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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: October 3, 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):

Written comments are being accepted through November 11, 2016 on a no further action remedy for the Northtown Inc. site located at 3097 Sheridan Drive, Amherst NY

Leica, Inc at Eggert and Sugar Roads, Cheekotwaga has been reclassified as a Class 4 site and no longer presents a significant threat to public health and/or the environment

Thank you.



FACT SHEET **Brownfield Cleanup Program**

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

Site Name: Northtown Inc.
DEC Site #: C915292
Address: 3097 Sheridan Drive
Amherst, NY 14226

Have questions?
See
"Who to Contact"
Below

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

The public is invited to comment on a no further action remedy for the Northtown Inc. site ("site") located at 3097 Sheridan Drive, Amherst, 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."

How to Comment

NYSDEC is accepting written comments about the investigation report for 45 days, from **September 26, 2016** through **November 11, 2016**. The proposed plan is available for public review at the locations identified below under "Where to Find Information." Please submit comments to the NYSDEC project manager listed under Project Related Questions in the "Who to Contact" area below.

No Further Action Remedy

The result of the cleanup is described in the Draft Alternatives Analysis Report (AAR) prepared by GZA GeoEnvironmental of New York dated September 2016.

The proposed remedy is based on the completion of interim remedial measures (IRMs) conducted prior to the submittal of the AAR. The completed IRMs included the following:

- excavation and off-site disposal of approximately 1,883 tons soils containing tetrachloroethene (PCE) above commercial soil cleanup objectives (SCOs);
- removal of two inactive underground storage tanks (USTs) and excavation and off-site disposal of approximately 210 tons of petroleum contaminated soils; and
- installation of sub-slab depressurization systems (SSDS) in two buildings to remove and prevent vapor migration from contaminated soil to indoor air.

At the completion of the IRMs, post excavation soil sampling was conducted to confirm that remaining soil meets commercial SCOs. The remedial party will be submitting a Final Engineering Report for NYSDEC review, to document that cleanup requirements have been achieved to fully protect public health and the environment for the proposed site use.

The proposed remedy requires that institutional controls, in the form of an Environmental Easement, be placed on the site that precludes future use of the property for residential or unrestricted (e.g., agricultural,) purposes. A Site Management Plan will be prepared and implemented to ensure enforcement of the easement. The site will be monitored on a periodic basis to ensure that the institutional controls remain in effect. Monitoring will be documented through submission of Periodic Review Reports to the Department.

Summary of the Investigation

Environmental investigations identified soil impacts at three Areas of Interest (AOIs): next to two abandoned fuel oil UST locations (AOI-1 & AOI-2), and to the west of a current dry cleaners, one of eight tenant spaces within the on-site building (AOI-3). No petroleum compounds were detected above commercial SCOs, however, petroleum staining and nuisance odors were encountered immediately adjacent to the two USTs. PCE, a chlorinated volatile organic compound (CVOC), was detected above commercial SCOs in soil samples from a parking lot located along the west side of the dry cleaners and the adjoining vacant tenant space. The PCE impacts were restricted to a depth between 6 and 18 feet below ground surface (ft. bgs). A soil vapor intrusion (SVI) assessment was conducted to test for CVOCs in indoor air and soil vapor beneath the building sub-slab at each of the tenant spaces in AOI-3 and the building to the west. PCE was detected at concentrations above New York State Department of Health (DOH) action levels in the sub-slab and indoor air samples at the dry cleaners and the one adjoining tenant space and required mitigation. No impacts to indoor air were detected in the western building however, sub-slab soil vapor concentrations of PCE and trichloroethene (TCE) exceeded DOH action levels and required mitigation. PCE and TCE were detected above the groundwater standards in two shallow wells installed in the immediate vicinity of the soils with the highest concentrations of PCE. The IRM removal action has, however, addressed this contamination which was limited to the immediate vicinity of the impacted soils.

Next Steps

NYSDEC will complete its review, make any necessary revisions and, if appropriate, approve the report and it's no further action recommendation. The approved report will be made available to the public (see "Where to Find Information" below).

Upon the approval of the report and the submission of final documents, the NYSDEC will issue a "Certificate of Completion" to the applicant(s). Upon receiving a Certificate of Completion, the applicant(s):

- would have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- would be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

The applicant(s) will be eligible to redevelop the site after receiving the Certificate of Completion from NYSDEC. A Certificate of Completion may be modified or revoked if, for example, an applicant does not comply with the terms and conditions of its Brownfield Cleanup Agreement with NYSDEC.

Background

Location: The site is located in the Northtown Plaza in a suburban area in the Town of Amherst. Sheridan Avenue borders the site to the north, other Northtown Plaza buildings then Bailey Avenue to the east, Niagara Falls Boulevard to the west and Eggert Road to the south.

Site Features: The site consists of three Areas of Interest (AOIs) comprising approximately 1.424 acres. Currently the Northtown Plaza is occupied by six commercial buildings, most containing multiple tenant spaces.

Current Zoning and Land Use: The site is zoned for commercial use and is currently used as a commercial-retail plaza. The area is primarily a shopping district, with major retailers located within 1/2 mile. Residential properties are located on the side streets surrounding the site.

Past Use of the Site: The plaza was developed between the mid-1950s and mid-1980s, when it reached a configuration similar to what exists today. The current plaza parcel was originally 23 separate parcels. Prior to development of the shopping center, the 23 parcels were agricultural land with no physical improvements. Construction of the first buildings commenced in 1952.

Site Geology and Hydrogeology: The topography in the vicinity of the site is generally flat. The site is located between the Niagara and Onondaga Escarpments which act as major surface and groundwater divides.

Site soils generally consist of a thin layer of fill material, sand, gravel, silt and clay mixed with some anthropogenic material. This overlays native soils comprised of fine grained silts and clays with varying amounts of sand and gravel. Bedrock, located more than 58 feet below ground surface (bgs), is of upper Silurian age and composed of sequences of shale, dolostone, salt and gypsum.

Groundwater is first encountered at depths of 53 to 57 feet bgs. However, once the water bearing zone is encountered, water levels rise to 6 to 8 feet bgs, indicating the overlying silts and clays have formed a confined aquifer. Water level measurements collected from three monitoring wells depict a slight southern groundwater flow direction.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfmx/extapps/dereexternal/haz/details.cfm?pageid=3&progno=C915292>

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** site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

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.

Audubon Branch Library
Attn: Roseanne Butler-Smith
350 John J. Audubon Parkway
Amherst, NY 14228
716-689-4922

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

Who to Contact

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

Project Related Questions

Timothy Dieffenbach
Department of Environmental Conservation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
timothy.dieffenbach@dec.ny.gov

Site-Related Health Questions

Scarlett McLaughlin
New York State Department of Health
Corning Tower, Room 1787 Empire State Plaza
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

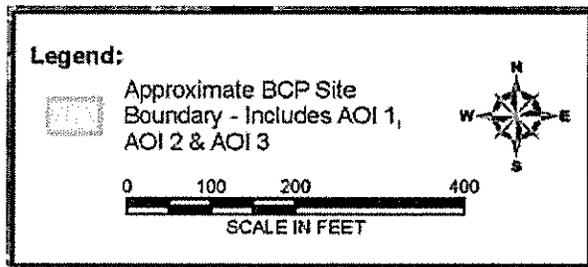
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

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.





PUBLIC NOTICE

State Superfund Program

Receive Site Information by Email. See next page to Learn How.

Site Name: Leica, Inc.

September 26, 2016

Site No.: 915156

Tax Map No.: 91.00-1-26.11 and 91.00-1-26.12

Site Location: Eggert and Sugar Roads, Cheektowaga, Erie County, 14215

Inactive Hazardous Waste Disposal Site Classification Notice

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (Registry). As of the date of this notice, the site identified above, and located on a map on the reverse side of this page, was reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reason(s):

The site has been remediated in accordance with the 1997 Record of Decision and human exposures to contamination remaining at the site are being addressed through a deed restriction and site management plan as follows:

- **Soil:** A soil management plan is required to ensure that appropriate actions to reduce/eliminate exposures are taken in the event of future soil excavations. A restriction limits site use for commercial/industrial uses only.
- **Groundwater:** Use of groundwater at the site without appropriate water quality treatment is restricted. A recovery system to remove contaminated groundwater is in operation.
- **Soil Vapor:** Operation, maintenance and monitoring of the current and any future sub-slab depressurization systems, or similar systems. In addition, a soil vapor intrusion evaluation will be completed for any buildings developed on the site and appropriate actions implemented to address exposures, if necessary.

Periodic reviews will be completed to certify that these controls are maintained and remain effective.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact DEC's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information about this site can be found using DEC's "Environmental Site Remediation Database Search" engine which is located on the internet at:

www.dec.ny.gov/cfm/x/xtapps/derexternal/index.cfm?pageid=3

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

Project Related Questions

Jaspal Walia, Project Manager

NYS Dept of Environmental Conservation – Region 9

Division of Environmental Remediation

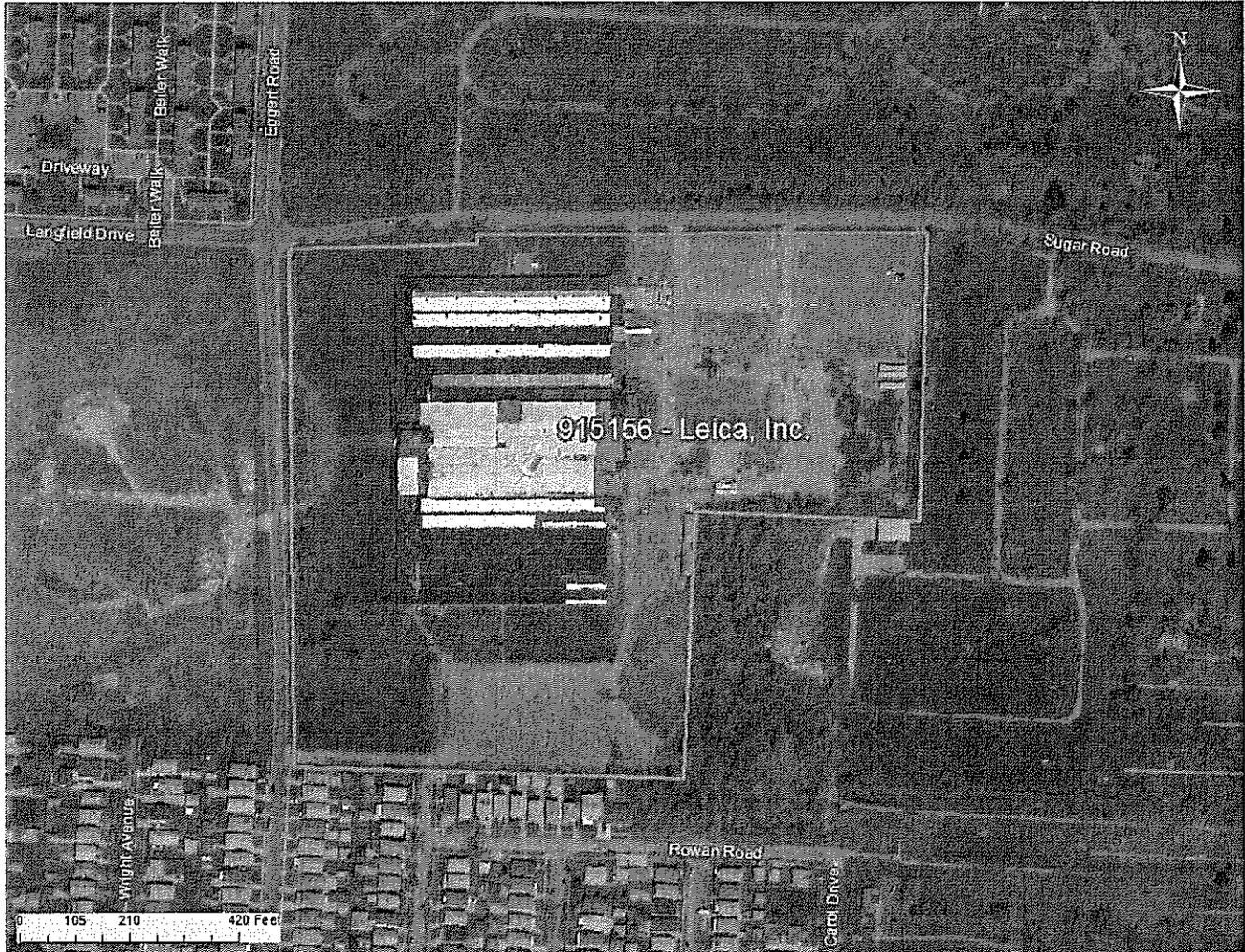
270 Michigan Avenue

Buffalo, NY 14203

Email: jaspal.walia@dec.ny.gov

Phone: 716-851-7220

Approximate Site Location
Leica, Inc.
Site ID 915156
Eggert and Sugar Roads
Cheektowaga, Erie County



Receive Site Updates by Email

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As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.

DEC is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires DEC to notify all parties on the contact list for this site of this recent action.