ECLEG NOV30'15 AM 9:07

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 30 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 comment on a proposed remedy to address contamination related to the Site III-4 Tecumseh Phase III Business Park located at 2303 Hamburg Turnpike, Lackawanna NY from November 18, 2015 through January 4, 2016.

Highlights of the completed cleanup action at 3 Gates Circle, Buffalo 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-4 Tecumseh Phase III Business Park
DEC Site #: C915199D
Address: 2303 Hamburg Turnpike
Lackawanna, NY 14218

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 (NYSDEC) to address contamination related to the Site III-4 Tecumseh Phase III Business Park site ("site") located at 2303 Hamburg Turnpike, Lackawanna, 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."

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

How to Comment
NYSDEC is accepting written comments about the proposed plan for 45 days, from **November 18, 2015** through **January 4, 2016**. The Decision Document is available for public review at the location(s) identified below under "Where to Find Information." Please submit comments to the NYSDEC project manager listed under Project Related Questions in the "Who to Contact" area below.

Remedial Investigation/ Alternatives Analysis Report
The cleanup plan is described in NYSDEC's Decision Document, which is based on a more detailed "Remedial Investigation /Alternatives Analysis Report". The remedy consists of:

- covering all exposed soils with one foot of cover over a demarcation layer;
- placing restrictions on the property -- restricting use to commercial or industrial uses;
- 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 remedy was developed by Tecumseh Redevelopment, Inc. ("applicant") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP).

Summary of the Investigation
Based upon investigations conducted, the nature and extent of metals contamination is consistent with the former site use as a steel manufacturing facility. Primary impacts at the site were found in the soil such as, metals, including arsenic and cadmium and to a lesser extent semi-volatile organic compounds (SVOCs), including polycyclic aromatic hydrocarbons (PAHs), such as benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, dibenzo(a,h,)anthracene and indeno(1,2,3-cd)pyrene. PAHs are associated with activities including, asphalt paving, burning of fossil fuels and heavy rail use, all of which were ubiquitous at the former steel mill.

Next Steps
NYSDEC will consider public comments, revise the plan as necessary, and issue a final Decision Document. New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The draft Decision Document is revised as needed to describe the selected remedy and will be made available for public review. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

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

Background
Location:
Tecumseh Phase III-4 (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 141.11-1-50. Phase III is located west of Route 5 and the Tecumseh Phase II Business Park, south of Smokes Creek and east of the remaining Former Bethlehem Steel Property.

Site Features:
Located south and adjacent to Smokes Creek the Site is a 16.12 acre, triangular shaped, sub-parcel, with one vacant storage building. The parcel is vegetated with natural grasses, shrubs and poplar trees, typical of a successional ecosystem. 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 near the site include: to north past Smokes Creek is recently remediated Phase III-5 and III-6; to the west is a rail corridor beyond which is a portion of the BSC that is a class 2 inactive hazardous waste disposal site being addressed by the responsible party; and to the south are sub-parcels III-2 and III-3. Future use anticipates commercial or industrial re-use

Past Use of the Site:
Phase III-4 was formerly a portion of BSC's steelmaking operations. Specific processes and steel making facilities performed on or proximate to the Site included:

- Electrical Stores
- Equipment Storage
- Track Hopper
- Railways

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

Bedrock is the 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 Phase III.

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 flow northerly into the 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 NYSDEC's website at:
http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915199D

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(s) to help the public stay informed.

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

NYS DEC
Attn: Maurice Moore
270 Michigan Ave.
Buffalo, NY 14203
phone: 716-851-7220
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
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
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. NYSDEC 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.

Google earth

feet 4000
km 1

Department of Environmental Conservation

November 2015

FACT SHEET

Brownfield Cleanup Program

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

Site Name: 3 Gates Circle Site
DEC Site #: C915272
Address: 3 Gates Circle
Buffalo, NY 14209

Have questions? See "Who to Contact" Below

Cleanup Action Completed at Brownfield Site

Action has been completed to address the contamination related to the 3 Gates Circle Site ("site") located at 3 Gates Circle, 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 Gates Circle Holdings, LLC ("applicant)") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). The applicant has submitted a draft Final Engineering Report for NYSDEC 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 approximately 1,520 cubic yards of soils contaminated with No. 6 fuel oil to achieve Restricted Residential Soil Cleanup Objectives (RRSCOs).
2. Excavation and off-site disposal of approximately 1,090 cubic yards of soils/fill contaminated with polycyclic aromatic hydrocarbons (PAHs) and mercury to achieve RRSCOs.
3. Placing a site-wide cover system. The cover system consists of soil, crushed stone, asphalt covered areas, and concrete building slab/foundations. The soil and/or stone cover system has a minimum 2-foot thickness of soil meeting the Part 375 restricted residential use cover requirements. The soil cover and crushed stone were placed over an orange mesh demarcation layer where contamination remained below the cover system.
4. 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.
5. Implementation of a Site Management Plan (SMP) detailing requirements for management of remaining contamination as required by the Environmental Easement.
6. Implementation of an 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
7. Certification that the institutional and engineering controls are still in place and effective will be made annually.

Next Steps
When NYSDEC approves the Final Engineering Report, it will be made available to the public (see "Where to Find Information" below). NYSDEC 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 NYSDEC.

Background
Location: The site property is located at 3 Gates Circle in the City of Buffalo. It consists of approximately 6.9 acres and encompasses the former Millard Fillmore Gates Circle Hospital complex. The property is bounded by Delaware Avenue and commercial properties to the west; Linwood Avenue and a mix of commercial and residential properties to the east; Lafayette Avenue and a mix of commercial and residential properties to the north; and commercial properties to the south.

Site Features: The site consists of two buildings, cleared areas from demolition of buildings, debris from demolished buildings, and parking areas.

Current Zoning and Land Use: The site is currently zoned R5-residential.

Past Use of the Site: The site was initially developed for residential use and was partially used for tricycle manufacturing pre-1900. By 1916 the site was beginning to undergo use as a hospital facility, with continued expansion of the hospital complex (Millard Fillmore Gates Circle Hospital) through the early 1970's.

Site Geology and Hydrogeology: The subsurface soils generally consist of non-native soil/fills in the upper four feet overlying native soil. The fill materials consist of sands, gravels, cinders, bricks, and slag. The native soil is very hard, medium plasticity, reddish brown lean clay present at varying thicknesses and overlying reddish brown sandy silt. The bedrock is approximately 30 feet below ground surface and is described as gray cherty limestone. Groundwater is approximately 11 feet below ground surface and flows northerly towards Scajaquada Creek.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:
http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915272

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(s) to help the public stay informed.

Buffalo & Erie County Public Library
Attn: Ms. Mary Schiffhauer
633 Elmwood Avenue
Buffalo, NY 14222
phone: 716-883-6651

Project documents are also available on the NYSDEC website at:
http://www.dec.ny.gov/chemical/37554.html

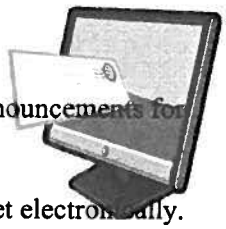
Who to Contact
Comments and questions are always welcome and should be directed as follows:

Project Related Questions
Jaspal S. Walia, P.E.
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
jaspal.walia@dec.ny.gov

Site-Related Health Questions
Renata Ockerby
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.

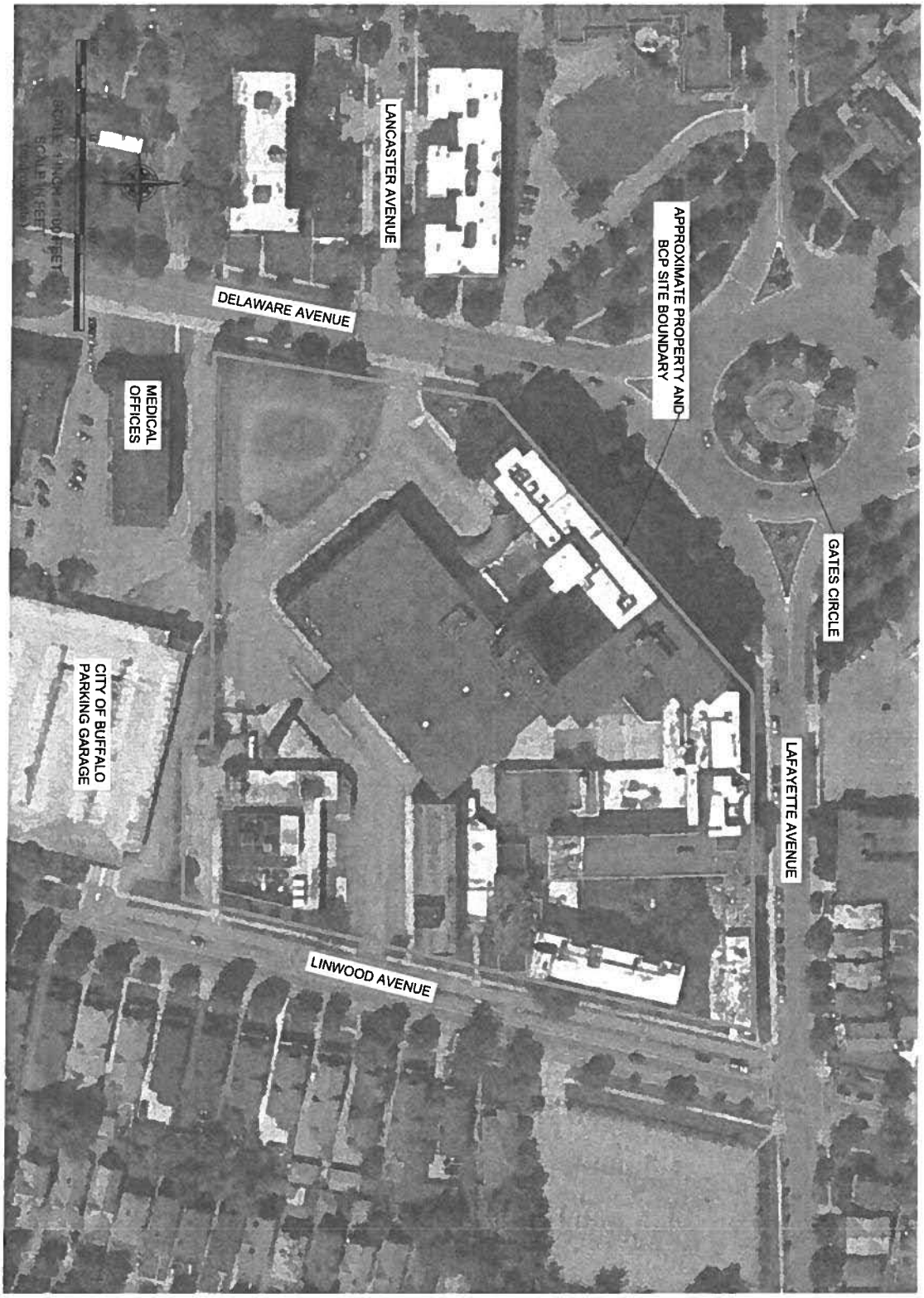
Receive Site Fact Sheets by Email
Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: http://www.dec.ny.gov/chemical/61092.html. It's quick, it's free, 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.

DATE JULY 2016
DRAFTED BY RFL



FIGURE

SITE PLAN

SITE MANAGEMENT PLAN

BROWNFIELD CLEANUP PROGRAM
3 GATES CIRCLE SITE
BUFFALO, NEW YORK

PREPARED FOR
GATES CIRCLE HOLDINGS, LLC

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14216
(716) 856-0599

JOB NO.: 0309-014-001

DISCLAIMER
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON MAY NOT BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.