

THE ERIE COUNTY LEGISLATURE

**ENERGY &  
ENVIRONMENT  
COMMITTEE**

Timothy J. Meyers  
*Chair*

Jeanne M. Vinal  
*Vice-Chair*

Meeting No. 8 – May 6, 2021 –  
1:45 PM

TAB R&F APP

1.	<a href="#"><u>COMM. 8E-22 (2021)</u></a> Session 8	<b>COUNTY EXECUTIVE</b> <i>“ECSD No. 1 - Rowley Rd. Sanitary Sewer Replacement Project, Cheektowaga”</i>			
2.	<a href="#"><u>COMM. 8E-23 (2021)</u></a> Session 8	<b>COUNTY EXECUTIVE</b> <i>“ECSD No. 4 - Borden Rd. Forcemain Test Pit &amp; Spot Repair Project, W. Seneca”</i>			
3.	<a href="#"><u>LL Intro. 1-1 (2021)</u></a> Session 9	<b>TODARO, GREENE, LORIGO &amp; MILLS</b> <i>“A LL Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult”</i>			
4.	<a href="#"><u>COMM. 9E-4 (2021)</u></a> Session 9	<b>COUNTY EXECUTIVE</b> <i>“ECSD No. 3 - Emergency Repairs for Southtowns AWTF Influent Pumping System”</i>			
5.	<a href="#"><u>COMM. 9M-1 (2021)</u></a> Session 9	<b>NYSDEC</b> <i>“Invitation for Public Comment - Proposal to Address Contamination at 33-35 Norris Ave., Buffalo”</i>			

6.	<p><a href="#"><u>COMM. 9M-2 (2021)</u></a> Session 9</p>	<p><b>NYSDEC</b> <i>“Invitation for Public Comment - Program Application and Draft Work Plan for the Michigan-Best Development Site at Best St., Michigan Ave. &amp; Edna Pl., Buffalo”</i></p>			
7.	<p><a href="#"><u>COMM. 9M-3 (2021)</u></a> Session 9</p>	<p><b>NYSDEC</b> <i>“Announcement for Beginning of Contamination Cleanup at 837 Bailey Ave., Buffalo”</i></p>			
8.	<p><a href="#"><u>COMM. 9M-5 (2021)</u></a> Session 9</p>	<p><b>NYSDEC</b> <i>“Fact Sheet - Brownfield Cleanup Program Application for the Michigan-Best Development Site at Best St., Michigan Ave. &amp; Edna Pl., Buffalo”</i></p>			
9.	<p><a href="#"><u>COMM. 9M-6 (2021)</u></a> Session 9</p>	<p><b>NYSDEC</b> <i>“Fact Sheet - Brownfield Cleanup Program Application for 33-35 Norris Ave., Buffalo”</i></p>			



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 9, 2021

Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 1  
Rowley Road Sanitary Sewer Replacement Project  
Bid Opening – Contract No. 42**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 1 Contract No. 42 Rowley Road Sanitary Sewer Replacement Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: nw

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 9, 2021

Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 4  
Borden Road Forcemain Test Pit and Spot Repair Project  
Bid Opening – Contract No. 56**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 4 Contract No. 56 Borden Road Forcemain Test Pit and Spot Repair Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:nw

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

LOCAL LAW 2021-001

LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE  
LOCAL LAW INTRO. – NO. 1-1 - 2021  
LOCAL LAW – NO. \_\_\_\_\_ - 2021

**A Local Law authorizing twelve (12) and thirteen (13) year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult**

**SECTION 1. Legislative Intent**

Historically, twelve (12) and thirteen (13) year old residents in New York have only been able to hunt deer, with a bow or small game with appropriate firearms. This rule has left New York as the only state to prohibit twelve (12) and thirteen (13) year old hunters from using firearms to hunt deer.

The 2021 New York State Budget includes legislation that would allow residents aged twelve (12) and thirteen (13) to hunt deer with a firearm or crossbow under the supervision of an experienced adult hunter, provided the county in which they are hunting has opted into the program pursuant to Environmental Conservation Law 11-0935.

Environmental Conservation Law (ENV) 11-0935 provides a pilot program for counties to allow young residents, aged twelve (12) and thirteen (13) years old, the opportunity to safely learn to hunt deer with firearms under adult supervision. It is the intent of this law to permit twelve (12) and thirteen (13) year old residents to hunt deer with firearms and crossbows, by opting into New York's new pilot program pursuant to Environmental Conservation Law 11-0935.

Erie County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

**SECTION 2. Pilot Program Authorization**

Pursuant to Environmental Conservation Law, ECL 11-0935, Erie County elects to participate in the temporary program allowing young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

### **SECTION 3. State Requirements to Adhere Once Authorized**

Per New York State requirements twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, aged 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where, and during the hunting season in which, such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, aged 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, aged twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old hunters with a firearm or crossbow.

### **SECTION 4. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

### **SECTION 5. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Sponsors** Legislator Todaro, Legislator Greene, Legislator Lorigo, Legislator Mills



141 10 2021 PM 1:47

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 23, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, NY 14202

**Re: Erie County Sewer District No. 3  
Emergency Repairs – Southtowns AWTF Influent Pumping System**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning regarding funding for emergency repairs of the influent pumping system for the Southtowns Advanced Wastewater Treatment Facility (AWTF).

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration of this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:bp  
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
Emergency Repairs – Southtowns AWTF Influent Pumping System  
**Date:** April 23, 2021

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### **SUMMARY**

The Department of Environment and Planning is requesting authorization to utilize Erie County Sewer District (ECSD) No. 3 Bond Account C.17301 to allocate expenses associated with emergency repairs of the influent pumping system for the Southtowns Advanced Wastewater Treatment Facility (AWTF).

### **FISCAL IMPLICATIONS**

There will be no fiscal implications to the County's general fund. Expenses associated with the emergency repairs will be allocated in ECSD No. 3 Bond Account C.17301.

### **REASONS FOR RECOMMENDATION**

Emergency repairs are required for the influent pumping system for the Southtowns AWTF. There are concerns the 2021 ECSD No. 3 operational account will be adversely impacted due to these unanticipated costs. By allocating the expenses related to this work to Bond Account C.17301, these budgetary concerns will be mitigated and alternative funding mechanisms (i.e. use of capital reserves or long-term financing) may be employed in the future.

### **BACKGROUND INFORMATION**

The Southtowns AWTF is equipped with three (3) influent Archimedes screw pumps to convey sewage to the secondary treatment process. Two (2) pumps are required, with the third providing redundancy. In March 2021, maintenance staff noted a gear box on one (1) of the screw pumps was leaking oil and required repairs. During the course of evaluating the entire influent pumping system, it was discovered flights had separated from the main body (scroll) of another screw pump. While initial maintenance work and temporary repairs has been completed to provide two (2) functional pumps, there are concerns regarding the influent pumping system reliability due to the compromised condition of the functional pumps and the lack of redundancy.

Managing influent flows to the Southtowns AWTF is critical to minimizing flooding and providing treatment of sewage – thereby protecting the health and safety of the community. As a result of the aforementioned reliability concerns, the Division of Sewerage Management requested an emergency declaration to expedite these repairs, which was granted by the County Executive pursuant to Section 3.07 of the County of Erie Administrative Code. Staff at the Southtowns AWTF have been working with several vendors and contractors to provide backup pumping provisions to mitigate the immediate risks and to implement the necessary fixes.



The full cost for all items associated with the emergency repairs are not known at this time, but may exceed \$500,000. A repair of that magnitude was not contemplated in the 2021 budget and hence could adversely impact ECSD No. 3's operations.

**CONSEQUENCES OF NEGATIVE ACTION**

Sufficient funds may not be available for certain ECSD No. 3 operational activities in 2021, requiring separate Legislative action to address.

**STEPS TO FOLLOW APPROVAL**

The Division of Sewerage Management will facilitate actions necessary to allocate costs associated with the emergency repairs of the Southtowns AWTF influent pumping system to Bond Account C.17301.

**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to a Capital Account for which there are sufficient funds available for the action proposed.

Signed John Golecki Date 4/15/2021  
Gregory-Gaer  
Deputy Comptroller

John Golecki  
Director of Accounting Services & Cash Management

**Erie County Sewer District No. 3**  
**Emergency Repairs – Southtowns AWTF Influent Pumping System**  
**Bond Account C.17301**

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3  
Emergency Repairs – Southtowns AWTF Influent Pumping System

WHEREAS, emergency repairs associated with the influent pumping system for the Southtowns Advanced Wastewater Treatment Facility (AWTF) are required; and

WHEREAS, the expenses related to these unanticipated emergency repairs may adversely impact the 2021 operational budget for Erie County Sewer District (ECSD) No. 3; and

WHEREAS, sufficient authorization is available in ECSD No. 3 Bond Account C.17301 to fund these emergency repairs.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby approved for costs, not to exceed \$600,000, to be allocated in ECSD No. 3 Bond Account C.17301 for expenses related to the emergency repairs of the influent pumping system for the Southtowns AWTF; and be it further

RESOLVED, that the Division of Sewerage Management be authorized to identify the specific expenses related to the aforementioned emergency repairs and notify the Division of Purchase, the Comptroller's Office, and/or the Division of Budget and Management of the need to allocate those expenses to Bond Account C.17301; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate up to \$600,000 in ECSD No. 3 Capital Bond Account C.17301 for expenses identified by the Division of Sewerage Management for the emergency repairs at the Southtowns AWTF; and be it further

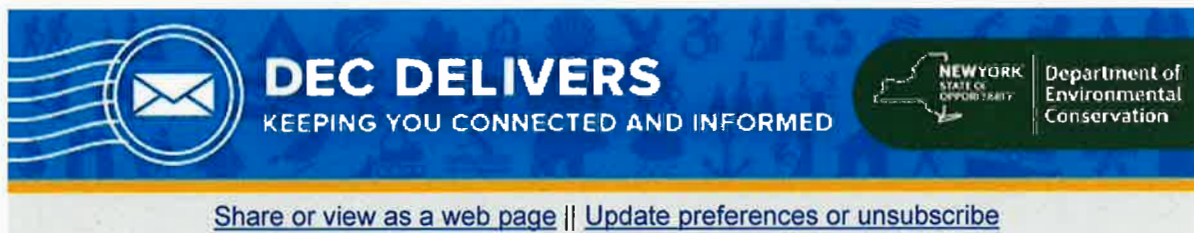
RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to the County Executive, the Erie County Comptroller, the Director of the Division of Budget and Management, the Director of Purchase, and Joseph Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.

## Graber, Robert

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**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, April 21, 2021 12:16 PM  
**To:** Graber, Robert  
**Subject:** 33-35 Norris Avenue Site (Buffalo) - Public Comment Invited on Brownfield Application

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



### DEC Invites the Public to Comment About Brownfield Cleanup Program Application for Site on Norris Ave., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from The Uniland Partnership of Delaware L.P. for a site known as **33-35 Norris Avenue Site, site ID #C915372**. This site is located in the City of Buffalo within the County of Erie, and is located at 33-35 Norris Avenue.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915372/>. The documents will also be available at the document repository once reopened, located at Buffalo & Erie County Public Library-North Park Branch, 975 Hertel Avenue, Buffalo, NY 14216.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Anthony Lopes at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov) or by calling 716-851-7220. **All comments must be submitted by May 21, 2021.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>

#### What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:  
<https://www.dec.ny.gov/chemical/8450.html>

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Connect with DEC:    

Basil Seggos, Commissioner

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This email was sent to graberr@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation  
625 Broadway · Albany, NY 12233 · (518) 402-8013

# Brownfield Cleanup Program Application

33-35 Norris Avenue Site  
Buffalo, New York

March 2021

B0564-021-002

Prepared For:

The Uniland Partnership of Delaware L.P.



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0599 | fax: (716) 856-0583

## Graber, Robert

**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, April 21, 2021 11:57 AM  
**To:** Graber, Robert  
**Subject:** Michigan-Best Development Site (Buffalo) - Public Comment Invited on Brownfield Application and Draft Work Plan

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



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## DEC Invites the Public to Comment About Brownfield Cleanup Program Application and Draft Work Plan for Site on Best St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan from Michigan & Best LLC for a site known as **Michigan-Best Development, site ID #C915375**. This site is located in the City of Buffalo within the County of Erie, and is located at 160, 162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place.

Access the application, Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915375/>. The documents will also be available at the document repository once reopened, located at Buffalo & Erie County Library-Frank E. Merriweather Jr. Branch, 1324 Jefferson Ave., Buffalo, NY 14208.

There are several ways to comment on BCP applications and work plans. Comments can be submitted to the site Project Manager Matthew King at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [matthew.king@dec.ny.gov](mailto:matthew.king@dec.ny.gov) or by calling 716-851-7220. **All comments must be submitted by May 21, 2021.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>

### What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not

previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:  
<https://www.dec.ny.gov/chemical/8450.html>

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Basil Seggos, Commissioner

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625 Broadway · Albany, NY 12233 · (518) 402-8013



# Phase I Environmental Site Assessment (ESA)

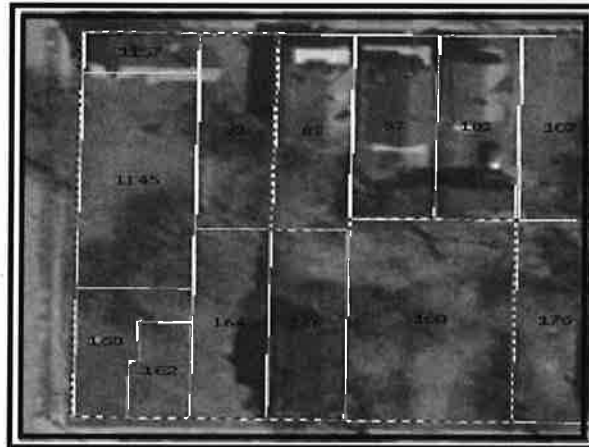
8 PARCELS LOCATED AT  
160-168 BEST STREET, 1145-1157 MICHIGAN AVENUE,  
AND 81 EDNA PLACE.

February 25, 2016

0371-016-003

Prepared For:

Cedarland Development Group



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York | phone: (716) 856-0635 | fax: (716) 856-0583

**Graber, Robert**

**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, April 14, 2021 2:46 PM  
**To:** Graber, Robert  
**Subject:** 837 Bailey Avenue Off-Site (Buffalo) - Cleanup of Site Contamination to Continue

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



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**DEC Announces Cleanup of Contamination Will Begin at State Superfund Site on Bailey Ave., Buffalo**

This link opens a fact sheet that describes cleanup action that is about to continue regarding contamination related to the **837 Bailey Avenue Off-Site #C915298A (Buffalo, Erie County)**, within New York's State Superfund Program:

<https://www.dec.ny.gov/data/der/factsheet/c915298acubegins1.pdf>

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

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Basil Seggos, Commissioner

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Department of  
Environmental  
Conservation

## Where to Find Information

Access project documents through the DECinfo Locator (<https://www.dec.ny.gov/pubs/109457.html>) and at these location(s):

### Document Repository Name

Erie County Library\*  
East Clinton - Bailey Branch  
1929 Clinton Street  
Buffalo, NY 14206  
Phone: 716-823-5626

\*Library hours may be modified due to COVID-19 precautions. If you cannot access the online repository, please contact the DEC project manager listed below for assistance.

Key project documents also are available on the NYSDEC website at: <https://www.dec.ny.gov/data/DecDocs/C915298A/>

## Who to Contact

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

### Cleanup of Former J&J Auto Parts

Jaspal S. Walia, Project Manager  
DEC - Buffalo  
270 Michigan Ave.  
Buffalo, NY 14203  
Phone: 716-851-7220  
[jaspal.walia@dec.ny.gov](mailto:jaspal.walia@dec.ny.gov)

### Off-site Parcel Investigation and Cleanup

David Chiusano, Project Manager  
DEC - Albany  
625 Broadway, 12th Floor  
Albany, NY 12233-7017  
Phone: 518-402-9813  
[david.chiusano@dec.ny.gov](mailto:david.chiusano@dec.ny.gov)

### Project-Related Health Questions

Sarita Wagh  
NYS Department of Health  
Bureau of Environmental Exposure Investigation  
Corning Tower, Room 1787  
Albany, NY 12237  
Phone: 518-402-7860  
[bee@health.ny.gov](mailto:bee@health.ny.gov)

For more information about New York's State Superfund Program, visit:

[www.dec.ny.gov/chemical/8439.html](http://www.dec.ny.gov/chemical/8439.html)

**FACT SHEET** 837 Bailey Avenue Off-Site  
(Former J & J Auto Parts)  
State Superfund Program  
837 Bailey Avenue,  
Buffalo, NY 14206

**SITE No. C915298A**

**April 2021**

**DEC REGION 9**

## Cleanup Action to Continue at State Superfund Site

The New York State Department of Environmental Conservation (DEC) will continue work to address potential contamination of off-site residential and commercial properties located adjacent to the 837 Bailey Avenue Brownfield Cleanup Program (BCP) Site No. C915298 in the City of Buffalo. See the map below for the site location.

Remedial activities will resume in April 2021 on the Northern Properties Area (see attached map), where cleanup work began in September 2020 and was paused during the winter months. Work in this area is expected to be substantially completed in late spring 2021. Remedial activities on the Southern Properties Area are anticipated to begin upon completion of cleanup work on the Northern Properties Area, with completion by late summer 2021. Remedial activities will be performed by National Vacuum Environmental Services, and construction management and soil sampling will be performed by Ecology and Environment Engineering and Geology, P.C.; both under contract with and oversight provided by DEC. Highlights of the upcoming cleanup activities are provided below.

The BCP applicant addressed contamination at the 837 Bailey Avenue site but is not responsible for cleanup of off-site contamination. Therefore DEC, under the New York State Superfund Program, is addressing off-site contamination attributed to prior site operations. During the BCP on-site investigation, soil samples were collected from the back yards of residential properties bordering the site to help assess the potential for off-site contamination. Analysis revealed the presence of metals, especially lead, at levels above state soil cleanup objectives (SCOs). As a result, more extensive sampling of these properties was conducted to determine the extent of contamination. Subsequently, property-specific cleanup plans were developed.

# STATE SUPERFUND PROGRAM

## Highlights of the Upcoming Cleanup Activities:

The goal of the off-site cleanup action is to achieve cleanup levels that protect public health and the environment. Key components of the upcoming remedial activities include:

- Northern Properties Area:
  - Excavation and proper disposal of soils from areas that exceed soil cleanup objectives (SCOs) related to former on-site operations;
  - Restore affected property features, including replacement of landscaping and other features affected by the cleanup activities; and
  - Provide the owner of property that was remediated a letter and report documenting completion of the cleanup activities.
- Southern Properties Area:
  - An evaluation of soil samples collected from these areas during 2020 found that contaminants likely attributed to historical activities on the 837 Bailey Avenue property are present and warrant cleanup. The results of the soil sampling program were provided to each property owner;
  - Request property access from each property owner to clean up their property;
  - Conduct limited, additional sampling to refine the extent of contamination and inform the property specific remedial designs;
  - Develop a remedial plan for excavation and restoration for each affected property and present the plan to the property owner prior to the start of excavation;
  - Excavate and properly dispose of soils from areas that exceed SCOs related to former on-site operations;
  - Restore affected property features, including replacement of landscaping and other features affected by the cleanup activities; and
  - Provide the owner of property that was remediated a letter and report documenting completion of the cleanup activities.

## Next Steps:

A site-specific Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP), and Vibration Monitoring Plan (VMP) will be implemented for all investigation and cleanup activities. The HASP and CAMP establish procedures to protect on-site workers and residents and include dust monitoring and suppression measures. The VMP describes procedures implemented to protect structures during excavation and restoration activities.

Work will resume in April at six properties at the southeast corner of Bailey Avenue and Dings Street (Northern Properties Area). Restoration of affected properties is anticipated to be substantially completed by early summer.

Additional soil sampling will be completed along Peru Place (Southern Properties Area) in March or April. Meetings will be held with the owners of these properties in late spring or early summer to review cleanup plans for each property before excavation begins.

After the cleanup of a particular property is completed, DEC, in coordination with the New York State Department of Health (DOH), will issue property-specific Construction Completion Reports and No Further Action determinations to document completion of the cleanup. A Final Engineering Report will also be prepared to certify that overall cleanup requirements have been achieved. DEC will keep the public informed throughout the cleanup of the neighborhood.

## Site Description:

The 837 Bailey Avenue Off-Site project consists of several properties that are adjacent to the 837 Bailey Avenue Brownfield Cleanup Program Site (C915298) which was used as an auto salvage/wrecking facility, an automotive repair facility, a tire recapping facility, and a filling station. The properties that are the subject of this project consist of six off-site residential parcels at the southeast corner of Bailey Avenue and Dings Street north of the site as well as up to ten residential and commercial properties along the north side of Peru Place south of the site.

Additional off-site details, including environmental and health assessment summaries, are available on DEC's Environmental Site Remediation Database (by entering the site ID, C915298A) at: <https://www.dec.ny.gov/cfm/xtapps/derexternal/haz/detail.s.cfm?ProgNo=C915298A>

## Summary of previous on-site activities at 837 Bailey:

In 2019, DEC issued a decision document and approved a Remedial Alternatives Analysis Report that presented the selected remedial plan for the onsite cleanup of the 837 Bailey Avenue site under the BCP. This plan required:

- Removal and off-site disposal of contaminated soil/fill contaminated with metals and polycyclic aromatic hydrocarbons (PAHs);
- Removal and off-site disposal of debris piles;
- Construction of a soil cover over the entire site within the site fenced area; and

# STATE SUPERFUND PROGRAM

- Filing of an Environmental Easement that would restrict site use to commercial or industrial uses (based on local zoning), prohibit the use of groundwater and require compliance with the site management plan.

The specified work at the on-site portion of the 837 Bailey Avenue site was satisfactorily completed by the BCP participant and DEC issued a Certificate of Completion in December 2019.

Documents related to the on-site site cleanup are available at <https://www.dec.ny.gov/data/DecDocs/C915298/>.

## State Superfund Program:

New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring. DEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit: <http://www.dec.ny.gov/chemical/8439.html>

*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.*

## Stay Informed with DEC Delivers

Sign up to receive site updates by email:  
[www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html)

Note: Please disregard if you already have signed up and received this fact sheet electronically.

## DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <http://www.dec.ny.gov/pubs/109457.html>

# Site Location



837 Bailey Avenue Off-Site Project  
837 Bailey Avenue, Buffalo, NY  
Site No. C915298A



Notice to be mailed to those on contact list included in the BCP Application:

### **Public Notice Fact Sheet**

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan from Michigan & Best LLC for a site known as Michigan-Best Development, site ID #C915375. This site is located in the City of Buffalo within the County of Erie, and is located at 160, 162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place.

Access the application, Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915375/>. The documents will also be available at the document repository once reopened, located at Buffalo & Erie County Library-Frank E. Merriweather Jr. Branch, 1324 Jefferson Ave., Buffalo, NY 14208.

There are several ways to comment on BCP applications and work plans. Comments can be submitted to the site Project Manager Matthew King at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [matthew.king@dec.ny.gov](mailto:matthew.king@dec.ny.gov) or by calling 716-851-7220. All comments must be submitted by **May 21, 2021**.

Site information can be viewed by entering the site ID noted above at:  
<http://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at:  
<http://www.dec.ny.gov/chemical/61092.html>

### **What is the Brownfield Cleanup Program?**

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:  
<http://www.dec.ny.gov/chemical/8450.html>

Notice to be mailed to those on contact list included in the BCP Application:

### **Public Notice**

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from The Uniland Partnership of Delaware L.P. for a site known as 33-35 Norris Avenue Site, site ID #C915372. This site is located in the City of Buffalo within the County of Erie, and is located at 33-35 Norris Avenue.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915372/>. The documents will also be available at the document repository once reopened, located at Buffalo & Erie County Public Library-North Park Branch, 975 Hertel Avenue, Buffalo, NY 14216.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Anthony Lopes at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov) or by calling 716-851-7220. All comments must be submitted by **May 21, 2021**.

Site information can be viewed by entering the site ID noted above at:  
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

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