



Department of
Environmental
Conservation

Where to Find Information

Access project documents through the DECinfo Locator and at these location(s):

**Buffalo & Erie County Public Library
Dudley Branch**
2010 South Park Avenue
Buffalo, NY 14220
(716) 823-1854

Who to Contact

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

Project-Related Questions

Eugene Melnyk, PE, Project Manager
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203
(716) 852-7220
eugene.melnik@dec.ny.gov

Project-Related Health Questions

Shaun Surani
NYSDOH
Empire State Plaza, Corning Tower
Rm 1787, Albany, NY 12237
(518) 402-7860
beci@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:
www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

**ExxonMobil Oil Former
Buffalo Terminal OU-2 West
45 Orlando St.
Buffalo, NY 14210**

January 2020

**SITE No. C915201C
NYSDEC REGION 9**

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the ExxonMobil Oil Former Buffalo Terminal Operable Unit 2 West (OU-2 West) site ("site") located at 45 Orlando Street in Buffalo, Erie County, under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Elk Street Commerce Park, LLC. ("applicant") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

- Access the FER, Notice of COC and other project documents online through the DECinfo Locator:
<https://www.dec.ny.gov/data/DecDocs/C915201C/>.
- The documents also are available at the location(s) identified at left under "Where to Find Information."

Completion of the Project: The following activities have been completed to achieve the remedial action objectives:

- Excavation and off-site disposal of 1,600 cubic yards of grossly contaminated soil and fill.
- Import and placement of clean soil to backfill excavations to grade.
- Placement of a site wide cover system consisting of one foot of clean soil or gravel that was acceptable for commercial use and new asphalt pavement. Existing site buildings and existing asphalt pavement comprise a portion of the site cover.
- Implementation of a Site Management Plan (SMP) for long-term management of remaining contamination as required by the Environmental Easement, including plans for: (1) Institutional and Engineering Controls (IC/ECs); (2) monitoring; (3) operation and maintenance; and (4) reporting.
- Recording of an Environmental Easement as an IC to prevent future exposure to any residual contamination remaining at the site and ensure implementation of the SMP.

BROWNFIELD CLEANUP PROGRAM

Final Engineering Report Approved: NYSDEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as an easement, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been put in place on the site:

- Site Management Plan
- Groundwater Use Restriction
- Land Use Restriction
- Environmental Easement

The following engineering controls have been put in place on the site:

- Cover System

Next Steps: With its receipt of a COC, the applicant is eligible to redevelop the site. In addition, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A COC may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Site Description: The 4.35-acre site is in an urban area on the south side of Elk Street in the City of Buffalo. The former section of Babcock Street forms the eastern site boundary. The site is bordered on the south by Prenatt Street (a paper street) and Orlando Street to the west. The site is situated just north of the Buffalo River. The site is mainly open vacant land with a commercial garage building located at the southeastern

section of the site. The site was a portion of a larger former petroleum refining facility which had been used for petroleum refining and storage since the 1880s. Refining operations terminated in the 1980s. Former refinery, lube plant and terminal activities had impacted this site, which has been remediated under the Brownfield Cleanup Program.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915201C) at:

<http://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:

<http://www.dec.ny.gov/chemical/8450.html>

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

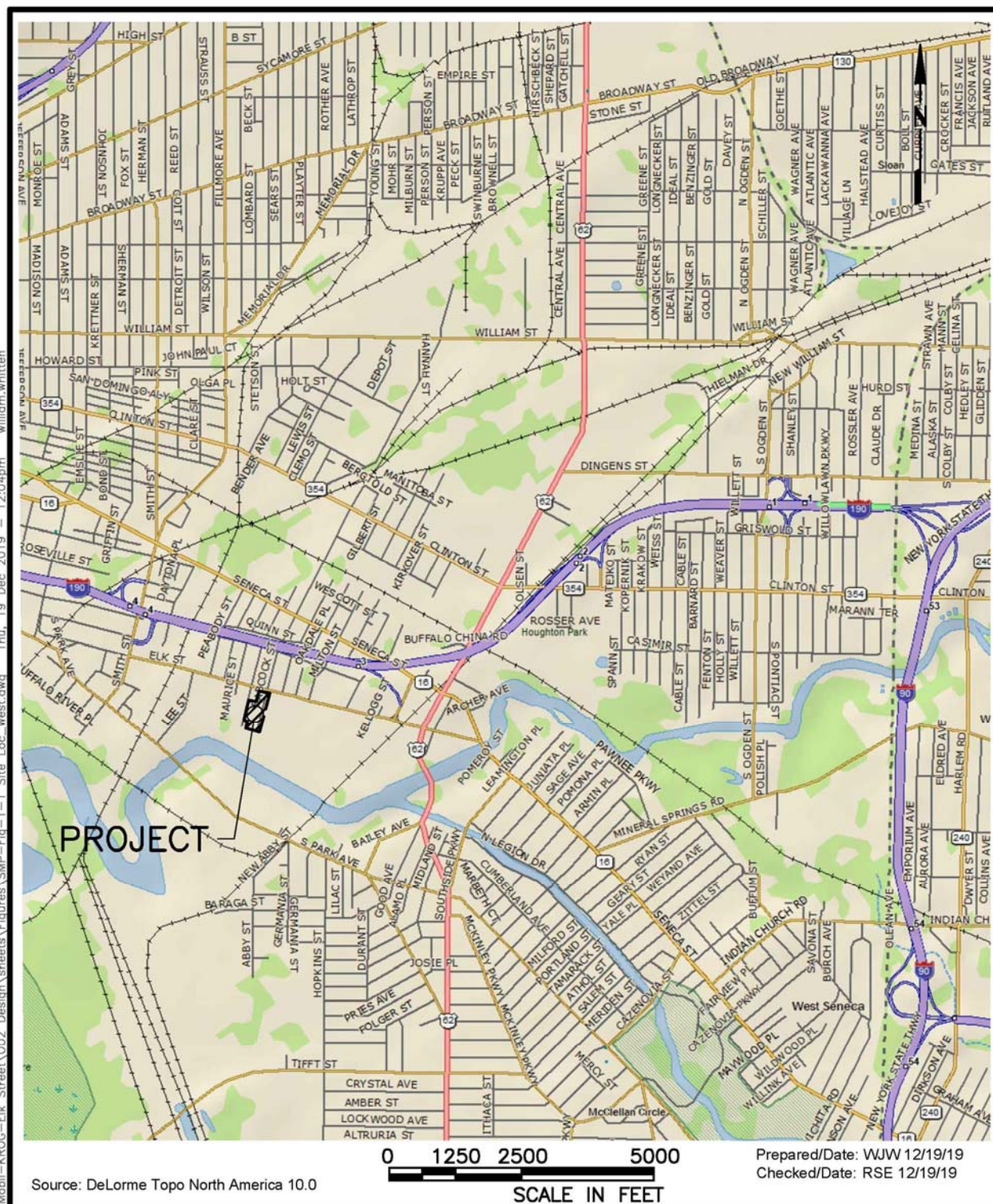
Note: Please disregard if you already have signed up and received this fact sheet electronically.

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>

BROWNFIELD CLEANUP PROGRAM

Site Location Map



OU2
Former Buffalo Terminal
Buffalo, NY



SITE LOCATION
PROJECT OU2 WEST
Project 3617-16-7397
FIG - 1.1