



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: April 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):

Public Comment Period Announced for 132 -136 Dingens St, Buffalo

Public Comment Period Announced for Site III-1, Tecumseh Phase III Business Park at 2303 Hamburg Turnpike, Lackawanna

Public Comment Period Announced for draft work plan to investigate the Westwood Country Club site at 772 North Forest Road, Williamsville

Thank you.



FACT SHEET

Brownfield Cleanup Program

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

Site Name: Site III-1 Tecumseh Phase III Business Park
DEC Site #: C915199
Address: 2303 Hamburg Turnpike; Lackawanna, NY 14218
Website: <http://www.dec.ny.gov/chemical/83505.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 New York State Department of Environmental Conservation (DEC) is reviewing the Remedial Investigation Report for the Site III-1 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 locations identified below under "Where to Find Information."

The cleanup activities have been performed and funded by Tecumseh Redevelopment Inc. (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 site.

Based on the findings of the investigation, DEC, in consultation with New York State Department of Health (DOH) has determined that the site does not pose a significant threat.

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/externalapps/derexternal/haz/details.cfm?pageid=3&progno=C915199>.

How to Comment

DEC is accepting written comments about the proposed cleanup plan for 45 days, from **3/25/2015** through **5/12/2015**. The draft Remedial Work Plan (RWP) containing the proposed site remedy is available for public review at the location(s) identified below under "Where to Find Information." Please submit comments to DEC project manager listed under Project Related Questions in the "Who to Contact" area below.

The proposed remedy consists of:

No further action. Institutional controls in the form of an Environmental Easement are in place that requires the following; use of the property restricted to commercial and industrial uses, prohibits groundwater from being used unless treated, requires compliance with a Site Management Plan

(SMP) and requires periodic reviews and certification of the institutional and engineering controls.

An Interim Remedial Measure (IRM) has been completed on this site based on conditions observed during the Remedial Investigation (RI) that included placement of a site cover over the entire site as all areas exceed applicable soil cleanup objectives (SCOs). The cover is a minimum of one foot in depth, meeting the SCOs for cover material set forth in 6NYCRR Part 375-6.7(d) for commercial use. The cover is a DEC approved beneficial use determination (BUD) slag placed over a demarcation layer. The slag brought to the site has met the requirements for the identified use.

Summary of the Investigation

Investigations have determined that high levels of metals, including arsenic, mercury and other metals associated with manufacturing processes typical of the steelmaking industry exist within the soil at the Site. In addition, widespread use of rail transportation, oils, greases and burning of fossil fuels has ubiquitously impacted site soils with semi-volatile organic carbon (SVOC) compounds, including polycyclic aromatic hydrocarbons, more commonly known as (PAHs.)

Groundwater has a pH slightly lower than the groundwater quality standards. Groundwater throughout the entire Tecumseh Business Park is restricted from use without further treatment.

Next Steps

DEC will consider public comments received on the proposed remedy presented in the draft RWP and ultimately issue a final Decision Document. DOH must also concur with the remedy. The final Remedial Work Plan (with revisions if necessary) and the Decision Document will be made available to the public.

DEC will keep the public informed throughout the investigation and cleanup 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/83505.html> and <http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915199>.

Background

Location:

Tecumseh Phase III-1 is one of 10 sub-parcels comprising the Tecumseh Phase III Business Park (Phase III) located at 2303 Hamburg Turnpike in the City of Lackawanna, Erie County. Situated in a former industrial area, Phase III is part a larger property that once included the Bethlehem Steel Company (BSC) identified on the Erie County Tax maps as SBL 141.11-1-50. Phase III is located to the west of Route 5 and the Tecumseh Phase II Business Park, to the south of Gateway Metroport and east of the remaining Former Bethlehem Steel Property.

Site Features:

Located at the southernmost portion within Phase III the site is a 14.62 acre 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 approximately 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. Also typical are remnants of former steel manufacturing buildings and foundations. The entire BSC property is fenced with vehicle access limited to one automatic gate.

Current Zoning and Land Use:

Phase III and the site are zoned medium industrial. Current use of the site is as a lumber storage and transfer operation where bulk lumber arrives by rail and is transferred to trucks for shipment to wholesale/retail operations. Surrounding uses specific to the site include: adjacent to the eastern side is a rail corridor with an ethylene rail to truck transfer station and to the south is a bulk metals recycling operation. Future use is anticipated to be a permanent transfer facility or similar operation.

Past Use of the Site:

Phase III-1 was formerly a portion of BSC's steelmaking operations. Specific processes and steelmaking facilities performed on or proximate to the site that contributed to soil impacts included:

- Slabyards
- Stool Straightening
- Stripper buildings
- Welding and tool supply
- Craneways

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 the fill material are lacustrine silts and clays. At the site native material is encountered from about 12 to 14 feet below ground surface.

Bedrock is Middle Devonian age, Skaneateles Formation consisting of Levanna shales 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 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 Smokes Creek which discharges to the west into Lake Erie.

Groundwater, when encountered, is about 6 feet deep trending northerly and westerly toward Lake Erie.

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 may 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.

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

NYSDEC – Region 9
Attn: Maurice Moore
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
maurice.moore@dec.ny.gov

Project Related Questions

Site-Related Health Questions

Who to Contact

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

Maurice Moore
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
maurice.moore@dec.ny.gov

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.

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Have site information such as this fact sheet sent right to your email inbox.

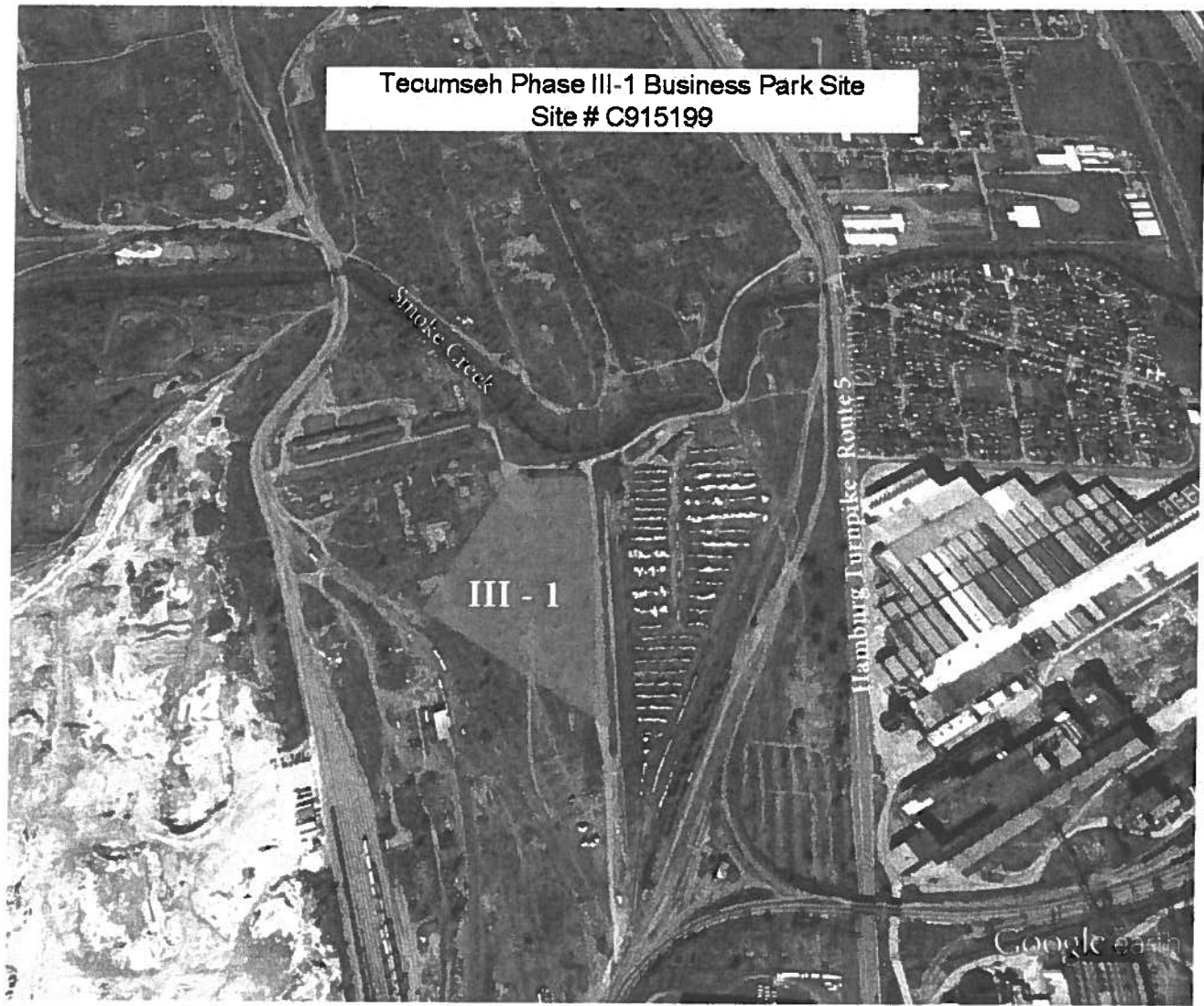
DEC invites you to sign up with one or more contaminated sites

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-1 Business Park Site
Site # C915199

Smoke Creek

III - 1

Hamburg Turnpike - Route 5

Google earth





FACT SHEET

Brownfield Cleanup Program

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

Site Name: 132 Dingens St. Site

DEC Site #: C915263

Address: 132-136 Dingens Street; Buffalo, NY 14206

Website: <http://www.dec.ny.gov/chemical/83325.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 New York State Department of Environmental Conservation (DEC) to address contamination related to the 132 Dingens St. Site ("site") located at 132-136 Dingens Street, 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 132 Dingens Street, 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.

How to Comment

DEC is accepting written comments about the proposed plan for 45 days, from **March 25, 2015** through **May 8, 2015**. The proposed plan is available for public review at the location identified below under "Where to Find Information." Please submit comments to DEC project manager listed under Project Related Questions in the "Who to Contact" area below.

Proposed Remedy

The proposed remedy consists of:

1. **Excavation of Contaminated Soils/fill:** The soils/fill contaminated with elevated levels of metals, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated bi-phenyls (PCBs) will be excavated and disposed off-site at permitted facilities.
2. **Cover System:** After excavation, the entire site, including remaining contaminated soils will be covered with a minimum of one foot cover. The cover system may consist of crushed stone, asphalt cap, or a vegetative cover.

3. **Site Management Plan:** This plan will include a maintenance plan for the cover system and a soils management plan for any future excavation activities.
4. **Environmental Easement:** The institutional controls in the form of an environmental easement will be required. The institutional controls such as allowable land use and groundwater use restrictions and engineering controls such as monitoring and maintenance of the cover system and implementation of the SMP will be described in this document.

The proposed remedy would be protective of public health and the environment as elevated contaminated soils/fill would be removed and the cover system would reduce the potential exposure to remaining subsurface contamination in soil/fill materials. The Site Management Plan (SMP) will ensure that any contaminated soil/fill excavated during future activities would be handled properly and the cover system is maintained. The Environmental Easement would ensure that all the institutional and engineering controls remain and the SMP is carried on.

Summary of the Investigation:

During site investigations, soil/fill and groundwater were tested. The contaminants in soil/fill were identified to be metals, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated bi-phenyls (PCBs).

The levels of metals, PAHs and PCBs in soil exceed the cleanup objectives for the intended use of the property (Commercial) and require a remediation. The groundwater does not show significant contamination and does not require remediation.

Next Steps

DEC will consider public comments, revise the plan as necessary, and issue a final Decision Document. New York State Department of Health (DOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The draft Remedial Work Plan and Proposed Decision Document are revised as needed to describe the selected remedy, and 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 and DOH.

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

Background

Location:

This site is located at 132-136 Dingens Street in the City of Buffalo. The site borders with UPS terminal and Buffalo Games to the north, Dingens Street to the south, Family Service Center to the southwest, Buffalo News warehouse and FPPF Chemical Company to the west, and Niagara Tying Service to the east.

Site Features:

This 13 acre irregular shaped site contains an old refrigeration building and the remnants of a warehouse building (concrete floors) which was destroyed by a fire in 2010. Currently the site is vacant except for the old refrigeration which is partly rented. The site is completely fenced, and is cluttered with tires and miscellaneous materials.

Current Zoning/Use:

The site is zoned for industrial use. This site is next to the New Buffalo Industrial Park complex. The general land use of the surrounding properties is commercial and industrial.

Historical Uses:

In early 1900s, the area was covered with railroad tracks. From early 1930s to 1966, the site was used by Mali's Fuel Service for its fuel oil equipment construction and service business. In 1966, the property was purchased by Niagara Frontier Service/ Tops Market. The Tops Market constructed a 102,260 square foot warehouse building and a refrigeration building to store perishable foods. The refrigeration building contained ammonia tanks and was connected to the warehouse by a 5' 4" diameter tunnel. In 1996, Tops Market moved out. Later, the property was used by Superior Pallet for recycling, refurbishing, and shredding wood pallets and by Umbra for warehousing and distribution of small waste basket containers. In 2006, AMS Ventures LLC took over the property. Dating back to 1930s, there had been several above ground and underground petroleum storage tanks (USTs) and transformers at the site. In 1987, a spill (# 8707625) was reported due to leaking USTs containing diesel fuel. That spill was closed in 1991.

Site Geology and Hydrogeology:

The site is generally underlain by industrial fill materials (such as slag, cinders, ash, brick, glass, metal, and wood) which is intermixed with earthen fill (such as sand, gravel, silt and clay). The fill overlays natural clays and silts. Groundwater is estimated at approximately 20 feet bgs. The bedrock consists of Onondaga Limestone and is approximately 30 – 35 feet below ground surface. The local groundwater flow is generally to the south.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at: <http://www.dec.ny.gov/chemical/83325.html> and <http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915263>

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 & Erie Public Library
Attn: Susan Carson
East Clinton Branch
1929 Clinton Street
Buffalo, NY 14206
716-858-7135

Project documents are also available on DEC website at:
<http://www.dec.ny.gov/chemical/83325.html>

Who to Contact

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

Project Related Questions

Jaspal Walia
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
jaspal.walia@dec.ny.gov

Site-Related Health Questions

Anthony C. Perretta
Public Health Specialist II
Bureau of Environmental Exposure Investigation
New York State Department of Health
ESP 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.

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LEGEND

- Pump-house Building
(partly rented by commercial business)
- Manhole
- Property Boundary
- Foundation (old warehouse)
(debris from 2011 fire has been cleared)





FACT SHEET

Brownfield Cleanup Program

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

Site Name: Westwood Country Club
DEC Site #: C915291
Address: 772 North Forest Road; Williamsville, NY 14221
Website: <http://www.dec.ny.gov/chemical/101319.html>

Have questions?
See
"Who to Contact"
Below

Draft Investigation Work Plan for Brownfield Site Available for Public Comment

The public is invited to comment on a draft work plan being reviewed by New York State Department of Environmental Conservation (DEC) to investigate the Westwood Country Club site ("site") located at 772 North Forest Road, Williamsville, 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."

Draft Investigation Work Plan

The draft investigation work plan, called a "Remedial Investigation Work Plan," was submitted to DEC under New York's Brownfield Cleanup Program. The investigation will be performed by Mensch Capital Partners, LLC ("applicant(s)") with oversight by DEC and New York State Department of Health (DOH).

How to Comment

DEC is accepting written comments about the draft investigation work plan for 30 days, from **April 10, 2015** through **May 11, 2015**. The proposed plan is available for 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.

Highlights of the Proposed Site Investigation

The investigation will define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected.

Next Steps

DEC will consider public comments, revise the plan as necessary, and approve the work plan. DOH must concur with the plan. The approved work plan will be made available to the public (see "Where to Find Information" below). After the work plan is approved, the activities detailed in the work plan will be implemented.

When the investigation is completed, a report will be prepared and submitted to the DEC that summarizes the results. DEC will review the report, make any necessary revisions and,

if appropriate, approve the report.

After the investigation, a cleanup plan, called a "Remedial Work Plan" will be developed and a Decision Document will be proposed. The cleanup plan will include an evaluation of the proposed site remedy, or recommend a no action or no further action alternative. The goal of the cleanup plan is to ensure the protection of public health and the environment. DEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period. DEC will keep the public informed throughout the investigation and cleanup of the site.

Background

Location: The site is located at 772 North Forest Road, 385 Maple Road and 391 Maple Road in the south-central portion of the Town of Amherst, Erie County. The site is bounded by Sheridan Drive on the south; Maple Road on the north; North Forest Road, Ellicott Creek, and the Audubon Par 3 Gold Course on the east; and Frankhauser Road and Fairways Boulevard on the west. The site is approximately 170 acres in size.

Site Features: There are six main buildings, several sheds, a swimming pool and tennis courts on the site.

Current Use: The site's current use is commercial and recreational. The site was formally a private golf course.

Historical Use: The site was first developed as a golf course in 1921 and has remained in use since that time.

Site Geology and Hydrogeology: Will be determined during the Remedial Investigation

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/101319.html> and <http://www.dec.ny.gov/cfm/external/haz/details.cfm?pageid=3&progno=C915291>

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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 & Erie County Public Library
Attn: Roseanne Butler-Smith
5571 Main Street
Williamsville, NY 14221
716-632-6176

Project documents are also available on DEC's website at:
<http://www.dec.ny.gov/chemical/101319.html>

Who to Contact

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

Project Related Questions

Michael Hinton
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203
716-851-7220
michael.hinton@dec.ny.gov

Site-Related Health Questions

Matthew Forcucci
New York State Department of Health
584 Delaware Ave
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BEEI@health.ny.gov

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Comm. 7D-10

ADVANCE FOR ORDERING

1) USGS 7.5 MINUTE QUADRANGLE MAP FROM ERS BASEMAP LAYER
2) COORDINATE SYSTEM: NAD 83 DATUM: NAD83
3) PROJECTION: TRANSVERSE MERCATOR
4) DATUM: NORTH AMERICAN 1983
5) UNITS: FOOT US

