

DUNN GEOSCIENCE ENGINEERING COMPANY, P.C. *File*

12 METRO PARK ROAD
ALBANY, NEW YORK 12205
(518) 458-1313
FAX (518) 458-2472

495 COMMERCE DRIVE
AMHERST, NEW YORK 14228
(716) 691-3866
FAX (716) 691-3884

Creekside

May 1, 1992

Mr. Gary E. McDannell
Biologist, Regulatory Branch
Buffalo District
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14027

Dear Mr. McDannell:

**Subject: Predischarge Notification for Nationwide Permit 38
Occidental Chemical Corporation/Creekside Remediation Project
Town of Amherst, Erie County, New York
Joint Application for Permit No. 91-976-330**

This letter is in response to your request for additional information regarding the referenced Project. During a telephone discussion with Steve Drozdowski, P.E. of DUNN on February 24, 1992, you requested additional details for the design of the proposed cofferdam and for the location of the proposed temporary access road in relation to delineated wetlands. The requested information has been incorporated into revised and new remediation Project drawings, which are included in the enclosed set of revised, Project bid documents, dated April 1992.

The revised documents replace the documents submitted to you previously on November 21, 1991. In addition to the information you requested, the revised documents, i.e. *Scope of Work, Health and Safety Plan* and *Quality Assurance Project Plan*, incorporate a number of minor changes resulting from review comments received from the New York State Department of Environmental Conservation, Department of Health, and Department of Transportation.

We are currently preparing for the Project a Predischarge Notification (PDN) under Nationwide Permit 38 (NWP) and expect to submit it to you the week of May 4, 1992.

Design of Temporary Cofferdam

The design details for the cofferdam are provided on Creekside Remediation Project Drawing No. 882-003-08, Rev. 0, which is enclosed. This is a new drawing that was not included with the package submitted to you on November 21, 1991. Details on the drawing include the proposed cofferdam layout, a typical plan view and cross section through the site, estimated mean-water freeboard and pile embedment depth and bracing details (waler, strut, deadmen). The additional design details for the cofferdam are based on information obtained from 1) three borings drilled in the creek in 1991 under NWP 6,

specifically for the cofferdam design, 2) soil test results, and 3) four test pits and four borings completed on land near the creek bank in 1986.

It is anticipated that the site will be dewatered and remediated in three sections as shown on the Drawing. The construction details provided may be slightly modified during construction due to unanticipated site conditions. Any substantive changes will be forwarded to the Corps as a matter of information if so requested.

Location of Temporary Access Roadway and Delineated Wetlands

As you requested, the location of the proposed temporary access roadway and delineated wetlands have been added to Creekside Remediation Project Drawing Nos. 882-003-02, 882-003-03, 882-003-04, Revs. 1, which are enclosed. Earlier versions of these drawings were submitted to you on November 21, 1991.

The temporary access roadway will extend from an existing unpaved golf course maintenance road to and adjacent to the creek bank remediation area. As shown on the Drawings, the roadway and other remediation activities will not be located within or impact vegetated wetlands or other special aquatic sites.

The wetlands were delineated during a field survey by a Dunn Corporation Senior Environmental Scientist. The purpose of the survey was to determine if the affected area contains any special aquatic sites such as wetlands, mud flats, vegetated shallows, riffle and pool complexes, and designated sanctuaries and refuges for fish and wildlife. The survey was scheduled to coincide with a period of favorable ground conditions following complete snow melt and ground thaw. Wetlands were delineated in accordance with appropriate Corps of Engineers procedures (1987 Manual). The wetland delineation, including photographs and field notes, is documented in the *Special Aquatic Sites Survey* report, which is enclosed. Correspondence with the State's Wildlife Resource Center is also included in the report.

The report identifies two small wet areas that cover a total combined area of approximately 0.07 acres. These wetland-type areas will be flagged and temporarily fenced to preclude accidental disturbance during site remediation. Due to the small size of the wet areas and their location outside of active work zones and away from access roadways, we do not believe that it would be necessary for the Corps to visit the site to confirm the delineations. If the Corps should decide to make a site visit for this purpose, we request that we be informed as soon as possible so that we can arrange for the appropriate environmental scientist to be available on site.

In closing, OCC would be pleased to meet with you, and possibly jointly with other agencies such as the NYSDEC, to give you a project briefing, answer specific questions on this submittal and thereby facilitate your review of the application. Perhaps the meeting could be scheduled to coincide with hand delivery of the PDN. If you have any questions, please contact me at (518) 458-1313, Joseph Coveney, OCC Project Engineer, at (716) 286-3474, or Thomas Christoffel, NYSDEC Project Engineer, at (518) 457-5636.

We look forward to hearing from you. Thank you in advance for your cooperation in this matter.

Very truly yours,

DUNN GEOSCIENCE ENGINEERING CO., P.C.



John E. Gansfuss
Project Manager

JEG/dlg
UPS Next Day Air

Enclosures

cc: with letter and *Special Aquatic Sites Survey* report:

Lloyd Wood, OCC, Niagara Falls
Joseph Coveney/James Havas, OCC, Niagara Falls
Teresa Bakner/John Hanna, Jr., Esqs., Whiteman Osterman & Hanna, Albany
Thomas Christoffel/Craig Jackson, NYSDEC Central, Albany
Joseph Sciascia/John Hyden, NYSDEC Region 9, Buffalo
John Gansfuss, Dunn Corporation, Albany,
Steve Drozdowski, Dunn Corporation, Amherst

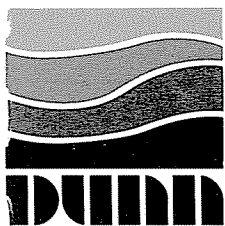
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ENVIRONMENTAL CONSERVATION
REGION 9

**SPECIAL AQUATIC SITES SURVEY
CREEKSIDE REMEDIATION
PROJECT
AMHERST, NEW YORK**

Prepared for:

**Occidental Chemical Corporation
360 Rainbow Boulevard, South
Niagara Falls, New York 1430**

April 1992



DUNN GEOSCIENCE ENGINEERING COMPANY, P.C.

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(716) 691-3866
FAX (716) 691-3884

SPECIAL AQUATIC SITES SURVEY
CREEKSIDE REMEDIATION PROJECT
AMHERST, NEW YORK

Prepared for:

OCCIDENTAL CHEMICAL CORPORATION
360 Rainbow Boulevard, South
Niagara Falls, New York 14302

Prepared by:

DUNN GEOSCIENCE ENGINEERING CO., P.C.
12 Metro Park Road
Albany, New York 12205

Date:

April 1992

Special Aquatic Sites Survey Creekside Remediation Project

On April 9, 1992 Dunn Corporation (DUNN) personnel were at the Creekside site for the purpose of conducting a special aquatic site survey, including wetland delineation. The intent of the survey was to evaluate the potential presence of special aquatic sites, including, mudflats, vegetated shallows, riffle and pool complexes, designated fish and wildlife sanctuaries/refuges and wetlands at the proposed remediation site, i.e. work area and support zone, as designated on Creekside Remediation Project Drawing No. 886-003-02. The site shall be fenced off from the remainder of the golf course. The work area as specified in the Creekside Remediation Project Scope of Work includes the exclusion zones, barge unloading area, and staging and storage areas. The support zone separates the work area from the access driveway.

Prior to the site inspection, aerial photographs, soil conservation survey maps and topographic maps were reviewed to evaluate the potential for special aquatic sites to be present in the approximately 4.3 acre work site. Additionally, the New York State Wildlife Resources Center was contacted with respect to the potential presence of significant habitats and special, rare, threatened or endangered wildlife or plant species within the proposed work site and surrounding area. The review of the Wildlife Resources Center's files did not reveal the presence of any of these items within a two mile radius of the proposed work site. Documentation of the Wildlife Resources Center's file review is provided in Appendix A

The majority of the site is currently an active golf course. Review of aerial photos taken in 1942 reveal that historically the site was active agricultural land. Drainage tile installed as part of both current and historical activities has modified the hydrologic regime at the site. September 1956 photos reveal that the site had been converted into a golf course with an enhancement of the drainage around the site and adjacent property.

The soil survey of Erie County indicates that three of the soil types present in the proposed work site have the potential for hydric inclusions; these are the Teel Silt Loam (Te), Raynham Silt Loam (RaA) and the Swormville Clay Loam (Sw). The Collamer Silt Loam (Csb) is also reported as present, but does not have hydric inclusions. Based on this data, a site inspection was deemed necessary.

No special aquatic sites were identified, except for the small wet areas described below (see Appendix B for photographs of the wet areas). The site was inspected for the potential presence of wetlands using the Army Corps of Engineers 1987 *Wetlands Delineation Manual*. Inspection of the plant communities on site revealed only two areas within the work site that would potentially meet the definition of a wetland.

Area Number One is located along a drainage feature near north - south grid line 1000, near the western boundary of the site. Delineation of Area Number One revealed that an area approximately 2820 square feet in size meets the Army Corps of Engineers criteria for a wetland. Three locations, i.e., data points, were logged and utilized in defining the boundary of this area. Copies of "Data Form 1" for these points are included in Appendix C. The boundaries of this area were then delineated by following the

topography, vegetation and drainage pattern. Additionally, other soil borings (unlogged) were inspected to accurately define the boundary of the wet area. The boundaries of the area were flagged with sequentially numbered flags. The exact location of the area was determined by tape survey on April 3, 1992. Location of Area Number One is shown on Creekside Remediation Project Drawing Nos. 886-003-02 and 886-003-03. This wet area is located more than 20 feet west of the proposed access roadway, which will follow an existing pathway in this area.

The second wet area, Area Number Two, is located at north-south grid line 1825 near the bank of Tonawanda Creek at a point where a drainage tile discharges to the surface. This is an extremely small area of approximately 200 square feet. Two logged data points were utilized in determining the boundaries of this area. Copies of "Data Form 1" for this area are included in Appendix C. Location of Area Number Two is shown on Drawings 886-003-02 and 886-003-04. This wet area is situated approximately 10 feet east of the proposed east end of the cofferdam, and 30 feet north of the proposed access roadway.

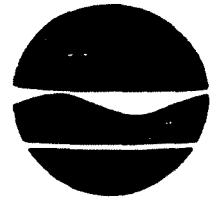
Based on the delineation, the total acreage of wetland-type habitat represented by the two small wet areas within the proposed work site is 3020 square feet. Although these areas do meet the Army Corps of Engineers criteria for wetlands, their small size and juxtaposition within an active golf course, precludes them from serving as ecologically complete wetlands; they do not represent a significant habitat for wildlife species. These small wet areas are located away from proposed temporary access roadways and active remediation zones. In order to protect them from disturbance, they will be flagged and fenced during remediation. Additionally, the Creekside soil erosion control plan will prevent any siltation of the two wet areas, i.e. indirect impacts.

APPENDIX A

**NYSDEC
Wildlife Resources Center
Correspondence**

New York State Department of Environmental Conservation

Wildlife Resources Center
Information Services
700 Troy-Schenectady Road
Latham, New York 12110-2400



Thomas C. Jorling
Commissioner

April 2, 1992

Ms. Katherine A. Keslick
Dunn Corp.
12 Metro Park Road
Albany, NY 12205

Dear Ms. Keslick:

We have reviewed the Significant Habitat Program and the Natural Heritage Program files with respect to your request for biological data concerning a hazardous waste site south of Hoffman, as indicated on your map, Town of Amherst, Erie County.

We did not identify any potential impacts on endangered, threatened, or special concern wildlife species, rare plant, animal or natural community occurrences, or other significant habitats.

The absence of data does not necessarily mean that rare or endangered elements, natural communities or other significant habitats do not exist on or adjacent to the proposed site, but rather that our files currently do not contain any information which indicates the presence of these. Our files are continually growing as new habitats and occurrences of rare species and communities are discovered. In most cases, site-specific or comprehensive surveys for plant and animal occurrences have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of species, habitats or communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

This response applies only to known occurrences of rare animals, plants and natural communities and/or significant wildlife habitats. You should contact our regional office, Division of Regulatory Affairs, at the address on the enclosed list for information regarding any regulated areas or permits that may be required (e.g., regulated wetlands) under state law.

If this proposed project is still active one year from now we recommend that you contact us again so that we can update this response.

Sincerely,

Burrell Buffington
Significant Habitat Unit

Enc.

DUNN CORPORATION

Engineers, Geologists, Environmental Scientists
12 Metro Park Road
Albany, New York 12205
Tel: 518-458-1313
Fax: 518-458-2472



April 7, 1992

**Mr. Burrell Buffington
Information Services
Wildlife Resources Center
700 Troy-Schenectady Road
Latham, New York 12110-2400**

Dear Mr. Buffington:

**Subject: Habitat Assessment at the Creekside Remediation Project
 NYSDEC Inactive Hazardous Waste Site, No. 9-15-123**

Dunn Corporation (DUNN) is conducting a Habitat Assessment at the above-referenced site in relation to an Army Corp of Engineers Nationwide 38 permit.

The Creekside site is located at 100 Tonawanda Creek Road, Amherst, Erie County, New York. The applicable portion of quadrangle map for Tonawanda East was provided during our office visit of April 2, 1992.

Your review of the significant Habitat Unit and the Natural Heritage Program files with respect to any significant wildlife habitats and known occurrences of rare, threatened or endangered animals, plant or natural communities within a two-mile radius of this site was greatly appreciated.

Thank you for your assistance in this matter. If you have any questions or comments please contact me at (518) 458-8931.

Very truly yours,

DUNN CORPORATION

A handwritten signature in dark ink, appearing to read 'Ed Fahrenkopf', with a stylized flourish at the end.

**Edward G. Fahrenkopf
Manager, Chemistry and Sampling Services**

KAK/kws

APPENDIX B

Photographs
of
Wet Areas Number One and Number Two
April 9, 1992

Description of Photographs

Photo #1 and #2:	Photo of Wet Area Number One, looking west from east end of Area Number One.
Photo #3:	Photo of Wet Area Number One, looking east from west end of Area Number One.
Photo #4:	Photo of Wet Area Number Two, looking north from golf fairway.



Photo #1: Wet Area Number One



Photo #2: Wet Area Number One



Photo #3: Wet Area Number One

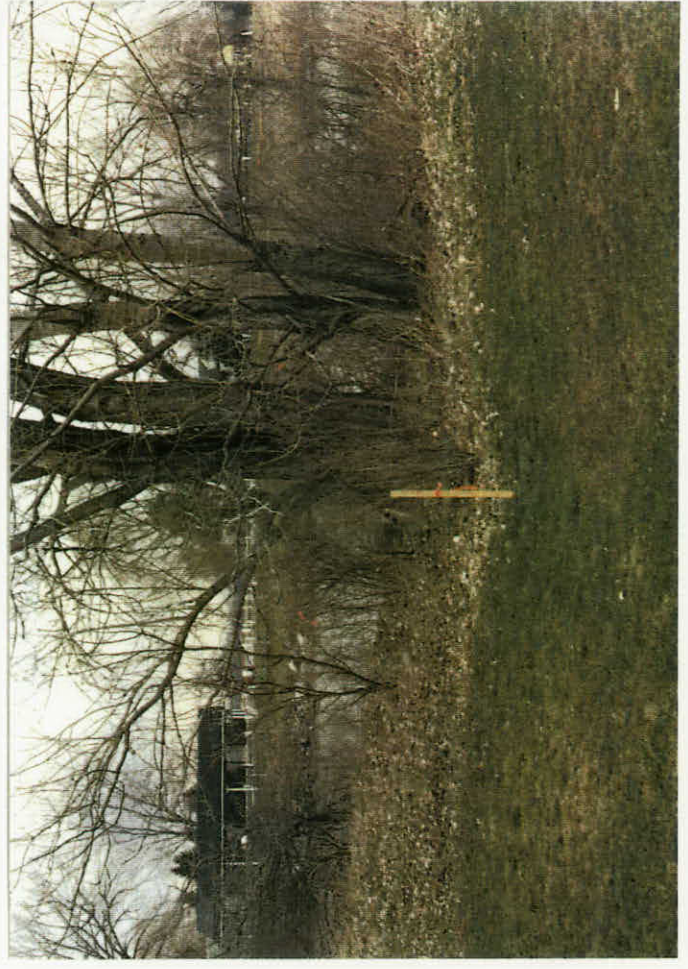


Photo #4: Wet Area Number Two

APPENDIX C

"Data Form 1"

DATA FORM 1
WETLAND DETERMINATION

Applicant Occidental Chemical Application Co. Number: 91-976-330 Project Creekside Remediation
Name: Occidental Chemical Co. Number: 91-976-330 Name: Creekside Remediation
State: New York County: Erie Legal Description: Township: Range:
Date: 4-9-92 Plot No.: Point 1 area 1 Section:

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1. Populus deltoides	fac	7.	
2.		8.	
3.		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: . Other indicators: .
Hydrophytic vegetation: Yes X No . Basis: Dominant species fac.

Soil

Series and phase: Raynham RaA On hydric soils list? Yes ; No X.
Mottled: Yes X; No . Mottle color: 10YR 4/6; Matrix color: 10YR 4/3.
Gleyed: Yes No X Other indicators: .
Hydric soils: Yes No X; Basis: No indicators.

Hydrology

Inundated: Yes ; No X. Depth of standing water: .
Saturated soils: Yes ; No X. Depth to saturated soil: .
Other indicators: .
Wetland hydrology: Yes ; No X. Basis: No water at 24".
Atypical situation: Yes ; No X.

Normal Circumstances? Yes X No . However - historically drain - tile area

Wetland Determination: Wetland ; Nonwetland X - No hydrology or hydric soils

Comments:

Determined by: Ed Fahrenkopf

DATA FORM 1
WETLAND DETERMINATION

Applicant Occidental Chemical Co. Application Number: 91-976-330 Project Name: Creekside Remediation
State: New York County: Erie Legal Description: Township: Range:
Date: 4-9-92 Plot No.: Point 2 area 1 Section:

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1. Populus deltoides	fac	7. Solidago Spp	
2.		8.	
3.		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4. Cornus amomum	facw	10. Vitis riparia	facw
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: . Other indicators: .
Hydrophytic vegetation: Yes X No . Basis: >50% species fac.

Soil

Series and phase: Teel-TE On hydric soils list? Yes ; No X however has hydric inclusions
Mottled: Yes X; No . Mottle color: ; Matrix color: 10YR 5/1
Gleyed: Yes X No Other indicators:
Hydric soils: Yes X No ; Basis: Gleyed soil, matrix chroma <2 in.
Mottled Soil

Hydrology

Inundated: Yes ; No X. Depth of standing water: - -.
Saturated soils: Yes X; No . Depth to saturated soil: 12".
Other indicators: .
Wetland hydrology: Yes X; No . Basis: Saturated within 12".
Atypical situation: Yes ; No X.
Normal Circumstances? Yes X No .
Wetland Determination: Wetland X; Nonwetland .

Comments:

Determined by: Ed Fahrenkopf

DATA FORM 1
WETLAND DETERMINATION

Applicant Occidental Chemical Application Co. Number: 91-976-330 Project Creekside Remediation
Name: Occidental Chemical Co. Number: 91-976-330 Name: Creekside Remediation
State: New York County: Erie Legal Description: Township: Range:
Date: 4-9-92 Plot No.: Point 3 area 1 Section:

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1. Cornus amomum	facw	7. Cirsium vulgare	facu-
2.		8. Grass Spp	
3.		9. Duschesnea indica	facu-
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: . Other indicators: .
Hydrophytic vegetation: Yes No X. Basis: <50% species fac.

Soil

Series and phase: Teel-TE On hydric soils list? Yes ; No X.
Mottled: Yes ; No X. Mottle color: ; Matrix color: 10YR 4/2
Gleyed: Yes No Other indicators: .
Hydric soils: Yes No X; Basis: No criteria met.

Hydrology

Inundated: Yes ; No X. Depth of standing water: - -.
Saturated soils: Yes X; No . Depth to saturated soil: 20".
Other indicators: .
Wetland hydrology: Yes ; No X. Basis: No water at 18".
Atypical situation: Yes ; No .
Normal Circumstances? Yes No .
Wetland Determination: Wetland ; Nonwetland X.

Comments:

Determined by: Ed Fahrenkopf

DATA FORM 1
WETLAND DETERMINATION

Applicant Occidental Chemical Co. Application Number: 91-976-330 Project Name: Creekside Remediation
State: New York County: Erie Legal Description: Township: Range:
Date: 4-9-92 Plot No.: Point 1 area 2 Section:

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1. Populus deltoides fac		7.	
2.		8.	
3.		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4. Cornus amomum facw		10.	
5. Cornus foemia fac		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: . Other indicators: .
Hydrophytic vegetation: Yes X No . Basis: >50% species fac

Soil

Series and phase: Teel-TE On hydric soils list? Yes ; No X .has hydric inclusion
Mottled: Yes X ; No . Mottle color: 10YR 5/2 ; Matrix color: 10YR 6/1.
Gleyed: Yes No X Other indicators: .
Hydric soils: Yes X No ; Basis: matrix chroma <2 in Mottled Soil.

Hydrology

Inundated: Yes ; No X . Depth of standing water: .
Saturated soils: Yes X ; No . Depth to saturated soil: 12".
Other indicators: .
Wetland hydrology: Yes X ; No . Basis: Saturated soils 12".
Atypical situation: Yes ; No X .
Normal Circumstances? Yes X No .
Wetland Determination: Wetland X ; Nonwetland .

Comments:

Determined by: Ed Fahrenkopf

DATA FORM 1
WETLAND DETERMINATION

Applicant Occidental Chemical Co. Application Number: 91-976-330 Project Name: Creekside Remediation
State: New York County: Erie Legal Description: Township: Range:
Date: 4-9-92 Plot No.: Point 2 area 2 Section:

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1.		7.	
2. Mowed		8.	
3. Fairway		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4.		10.	
5.		11.	
6.		12.	

% of species that are OBL, FACW, and/or FAC: . Other indicators: .
Hydrophytic vegetation: Yes No . Basis: .

Soil

Series and phase: Teel-TE On hydric soils list? Yes ; No X.
Mottled: Yes X; No . Mottle color: ; Matrix color: 10YR 6/1.
Gleyed: Yes No Other indicators: .
Hydric soils: Yes X No ; Basis: .

Hydrology

Inundated: Yes ; No X. Depth of standing water: - -.
Saturated soils: Yes ; No X. Depth to saturated soil: .
Other indicators: .
Wetland hydrology: Yes ; No X. Basis: No water at 24".
Atypical situation: Yes ; No . Due to presence of drainage tile.
Normal Circumstances? Yes No .
Wetland Determination: Wetland ; Nonwetland X.

Comments:

Determined by: Ed Fahrenkopf

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