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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: June 20, 2016

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):

Comments to address a no action remedy for the former Buffalo Service Station at 249 West Genesee Street, Buffalo will be accepted from June 13, 2016 through July 29, 2016.

Thank you.

NEW YORK STATE | Department of Environmental Conservation

June 2016

FACT SHEET

Brownfield Cleanup Program - Off-site

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

Site Name: Former Buffalo Service Station - Off-Site
DEC Site #: C915194A
Address: 249 West Genesee Street
Buffalo, NY 14202

Have questions? See "Who to Contact" Below

Report Recommends No Action at Brownfield Site; Public Comment Period Announced

The public is invited to comment on a no action remedy, with institutional controls, for the Former Buffalo Service Station - Off-Site ("site") located at 249 West Genesee Street, Buffalo, Erie County. Please see the map for the site location. Documents related to the cleanup of this site can be located at the location(s) identified below under "Where to Find Information."

NYSDEC is reviewing a report that recommends no action at the site. The report, called a "Site Characterization Report," was submitted to the New York State Department of Environmental Conservation (NYSDEC). The report describes the results of the site investigation (see below for more information).

How to Comment

NYSDEC is accepting written comments about the investigation report and proposed Decision Document for 45 days, from **June 13, 2016** through **July 29, 2016.** The investigation report and proposed Decision Document is available for public review at the location(s) identified below under "Where to Find Information." Please submit comments to the project manager listed under Project Related Questions in the "Who to Contact" area below.

No Action Remedy

The selected remedy is no action with institutional controls. The elements of the selected remedy are as follows:

1. Institutional Controls:
Imposition of institutional controls in the form of an environmental easement (City of Buffalo property) and environmental notice (NYSTA property) for the controlled properties that:
requires the remedial party or site owners to complete and submit to the Department a periodic certification that institutional controls remain in place and are effective;
• allows the use and development of the controlled property for commercial and industrial uses, 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 the NYSDOH or County DOH;

• requires compliance with the Department approved Site Management Plan.

2. Site Management Plan:
A Site Management Plan is required, which includes the following:
• an Institutional Control Plan that identifies all use restrictions for the site and details the steps and media-specific requirements necessary to ensure the following institutional controls remain in place and effective;
• 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 and environmental notice including any land use and groundwater use restrictions;
• maintaining site access controls and Department notification; and
• the steps necessary for the periodic reviews and certification of the institutional controls.

Summary of the Investigation

- The soil and groundwater conditions at the site were investigated during Site Characterization. Based upon the investigation, the primary contaminants of concern are coal tar related compounds such as polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds such as benzene, toluene, ethyl benzene, and xylenes. The contamination is approximately 15 feet below ground surface.

- Wide spread groundwater contamination was not found at the site.

Next Steps

NYSDEC will consider public comments received on the proposed remedy presented in the proposed Decision Document and ultimately issue a final Decision Document. The New York State Department of Health (NYSDOH) must also concur with the remedy. The final site characterization report (with revisions if necessary) and the Decision Document will be made available to the public.

Background

Site Location: The site is approximately 0.5 acres in size and is located in the City of Buffalo west of HealthNow building and Waterfront School consisting of the area between the eastern edge of Fourth Street and the railroad tracks on the west. The site includes a portion of Fourth Street and an area underneath the NYS Thruway (I-190) overpass.

Site Features: The I-190 overpass area is fenced on the east and west sides. The area underneath the overpass is covered with gravel. An 11.5 - foot diameter sewer runs parallel and beneath the northbound lane of Thruway overpass. A high voltage electrical line is buried in the site area.

Current Zoning and Land Use: The site area is being used as roads and right of way for roads and utilities.

Past Use of the Site: The site was historically the location of the confluence between the former Wilkeson Slip and the former Erie Canal. The Wilkeson Slip was contaminated with coal tar waste from the former Buffalo Service Station (BSS), a manufactured gas plant (MGP). The

Wilkeson Slip was filled in between 1895 and 1915 and the Erie Canal was filled in the 1930's. The BSS was operated by various companies from 1848 to 1948. National Fuel Gas owned the BSS property until 2005. During remedial action at the BSS site in 2006, a large portion of the Wilkeson Slip was cleaned up by Duke Realty. In 2012, a sheet pile was placed along the eastern side of Fourth Street in the Slip and the remaining portion of the Wilkeson Slip within Duke Realty property was cleaned up.

Site Geology and Hydrogeology: The overburden consists of fill and alluvium. The fill consists of bricks, slag, silt, clay, sands and gravels. The thickness of fill varies from 6 to 21 feet. The fill thickness is greatest in the 11.5 foot diameter sewer area. A native deposit of clay, silt, fine sands and gravel lies beneath the fill. The depth of bedrock varies from 21 to 25 feet bgs. The depth of groundwater is approximately 6 ft. bgs. The groundwater flows towards Lake Erie or towards the west-southwest.

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=C915194A

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.

Offsite Contamination: For Brownfield Cleanup Program (BCP) sites where the work is being performed by a non-responsible party (volunteer), the volunteer is not required to investigate or remediate contamination which may have migrated offsite. If contamination migrates offsite, and the site is considered a significant threat to public health and/or the environment, the remedial program is performed by NYSDEC or a responsible party (6 NYCRR Part 375-1.11(c)).

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 Jean Jakubowski
1 Lafayette Square
Buffalo, NY 14203
phone: 716-858-9000

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

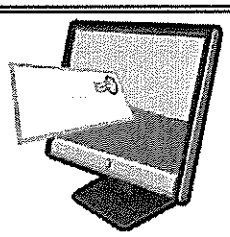
Who to Contact
Comments and questions are always welcome and should be directed as follows:

Project Related Questions
Jaspal Walia
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
Jacquelyn Nealon
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Room 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

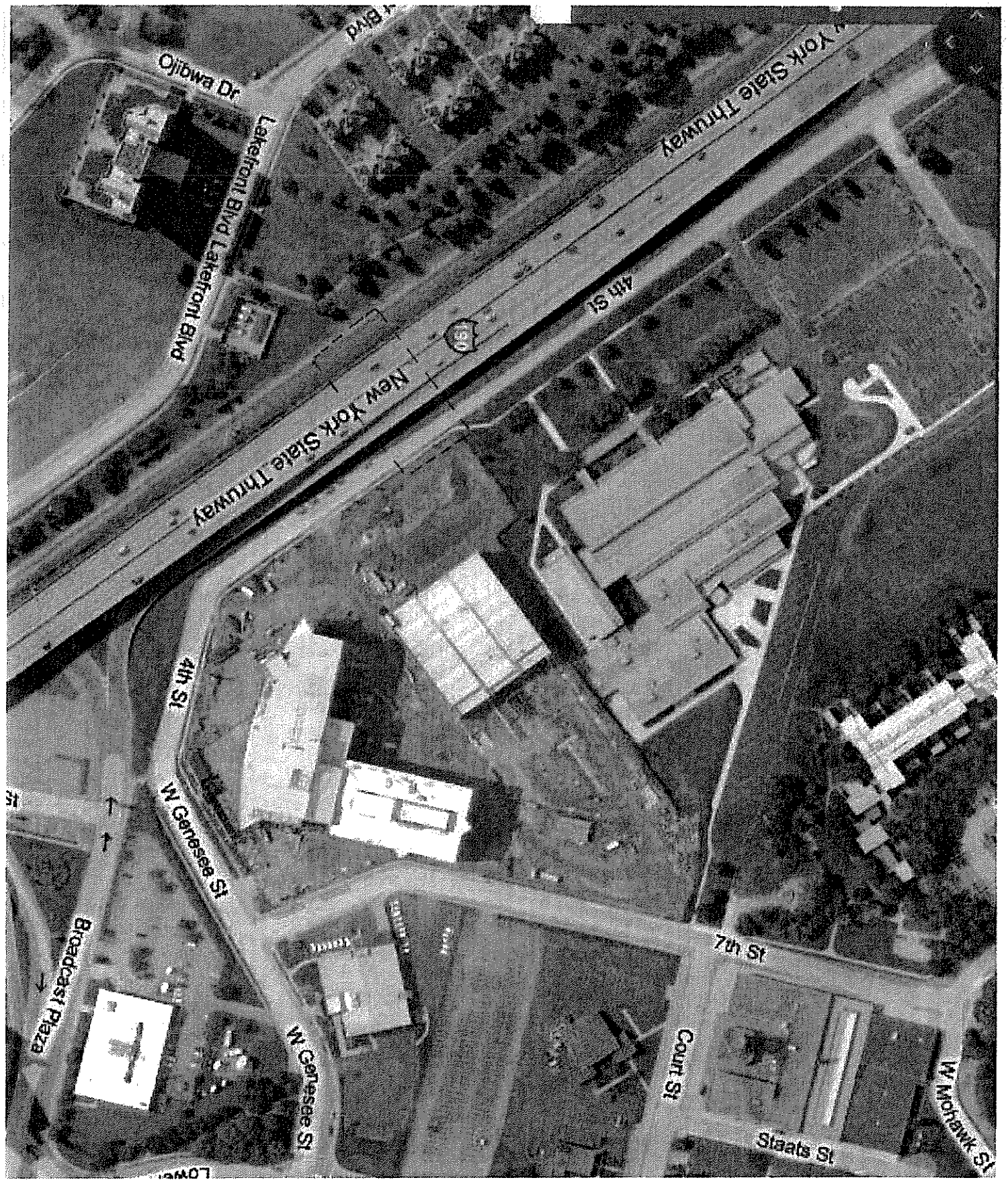
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

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.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