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 23, 2015

SUBJECT New York State Department of Environmental Conservation Documents

The following documents were submitted in relation to the New York State Department of Environmental Conservation (NYSDEC):

89 LaSalle Ave Update: Proposed Start of Site Development and Remedial Activities

Thank you.

NEW YORK STATE | Department of Environmental Conservation

February 2015

FACT SHEET

Brownfield Cleanup Program

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

Site Name: 89 LaSalle Avenue
DEC Site #: C915283
Address: City of Buffalo, Erie County
Website: http://www.dec.ny.gov/chemical/96246.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 89 LaSalle Avenue site ("site") in the City of 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 identified below under "Where to Find Information."

The cleanup activities will be performed and funded by Legacy LaSalle LLC (applicant) with oversight provided by DEC. When DEC is satisfied that cleanup requirements have been achieved, the applicant may be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at http://www.dec.ny.gov/chemical/96246.html and http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915283

How to Comment

DEC is accepting written comments about the proposed cleanup plan for 45 days, from **February 19** through **April 6, 2015**. The draft Remedial Work Plan (RWP) 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:

1. Excavating soil/fill and disposing the material from four locations of the site, where the level of contamination was significantly higher than other parts of the site;
2. Re-grading the site for redevelopment;
3. Placing a cover system over the entire site, consisting of pavement or a minimum of two feet of clean, imported soil;
4. Imposing an environmental easement on the property that will restrict it to restricted-residential uses, and;
5. Implementing a Site Management Plan that will detail the management of any future excavations in areas of remaining contamination, assess the performance and effectiveness of the site cover system and details the steps necessary for the periodic review and certification of these site controls.

The contaminants of concern pose a risk to human health through direct contact and incidental ingestion. A properly maintained site-wide cover system would mitigate these risks. Redevelopment of the site will result in most of the site being covered with pavement and structures; the impervious surfaces and storm water collection system should mitigate the transport of contaminants off site through storm water runoff or groundwater migration.

Summary of the Investigation
Fill material, including ash, cinders, slag, and demolition debris covers nearly the entire site. The fill material is contaminated with certain metals and a group of compounds known as polycyclic aromatic hydrocarbons (PAHs). PAHs are frequently found in the waste products of fossil fuel combustion, such as ash and cinders. Groundwater, which was found only deep within the bedrock beneath the site, was not impacted by the contaminated soil/fill. About half of the site is a former quarry, which was filled with more than 45 feet of this contaminated material. A site-wide cover system is considered a more feasible remedy than the removal of all of the fill material.

Next Steps
DEC will consider public comments received on the proposed remedy presented in the draft RWP and ultimately issue a final Decision Document. New York State Department of Health (DOH) must also concur with the remedy. The final RWP (with revisions if necessary) and the Decision Document 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.

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

Background
Location: The proposed BCP site is located at 89 LaSalle Avenue in the City of Buffalo, Erie County. It is bordered to the north by LaSalle Avenue; to the south and west by McCarthy Park and the William Price Memorial Parkway properties; and to the east by Cordova Avenue.

Site Features: The site consists of the properties addressed as 89 and 67 LaSalle Avenue and 71 Cordova Avenue and is approximately 9.45 acres in total area. The 67 LaSalle Ave property on the north end of the Site is generally flat and covered primarily with asphalt pavement and three vacant buildings that were formerly part of a commercial lumber yard. The southern portion of the Site includes the 89 LaSalle and 71 Cordova Avenue properties and consists of undeveloped, vacant land covered by a mixture of grassy vegetation, dense brush and trees. There are a few structures located on this part of the Site, consisting of a large radio transmitting antennae and small fenced areas protecting equipment that were associated with a former radio station located adjacent to the Site. The southern portion of the Site slopes slightly to the north with limited distinguishable Site features.

Current Zoning and Land Use: The site is currently zoned for residential and commercial use.

Past Use of the Site: The southeastern half of the site was used as a stone quarry from approximately 1915 through 1950. The quarry was subsequently used by the City of Buffalo as a landfill in the 1950s and 1960s for the disposal of demolition debris, ash, railroad ballast and reportedly some municipal waste.

The northwestern half of the site was used as a lumber yard since the early 1900s. More recently,

some of the structures on this portion of the site were used for automotive storage after the lumberyard closed. There were no other uses noted for this portion of the site.

Site Geology and Hydrogeology: The site is covered by surface soil classified as Urban Land. Depth of bedrock (outside of the quarry) is 1.25 to 12.9 feet below ground surface (bgs). The general lithology consists of a variety of fill including ash, cinders, sand, and gravel as well as various amounts of glass and brick fill, with little or no native soil. The site lithology is consistent with the historic use as a quarry and subsequent solid waste landfill.

The site hydrogeology is complicated by the significant man-made elevation differential that exists across the site resulting from the historical rock quarrying activities. Bedrock in the backfilled quarry was encountered at a depth of approximately 45 feet bgs. Groundwater is mostly absent from the fill and overburden. Groundwater in the bedrock monitoring wells was encountered 43 to 54 ft bgs and flows northwest beneath the site.

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 and Erie County Public Library - East Delavan Branch
1187 East Delavan Avenue
Buffalo, NY 14215
716-896-4433

Selected project documents are also available on the DEC website at:
http://www.dec.ny.gov/chemical/96246.html.

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

Project Related Questions
David Locey
New York State Department of
Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203
716-851-7220
david.locey(@dec.ny.gov
{Call for an appointment}

Site-Related Health Questions
Albert DeMarco
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1787
Albany, NY 12237
518-402-7860
beei(@health.ny.gov

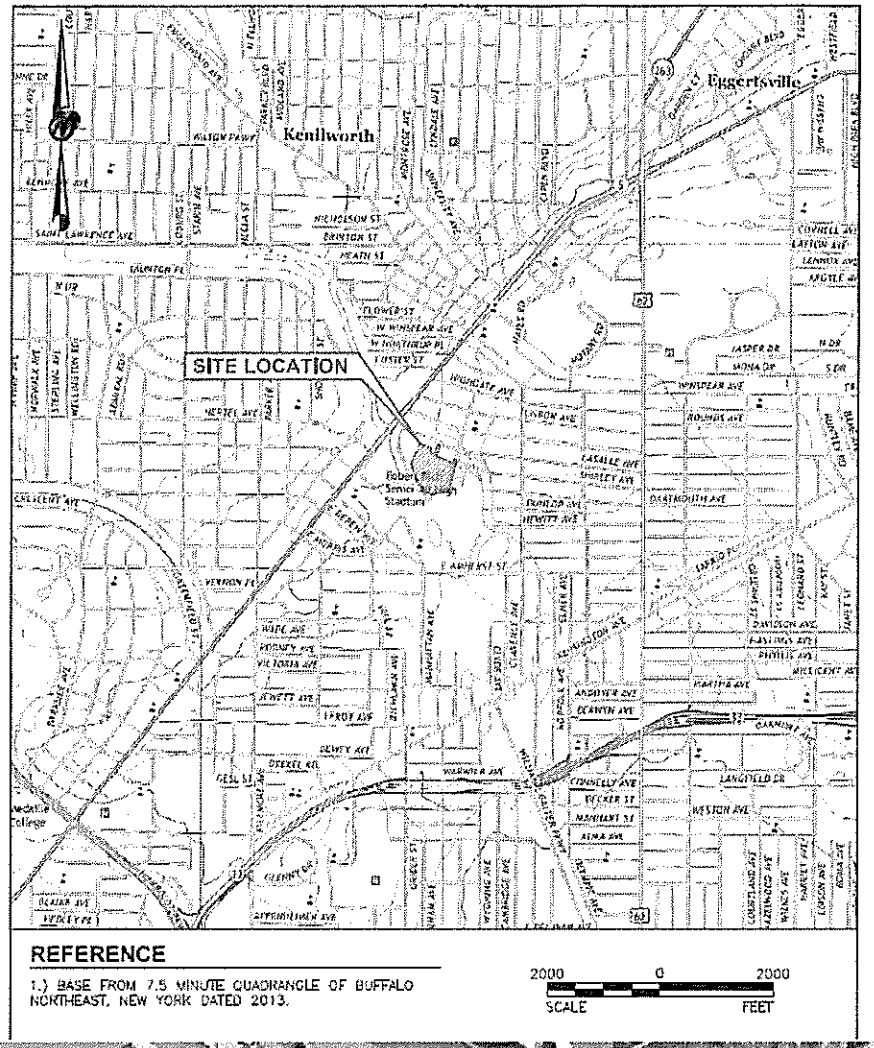
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email
Have site information such as this fact sheet sent right to your email inbox.

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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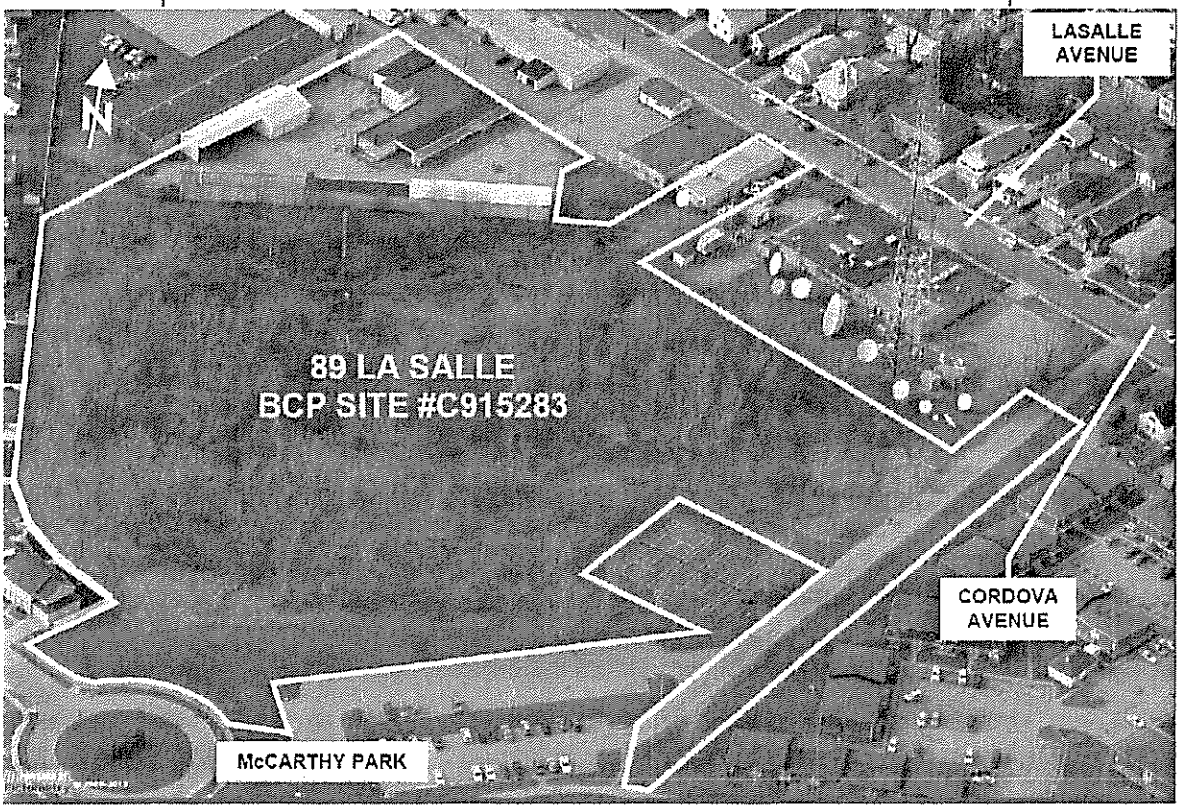
LASALLE AVENUE
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CORDOVA AVENUE
McCARTHY PARK

FEBRUARY 2015

FACT SHEET
NEW YORK STATE BROWNFIELD CLEANUP PROGRAM

89 LaSalle Ave Update: Proposed Start of Site Development and Remedial Activities

Site Name: 89 LaSalle Avenue Site
DEC Site #: C915283
Site Address: 89 LaSalle Avenue; Buffalo, NY 14212

This Fact Sheet is intended to inform the public of the start of remedial measures proposed in the Revised Remedial Investigation/Interim Remedial Measures/ Alternatives Analysis (RI/IRM/AA) Report (January 2015), currently under final review by New York State Department of Environmental Conservation (DEC) to remediate the 89 LaSalle Avenue Site ("site") located at 89 LaSalle Avenue, Buffalo, Erie County. Please refer to the map 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**.

Remedial Measures

The RI/IRM/AA Report which describes the proposed remedial measures was submitted to DEC in January 2015 under New York's Brownfield Cleanup Program. The remediation will be performed by Legacy LaSalle, LLC ("applicant") with oversight by DEC and New York State Department of Health (DOH).

Highlights of the Proposed Remedial Measures

The goal of the Remedial Measures is to ensure the protection of public health and the environment from impacted soil/fill identified during the Remedial Investigation of the Site. The primary objectives of the remedial measures will be to:

- Reduce the potential for exposure to impacted soil/fill;
- Reduce the potential for sol/fill impacts migrating to groundwater beneath the Site and off Site locations

Following department acceptance, the DEC will present the proposed remedial plan to the public for its review and comment during a 45-day comment period. DEC will then consider public comments, revise the proposed remedial plan as necessary, and approve the RI/IRM/AA Report. DOH must concur with the plan. The approved remedial plan described in the RI/IRM/AA Report will be made available to the public (see **Where to Find Information** below).

Prior to approval of the Site wide remedial plan, excavation of limited areas will be initiated to expedite remediation of impacted soil/fill "hot spots" which represent an unacceptable risk to public health and the environment. Following the completion of these focused excavations and

DEC acceptance of the Site wide remedial plan, a report will be prepared and submitted to DEC that summarizes the results. DEC will review the report, make any necessary revisions and, if appropriate, approve the report. DEC will keep the public informed throughout the cleanup of the site.

Following completion of the excavation of the four "hot spot" soil/fill areas, a site wide cover system will be installed in conjunction with the overall site redevelopment activities that provides for the covering of all areas on the Site with a combination of buildings, asphalt pavement, concrete or two feet of clean soil imported from an approved off-site source.

Background

Location: The proposed BCP site is located at 89 LaSalle Avenue in the City of Buffalo, Erie County. It is bordered to the north by LaSalle Avenue; to the south and west by McCarthy Park and the William Price Memorial Parkway properties; and to the east by Cordova Avenue.

Site Features: The site consists of 4 parcels totaling approximately 10.61 acres and is currently vacant with the exception of City-owned tennis courts and parking areas.

Current Zoning/Use: The site is currently zoned for residential and commercial use, and is also used recreationally.

Historic Use: The southeastern half of the site, including the City-owned parcel, was used as a stone quarry from approximately 1915 through 1950. The quarry was subsequently used by the City of Buffalo as a landfill in the 1950s and 1960s for the disposal of demolition debris, ash, railroad ballast and reportedly some municipal waste. The northwestern half of the site was used as a lumber yard since the early 1900s. More recently, some of the structures on this portion of the site were used for automotive storage after the lumberyard closed. There were no other uses noted for this portion of the site.

Geology & Hydrogeology:
The site is covered by surface soil classified as Urban Land. Depth of bedrock (outside of the quarry) is 1.25 to 12.9 feet below ground surface (bgs). The general lithology consists of a variety of fill including ash, cinders, sand, and gravel as well as various amounts of glass and brick fill, with little or no native soil. The site lithology is consistent with the historic use as a quarry and subsequent solid waste landfill.

The site hydrogeology is complicated by the significant man-made elevation differential that exists across the site resulting from the historical rock quarrying activities. Bedrock in the backfilled quarry was encountered at a depth of approximately 45 feet bgs. Groundwater is mostly absent from the fill and overburden. Groundwater in the bedrock monitoring wells was encountered 43 to 54 ft bgs and flows northwest beneath the site

Remedial Investigation: The Remedial Investigation and subsequent Supplemental Remedial Investigation, detailed in the RI/IRM/AA Report, identified elevated metals and/or PAH concentrations in soil/fill at select locations across the Site. Four (4) impacted locations identified during the remedial investigation were the subject of a supplemental investigation, which further delineated the impacts detected in each areas of concern. Findings from the supplemental test pit investigation of the four impacted areas of interest confirmed that there was no evidence of significant lateral or vertical contamination surrounding the original impacted locations.

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.

Site Location

What is the Next Step?

The RI/IRM/AA Report concludes that the proposed excavations will address "hot spot" impacts at the site, as identified in the Report. Following removal of the "hot spot" areas and DEC approval of the proposed remedial plan, additional remedial work including installation of a Site wide cover system and implementation of a Site Management Plan (SMP) will commence. DEC will consider public comment before approving the final RI/AA/IRM Report. Legacy LaSalle will then submit a Final Engineering Report that describes all completed cleanup activities. DEC or the Site Owner will notify the public about future site developments through fact sheets similar to this one.

Where to Find Information

Public interest in this project is valued and appreciated. Project documents are available at the following location to help the public stay informed. You may also view electronic versions of project documents by visiting this brownfield site's website at http://www.dec.ny.gov/chemical/96246.html (if available). Large documents may be abbreviated to meet DEC's file size requirements for posting to the website. Hard copies of full project documents are available at the listed locations.

NYS DEC Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
716-851-7220
(Call for appointment)

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

Who to Contact

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

Project Related Questions:
David Locey
NYS DEC, Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
dplocey@gw.dec.state.ny.us

Frank Chinnici
Legacy Development
250 Ramsdell Avenue
Buffalo New York 14216
716-689-3300 x 203
fac@legacydev.com

Site-Related Health Questions:
Albert DeMarco
NYS DOH
Corning Tower Room 1787
Empire State Plaza
Albany, NY 12237
518-402-7860
beei@health.state.ny.us