storm water retention or surface runoff, as most of the precipitation seeps into the highly permeable slag/soil fill. Any surface waters would tend to flow toward Smokes Creek which empties to the west into Lake Erie.

Groundwater when encountered is about 7 feet deep trending northerly and westerly toward Lake Erie.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/83505.html> and <http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915199C>.

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.

Lackawanna Public Library
Attn: Jennifer Hoffman
560 Ridge Road
Lackawanna, NY 14218
716-823-0630

NYS DEC Region 9
Attn: Maurice Moore
270 Michigan Ave.
Buffalo, NY 14203
716-851-7220
maurice.moore@dec.ny.gov

Project documents are also available on the DEC website at:
<http://www.dec.ny.gov/chemical/83505.html>

Who to Contact

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

Project Related Questions

Maurice Moore
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
maurice.moore@dec.ny.gov

Site-Related Health Questions

Matthew Forcucci
New York State Department of Health
584 Delaware Avenue
Buffalo, NY 14202
716-847-4501
BEEL@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.

Tecumseh Phase III-3 Business Park Site
Site #C915199C





FACT SHEET

Superfund Remediation Program

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

Site Name: Buffalo Color Corporation Area D
DEC Site #: 915012
Address: 1337 South Park Avenue; Buffalo, NY 14202
Website: <http://www.dec.ny.gov/chemical/52854.html>

Have questions?
See
"Who to Contact"
Below

Notice of Differences in Record of Decision

The public is invited to review the Explanation of Significant Difference (ESD) for the Buffalo Color Corporation Area D Site ("site"). The ESD and documents related to the cleanup of this site can be found at the locations identified below under "Where to Find Information." Although this is not a request for comments, interested persons are invited to contact DEC's Project Manager for this site to obtain more information or have questions answered.

INTRODUCTION

This notice is to inform you of a change in the plan, or remedy, to clean up the Buffalo Color Corp. Area D site located at 1337 South Park Avenue, Buffalo, NY. As shown in Figure 1, the 19 acre site occupies an entire peninsula situated along the upper industrial reach of the Buffalo River. The change contains that part of the grossly contaminated material (GCM) outside the vertical hydraulic barrier wall and along the riverbank. In November 1991, New York State Department of Environmental Conservation (DEC) issued a Record of Decision (ROD) which selected a remedy to clean up the Site. The selected remedy consisted of the following:

- Containment of waste by a clay barrier wall and engineered cap system;
- Extraction and treatment of contaminated groundwater;
- Removal of near shore contaminated sediments from the Buffalo River; and
- Protection of the river bank from erosion.

Remedial construction work was initiated in 1997 and was completed in 1998, with the exception of a discrete area of grossly contaminated material (GCM) which remains within the river bank of the Buffalo River (see Figure 2). Final riverbank habitat enhancements were completed in 1999.

The purpose of the ESD is to describe how the remedial approach originally presented in the ROD has been modified to address a change in the selected remedy. The ESD modifies the ROD selected remedy to allow for the permanent containment of the GCM outside the limits of the perimeter vertical hydraulic barrier wall and along the riverbank. The ESD will also become part of the Administrative Record for this Site.

WHERE TO FIND INFORMATION

The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

<p>Erie County Public Library Main Branch 1 Lafayette Square Buffalo, New York 14203 (716) 858-8900 http://www.buffalolib.org</p>	<p>NYSDEC Region 9 Office Division of Environmental Remediation 270 Michigan Avenue, 3rd Floor Buffalo, New York 14203 Monday - Friday: 8:30 a.m. - 3:30 p.m. Project Manager: Eugene Melnyk (716) 851-7220 eugene.melnvk@dec.ny.gov By Appointment Only</p>
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DESCRIPTION OF SIGNIFICANT DIFFERENCE

The change is due to an unexpected discovery along the southwest section of river bank of a large amount of additional waste material made up of fill and grossly contaminated material (GCM). This fill and contamination are typical throughout the site.

Background:

A majority of this GCM along the riverbank was removed and a planned riverbank habitat enhancement was abandoned. However, due to the technical difficulties of bracing the recently constructed barrier wall with soil composed of clay necessary to excavate all GCM outside of the containment limits of the vertical hydraulic barrier wall, a section of GCM along the river bank was only partially removed. Approximately 4,000 cubic yards of GCM was left in-place submerged in the river along the riverbank. The submerged GCM was covered with a geosynthetic fabric and a sand layer for waste isolation, and a riprap layer for erosion protection. The covered GCM and cover system is situated within the legal property limits of the Site. Remedial construction work, including covering of the remaining GCM outside the limits of the perimeter slurry wall, was initiated in 1997 and was completed in 1998. Final riverbank habitat enhancements were completed in 1999.

Various options were evaluated and the Responsible Party elected to cover in-place approximately 4,000 cubic yards of GCM with a cover consisting of a geotextile fabric overlain by a sand/rock layer for isolation, and covering the sand layer with riprap armoring for erosion protection. This measure resulted in leaving GCM along an embankment under an isolation cover and eliminating a planned riverbank habitat restoration feature.

A 2014 environmental easement ensures on-going monitoring and maintaining an in-river cover system.

SCHEDULE AND MORE INFORMATION

The revised riverbank remediation and restoration efforts have been in place since 1998. No further remediation efforts are deemed necessary. The Site, including the riverbank environment is under ongoing routine maintenance and monitoring with periodic reporting of conditions of the remediation measures and effectiveness of the engineering controls.

Who to Contact

For Technical Questions about the Explanation of Significant Differences, Contact:

Project Related Questions

Eugene Melnyk, PE
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
eugene.melnyk@dec.ny.gov

Site-Related Health Questions

Jacqueline Nealon
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Rm. 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

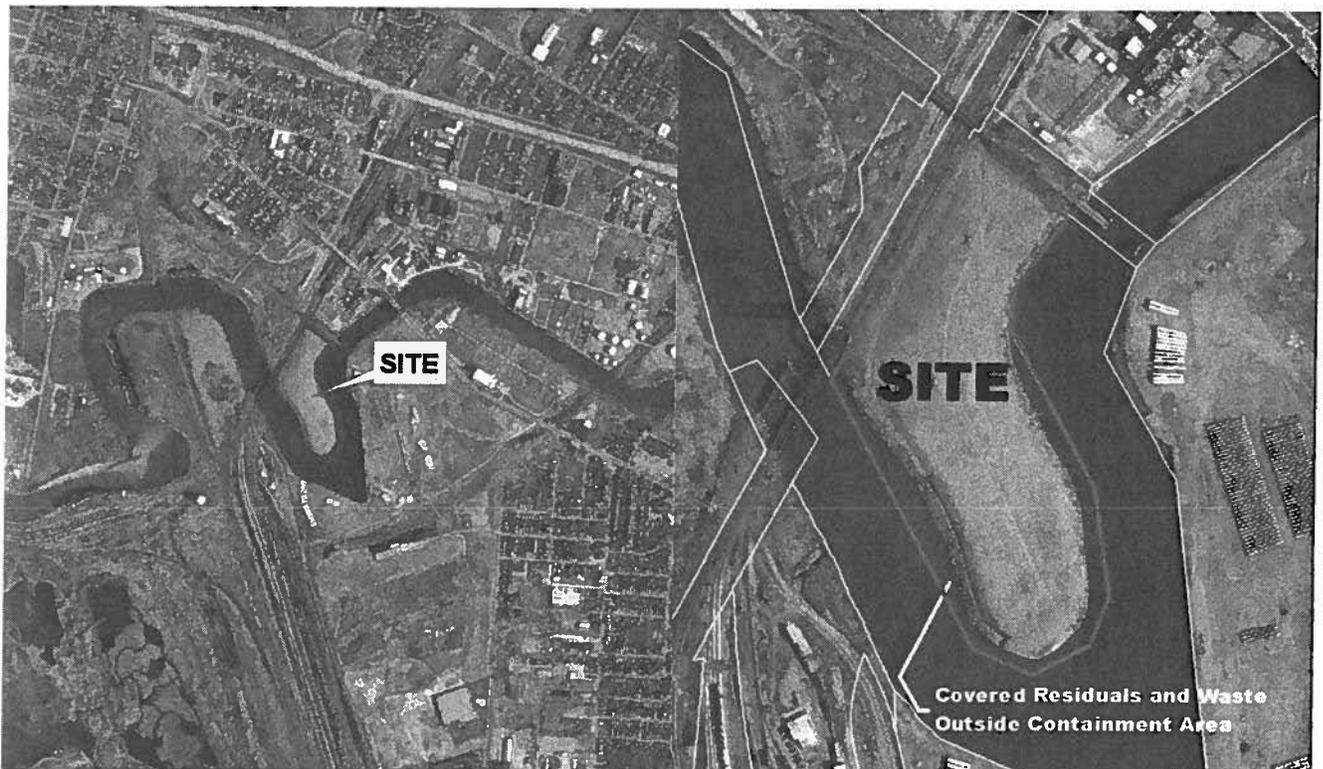


Figure 1

Figure 2

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.

Project documents are also available on DEC's website at:
<http://www.dec.ny.gov/chemical/52854.html>.

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.

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Receive Updates 

837 Bailey Ave. Site (Buffalo) - Brownfield Application Available for Public Comment

The New York State Department of Environmental Conservation sent this bulletin on 10/21/2015 03:16 PM EDT



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Brownfield Application Available for Public Comment

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Near Dingens, LLC for a site known as the **837 Bailey Ave., site ID #C915298**. This site is located in the City of Buffalo, within the County of Erie, and is located at 837 Bailey Ave.

Comments regarding this application must be submitted no later than November 20, 2015. A copy of the application and other relevant documents are available at the document repository located at Erie County Library – Dudley Branch, 2010 South Park Ave., Buffalo, NY 14220.

Information regarding the site and how to submit comments can be found at <http://www.dec.ny.gov/chemical/60058.html> or send comments to Jaspal Walia, Project Manager, NYS Dept. of Environmental Conservation – Region 9, 270 Michigan Avenue, Buffalo, New York 14203; Jaspal.Walia@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.

Comm. 21D-8

Page 11 of 17



FACT SHEET

State Superfund Program

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

Site Name: Tonawanda Forge Site
DEC Site #: 915274
Address: 2390 and 2392 Kenmore Avenue
Tonawanda, New York 14150

Have questions?
See
"Who to Contact"
Below

Interim Remedial Measure to Begin at State Superfund Site

The NYS Department of Environmental Conservation (DEC) has initiated an Interim Remedial Measure (IRM) involving the removal of construction and demolition debris from the Tonawanda Forge Site ("site") located at 2390 and 2392 Kenmore Avenue. An IRM is a discrete set of planned actions for both emergency and non-emergency situations that can be conducted without the extensive investigation and evaluation of a Remedial Investigation/Feasibility Study (RI/FS). Please see the attached maps for the site location.

The site is listed as a Class "2" site in the State Registry of Inactive Hazardous Waste Sites (list of State Superfund sites). A Class 2 site represents a significant threat to public health or the environment; action is required.

Documents related to the IRM for this site can be found at the location(s) identified below under "Where to Find Information." The IRM will be performed by the DEC using State Superfund monies.

Highlights of the Upcoming Cleanup Activities

The main goal of the IRM is to remove contaminated, surficial debris that is currently hindering investigations required to properly complete the ongoing RI. Specifically, the IRM includes the removal, transportation and offsite disposal of 3 large surficial piles containing approximately 6,000 tons of construction and demolition debris contaminated with asbestos and/or polychlorinated biphenyls (PCBs).

Additional Details

Engineering design of the cleanup remedy was completed by the DEC in June 2015. Bids for the cleanup contract were opened in July 2015. The Environmental Services Group was awarded the contract and given formal notice to proceed with the project on October 12, 2015. It is anticipated that construction of the remedy will be completed in January 2016, weather pending, at a cost of approximately \$978,500. All construction work will be performed under full-time oversight by URS Corporation, Inc., the engineering consultant hired by the DEC. In addition, the contractor's Health and Safety Plan for the work was reviewed to ensure that onsite workers and the nearby community is protected during these activities.

During cleanup activities, all truck traffic to and from the site associated with excavation and off-site disposal activities are being limited to non-residential areas as much as possible. Furthermore, the contractor is responsible for keeping the transportation route clean of soil and fill materials generated during site cleanup activities.

Following completion of the IRM, the DEC will complete the remedial investigation that was initiated in July 2013.

Next Steps

After completion of the cleanup activities, the DEC will prepare a Final Engineering Report. The Final Engineering Report will describe the cleanup activities completed and certify that cleanup requirements have been achieved or will be achieved.

The DEC will keep the public informed throughout the cleanup of the site.

Background

Location: The Tonawanda Forge Site is located in an urban area at 2390 and 2392 Kenmore Avenue in the Town of Tonawanda, Erie County. The site is approximately 2,300 feet southeast of the intersection of Kenmore Avenue and Sheridan Drive.

Site Features: The main site features of the 34.8 acre site include two remaining brick multi-story buildings which were part of the original manufacturing complex. The remaining three-quarters of the southern portion of the site consist of the building floor slab, parking lots or driveways. A large grassed area along Kenmore area consists of a former landfill area on the site.

Current Zoning and Land Use: The site is currently inactive, and is zoned for heavy industrial use. The surrounding parcels are currently used for heavy industrial applications, however a residential area is located 500 feet directly south of the site.

Past Use(s) of the Site: The property was originally part of the General Motors - Tonawanda Engine Plant facility that borders the site to the north, west and south. The forge facility was sold in 1994 to American Axle and Manufacturing, Inc. (American Axle). In 2008, American Axle sold the property to the current owner, Lewis Brothers, LLC (Lewis), of Richmond, Virginia. Upon sale of the property, Lewis began the demolition of the facility starting with the removal of the interior equipment and ending with the removal of all of the buildings superstructure. Upon the owner's refusal to expeditiously address petroleum contamination on the site and in violation of a stipulation agreement with DEC, DEC proceeded with the remediation of petroleum contaminated and a Site Characterization of the property under Spill Site number 0911809. During the demolition of the building, a subcontractor did not properly address a PCB transformer which resulted in a release of PCB oil within the facility. Again, upon the subcontractor and property owner's refusal to adequately address the spill in a timely manner, DEC instituted clean-up procedures under Spill Site number 1112690. While the majority of this contamination has been addressed, the site surface water continues to exhibit elevated levels of PCBs above water quality limits. In addition, several areas of the site also exhibit PCB concentration above the regulatory criteria for a hazardous waste.

Site Geology and Hydrogeology: Soil boring results from the subsurface investigation revealed brown silt and clay and some clay with a trace of gravel to a depth of the termination of each soil boring. Bedrock was not encountered at depths up to 24 feet below ground surface (bgs), but is believed to consist of the Upper Silurian-aged Salina Group, which generally consists of shale, and Dolostone.

Depth to groundwater at the property ranged from 1/2 feet bgs to 16 feet bgs. The local groundwater flow direction is estimated to be west towards the Niagara River, and may be influenced by local drainage features, seasonal groundwater level fluctuations, subsurface geology, surface topography, and/or other local site features.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=915274>

State Superfund Program: New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring.

NYSDEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit: <http://www.dec.ny.gov/chemical/8439.html>

FOR MORE INFORMATION

Where to Find Information

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

New York State Department of Environmental Conservation
Attn: Michael Hinton
270 Michigan Avenue
Buffalo, New York 14203
Telephone: (716) 851-7220
E-mail: michael.hinton@dec.ny.gov

Who to Contact

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

Project Related Questions

David J. Chiusano
Department of Environmental
Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7017
518-402-9814
david.chiusano@dec.ny.gov

Site-Related Health Questions

Renata Ockerby
New York State Department of Health
Bureau of Environmental Exposure
Investigation Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7860
BEEI@health.ny.gov

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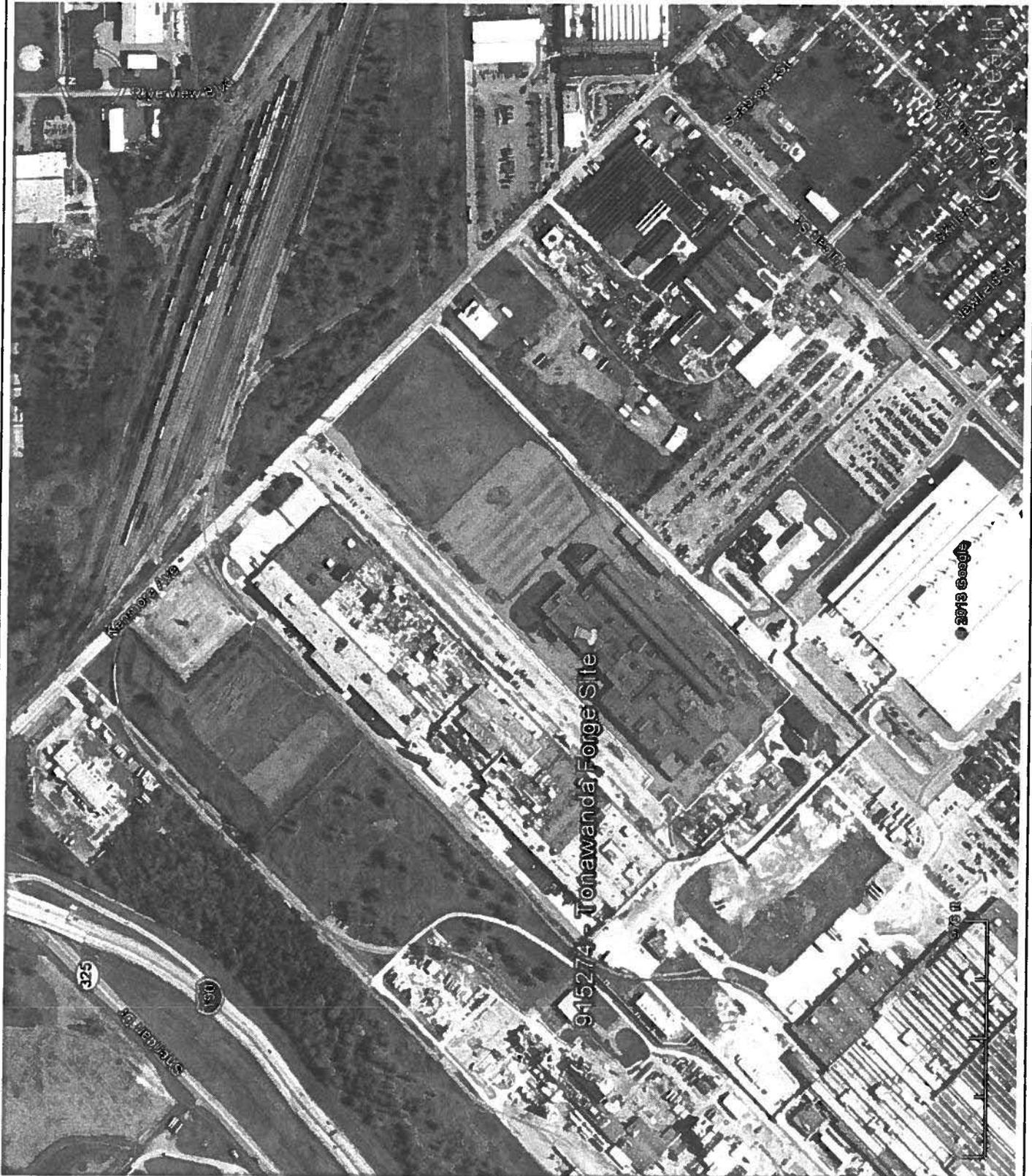
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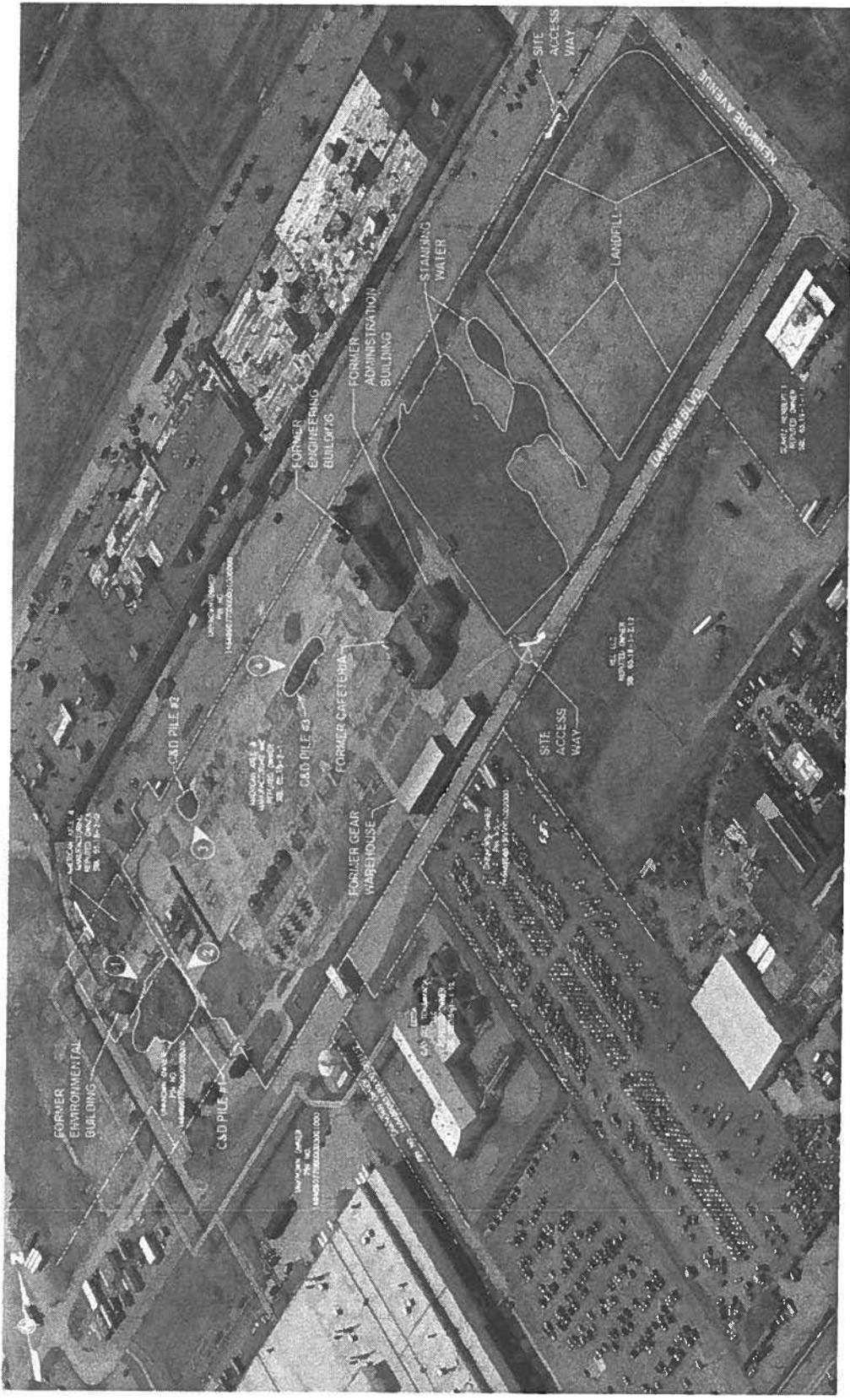
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SCALE:
 ONE COUNTY "ON-SITE" APPLICATION
 ACTUOMETRY © VIEW BY ANTOINETTE EXTENSION

- NOTES:**
1. AERIAL PHOTOGRAPHS FROM JUNE, 2015.
 2. PHOTOGRAPHS FOR THIS LOCATION SHOWN ON THIS DRAWING ARE PRESENTED ON SHAPES 0-1.
 3. ALL E.A.S. AND PROPERTY LINES SHOWN ARE APPROXIMATE AND BASED ON THE TOWN OF TOWNANDA TAX MAP. THE ACTUAL BOUNDARIES OF THESE LINES ARE SUBJECT TO THE FACTS THAT A FIELD BOUNDARY SURVEY WOULD REVEAL.

THIS DRAWING CONTAINS FEATURES INTENDED TO BE PLOTTED IN COLOR. REPRODUCTION IN BLACK AND WHITE MAY CAUSE THE INTENDED EFFECT OF THE COLOR FEATURES.

 <p>UBS Corporation New York 27 East Commerce Street, New York, NY 10038, New York, U.S.A. 1-212-859-1111</p>		<p>ONE COUNTY TOWNANDA FORGE SITE NYS REGISTRY NO. 945274 TOWNANDA</p>		<p>INTERIM REMEDIAL MEASURE CONTRACT NO. D006634</p>		<p>EXISTING SITE AERIAL PHOTOGRAPH</p>	
<p>FORMED BY: JEL CHECKED BY: JEL ORDERED BY: JEL FINAL DATE: JEL</p>		<p>JOB NO. 1117808</p>		<p>DATE MADE: June, June 2015</p>		<p>SCALE OF AERIAL PHOTO</p>	
<p>REVISIONS</p>		<p>REVISED BY: _____</p>		<p>DATE: _____</p>		<p>SCALE: _____</p>	