



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 13, 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):

Cleanup of contamination at 129 Holden Street, Buffalo NY has been completed. This review contains highlights of the site cleanup.

The boundary of the Lackawanna Incinerator Site has been modified because disposal of site-related ash has occurred in a new area.

Thank you.



FACT SHEET

Brownfield Cleanup Program

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

Site Name: 129 Holden Street Redevelopment
DEC Site #: C915261
Address: 129 Holden Street; Buffalo, NY 14214
Website: <http://www.dec.ny.gov/chemical/81818.html>

Have questions?
See
"Who to Contact"
Below

Cleanup Action Completed at Brownfield Site

Action has been completed to address the contamination related to the 129 Holden Street Redevelopment ("site") located at 129 Holden Street, Buffalo, Erie County under New York State's Brownfield Cleanup Program. Please see the map for the site location.

The cleanup activities were performed by Highland Park Village, LLC ("applicant") with oversight provided by New York State Department of Environmental Conservation (DEC). The applicant has submitted a draft Final Engineering Report for DEC review which states that cleanup requirements have been or will be achieved to fully protect public health and the environment for the proposed site use.

Highlights of the Site Cleanup:

1. Excavation and off-site disposal of 1,140 cubic yards of soils/ fill materials contaminated with metals and polycyclic aromatic hydrocarbons (PAHs) from five hot spot areas. The impacted soil/fill was disposed off-site at a DEC permitted disposal facility.
2. Placing a site cover system over the entire site. The cover system consisted of either a minimum 2-foot thickness of clean soil meeting the Part 375 restricted residential use cover requirements or gravel. The soil cover was placed over an orange mesh demarcation layer over most of the site.
3. An Environmental Easement was placed on the property to restrict land use to restricted residential/commercial/industrial operations and prevent future exposure to any contamination remaining at the Site.
4. Implementation of a Site Management Plan (SMP) detailing requirements for management of remaining contamination as required by the Environmental Easement.
5. 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
6. Certification that the institutional and engineering controls are still in place and effective will be made annually.

Next Steps

When DEC approves the Final Engineering Report, it will be made available to the public (see "Where to Find Information" below). DEC then will issue a Certificate of Completion which will be announced in a fact sheet that is sent to the site contact list.

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

- 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 Certificate of Completion may be modified or revoked if, for example, an applicant does not comply with the terms of its Brownfield Cleanup Agreement with DEC.

Background

Site Location: This site is the former Central Park Plaza and is located at 129 Holden Street in the City of Buffalo. The site borders Bennett Village Terrace residences on the north, Manhattan Avenue and United States Post Office on the east, Holden Avenue on the west and Central Park Avenue on the south.

Site Features: This 27 acres site is vacant and is completely fenced.

Current Zoning and Land Use: The site is located within the commercial zoning district. Surrounding adjacent areas are zoned for residential and commercial use.

Past Use of the Site:

From 1877 to 1948, the Buffalo Cement Company operated this site as a rock quarry. The quarry was filled in with materials such as silty clay, sands, gravels, bricks, fractured limestone, slag, and industrial fill. In 1958 the site was developed by Central Park Shopping Center, Inc. In addition to shopping stores, other businesses such as auto repair, photographic processing, and dry cleaning also occupied the Central Park Plaza. The site has been vacant since July 2011. Four of the five vacant plaza buildings were demolished in 2012. The fifth building was demolished in 2014.

Site Geology and Hydrogeology:

The overburden soils encountered at the site consist of various fill materials and disturbed native soils. The fill materials consist of fractured limestone, slag, sands, ash, non-native silty clay, and gravels.

The thickness of the fill ranges from approximately 5 to 19. The bedrock consists of Onondaga Limestone or Bertie Limestone depending on location relative to historic quarry operations. The depth of groundwater is approximately 13 feet below ground surface. The groundwater flows in a northerly direction.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/81818.html> and <http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=C915261>.

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.

East Delavan Branch Library
1187 East Delavan Avenue
Buffalo, NY 14215
716-896-4433

DEC Region 9 Buffalo Office
Attn: Mr. Jaspal S. Walia
270 Michigan Avenue
Buffalo, NY 14203
716-851-7220

Project documents are also available on the DEC website at:
<http://www.dec.ny.gov/chemical/81818.html>.

Who to Contact

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

Project Related Questions

Jaspal S. Walia, P.E.
NYS DEC
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
jaspal.walia@dec.ny.gov

Site-Related Health Questions

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





Department of
Environmental
Conservation

PUBLIC NOTICE

State Superfund Program

Receive Site Information by Email. See next page to Learn How.

Site Name: Lackawanna Incinerator Site

November 9, 2015

Site No. 915206

Tax Map Nos. 142.14-1-4.1 (portion of) and 142.14-1-5.112

Site Location: 2960 South Park Ave., Lackawanna, 14218

Inactive Hazardous Waste Disposal Site Boundary Modification Notice

The Inactive Hazardous Waste Disposal Site Program (State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (Registry). As of the date of this notice, the boundary of the site identified above, and located on a map on the reverse side of this page, was modified in the Registry for the following reason(s):

The proposed site boundary is to be extended to include an additional 4.2 acres of land along the southern embankment of Smokes Creek. The original site boundary was based on tax map parcels for the site, yet information gathered during the remedial investigation has indicated that disposal of site-related ash has occurred on the southern embankment of the creek.

DEC will continue to keep you informed throughout the investigation and cleanup of the site.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact DEC's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information can be found at the site's webpage (<http://www.dec.ny.gov/chemical/84536.html>) and in DEC's Environmental Site Remediation Database:

<http://www.dec.ny.gov/cfm/extapps/derexternal/haz/details.cfm?ProgNo=915206> .

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

Project Related Questions

David Gardner, NYSDEC Project Manager
NYS Department of Environmental Conservation
Division of Environmental Remediation – Bureau E
625 Broadway, 12th Floor
Albany, NY 12233-7017
Email: david.gardner@dec.ny.gov
Phone: 518-402-8918

Site Related Health Questions

Jacquelyn Nealon, NYSDOH Project Manager
NYS Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Rm 1787
Albany, NY 12237
Email: bee@health.ny.gov
Phone: 518-402-7860

DEC is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires DEC to notify all parties on the contact list for this site of this recent action.

Comm. 21D-9

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Approximate Site Location
Lackawanna Incinerator Site
Site ID: 915206
2960 South Park Ave.
City of Lackawanna, Erie County



Receive Site Updates by Email

Have site information such as this public notice 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:

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.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.