



***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: February 9, 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 Requirements have been met at Site III-5 Tecumseh Phase III Business Park site at 2302 Hamburg Turnpike, Lackawanna

Cleanup Requirements have been or will be met at 250 Delaware Avenue Site at 250 Delaware Avenue, Buffalo

Thank you.



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Site III-5 Tecumseh Phase III Business Park  
**DEC Site #:** C915199E  
**Address:** 2303 Hamburg Turnpike  
Lackawanna, NY 14218

Have questions?  
See  
"Who to Contact"  
Below

### DEC Certifies Cleanup Requirements Achieved at Brownfield Site

New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the Site III-5 Tecumseh Phase III Business Park site ("site") located at 2303 Hamburg Turnpike, Lackawanna, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Tecumseh Redevelopment, Inc. and Steel Sun, LLC with oversight provided by DEC. DEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the locations identified below under "Where to Find Information."

#### Completion of Project

The remedy for the Tecumseh Phase III-5 site included removal of a product containing, former coke gas, pipe and covering exposed soils with one foot of Beneficial Use Determination (BUD) slag over a demarcation layer.

Restrictions were placed on the property, including restriction of use to commercial or industrial uses, prohibition of groundwater use, requiring adherence with a Site Management Plan, continued maintenance of the cover and periodic certification that all required items or restrictions remain in place.

#### Final Engineering Report Approved

DEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering*

*control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

4) Certifies that a site management plan for any engineering controls used at the site has been approved by DEC.

The following institutional controls have been or will be put in place on the site:

- Site Management Plan
- Environmental Easement
- Groundwater Use Restriction
- Land Use Restriction

The following engineering controls have been or will be put in place on the site:

- Cover System

### **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- Has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- Is 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, there is a failure to comply with the terms of the order or agreement with DEC.

### **Background**

Location:

The Tecumseh Phase III-5 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 Gateway Metroport and east of the remaining former Bethlehem Steel Property and Lake Erie.

Site Features:

Located in the southeast portion of Phase III north of and adjacent to Smokes Creek, the site, an 11.69 acre, non-descript, sub-parcel with no remarkable or unique features. The mostly rectangular Phase III is approximately 5,500 feet long, averages 1,500 feet wide and is 148.83 acres in size. Bisected by Smokes Creek, Phase III is flat, covered with slag fill and remnants of former steel manufacturing buildings and foundations. Most of the business park is vegetated with natural grasses, shrubs and poplar trees typical of a primary shrub-young forest 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. Current use is vacant land. Future use anticipates

commercial or industrial re-use.

**Past Use of the Site:**

Phase III-5 was formerly a portion of BSC's steelmaking operations. Specific processes and steelmaking facilities performed on or proximate to the Site included:

- Basic Oxygen Furnace (approximately 50% of site)
- Union Carbide Corporation – Argon Division

**Site Geology and Hydrogeology:**

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 fill material are lacustrine silts and clays.

Native materials are encountered from about 12 to 14 feet below ground surface.

Bedrock is Middle Devonian age, Skaneateles Formation, consisting of Levanna shale and Stafford limestone of the Hamilton Group. Bedrock varies from about 24 feet deep in the southeastern corner of the site to 45 feet deep with the 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 into the South Water Return Trench which parallels the eastern border of the property and flows southerly where it empties into Smokes Creek which discharges to the west into Lake Erie.

Groundwater, when encountered, is about 7 feet deep trending westerly and northerly 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=C915199E>

**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](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  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
[maurice.moore@dec.ny.gov](mailto:maurice.moore@dec.ny.gov)

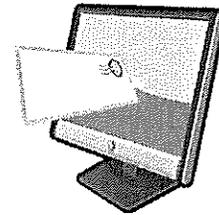
Site-Related Health Questions

Matthew Forcucci  
New York State Department of Health  
584 Delaware Avenue  
Buffalo, NY 14202  
716-847-4501  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

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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.

Tecumseh Phase III-5 Business Park Site  
Site #C915199E





# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Site III-6 Tecumseh Phase III Business Park  
**DEC Site #:** C915199F  
**Address:** 2303 Hamburg Turnpike  
Lackawanna, NY 14218

Have questions?  
See  
"Who to Contact"  
Below

### DEC Certifies Cleanup Requirements Achieved at Brownfield Site

New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the Site III-6 Tecumseh Phase III Business Park site ("site") located at 2303 Hamburg Turnpike, Lackawanna, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Tecumseh Redevelopment, Inc. and SteelSun, LLC with oversight provided by DEC. DEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

#### Completion of Project

The remedy for the Tecumseh Phase III-6 site included removal of any soils determined to be a source for potential human contact and further degradation to the environment. Remaining exposed soils were covered with one foot of a Beneficial Use Determination (BUD) slag over a demarcation layer.

Restrictions were placed on the property, including restriction of use to commercial or industrial uses, prohibition of groundwater use, requiring adherence with a Site Management Plan, continued maintenance of the cover and periodic certification that all required items or restrictions remain in place.

#### Final Engineering Report Approved

DEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left

over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

4) Certifies that a site management plan for any engineering controls used at the site has been approved by DEC.

The following institutional controls have been or will be put in place on the site:

- Site Management Plan
- Environmental Easement
- Groundwater Use Restriction
- Land Use Restriction

The following engineering controls have been or will be put in place on the site:

- Cover System

### **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- Has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- Is 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, there is a failure to comply with the terms of the order or agreement with DEC.

### **Background**

Location:

Tecumseh Phase III-6 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 of 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 Gateway Metroport and east of the remaining former Bethlehem Steel property and Lake Erie.

Site Features:

Located in the southwestern portion of Phase III is the Site, a 10.89 acre, triangular shaped, non-descript, sub-parcel with no remarkable or unique features situated to the north and adjacent to Smokes Creek and west of Phase III-5. The mostly rectangular Phase III is approximately 5,500 feet long, averages 1,500 feet wide and is 148.83 acres in size. Bisected by Smokes Creek, Phase III is flat, covered with slag fill and remnants of former steel manufacturing buildings and foundations. Most of the business park is vegetated with natural grasses, shrubs and poplar trees typical of a primary shrub-young forest ecosystem. The entire BSC property is fenced with vehicle access limited to one automatic gate.

**Current Zoning and Land Use:**

The site is zoned medium industrial. Current use is vacant land. Future use anticipates commercial or industrial re-use.

**Past Use of the Site:**

Phase III-6 was formerly a portion of BSC's steelmaking operations. Specific processes and steel making facilities performed on or proximate to the Site included:

- Teeming aisles within the Basic Oxygen Furnace
- Mould warming
- Conveyor galleries
- Scale house and office building

**Site Geology and Hydrogeology:**

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 fill material are lacustrine silts and clays. Native materials are encountered from about 12 to 14 feet below ground surface.

Bedrock is Middle Devonian age, Skaneateles Formation, consisting of Levanna shale and Stafford limestone of the Hamilton Group. Bedrock varies from about 24 feet deep in the southeastern corner of the site to 45 feet deep with the 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 into the South Water Return Trench which parallels the eastern border of the property and flows southerly where it empties into Smokes Creek which discharges to the west into Lake Erie.

Groundwater, when encountered, is about 7 feet deep trending westerly and northerly 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/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915199F>

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

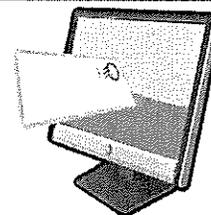
Site-Related Health Questions

Matthew Forcucci  
New York State Department of Health  
584 Delaware Avenue  
Buffalo, NY 14202  
716-847-4501  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

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Tecumseh Phase III-6 Business Park Site  
Site #C915199F



Google earth





# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** 250 Delaware Avenue Site  
**DEC Site #:** C915271  
**Address:** 250 Delaware Avenue  
Buffalo, NY 14202

Have questions?  
See  
"Who to Contact"  
Below

### DEC Certifies Cleanup Requirements Achieved at Brownfield Site

New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the 250 Delaware Avenue Site ("site") located at 250 Delaware Avenue, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by DNC 250, Inc. with oversight provided by DEC. DEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the locations identified below under "Where to Find Information."

#### Completion of Project

An Interim Remedial Measure ("IRM") was implemented to remove all petroleum impacted soil that was serving as an ongoing source of residual petroleum contamination in site groundwater and impacted fill to remediate the site to Unrestricted Use Soil Cleanup Objectives (SCOs). The IRM completed at the site consisted of:

- Removal of two known and two previously unknown petroleum underground storage tanks,
- Removal of 24,870 tons or approximately 19,100 cubic yards petroleum contaminated soil, and
- Removal of 10,300 tons or approximately 7,900 cubic yards of service station impacted soil and impacted fill underlying the asphalt paved portions of the site.

The petroleum excavation area was excavated to a depth ranging from 15 to 20 feet below ground surface (bgs). The impacted fill removal areas were generally excavated to a depth between 4 to 6 feet bgs until verified meeting cleanup requirements. All asphalt pavement was also removed during the IRM.

Following the completion of the petroleum impacted soil and impacted fill removal IRM down to contaminant levels meeting project goals, the excavation areas were backfilled with clean fill consisting of "run-of-crusher" limestone.

The IRM was initiated autumn 2013 and completed early spring 2014. Upon completion of the remediation of the petroleum impacted area, the groundwater quality significantly improved. Only a nominal level of benzene (210 ppb) remained in an area previously heavily contaminated with petroleum. With the bulk removal of petroleum impacted soils from the site, it is anticipated that the benzene residual will continue to diminish to levels approaching the groundwater quality standard. The City of Buffalo maintains a prohibition on groundwater use within the city, which serves to limit any potential exposure to the residual benzene contamination in groundwater.

## **Final Engineering Report Approved**

DEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by DEC.

No institutional controls have been or will be put in place on the site.

No engineering controls have been or will be put in place on the site.

### **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- Has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- Is 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, there is a failure to comply with the terms of the order or agreement with DEC.

### **Background**

**Location:** The site is located at 250 Delaware Avenue in the City of Buffalo. The address for the BCP site parcel has been renumbered by the City to 250 Delaware Street. The site encompasses an area the length of a city block along the north side of West Chippewa Street extending from Delaware Avenue to South Elmwood Avenue.

**Site Features:** The site is located in a highly developed urban area and is situated in a popular entertainment district. The site occupies approximately 1.96 acres in area on the north side of West Chippewa Street, and is bounded by South Elmwood Avenue to the west, Delaware Avenue to the east and commercial properties to the north. Local topography of the area is generally flat with a gentle slope toward the Buffalo River/Lake Erie typical of the Buffalo metro area. The site currently has no buildings, but steel framing and floor decking for a 12 story mixed use commercial use building has recently been completed.

**Current Zoning and Land Use:** The site is zoned for commercial use in City of Buffalo Downtown Opportunity (DO) zone. Previous use and future use following redevelopment will be commercial.

**Past Use of the Site:** The development history dates back to the late 1800s. The site and surrounding area was historically used for commercial and residential uses. The eastern portion of the site contained the Delaware Court building which was utilized as a mixed-use commercial building since its construction in 1925. An area behind the Delaware Court building used for surface parking was previously used for gasoline retail as early as the 1930s.

Westward from the Delaware Court building, three residential structures occupied lots fronting Chippewa Street. These structures were eventually demolished. Two of the residential lots were subsequently used for surface parking. The remaining former residential lot at the corner of West Chippewa and South Elmwood was used as a retail gasoline filling station with a one story convenience store. The former residential lots and commercial use lots were eventually combined into a single parcel with the Delaware Court Building lot.

Just north of this gasoline station, records show that the parking lot area contained another gasoline filling station for a period of time. A tire service operation was present on-site from approximately 1931 and 1936, and a service station was identified on the project site from 1982 and 1987 suggesting previous on-site automotive repair operations. Municipal records indicate the installation and removal of several underground storage tanks on this side of the project site.

North of the former gasoline station, a former commercial building occupied the area fronting South Elmwood. This building was demolished in the mid-2000s. Prior to demolition, a locksmith occupied the building. Records for this building indicate several uses including a paint shop and a pipe/hardware shop.

In 2003, the site owner at that time entered into stipulation agreement with DEC to investigate and remediate a petroleum spill discovered at the site. A petroleum recovery system was installed in 2003 and was operated until 2004. Approximately 4,300 gallons of petroleum product was extracted from the impacted area.

Measures to treat groundwater impacted with dissolved petroleum contamination were implemented by the site previous owner in 2004 and 2006. Ongoing monitoring indicated continued dissolved phase petroleum impacts to groundwater. The site owner sold the site to the BCP applicant in 2012 and the site was admitted to the BCP in early 2013.

The BCP applicant demolished the gas station/convenience store during early summer 2013. The Delaware Court Building was demolished during winter 2013-2014. The site is currently being redeveloped with the construction of a 12 story mixed commercial use building in the area formerly occupied by the Delaware Court Building and a 4 story parking ramp.

**Site Geology/Hydrogeology:**

**Overburden:** Following the recent interim remedial measure (IRM), the surficial site geology has been altered. The surface and upper zone in the former parking lot area consists of crushed limestone backfill of varying thickness. The petroleum excavation area was backfilled with crushed limestone ranging in depth from 15 to 20 feet in depth, and historic fill area contains crushed limestone from 2 to 6 feet in depth. Below the crushed limestone fill layer, native soils consists of mostly a fine sand with some interbedded thin lenses of a silty/clayey soil ranging from 41 to 46 feet in depth. The sandy soil layer progressively becomes siltier moving northward along the site. The predominantly sandy soil is likely a part of a lake-laid sandy ridge deposit that is unique in this locality of the city. The soil beneath the basement of former Delaware Court Building consists of the fine sandy soil.

**Bedrock:** Limestone bedrock varies from 41 to 46 feet below ground surface.

**Hydrogeology:** Unconfined groundwater was encountered within the native soils and recent backfill at depths of approximately 10 to 12 feet below ground surface. Site groundwater flow gradient appears to flow in a south/southwest direction. Regional groundwater likely flows west/southwest toward Lake Erie and confluence of the Buffalo River.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/98725.html> and <http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=C915271>

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## FOR MORE INFORMATION

### Where to Find Information

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Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203  
716-858-8900

DEC Region 9 Office  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, NY 14203  
716-851-7220  
By Appointment Only

### Who to Contact

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

#### Project Related Questions

Eugene Melnyk, PE  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220

[eugene.melnyk@dec.ny.gov](mailto:eugene.melnyk@dec.ny.gov)

#### Site-Related Health Questions

Ian Ushe  
New York State Department of Health  
Bureau of Environmental Exposure  
Empire State Plaza, Corning Tower, Rm. 1787  
Albany, NY 12237  
518-402-7860  
[BEEI@health.ny.gov](mailto:BEEI@health.ny.gov)

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