

### YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION ECL ARTICLE 27, TITLE 14

9/3/04

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Applicant Information	or to the test and adding the description of the second		CHANGE SECTION OF THE
NAME Co-Applicants - See Attachmer	nt		
ADDRESS		·	
CITY/TOWN		ZIP CODE _	
PHONE	PAX		E-MAIL
NAME OF APPLICANT'S REPRESENTATIVE		,	· · · · · · · · · · · · · · · · · · ·
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	ute des	E-MAIL
THE APPLICANT MUST CERTIFY THAT IT IS ONE OF THE BOXES BELOW:  PARTICIPANT An applicant who either 1) was the owner of the sit of hazardous waste or discharge of petroleum or responsible for the contamination, unless the liabit of ownership, operation of, or involvement with disposal of hazardous waste or discharge of petroleum.	e at the time of the disposal r 2) is otherwise a person lity arises solely as a result the site subsequent to the	VOLUNTEER  An applicant other than a par solely as a result of ownership, the disposal of hazardous wast NOTE: By checking this bo appropriate care with respect reasonable steps to: i) stop any	ox, the applicant certifies that he/she has exercised to the hazardous waste found at the facility by taking y continuing discharge; ii) prevent any threatened future, if human, environmental, or natural resource exposure
Applicant Relationship to Property (check one):		□ SEE A	ATTACHMENT
Current Owner/Operator Info  OWNER'S NAME (if different, from applicant)		rchaser U Other SEET	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	:	E-MAIL
OPERATOR'S NAME (if different from applica	nt)		÷
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	3 e 9	E-MATL

Site Information			
SITE NAME BURA West Site (See Attached Map A)			
SITE ADDRESS Fourth and West Genesee Sts. CITY/TOWN	Buffalo, New York ZIP CODE	14202	
COUNTY Erie	SITE SIZE (ACRES) approximately 1.65 acres		
LATITUDE (degrees/minutes/seconds) 42 ° 53 ' 7"	LONGITUDE (degrees/minutes/seconds) 78 ° 53 '		2"
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBE. BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE Q		LOCATIO	N AND
DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES     IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION	AND BOUNDS?	$\square_{\mathrm{YES}}$	<b>☑</b> NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUI		$\square_{\rm YES}$	
TO GML970-R? IF YES, IDENTIFY AREA (NAME)  3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO T	• • • • • • • • • • • • • • • • • • • •	$\mathbf{Z}_{\mathrm{YES}}$	$\square_{\mathrm{NO}}$
GO TO: http://www.nylovesbiz.com/Productivity_Energy_and_Environ IF YES, IDENTIFY AREA (NAME) Vacant	ment/BrownField_Kedevelopment/detault.asp		
Applicant Eligibility Information (Please refer t	FCL \$ 27, 1407)		Partie Stranger
Applicant Englomity Information (Flease Feler t	DECL § 27-1407)	TO SECURITY	
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE AF	PLICANT REGARDING THIS SITE?	□YES	<b>☑</b> NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY	THE SPILL FUND FOR THIS SITE?	□YES	<b>☑</b> NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ART	ICLE 27?	$\square_{\mathrm{YES}}$ $\square_{\mathrm{YES}}$	$\mathbf{v}_{\mathrm{NO}}$
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?			$\mathbf{Z}_{NO}$
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTION WASTE OR PETROLEUM?	$\square_{\mathrm{YES}}$	$\mathbf{\underline{U}}_{\mathrm{NO}}$	
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFE BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC AD	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{NO}$	
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS C FACTS IN A MATTER RELATED TO THE DEPARTMENT?	R CONCEALED MATERIAL	$\square_{\mathrm{YES}}$	$\mathbf{v}_{NO}$
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL AR OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AN BASIS FOR DENIAL OF A BCP APPLICATION?	`	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{NO}$
Site Eligibility Information (Please refer to ECI	§ 27-1405)		
DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SIT     REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE     WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?		$m{arSigma}_{ m YES}$	$\square_{ m NO}$
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?			$\mathbf{Z}_{\mathrm{NO}}$
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZ IF YES, PLEASE PROVIDE: SITE # CLA	ARDOUS WASTE DISPOSAL SITES?	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{\mathrm{NO}}$
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, T. STATUS FACILITY?	TLE 9, OTHER THAN AN INTERIM	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{NO}$
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGAT TITLE 10?	TION LAW ARTICLE 12 OR ECL ARTICLE 17	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{NO}$
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMEN OR PETROLEUM?	T ACTION RELATED TO HAZARDOUS WASTE	$\square_{\mathrm{YES}}$	$\mathbf{Z}_{NO}$
<b>Project Description</b>			
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLU	DES THE FOLLOWING COMPONENTS:		
PURPOSE AND SCOPE OF THE PROJECT     ESTIMATED PROJECT SCHEDULE			

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:  1. ENVIRONMENTAL DATA A PHASE I BENVIRONMENTAL STE ASSESSMENT BEPORT PREPORTS DIVACORDANCE WITH ASTM E 1327 (Austrian Society for Toring APHASE I BENVIRONMENTAL BEPORT PREPORTS RELATED TO CONTAMINANTS ON OR IMMANTING PROMITIES SITE.  IF A FRALE PROPERTY OF CONTAMINANTS ON OR IMMANTING PROMITIES SITE.  IF A FRALE PROPERTY OF THE INTERPREPORT IS INCLUDED, NDICATE WHETHER SITE.  IF A FRALE PROPERTY OF THE AREA OF THE STEP OF THE APPLICANT'S OF ECLARRICLE 27-14(5Q):  IF YES SOCIETY OF THE PROPUGS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND INTERPROPERTY ON THE PREPARATION OF THE APPLICANT'S RELATIONSHIP, IF ANY, TO LACE! PREPARATION OF A PREPARATION OF THE APPLICANT'S RELATIONSHIP IF ANY INTERPREPARE OF THE PROPUGS OF THE	Site's Environmental Hi	story				
## FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-14/5/Q):  ## Yes   Wyes   Joynaps   A LIST of PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, PLAY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").    A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, PLAY) TO EACH PREVIOUS OPERATOR SISTED. IF NO RELATIONSHIP, PUT "NONE").    Contact List Information	FOLLOWING:  1. ENVIRONMENTAL DATA  A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL					
2. OWNERS A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, POT "NONE").  3. OPERATORS A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, POT "NONE").  4. OPERATORS A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, POT "NONE").  5. OPERATORS A LIST OF PREVIOUS OPERATORS WITH NAMES AND ADDRESSES OF THE FOLLOWING: 1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHARPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SHE EAST PROPERTY.  5. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHARPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SHE LIST PROPERTY.  5. LOCKAL NEWS ASEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.  6. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SHE IS LOCATED.  7. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SHE CONTACT LIST.  6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SHE.  7. THE LOCATION OF A DOCUMENT REPOSITION FOR THE PROPECT (E.G., LOCKAL LIBRARY)  CONTAINED TO BE ADDRESSED ON THE SHE CONTACT LIST.  6. THE ADMINISTRATOR OF A DOCUMENT REPOSITION FOR THE PROPECT (E.G., LOCKAL LIBRARY)  CONTAINED TO BE PLACED ON THE SHE CONTACT LIST.  7. THE LOCATION OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED.  7. CONTAINED TO BE PLACED ON THE SHE CONTACT LIST.  8. ONLY OF THE SHE CONTACT LIBRARY  CONTACT RESONANCE SHE CONTACT LIBRARY  CONTACT RESONANCE SHE CONTACT LIST.  8. ONLY OR SUSPECTED TO HAVE BEEN AFFECTED.  9.	1				REMENTS OF ECL ART	TICLE 27-1415(2):
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Contaminant Category  Soil  Groundwater  Surface Water  Sediment  Soil Gas  Petroleum  V  Chlorinated Solvents  Other VOCs  SVOCs  W  Metals  Pesticides  PCBs  Other*  *Please describe:  **Please describe:  **Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use:   Residential   Commercial   Industrial   Other Vacant    Future Use:   Residential   Commercial   Industrial   Other    Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?	Contaminant Information	n e e e e e e e e e e e e e e e e e e e				
Petroleum  Chlorinated Solvents  Other VOCs  SVOCs  Metals  Pesticides  PCBs  Other*  *Please describe:  **Please describe:  Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use: □ Residential □ Commercial □ Industrial □ Other  Future Use: □ Residential □ Commercial □ Industrial □ Other  Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?	INDICATE KNOWN OR SUSPECTE	D CONTAMINANTS AI	ND THE MEDIA WHIC	H ARE KNOWN OR SUS	SPECTED TO HAVE BE	EEN AFFECTED:
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SVOCs  Metals  Pesticides  PCBs  Other*  *Please describe:  *Please describe:  Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use: □ Residential □ Commercial □ Industrial □ Other Vacant  Future Use: □ Residential □ Commercial □ Industrial □ Other  Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?  □ □ □	Chlorinated Solvents	<u> </u>				
Metals  Pesticides  PCBs  Other*  *Please describe:  Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use: Residential Commercial Industrial Other Vacant  Future Use: Residential Commercial Industrial Other  Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?	Other VOCs					
Pesticides  PCBs  Other*  *Please describe:  Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use: Residential Commercial Industrial Other  Future Use: Residential Commercial Industrial Other  Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?	SVOCs	<i>'</i>	v			
PCBs Other*  *Please describe:  *Land Use Factors (Please refer to ECL § 27-1415(3))  Current Use: Residential Commercial Industrial Other  Future Use: Residential Commercial Industrial Other  Please check the appropriate boxes and provide an explanation as an attachment if appropriate.  Yes No Unknown  1.Do current historical and/or recent development patterns support the proposed use?	Metals	<i>'</i>	V			
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3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)			V
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	V		
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).			
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8. Is the site accessible to existing infrastructure?	V		
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10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?			
11. Are there floodplains proximate to the site?			ď
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15. Describe on attachment the geography and geology of the site.			
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<ul> <li>625 Broadway         Albany, NY 12233-7020</li> <li>One (1) hard copy must be sent to the DEC regional contact in the regional office covering the county in located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/web</li> </ul>	n whic	ch the	site is ex.html
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#### **APPLICANT INFORMATION**

#### 1. Co-Applicant Information

**OLT Buffalo LLC** 11911 Freedom Drive, Suite 900 Reston, Virginia 20190

Phone: (703) 709-6500 (703) 709-8505 Fax:

E-Mail: jbulman@escva.com

#### Co-Applicant's Representative

Mr. Jim Bulman **OLT Buffalo LLC** 11911 Freedom Drive, Suite 900 Reston, Virginia 20190

Phone:

(703) 709-6500

Fax:

(703) 709-8505

E-Mail: jbulman@escva.com

#### 2. Co-Applicant Information

Duke Realty HN New York, LLC 600 East 96<sup>th</sup> Street, Suite 100 Indianapolis, Indiana 46240

Phone:

(317) 808-6309

Fax:

(317) 808-6702

E-Mail: pat.shea@dukerealty.com

#### Co-Applicant's Representative

#### Patrick R. Shea

Development Services Manager National Development & Construction Duke Realty Corporation 600 East 96<sup>th</sup> Street, Suite 100 Indianapolis, Indiana 46240

Phone:

(317) 808-6309

Fax:

(317) 808-6702

E-Mail: pat.shea@dukerealty.com

#### 3. Co-Applicant's Relationship to Property

Co-Applicant QLT Buffalo LLC is unrelated to the Property. Co-Applicant Duke Realty HN New York, LLC will become the owner of the Property on or before June 10, 2005.

#### 4. Current Owner Information

Site owner and operator of Site, referred to National Fuel Gas Buffalo Service Center, as shown on attached Map A, is:

Site Owner: Buffalo

Buffalo Urban Renewal Agency (BURA)

Site Operator: Buffalo Urban Renewal Agency (BURA)

Both have the following mail address, telephone and fax numbers, and e-mail address:

920 City Hall 65 Niagara Square Buffalo, New York 14202

Phone: (716) 851-5053 Fax: (716) 854-0172

E-Mail:

rstanton@ch.ci.buffalo.ny.us

#### 5. Description of Property

The address of this property is Fourth and West Genesee Streets, Buffalo, New York 14202.

## PROJECT DESCRIPTION AND ESTIMATED PROJECT SCHEDULE

Co-Applicant QLT Buffalo LLC will complete remediation of the Site under an approved Remedial Action Work Plan and, once complete, this remediation will allow the Co-Applicant Duke Realty HN New York, LLC to construct a portion of a commercial building of approximately 350,000 square feet. HealthNow New York Inc. is expected to be the principal tenant of the office building. The construction may also include other structures, access roads, parking areas, and/or related utilities and appurtenances. It is anticipated that approximately 1,200 employees of HealthNow New York Inc. would be located in the commercial office building.

The remediation portion of the project is anticipated to begin in the second quarter of 2005 and is expected to be complete by the fourth quarter of 2005. Commencement of construction is expected to immediately follow the completion of remedial activities and continue until the third quarter of 2007.

#### SITE'S ENVIRONMENTAL HISTORY

#### 1. Environmental Data:

The nature and extent of environmental conditions at the BURA West Site and areas immediately adjacent to the site were characterized through the completion of several site investigations from 1989 to 2005 (E&E 1989, E&E 1990 (2), FDGTI 1996, FDGTI 1998, IT 2000, Shaw 2002 (2), RETEC 2003, ESC 2005, LCS 2005). Based on the results of the investigations, areas containing affected soil and groundwater have been identified and fully delineated. The site investigations conducted at this site are summarized below.

- 1989 Ecology & Environment, Inc. (E&E) conducted a preliminary site assessment.
- 1990 E&E completed a health assessment and interim remedial measure of cyanide-containing soils near the western corner of the property.
- 1990 E&E completed an investigation by installing and sampling six groundwater monitoring wells.
- 1996 Fluor Daniel GTI completed qualitative and quantitative risk assessments of groundwater at the site and beneath the Waterfront School property. Direct contact with groundwater was not found to be a significant route of exposure for contaminants of interest.
- 1998 Fluor Daniel GTI installed and sampled two additional monitoring wells and 19 geoprobe borings.
- 2000 IT Corporation conducted a site-wide investigation of groundwater impacts.
- 2002 Shaw/IT Corporation excavated 17 test pits, installed 27 geoprobe borings to collect soil and groundwater samples, and installed 16 monitoring wells.
- 2002 Shaw/IT installed soil borings in the former Wilkeson Slip, conducted a site-wide groundwater sampling event, completed a human health risk assessment, and collected indoor air and sump water samples from the basement of the Waterfront School.
- 2003 RETEC completed a pre-design investigation that included the installation of 40 soil borings, 3 monitoring wells, 2 recovery wells, and 10 temporary piezometers on- and offsite. A pumping test was conducted on one of the recovery wells. In addition, a treatability study was conducted for in-situ solidification and in-situ chemical oxidation (ISCO).
- 2005 ESC Engineering advanced test pits and collected samples for visual and analytical characterization at the West BURA property.
   Samples were collected for Toxicity Characteristic Leaching Procedure (TCLP) at the request of the NYSDEC.

• 2005 – LCS inc., on behalf of Duke Realty Corporation, installed 17 soil borings spaced throughout the West BURA property (west of OU-2A).

### 2. List of Previous Owners/Operators:

Fisher Malting Company

Montgomery Brothers and/or Montgomery Box & Door Co.

Crane Company

Great Bear Spring Company or Great Bear Spring Water Distributors

Applicants have no relationship to any former owners/operators.

#### **CONTACT INFORMATION**

1. Chief Executive Officer:

Joel A. Giambra

Edward A. Rath County Office Bldg.

95 Franklin Street

Buffalo, New York 14202

2. Zoning Board Chairperson:

Frank Manuele, Chair

City of Buffalo Planning Board

901 City Hall 65 Niagara Square

Buffalo, New York 14202

3. Information on Residents, owners of the Site and owners of adjacent properties is attached.

4. Local News Media:

The Buffalo News

Administrative Office

One News Plaza

Buffalo, New York 14240

5. Public Water Supplier:

Victoria Saxon, Chair

Buffalo Water Board

2 Porter Avenue

Buffalo, New York 14201

6. Any person who has requested to be placed on the list: None.

7. Administrator of School/Day Care:

Waterfront Public School

95 Fourth Street

Buffalo, New York 14202

Levels K - 5

8. Location of Document Repository

for the Project:

Erie County Public Library

One Lafayette Square Buffalo, New York 14203

### <u>CONTACT LIST – ADJACENT PROPERTY OWNERS</u>

See attached.

#### PROXIMITY TO REAL PROPERTY USED FOR RESIDENTIAL USE, AND URBAN, COMMERCIAL, INDUSTRIAL, AGRICULTURAL AND RECREATIONAL AREAS

The Site is in proximity to real property used for apartments and condominiums (west of the NYS Thruway); is in proximity to the Waterfront School; and is in proximity to Lake Erie where recreational activities such as sailing, etc. take place during spring, summer, and fall. Also in close proximity to the Site are commercial buildings, including a Post Office, hotel and a building housing local television station WKBW. Public parking is allowed along West Genesee and Fourth Streets adjacent to the site.

# VULNERABILITY OF GROUNDWATER TO CONTAMINATION THAT MIGHT MIGRATE FROM THE SITE, INCLUDING PROXIMITY TO WELLHEAD PROTECTION ANDGROUNDWATERRECHARGE AREAS

The groundwater systems in the vicinity of the BURA West Site are at limited risk of contamination from the constituents at this site. Upon available information, the former woodworking, plumbing, brewing, and spring water operations were terminated in the 1960s, more than forty years ago. The likely sources of any contamination on the property will be addressed during the remedial action and, therefore, the risks of further impacts to groundwater are limited. The groundwater should be in a steady state condition.

There are no known drinking water or industrial wells operating down-gradient of the BURA West property.

#### **GEOGRAPHY AND GEOLOGY OF SITE**

The geography of the area is relatively level urban land.

A layer of fill material covers the majority of the site in thickness ranging from 3 to 8 feet. The fill is thickest in the BURA West Site. The fill consists primarily of silty sand, gravel, brick fragments, concrete and metal debris, and also contains varying amounts of coal fragments. Underlying the fill is an alluvium unit comprised of a heterogeneous mixture of silt, sand, clay and gravel. Occasionally the alluvium was observed to be overlain with laterally discontinuous lenses of peat. Bedrock was encountered at depths that range from 15 to 19 feet below ground surface. The bedrock unit is a fractured limestone.

Mr. Michael Podd N.Y.S. D.E.C., Region 9 270 Michigan Ave. Buffalo, N.Y 14203

Mr. Daniel David N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

Mr. Gerald Mikol N.Y.S. D.E.C., Region 9 270 Michigan Ave. Buffalo, N.Y 14203

Mr. Mark VanValkenburg N.Y.S. D.O.H., Room 205 547 River Street Troy, NY 12180

Mr. Abul Barkat Barkat Consulting 420 Kaymar Drive Amhurst, NY 14228

Assemblyman Mark Schroeder 145th Assembly District General Donovan Building Buffalo, NY 14203

Senator William Stachowski 58th District, N.Y.S. Senate 2030 Clinton Street Buffalo, NY 14206

Senator Charles Schumer U.S. Senate, Room 620 111 West Huron Street Buffalo, NY 14202

Mr. William Goodman Buffalo Common Council Staff 1413 City Hall Buffalo, NY 14202

Councilman David Franczek, Pres. Buffalo Common Council, Fill. 1315 City Hall Buffalo, NY 14202 Community Outreach File N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

Mr. Martin Doster N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

Mr. Cameron O'Connor N.Y.S. D.O.H. 584 Delaware Avenue Buffalo, NY 14202

Mr. Vivek Nattanmai N.Y.S. D.E.C. 625 Broadway Albany, NY 12233-7017

Assemblywoman Crystal Peoples 141st Assembly District 792 East Delavan Buffalo, NY 14215

Congressman Brian Higgins 27th District 726 Exchange St. St 601 Buffalo, NY 14210

Senator Byron Brown 60th District, N.Y.S. Senate 65 Court Street, Rm213 Buffalo, NY 14202

Congressman Thomas Reynolds 26th Dist., Attn: Ms. Moore 500 Essjay Road Amherst, NY 14221

Mr. William Nowak Buffalo Common Council Staff 1413 City Hall Buffalo, NY 14202

Councilman Dominic Bonifacio Buffalo Common Council, Niag. 1504 City Hall Buffalo, NY 14202 Ms. Meaghan Boice-Green N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

Mr. Jaspal Walia N.Y.S. D.E.C., Region 9 270 Michigan Avenue Buffalo, NY 14203

Mr. Matt Forcucci N.Y.S. D.O.H. 584 Delaware Avenue Buffalo, NY 14202

Mr. Michael Basile USEPA - Public Info. Office 345 3rd Street, Rm. 530 Niagara Falls, NY 14303

Assemblyman Sam Hoyt 144th Assembly District General Donovan Building Buffalo, NY 14203

Congresswoman Louise Slaughter 28th District, U.S. Congress 465 Main Street Buffalo, NY 14203

Senator Hillary Rodham-Clinton U.S. Senate, 203 Guaranty Bld 28 Church Street Buffalo, NY 14202

Ms. Sandra Carrubba 86 Chalmers Avenue Buffalo, NY 14223

Councilman Brian Davis Buffalo Common Council, Elct. 1408 Buffalo City Hall Buffalo, NY 14202

Commissioner Tim Wanamaker Buffalo Community Development 920 City Hall Buffalo, NY 14202 Mr. Gary Ziolkowski Buffalo Community Development 304 City Hall Buffalo, NY 14202

Mr. Robert Rua Buffalo Director of Safety 406 City Hall Buffalo, NY 14202

Chairman Bruce Coleman Buffalo Environmental Comm. 916 City Hall Buffalo, NY 14202

Mayor Anthony Masiello Buffalo Mayor's Office, R 201 City Hall Buffalo, NY 14202

Mr. J. Andrew Maddigan Buffalo School Board Assist. 713 City Hall Buffalo, NY 14202

Mr. Richard Stanton Buffalo Urban Renewal Agency 901 City Hall Buffalo, NY 14202

Mr. Paul Kranz Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202

Honorable Joel Giambra Erie County Executive 95 Franklin Street Buffalo, NY 14202

Legislator Edward Kuwik Erie County Legislature, 1st. 25 Delaware Avenue Buffalo, NY 14202

Legislator Michael Ranzenhofer Erie County Legislature, 4th. 25 Delaware Avenue Buffalo, NY 14202 Mr. Edward Peace Buffalo Coporation Councel 1100 City Hall Buffalo, NY 14202

Mr. John Sniderhan Buffalo Disaster Coordinator 195 Court Street Buffalo, NY 14202

Mr. Dennis Sutton Buffalo Environmental Mngmt. 916 City Hall Buffalo, NY 14202

Mr. Mel Austin Buffalo School Administration 406 City Hall Buffalo, NY 14202

Mr. Philip Rumore Buffalo Teachers Federation 271 Porter Avenue Buffalo, NY 14201

Mr. Patrick Daley Erie Co. Emergency Services 95 Franklin Street Buffalo, NY 14202

Mr. Michael Raab Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202

Mr. Kevin Kelley Erie County Legislature Clerk 25 Delaware Avenue Buffalo, NY 14202

Legislator Mark Schroeder Erie County Legislature, 2nd. 25 Delaware Avenue Buffalo, NY 14202

Legislator Denis Marshall Erie County Legislature, 5th. 25 Delaware Avenue Buffalo, NY 14202 Ms. Maria Scinta Buffalo Development 920 City Hall Buffalo, NY 14202

Mr. David Stebbins Buffalo Economic Renaissance 617 Main Street Buffalo, NY 14203

Mr. Thomas Fitzpatrick Buffalo Haz. Mat. Captian 195 Court Street Buffalo, NY 14202

Mr. Joe Giambra Buffalo Public Works Dept. 503 City Hall Buffalo, NY 14202

Ms. Sandy Nasca Buffalo Urban Renewal Agency 920 City Hall Buffalo, NY 14202

Commissioner Laurence Rubin Erie Co. Environment & Plan. 95 Franklin Street Buffalo, NY 14202

Commissioner Anthony Billittier Erie Co. Health Dept., Rm 931 95 Franklin Street Buffalo, NY 14202

Legislator Lynn Marinelli Erie County Legislature, 11th 25 Delaware Avenue Buffalo, NY 14202

Legislator George Holt Erie County Legislature, 3rd. 25 Delaware Avenue Buffalo, NY 14202

Legislator Albert DeBenedetti Erie County Legislature, 6th. 25 Delaware Avenue Buffalo, NY 14202 Legislator Demone Smith Erie County Legislature, 7th. 25 Delaware Avenue Buffalo, NY 14202 Ms. Tanya Alexander National Fuel Gas 6363 Main Street Williamsville, NY 14221-5887 Principal Gail Buch Waterfront Elementary School 95 4th Street Buffalo, NY 14202

ATTN: ENVIRONMEN NEWS DESK The Buffalo Challenger 108 Sycamore Street Buffalo, NY 14204-1414 ATTN: Michael Desmond WNED, ENVIRONMENTAL NEWS DESK PO 1263. Horizons Plaza Buffalo, NY 14240

ATTN: Environmen News Desk WGRZ TV - CH. 2 259 Delaware Avenue Buffalo, NY 14202 ATTN: Environmen News Desk WKBW News Channel 7 7 Broadcast Plaza Buffalo, NY 14202 ATTN: Jay Bonfatti Buffalo News 1 News Plaza Buffalo, NY 14240

Mr. David Gallagher West Side Times 2503 Deleware Avenue Buffalo, NY 14216 ATTN: Environmen News Desk WBEN Radio 930 & WMJQ 500 Corporate Pkwy Buffalo, NY 14226 ATTN: Environmen News Desk WIVB - CH. 4 2077 Elmwood Avenue Buffalo, NY 14207

Attn: Anne Franczyk Business First, Environment 465 Main Street Buffalo, NY 14203-1793 Mr. Roch Termini Audubon Conservation Comm Box 467 Buffalo, NY 14223 Mr. Jay Burney 360 Cumberland Ave. Buffalo, NY 14220

Mr. Richard Lippes Environmental Management Com. 1260 Delaware Avenue Buffalo, NY 14209 Mr. Dave Gianturco Buffalo River Env. Research 465 Grantwood Snyder, NY 14226 Mr. & Mrs. Willard Morse Main - Laurel Block Club 26 Laurel Street Buffalo, NY 14209-1902

Mr. David Hahn-Baker 440 Lincoln Pkwy Buffalo, NY 14216 Mr. Alfred Price SUNY @ Buffalo, Planning Dept 3435 Main Street Buffalo, NY 14214 Mr. Earl Robinson Envrionmental Mgt. Commission PO BOX 981 Buffalo, NY 14240

Mr. Ausar Afrika Harambee Books, Environmental 108 Sycamore Street Buffalo, NY 14204 Mr. Brian Smith
Citizens Campaign-Environment
3144 Main Street
Buffalo, NY 14214

Mr. Don Kill Erie County Sportsmen's Fed. 55 Winstead Road Lackawanna, NY 14218

Mr. William Hilts, Sr. Environmental Council 5115 Baer Road Sanborn, NY 14132 Director Michael Schade Citizens' Env. Coalition 543 Franklin St., Rm. 2 Buffalo, NY 14202-1109 Chairwoman Jane Jontz Sierra Club, Niagara Group 62 Lincoln Road Snyder, NY 14226

Ms. Lois Meyer League of Woman Voters 731 W. Ferry St, Apt. 1-KL Buffalo, NY 14222 Current Resident RE: 4th St. Remediation Project 10 7th Street Buffalo, NY 14201 Current Resident RE: 4th St. Remediation Project 10 7th Street Buffalo, NY 14201 Current Resident RE: 4th St. Remediation Project 10 7th Street Buffalo, NY 14201

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Buffalo, NY 14201

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74 7th Street Buffalo, NY 14201

**Current Resident** 

RE: 4th St. Remediation Project

1 Pine Harbor Walk Buffalo, NY 14201

RE: 4th St. Remediation Project

2 Pine Harbor Walk Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

5 Pine Harbor Walk Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

8 Pine Harbor Walk Buffalo, NY 14201

Mr. Steven Sherman

Or current occupant 282 Delaware Avenue

Buffalo, NY 14202

Attn: Tenant

Or current occupant

68 Carolina St

Buffalo, NY 14201

Attn: A N Askia

Or current occupant

120 7th St

Buffalo, NY 14201-2219

Attn: C Bey

Or current occupant

150 7th St

Buffalo, NY 14201-2222

Attn: G M Chapman Or current occupant

155 Busti Ave

Buffalo, NY 14201-2228

Attn: D Cohen

Or current occupant

65 7th St

Buffalo, NY 14201-2203

Attn: Bill Crawford Or current occupant

85 7th St

Buffalo, NY 14201-2204

Current Resident

RE: 4th St. Remediation Project

3 Pine Harbor Walk Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

6 Pine Harbor Walk Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

9 Pine Harbor Walk Buffalo, NY 14201

Attn: Tenant

Or current occupant

85 Busti Ave

Buffalo, NY 14201-2225

Attn: J V Alexander Or current occupant

160 7th St

Buffalo, NY 14201-2223

Attn: J Batista

Or current occupant

38 Carolina St

Buffalo, NY 14201-2149

Attn: Timothy Blake

Or current occupant

120 7th St

Buffalo, NY 14201-2219

Attn: J M Clark

Or current occupant

160 7th St

Buffalo, NY 14201-2223

Attn: Rodric I D Constantine

Or current occupant 90 7th St. Apt 203

Buffalo, NY 14200

Attn: Kelly D Davis Or current occupant

120 7th St

Buffalo, NY 14201-2219

Current Resident

RE: 4th St. Remediation Project

4 Pine Harbor Walk

Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

7 Pine Harbor Walk

Buffalo, NY 14201

Current Resident

RE: 4th St. Remediation Project

10 Pine Harbor Walk

Buffalo, NY 14201

Attn: Tenant

Or current occupant

42 Carolina St

Buffalo, NY 14201

Attn: B Angeles

Or current occupant

70 Carolina St

Buffalo, NY 14201-2149

Attn: E Baxter

Or current occupant

54 Carolina St

Buffalo, NY 14201-2149

Attn: B Bridges

Or current occupant

120 7th St

Buffalo, NY 14201-2219

Attn: M Clark

Or current occupant

85 7th St

Buffalo, NY 14201-2204

Attn: R Cormack

Or current occupant

120 7th St

Buffalo, NY 14201-2219

Attn: Coy L Jr Defoor Or current occupant

140 7th St

Buffalo, NY 14201-2221

Attn: Harry Donmore Attn: Robert L R Farabee Attn: I M Dickerson Or current occupant Or current occupant Or current occupant 165 7th St 165 7th St 165 7th St Buffalo, NY 14201-2207 Buffalo, NY 14201-2207 Buffalo, NY 14201-2207 Attn: Trina Gerald Attn: Ted Gardner Attn: H C Floyd Or current occupant Or current occupant Or current occupant 45 7th St 130 7th St 110 7th St Buffalo, NY 14201-2220 Buffalo, NY 14201-2218 Buffalo, NY 14201-2202 Attn: Jose Gomez Attn: L Gillings Attn: Judith Glover Or current occupant Or current occupant Or current occupant 110 7th St 130 7th St 145 Busti Ave Buffalo, NY 14201-2220 Buffalo, NY 14201-2218 Buffalo, NY 14201-2227 Attn: James Hargrave Attn: S Guest Attn: Juan Gonzalez Or current occupant Or current occupant Or current occupant 110 7th St 22 Carolina St 110 7th St Buffalo, NY 14201-2218 Buffalo, NY 14201-2218 Buffalo, NY 14201-2149 Attn: Carolyn A Hinkle Attn: Diane Hill Attn: T Henderson Or current occupant Or current occupant Or current occupant 110 7th St 110 7th St, Apt 202 145 7th St Buffalo, NY 14200 Buffalo, NY 14201-2218 Buffalo, NY 14201-2206 Attn: Donna Johnson Attn: M A James Attn: D Jackson Or current occupant Or current occupant Or current occupant 150 7th St 90 7th St 85 Busti Ave Buffalo, NY 14201-2225 Buffalo, NY 14201-2222 Buffalo, NY 14201-2216 Attn: D Kamoche Attn: OR Kendrick Attn: Tara Johnson Or current occupant Or current occupant Or current occupant 66 Carolina St 85 7th St 150 7th St Buffalo, NY 14201-2204 Buffalo, NY 14201-2149 Buffalo, NY 14201-2222 Attn: L Love Attn: C Knight Attn: C Knight Or current occupant Or current occupant Or current occupant 45 7th St 90 7th St 90 7th St Buffalo, NY 14201-2216 Buffalo, NY 14201-2216 Buffalo, NY 14201-2202 Attn: Tensa Mc Henry Attn: Larry Mayweather Attn: Elisa Luciano Or current occupant Or current occupant Or current occupant 160 7th St 145 7th St 130 7th St Buffalo, NY 14201-2223 Buffalo, NY 14201-2206 Buffalo, NY 14201-2220

Attn: Shann Mc Norwood Attn: D
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Attn: D Mc Quiller Or current occupant 130 7th St Buffalo, NY 14201-2220 Attn: L M Mccoy Or current occupant 65 7th St Buffalo, NY 14201-2203 Attn: R Mccoy Attn: James Mchenry Attn: L Miller Or current occupant Or current occupant Or current occupant 160 7th St 85 Busti Ave 85 7th St Buffalo, NY 14201-2223 Buffalo, NY 14201-2225 Buffalo, NY 14201-2204 Attn: Leanna Murray Attn: Irma | Montanez Attn: Jamal Mitchell Or current occupant Or current occupant Or current occupant 65 7th St 70 Carolina St 120 7th St Buffalo, NY 14201-2203 Buffalo, NY 14201-2149 Buffalo, NY 14201-2219 Attn: Maria Ortis Attn: Kevin Olive Attn: Vincent Nunez Or current occupant Or current occupant Or current occupant 140 7th St 70 Carolina St 130 7th St Buffalo, NY 14201-2220 Buffalo, NY 14201-2221 Buffalo, NY 14201-2149 Attn: J Reid Attn: D Quarles Attn: L Owens Or current occupant Or current occupant Or current occupant 110 7th St 45 7th St 170 7th St Buffalo, NY 14201-2202 Buffalo, NY 14201-2224 Buffalo, NY 14201-2218 Attn: Rosario Rodriguez Attn: N Rodriguez Attn: Teddy Rivera Or current occupant Or current occupant Or current occupant 95 Busti Ave 38 Carolina St 145 Busti Ave Buffalo, NY 14201-2227 Buffalo, NY 14201-2226 Buffalo, NY 14201-2149 Attn: D Schuman Attn: Raymond Shelton Attn: Jacqueline Rogers Or current occupant Or current occupant Or current occupant 130 7th St 140 7th St 85 Busti Ave Buffalo, NY 14201-2220 Buffalo, NY 14201-2221 Buffalo, NY 14201-2225 Attn: P Smallwood Attn: Frederick Simmons Attn: Charles Simpson Or current occupant Or current occupant Or current occupant 85 7th St 165 7th St 140 7th St Buffalo, NY 14201-2207 Buffalo, NY 14201-2204 Buffalo, NY 14201-2221 Attn: Frederick Smith Attn: Valerie Smallwood Attn: S Smallwood Or current occupant Or current occupant Or current occupant 165 7th St 85 7th St 85 Busti Ave Buffalo, NY 14201-2207 Buffalo, NY 14201-2204 Buffalo, NY 14201-2225 Attn: John Stokes Attn: Tenant Attn: Napoleon Stephens

Or current occupant 145 7th St Buffalo, NY 14201-2206

Attn: Tenant
Or current occupant
50 Carolina St
Buffalo, NY 14201-2149

Or current occupant 145 7th St Buffalo, NY 14201-2206

Attn: Christine Thompson Or current occupant 85 7th St Buffalo, NY 14201-2204 Or current occupant 130 7th St Buffalo, NY 14201-2220

Attn: Louis Traylor Or current occupant 120 7th St Buffalo, NY 14201-2219 Attn: Aimable Twagilimana Or current occupant 140 7th St Buffalo, NY 14201-2221

Attn: R L Williams
Or current occupant
145 Busti Ave
Buffalo, NY 14201-2227

Resident Apt. 301 110 7th St. Buffalo, NY 14201

Harbor View Houses, Inc C/O Related Management Co. 625 Madison Ave, 9th FI New York, NY 10022

Attn: Manager Apartment Rental Office 200 7th St Buffalo, NY 14201

Current Resident Apt 201 165 7th St Buffalo, NY 14201

Attn: Tina Bethea Parent Of Waterfront Student 143 Freund Street Buffalo, NY 14215 Attn: Resident Or current occupant 155 Busti Ave Buffalo, NY 14201-2228

Attn: Frederick Young 130 7th St Buffalo, NY 14201-2220

Attn: Property Manager Buffalo Municipal Housing Ath 300 Perry St Buffalo, NY 14204

Please Post & Distribute Father Belle Community Center Maryland & Busti Ave. Buffalo, NY 14201

Attn: Property Manager Waterfront Health Care Ctr. 200 7th St Buffalo, NY 14201

Mr. Thomas DeJac Shoreline Apts. Supervisor 200 Niagara Street Buffalo, NY 14201

Tenant Apt. 204 130 7th Street Buffalo, NY 14201 Attn: Derrick Williams Or current occupant 120 7th St Buffalo, NY 14201-2219

Resident Apt. 104 85 Bustie Buffalo, NY 14201

Attn: Property Manager Buffalo Urban Renewal Agency 920 City Hall Buffalo, NY 14202

Please Post & Distribute Hispanics United Community 254 Virginia St. Buffalo, NY 14201

Dexter Martinez 8250 Northwest 12th St. Pembrook Pines, FL 33024

Attn: Veronica Cary Appartment 201 170 7th Street Buffalo, NY 14201

#### PROXIMITY TO REAL PROPERTY USED FOR RESIDENTIAL USE, AND URBAN, COMMERCIAL, INDUSTRIAL, AGRICULTURAL AND RECREATIONAL AREAS

The Site is in proximity to real property used for apartments and is in proximity to Lake Erie where recreational activities such as sailing, etc. take place during spring, summer, and fall. Also in close proximity to the Site are commercial buildings, including a hotel and a building housing local television station WKBW.

# VULNERABILITY OF GROUNDWATER TO CONTAMINATION THAT MIGHT MIGRATE FROM THE SITE, INCLUDING PROXIMITY TO WELLHEAD PROTECTION ANDGROUNDWATERRECHARGE AREAS

The groundwater systems in the vicinity of the West BURA Site are at limited risk of contamination from the Site. While all properties are former industrial sites, no active production or commercial use is known to have taken place for over 50 years. For example, the likely sources on the West BURA property (Montgomery Brothers [PAHs], Crane Company [oils, lead, and cleaning compounds], and the Great Bear Spring Company) were closed in the 1960s or earlier. As the likely sources on the property are gone, the risks of further impacts are limited. In fact, the West BURA property is bordered by the former Erie Canal backfill, potentially a source of groundwater impact outside the scope of the Brownfield Application. The groundwater should be in a steady state condition.

There are no known drinking water or industrial wells operating downgradient of the West BURA properties.

#### GEOGRAPHY AND GEOLOGY OF SITE

The geography of the area is relatively level urban land.

A layer of fill material covers the majority of the site in thickness ranging from 4 to 22 feet. The fill is thickest in the area of the former Wilkeson Slip in the northwestern portion of the study area. The fill consists primarily of silty sand, gravel, brick fragments, concrete and metal debris, and also contains varying amounts of coal gasification residuals such as cinder-like material, slag, ash-like material, and coal fragments. Underlying the fill is an alluvium unit comprised of a heterogeneous mixture of silt, sand, clay and gravel. Occasionally the alluvium was observed to be overlain with laterally discontinuous lenses of peat. Bedrock was encountered at depths which range from 18 to 25 feet below ground surface. The bedrock unit is a fractured limestone.