

# Appendix L

Explanation of Significant Difference, February 2017





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# EXPLANATION OF SIGNIFICANT DIFFERENCE HANNA FURNACE (SUBPARCEL 3) SITE

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City of Buffalo / Erie County / Site No. B00164 / February 2017

Prepared by the New York State Department of Environmental Conservation  
Division of Environmental Remediation

## 1.0 INTRODUCTION

The purpose of this notice is to describe the progress of the cleanup at the Hanna Furnace (Subparcel 3) site and to inform you about a change in the site remedy. The site is a portion of the former Hanna Furnace property, located near Route 5, at the southern limit of the City of Buffalo. Subparcel 3 is the 200-foot wide strip of land surrounding the eastern end of the Union Ship Canal.

On February 17, 2005, the New York State Department of Environmental Conservation (NYSDEC) issued a Record of Decision which selected a remedy to clean up the site under the State's Environmental Restoration Program. The upland portion of the remedy called for removal of surface debris and the placement of a 24-inch thick soil cover in areas not covered by hardscape (asphalt and/or concrete). In December 2006 updated environmental remediation program regulations (6 NYCRR Part 375) were issued requiring a minimum of 12-inches of soil cover in areas utilized for passive recreational use. This Explanation of Significant Difference (ESD) modifies the required cover thickness from 24-inches to 12-inches, consistent with current regulatory requirements.

This ESD will become part of the Administrative Record for this site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

Buffalo and Erie County Public Library  
JP Dudley Branch  
2010 South Park Avenue Buffalo, NY 14203  
Telephone (716) 257-9500

DEC Region 9 Office  
270 Michigan Avenue  
Buffalo, NY 14220  
Telephone (716) 851-7220  
*(Please call for appointment)*

Although this is not a request for comments, interested persons are invited to contact the NYSDEC's Project Manager for this site, David Locey, to obtain more information or have questions answered.

## 2.0 SITE DESCRIPTION AND ORIGINAL REMEDY

### 2.1 Site History, Contamination, and Selected Remedy

The site is also referred to as Parcel 3 of the Buffalo Lakeside Commerce Park. It is a 200 foot-wide strip of land surrounding the Union Ship Canal east of Route 5, covering approximately 22 acres, in the southwest corner of the City of Buffalo. Parcel 3 and the commerce park were once the site of the Hanna Furnace facility, an iron smelting facility. Prior to industrialization, the area was predominantly marsh land. The historic disposal of fill materials on site (e.g., slag, cinders, demolition debris, and dredged

sediments) and the subsequent operations of the iron smelting facility, contaminated site soil and groundwater with hazardous substances, including heavy metals and semi-volatile organic compounds

The following is a summary of the site remedy included in the February 2005 ROD:

- remove surface debris, re-grade the site, place a demarcation layer over the site and cover with clean soil to a minimum thickness of two feet;
- develop a site management plan and impose environmental easements to ensure the long-term integrity of the remedy and to restrict inappropriate use of the site;
- repair sections of the Union Ship Canal wall with the construction of underwater support berms of sand and/or stone; and
- create shallow-water fish habitats within or immediately adjacent to the canal, including the placement of a soil cover over the remainder of the canal bed where appropriate.

Elements of the selected remedy were implemented between March 2010 and October 2011. An environmental easement was placed on the site property, restricting it to its current use as greenspace or public passive recreational use as described in 6 NYCRR Part 375-1.89(g)(2)(iii).

### **3.0 CURRENT STATUS**

Remediation was completed in October 2011. A Certificate of Completion was withheld due to the lack of adequate final engineering documentation, specifically the verification of the site soil cover thickness.

### **4.0 DESCRIPTION OF SIGNIFICANT DIFFERENCE**

#### **4.1 New Information**

At the time that the ROD was issued, the 6 NYCRR Part 375 regulations did not distinguish between active and passive recreational site uses. Regulations now allow that 12 inches of soil cover is protective for passive recreational sites.

#### **4.2 Comparison of Changes with Original Remedy**

The original remedy required a 24-inch soil cover. On average, the constructed soil cover was 20 inches thick. The site was designed and built as a public park, with paved and gravel walk ways, paved parking lots and landscaped areas. The park does not include athletic fields or playgrounds (i.e., areas that would be considered suitable for active recreation). The reasonably anticipated use of the site would not likely result in heavy foot traffic over the soil cover.

A Site Management Plan (SMP) will be prepared to ensure that the soil cover remains in place and effective. The SMP will also include an Excavation Plan which details provisions for management of future excavations into the remaining contamination, and provisions for site inspections, maintenance and monitoring. Any future change in use of the site will require prior notification and approval from the NYSDEC; the addition of playgrounds, athletic fields or any other active recreational facilities will not be permitted under the site's environmental easement.

In consideration of the site's current and future use, the NYSDEC has determined that the constructed site soil cover is protective and consistent with current regulations.

## 5.0 SCHEDULE AND MORE INFORMATION

No further remedial action or corrective measures are necessary at this time. Once the SMP is approved by the NYSDEC, a Certificate of Completion will be issued.

If you have questions or need additional information you may contact any of the following:

### Site Related Environmental Questions

Mr. David P. Locey, Project Manager  
NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203  
Telephone: (716) 851-7220  
Email: [REDACTED]

### Site Related Health Questions

Mr. Matt Forcucci  
NYS Department of Health  
584 Delaware Avenue  
Buffalo, NY 14202  
Telephone: (716) 847-4501  
Email: beei@health.ny.gov

<hr/> <div>Date</div>          <div>02/23/17</div> <hr/> <div>Date</div>	<div><div>Date: 2017.02.23 16:01:55 -05'00'</div></div> <hr/> <div>David Locey, Project Manager Region 9</div> <div><div>2017.02.23 16:07:10 -05'00'</div></div> <hr/> <div>Chad Staniszewski, RHWRE Region 9</div> <div></div> <hr/> <div>Michael Cruden, Director Remedial Bureau E</div> <div><div>2/24/17</div><div>Date</div></div> <hr/> <div>Robert W. Schick, Director Division of Environmental Remediation</div>
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## DECLARATION

The selected remedy is protective of public health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.



**Explanation of Significant Difference  
HANNA FURNACE (SUBPARCEL 3)  
SITE  
FIGURE 1**



SOURCE: NYS Department of State, Division of  
Coastal Resources, Digital Ortholmagery  
1994-1998

2000 0 2000 Feet

**URS**

**SITE INVESTIGATION/REMEDIAL ALTERNATIVE REPORT  
SUBPARCEL 3 - FORMER HANNA FURNACE SITE  
SITE LOCATION MAP**



**Explanation of Significant Difference  
HANNA FURNACE (SUBPARCEL 3)  
SITE  
FIGURE 2**





Explanation of Significant  
Difference  
HANNA FURNACE  
(SUBPARCEL 3) SITE  
FIGURE 3  
PRE-REMEDIATION





Explanation of Significant  
Difference  
HANNA FURNACE  
(SUBPARCEL 3) SITE  
FIGURE 4  
POST-REMEDATION

