



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: March 23, 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):

Record of Decision for the 90 Hopkins Street site

Thank you.



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

Notice of Availability

Have questions?
See
"Who to Contact"
Below

Record of Decision

Site Name: 90 Hopkins Street

Website: <http://www.dec.ny.gov/chemical/98368.html>

Environmental Restoration Program, DEC Site #: E915181
Buffalo, Erie County

New York State Department of Environmental Conservation (DEC) announces that the printed Record of Decision (ROD) for the 90 Hopkins Street site ("site") located at 90 Hopkins Street, Buffalo, Erie County is available for public review (see "Where to View the ROD," below).

On Tuesday, September 9, 2014 DEC held a public meeting presenting the Proposed Remedial Action Plan (PRAP) for the site. The comments received at this meeting and during the public comment period (August 11, 2014 through September 22, 2014), along with the administrative record, were considered in preparing the final ROD for the site. The ROD presents the remedy selected to address contamination related to the site and the rationale for the chosen remedy.

This remedy varies from the original remedy presented in the PRAP. After careful consideration of the comments received from the public and/or additional site information, the remedy was modified to address the concerns of the public and/or the additional site information. A Responsiveness Summary addressing the public comments received is also included in the ROD.

The following is a summary of the chosen remedy described in the ROD:

1. Carbide Lime Excavation for Offsite Beneficial Use

Excavation and removal of approximately 106,000 cubic yards (cy) (estimated as of 2014) of non-contaminated lime that can be removed to the extent practicable and beneficially used as an agricultural soil amendment or for acid neutralization of industrial process waters.

The excavation methods and sequencing will be implemented in a manner to limit large open excavations below the groundwater table. Water encountered during excavation below the groundwater table and any other water that is potentially contaminated requiring management will be collected for treatment and disposal.

Any areas needing fill to achieve desired grades, clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be imported to replace the excavated soil, as necessary, and backfill the depressions resulting from lime pile excavation below adjoining ground to establish minimum design grades needed to promote positive drainage and prevent ponding of water.

Soil derived from any re-grading and onsite fill materials meeting commercial use SCOs and suitable for use as fill may be re-used to backfill the excavation depressions resulting from lime removal.

2. Impacted Soil/Fill Excavation and Disposal

Initial excavation and off-site disposal soils/fill contain contaminants above commercial use SCOs, including

- Any contaminated carbide lime that cannot be beneficially used or that is comingled with debris;
- Impacted fill/debris containing PCBs above commercial use SCOs along the eastern property line to an estimated depth of one to two feet below existing grade (estimated 750 cy) for landfill disposal;
- The top one foot of impacted soil/fill material across the non-lime areas of the site (estimated 3,000 cy) assuming that the underlying fill meets commercial use SCOs;
- Post excavation sampling to determine if commercial use SCOs have been achieved; and
- Depending on confirmation sampling results, remove impacted soil/fill material across the non-lime areas of the site that exceed commercial use SCOs (estimated 3,000 to 9000 cy) for landfill disposal.

3. If post-excavation sampling determines a limited amount of impacted soil/fill material remains, a site cover will be required. The cover will consist either of the structures such as buildings, pavement, sidewalks comprising the site development or a soil cover in areas where the upper one foot of exposed existing surface soil exceeds the applicable SCOs. Where the soil cover is required it will be a minimum of one foot of soil, meeting the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d) for commercial use. The soil cover will be placed over a demarcation layer, with the upper three inches of the soil of sufficient quality to maintain a vegetation layer. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

4. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property that:

- Requires the remedial party or site owner to complete and submit to DEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- Allows the use and development of the controlled property for commercial and industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by DOH or County DOH; and
- Requires compliance with the Department approved Site Management Plan.

5. Site Management Plan

A Site Management Plan (SMP) is required, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and

engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:

Institutional Controls:

An Environmental Easement, periodic certifications, groundwater use restrictions, and compliance with the Site Management Plan as discussed above.

Engineering Control:

The site cover discussed in Section 3, if necessary.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
 - descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
 - provisions for the management and inspection of necessary engineering controls;
 - a provision for evaluating potential soil vapor intrusion for any buildings developed on the site including a provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - maintaining site access controls and Department notification; and
 - The steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
- b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- groundwater monitoring of the site to assess the performance and effectiveness of the remedy;
 - monitoring for soil vapor intrusion for any buildings developed on the site, as may be required by the Institutional and Engineering Control Plan discussed above, and
 - a schedule of monitoring and frequency of submittals to the Department.

Where to View the ROD:

The site ROD with Responsiveness Summary can be reviewed at the following locations:

Buffalo and Erie Co. Public Library - Dudley Branch
Attn: Head Librarian
201 South Park Avenue
Buffalo, NY 14220
716-823-1854

Project documents are also available on the DEC website at:
<http://www.dec.ny.gov/chemical/98368.html>

Who to Contact

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

Project Related Questions

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

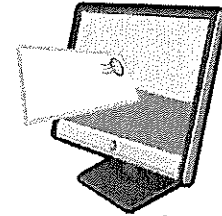
Site-Related Health Questions

Scarlett McLaughlin
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

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.

