



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: January 19, 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):

The cleanup requirements to address contamination on the 3021 Orchard Park Road Site have been or will be met.

Comment on a draft work plan to investigate the 2424 Hamburg Turnpike site in Lackawanna NY are being accepted from January 7, 2016 through February 5, 2016.

The cleanup requirements to address contamination on the 89 LaSalle Avenue Site have been or will be met.

Thank you.



FACT SHEET Brownfield Cleanup Program

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

Site Name: 3021 Orchard Park Road Site
DEC Site #: C915289
Address: 3021 Orchard Park Road
Orchard Park, NY 14127

Have questions?
See
"Who to Contact"
Below

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 3021 Orchard Park Road Site ("site") located at 3021 Orchard Park Road, Orchard Park, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Comprehensive Cancer Services Oncology, P.C. and 3021-3041 Orchard Park Road LLC with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

Completion of Project

The cleanup consisted of:

- Excavation and off-site disposal of approximately 1,700 cubic yards of contaminated soil;
- Injection of chemical reducing agents into the subsurface to treat the contaminated groundwater beneath a portion of the site;
- Maintaining a cover system over the entire site consisting of the existing concrete floor slab and asphalt pavement;
- Imposing an environmental easement on the property that will limit the property to restricted residential, commercial and industrial uses and;
- Implementing the Site Management Plan that details the management of any future excavation of contaminated soil/fill, assesses the performance and effectiveness of the groundwater treatment, requires the evaluation of any new buildings for soil vapor intrusion and details the requirements for periodic review and certification of these site controls.

Final Engineering Report Approved

NYSDEC has approved the Final Engineering Report which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Soil Management Plan
- Monitoring Plan
- Groundwater Use Restriction
- Environmental Easement
- Land Use Restriction
- Institutional Control/Engineering Control Plan

The following engineering controls have been or will be put in place on the site:

- Cover System

Next Steps

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

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

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Background

Location:

The site is located in a moderately developed, mixed-use commercial and residential area of the Town of Orchard Park, Erie County, New York. The site is bordered by Orchard Park and Michael Roads on the west and north respectively, and commercial properties and Union Road to the south and east.

Site Features:

The site occupies 4.19 acres of a 5.06 acre tax parcel. The 0.87-acre portion of the parcel excluded from the site consists of the northwest corner (approximately 0.45 acres) which is covered with asphalt pavement and grass-covered landscaped areas along the perimeter of the parcel. A single story, multiple-tenant, commercial building occupies the eastern half of the site. The building and an asphalt parking lot cover the entire site.

Current Zoning and Land Use:

The site is zoned Business 2, for commercial use; a convenience store and credit union office currently occupy the north and south ends of the building, respectively. These two units will remain occupied throughout the site remediation and building redevelopment. Only commercial properties are located adjacent to the site. The nearest residential areas are located approximately 300 to 400 feet from the site boundaries, to the west (on Eaglebrook Drive) and northeast (on Union Road).

Past Use of the Site:

Between 1979 and 2008, the building housed a dry cleaning shop in two of the building units, addressed as 3035 and 3039 Orchard Park Road, near the south end of the building. The dry cleaning operations appear to have led to the site contamination. Other current and former tenants included discount, grocery, pharmacy, paint and antique stores as well as a bank, credit union, hair salon and a photocopy/printing shop.

Site Geology and Hydrogeology:

The site is generally flat and slopes gently to the north-northeast. Much of the site is covered with asphalt underlain with a poorly graded gravel and sand sub-base. Beneath the asphalt and sub-base, the native soil across the site is generally described as a brown to dark grey sandy clay (till). Bedrock is 11.5 to 17 feet below ground surface (fbgs). The upper 3 to 6.5 feet of bedrock is a very weathered, fissile shale followed by a more competent shale bedrock unit.

Shallow groundwater was encountered generally between 1.7 and 7.3 fbgs. The shallow groundwater flow is dominated by the existing storm sewer/underdrain system present beneath the asphalted areas across the site. The invert elevations of the underdrain are generally 2 to 2.5 fbgs. The shallow groundwater is intercepted and directed by the underdrain system toward the northeast corner of the site where it exits through a single catch basin (CB-3) and connects to the Orchard Park storm sewer system on Michael Road. A localized (and possibly natural) groundwater mound extends from the southeast corner of the site, beneath the on-site building, toward and intercepted by the western portion of the underdrain system. Subsequent groundwater flow from this mound is west-northwest. In addition, the underdrain system has created a localized groundwater sink in the western portion of the site. Shallow groundwater flow associated with this sink is inward toward the underdrain system.

The deeper, bedrock groundwater, flows in a northwesterly direction and is not apparently affected by the underdrain system. The elevation of the deeper groundwater varies from 4.1 to 6.7 fbgs, and the vertical gradient between shallow and deeper groundwater is variable.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915289>

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(s) to help the public stay informed.

Buffalo & Erie County Public Library
Attn: Peggy Errington
Orchard Park Branch
4570 S Buffalo Street
Orchard Park, NY 14127

Who to Contact

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

Project Related Questions

David Locey
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
david.locey@dec.ny.gov

Site-Related Health Questions

Christopher M. Doroski
New York State Department of Health
Corning Tower Rm 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

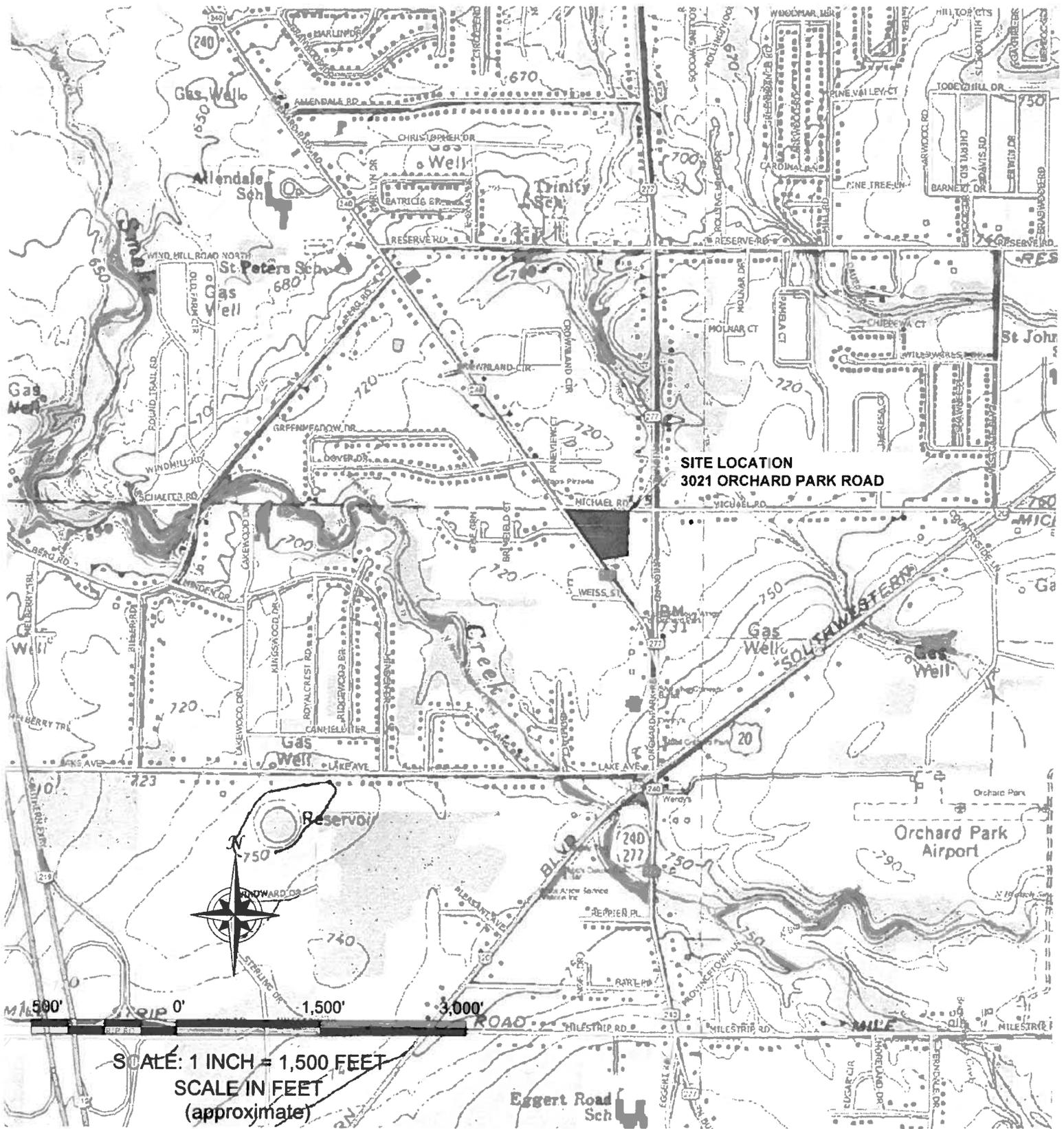
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email

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





FACT SHEET Brownfield Cleanup Program

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

Site Name: 2424 Hamburg Turnpike
DEC Site #: C915296
Address: 2424 Hamburg Turnpike
Lackawanna, NY 14218

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 the New York State Department of Environmental Conservation (NYSDEC) to investigate the 2424 Hamburg Turnpike site ("site") located at 2424 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 location(s) 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 NYSDEC under New York's Brownfield Cleanup Program. The investigation will be performed by 2424 Hamburg Turnpike, LLC ("applicant(s)") with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

How to Comment

NYSDEC is accepting written comments about the draft investigation work plan for 30 days, from **January 7, 2016** through **February 5, 2016**. The proposed plan is available for review at the location(s) 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.

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.

A remedial investigation will be completed across the Site to further assess potential impacts related to the historic use. The investigation will include the collection of soil, groundwater, and subslab vapor, indoor air and outdoor (ambient) air samples, which will be completed via excavation of exploratory test pits (TPs), the advancement of soil borings (SBs) and groundwater monitoring wells (MWs), as well as sub-slab sampling ports within the on-site building.

Next Steps

NYSDEC will consider public comments, revise the plan as necessary, and approve the work plan. NYSDOH 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 NYSDEC that summarizes the results. NYSDEC 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. NYSDEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period. NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Background

Location:

The 2424 Hamburg Turnpike Site is located in a moderately developed mixed-use commercial, industrial and residential area of the City of Lackawanna, New York. The Site is located approximately 300 feet south of the intersection of Hamburg Turnpike and Holbrook Street.

Site Features:

The majority of the Site is covered with asphalt, concrete slabs and the existing buildings. The Site is currently unoccupied with two vacant commercial buildings consisting of a municipally condemned former automobile service building with four repair bays and eight (8) in-ground hydraulic lifts and one (1) shed with unknown contents.

Current Zoning and Land Use:

The Site is zoned mixed commercial and industrial. The Bethlehem Redevelopment area is located across the street to the west with residential properties located north and east of the Site beyond vacant/commercial properties.

Past Use of the Site:

The Site was utilized as an automobile filling and service station from 1957 to 1994. Three (3) 10,000-gallon underground storage tanks (USTs) associated with the filling station were closed/removed in 1994.

Site Geology and Hydrogeology:

Sub-surface soils generally consist of miscellaneous fill material varying in depth from 0-8 feet below ground surface (fbgs), overlying native soils consisting of clay, peat and sand to 16 fbgs. Groundwater was observed at approximately six (6) fbgs and flows westward towards Lake Erie.

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=C915296>

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 location(s) to help the public stay informed.

Buffalo & Erie County Public Library
Attn: Jennifer Johnston
Lackawanna Branch
560 Ridge Road
Lackawana, NY 14218
phone: 716-823-0630
(johnstonj@buffalolib.org)

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

Anthony Lopes
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
anthony.lopes@dec.ny.gov

Site-Related Health Questions

Zwelonke I. Ushe
New York State Department of Health
Room 1739, Corning Tower, Empire State Plaza
Albany, NY 12237
518-402-7850
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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FACT SHEET Brownfield Cleanup Program

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

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

Have questions? See "Who to Contact" Below

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 89 LaSalle Avenue Site ("site") located at 89 LaSalle Avenue, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Legacy South Campus, L.P., and Legacy UPAL, L.P. with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

Completion of Project

The cleanup consisted of:

- Excavation and off-site disposal of approximately 350 tons of contaminated soil; and
Construction and maintenance of a soil cover system consisting of a minimum two feet of clean imported soil and/or impervious material (i.e, asphalt pavement, concrete sidewalks and buildings), differentiated by a demarcation layer to prevent human exposure to remaining contaminated soil/fill remaining at the site. A majority of areas on the site where the soil cover system is placed have in excess of three to four feet of clean fill overlying the demarcation layer.

Environmental easements have also been imposed on the Legacy and City-owned parcels that comprise the site. The easements limit the property to restricted residential, commercial and industrial uses. A Site Management Plan has been prepared that details the management of any future excavation of contaminated soil/fill and the requirements for periodic review and certification of site controls.

Final Engineering Report Approved

NYSDEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.

- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. *An institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. *An engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Land Use Restriction
- Soil Management Plan
- Monitoring Plan
- Institutional Control/Engineering Control Plan
- Environmental Easement

The following engineering controls have been or will be put in place on the site:

- Cover System

Next Steps

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

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

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Background

Location: The site is located at 89 LaSalle Avenue in the City of Buffalo, Erie County. It is bordered to the north by commercial properties on LaSalle Avenue; to the south and west by a municipal park (McCarthy Park) and residential properties; and to the east by Cordova Avenue and an apartment complex.

Site Features: The site consists of five tax parcels addressed as 67 and 89 LaSalle Avenue, and 71 NY L& W RR (71 Cordova Avenue) totaling 9.23 acres. A portion of the 71 NY L& W RR parcel, that is part of the BCP site, is owned by the City of Buffalo.

The 67 LaSalle Avenue property on the north end of the site was generally flat and covered primarily with asphalt pavement and three vacant buildings. The southern portion of the site includes the 89 LaSalle and 71 Cordova Avenue properties and consisted of undeveloped, vacant land covered by a mixture of grassy vegetation, dense brush and trees. There were 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 sloped slightly to the north with limited distinguishable site features.

Concurrent with remediation, the site has been redeveloped and is currently occupied by an apartment complex. Most of the site is now covered by the apartment buildings, paved roadways and parking lots.

Current Zoning and Land Use: The property is located in two zoning districts known as the Transit Station and Light Industrial Districts, both of which would permit restricted residential use.

Past Use of the Site: The southeastern half of the site, which includes the 71 Cordova and southern portion of the 89 LaSalle parcels, were 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. All but a small portion of the southeast corner of the quarry, well to the south of the site near East Amherst Street, was backfilled to the surface.

The 67 LaSalle parcel 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, sometime between 2007 and 2009.

Site Geology and Hydrogeology: The western and northern portions of the site are covered by a heterogeneous fill layer that varies in thickness from 1.25 to 12.9 feet, generally extending to the top of bedrock. There is little or no native soil. The fill is shallower on the northern end of the site and increases in thickness to the south.

The southern and eastern portions of the site were part of a larger bedrock quarry. The fill layer varies in thickness from 19.5 to 45.5 feet, and extends to bedrock. There is no native soil in these portions of the site.

The fill found across the site contains ash, cinders, foundry sands, gravel, sand, clay, bricks, glass, wood, metal scraps and miscellaneous debris. 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 in the bedrock across the site resulting from the historical rock quarrying activities. Bedrock in the backfilled quarry was encountered at a depth of approximately 45 feet below ground surface (bgs). Groundwater is mostly absent from the fill and overburden. Groundwater in the bedrock monitoring wells was encountered 43 to 54 feet bgs and flows to the northwest beneath the site.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915283>

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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(s) to help the public stay informed.

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

Who to Contact

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

Project Related Questions

David Locey
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
david.locey@dec.ny.gov

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

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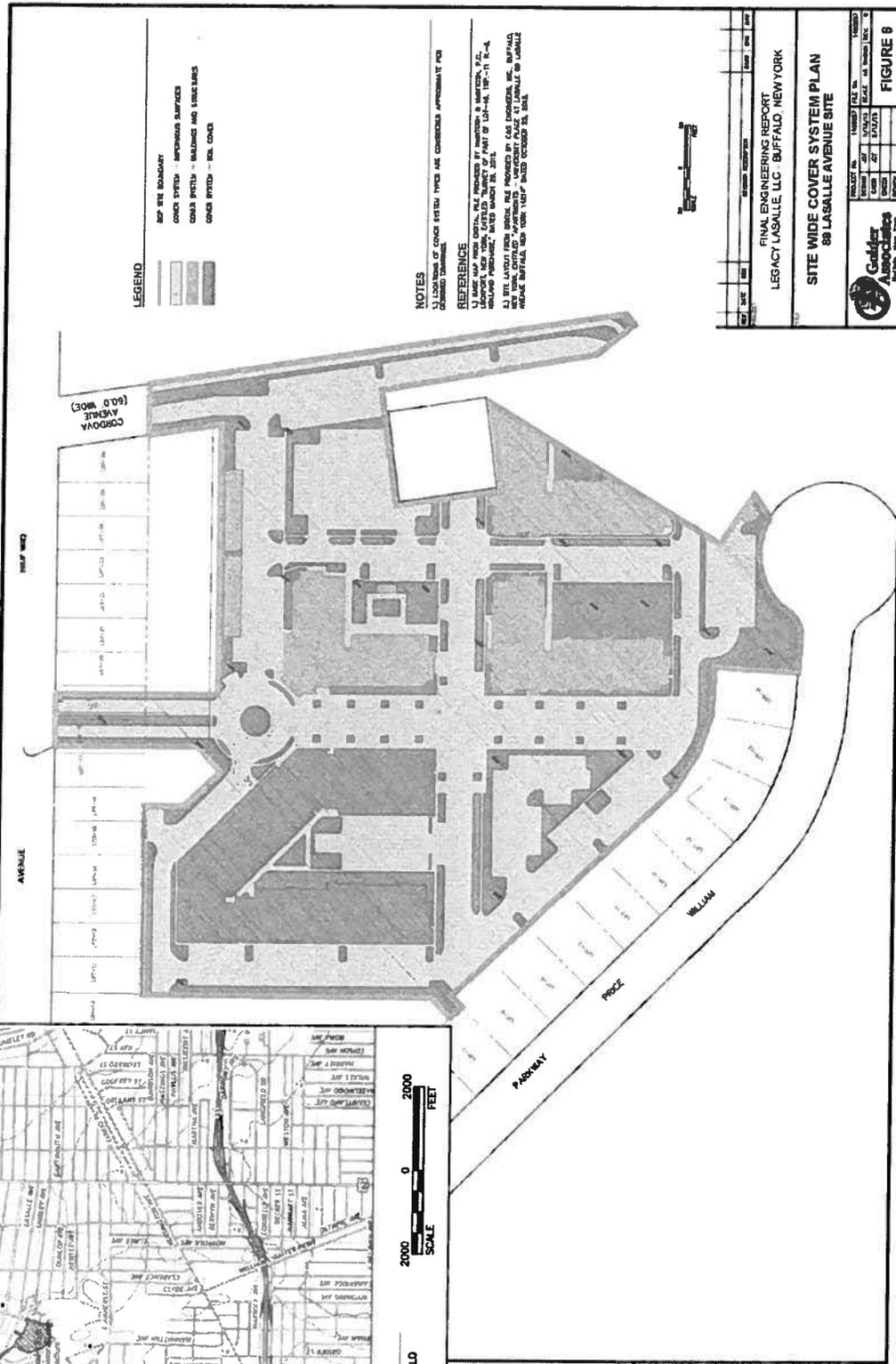
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FINAL ENGINEERING REPORT
 LEGACY LASALLE, LLC - BUFFALO, NEW YORK

SITE WIDE COVER SYSTEM PLAN
 88 LASALLE AVENUE SITE

FIGURE 9

DATE	BY	REVISION

PREPARED BY
 CHECKED BY
 DESIGNED BY
 DRAWN BY
 APPROVED BY

PROJECT NO. 15000001
 SHEET NO. 09
 SCALE 1/8" = 1'-0"
 DATE 08/15/13

Caldwell Engineering
 1000 N. MAIN ST.
 BUFFALO, NY 14203