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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 17, 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 on a no further action remedy for the 945 Kenmore Avenue site are being accepted from October 14, 2016 through November 27th, 2016.

Thank you.

NEW YORK STATE | Department of Environmental Conservation

October 2016

FACT SHEET

Brownfield Cleanup Program

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

Site Name: 945 Kenmore Avenue
DEC Site #: C915286
Address: 945 Kenmore Avenue
Tonawanda, NY 14223

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 945 Kenmore Avenue site ("site") located at 945 Kenmore Avenue, Tonawanda, 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."

How to Comment
NYSDEC is accepting written comments about the investigation report for 45 days, from **October 14, 2016** through **November 27, 2016.** The investigation report is available for public 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.

No Further Action Remedy
The result of the cleanup is described in the Draft Interim Remedial Measures/Alternatives Analysis Report prepared by TurnKey Environmental Restoration, LLC dated August 2016.

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

- demolition of the existing structure and rerouting/termination of the existing on-site subsurface utilities required for demolition;
- removal of three existing on-site underground storage tanks (USTs) and associated piping;
- removal of four existing in-ground hydraulic lift systems; and
- removal and off-site disposal of contaminated soil attributed to the pump island areas, UST areas, and hydraulic lift areas.

At the completion of the IRMs, post excavation soil sampling was conducted to confirm that remaining soil meets unrestricted soil cleanup objectives (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. No institutional or engineering controls will be required.

Summary of the Investigation
Environmental investigations identified petroleum contamination resulting from the operation of a former gasoline station. Petroleum compounds were found in the shallow soil from 2 to 8 feet below ground surface near the former pump islands and USTs. The concentrations of the petroleum compounds were below residential soil cleanup objectives but exhibited nuisance petroleum odors. Groundwater samples met NYSDEC Groundwater Criteria except for a few naturally occurring metals and Methyl tert butyl ether (MTBE), a gasoline additive, found slightly above groundwater quality standards in one well.

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
Site Location: The site is located in a mixed residential/commercial business area at 945 Kenmore Avenue in the Town of Tonawanda. The site is bordered by residential properties to the north, Kenmore Avenue to the south, Fairmount Avenue to the east and South Irving Terrace to the west. Residential properties are located on the side streets surrounding the site.

Site Features: The site consists of one 0.552 acre parcel which is currently covered and rough graded with clean backfill material.

Current Zoning and Land Use: The site is within a C-General Business district and is currently vacant.

Past Use of the Site: The site was utilized as a gasoline station from at least 1950 to 1986 and as an automotive repair facility from at least 1958 to 2010. Operations included automotive body repair work from at least 1994 to 2010. Several prior petroleum spills have been reported at the site related to the removal of former USTs and petroleum contamination observed in the utility corridor along Kenmore Avenue, adjacent to the former pump islands.

Site Geology and Hydrogeology: Bedrock underlying the site consists of the Upper Silurian Akron Dolostone and Salina Group; specifically, the Camillus, Syracuse, and Vernon Formations, described as shale, dolostone, salt, and gypsum. Thickness generally ranges between 400 and 700 feet.

Surface deposits in the area of the site consist of lacustrine silt and clay. Thickness is variable, and generally ranges up to 300 feet.

Groundwater is approximately 25 feet below ground surface. Groundwater flow is to the 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=C915286

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 location(s) to help the public stay informed.

Buffalo & Erie County Public Library
Attn: Kenmore Branch
160 Delaware Road
Kenmore, NY 14217
phone: 716-873-2842

Who to Contact

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

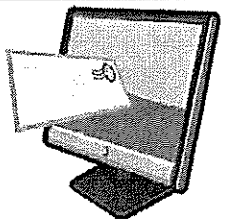
Project Related Questions
Timothy Dieffenbach
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
timothy.dieffenbach@dec.ny.gov

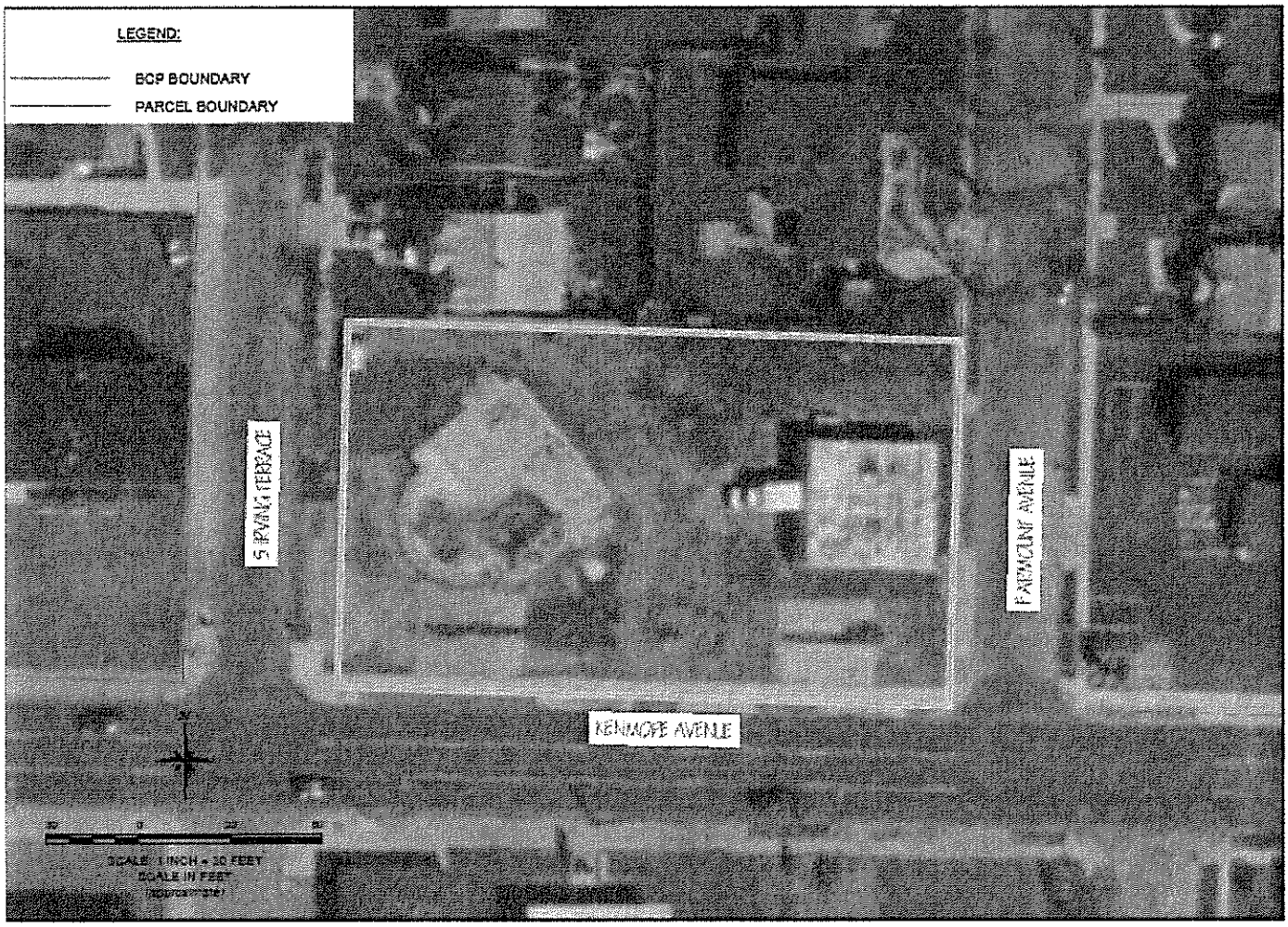
Site-Related Health Questions
Renata Ockerby
New York State Department of Health
Corning Tower, Room 1787 Empire State Plaza
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

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.