



FACT SHEET

Brownfield Cleanup Program

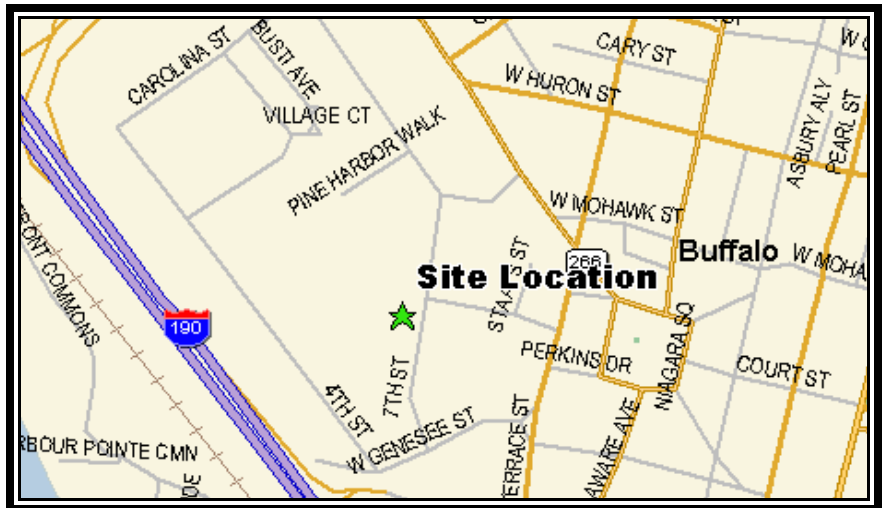
4 New Seventh Street
Site #C915203
Buffalo, Erie County

December 2006

DEC Certifies Completion of Environmental Cleanup Activities at 4 New Seventh Street Site

The New York State Department of Environmental Conservation (DEC) has determined that 257 W. Genesee LLC has achieved cleanup requirements to address contamination related to the 4 New Seventh Street site, located at Seventh Street in Buffalo, Erie County. (See figure below.) Cleanup activities at the site were completed under New York State’s Brownfield Cleanup Program (BCP), a program that encourages the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and redeveloped.

DEC has issued a Certificate of Completion to 257 W. Genesee, LLC for the New Seventh Street site. A copy of the Certificate of Completion is available for review at the locations identified on the back of this page.



DETAILS ABOUT THE CERTIFICATE OF COMPLETION

The Certificate of Completion issued by DEC contains:

- 1) a description of the cleanup activities completed;
- 2) a certification that cleanup requirements have been achieved;
- 3) the boundaries of the site;
- 4) a description of institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the remedial action leaves residual contamination that 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 or vapor barrier; and
- 5) a certification that an operation, monitoring and maintenance plan for any engineering controls used at the site had been approved by DEC.

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 include recreation, housing and business.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

**For more information about the BCP, visit:
www.dec.state.ny.us/website/der/bcp**

Remedial activities and “remediation” refer to all necessary cleanup actions to address any known or suspected contamination associated with the site.

CLEANUP ACTIVITIES COMPLETED

Cleanup activities completed at the 4 New Seventh Street site were performed from June 2, 2006, to June 16, 2006 in accordance with an Interim Remedial Measures (IRM) Work Plan and included the following cleanup activities:

- Approximately 4,400 cubic yards of petroleum contaminated soil was excavated and disposed of properly.
- Throughout the excavation process air samples were collected and demonstrated that there was no potential airborne health hazard at or near the site due to cleanup activities.
- Post-excavation soil samples were collected and analyzed to verify that soil cleanup criteria were met.

The Site Management Plan includes details on groundwater monitoring, soil/fill management, and institutional controls, and ensures that there will be no contact with the soils cleaned to commercial standards. Institutional controls are in place to prohibit use of groundwater at the site. Although there are no groundwater users in the City of Buffalo, the institutional controls were placed on the site so that future site owners will be notified that groundwater in this area is not suitable for consumption.

Cleanup activities were also completed at the neighboring Former Buffalo Service Center and BURA West properties, now owned by 257 W. Genesee, LLC. A fact sheet announcing issuance of Certificate of Completion was sent out in December, 2006 for these two properties.

NEXT STEPS

DEC issued the Certificate of Completion for the 4 New Seventh Street site based on review and approval of the Final Engineering (IRM) Report and Remedial Investigation/Remedial Alternatives Reports submitted by 257 W. Genesee, LLC. The Final Engineering (IRM) Report described the cleanup activities completed and certified that cleanup requirements were achieved for the site.

With its receipt of a Certificate of Completion, 257 W. Genesee, LLC is eligible to redevelop the site. In addition, 257 W. Genesee, LLC:

- 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 remedial activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

SITE BACKGROUND

The 4 New Seventh Street site is a vacant parcel containing no buildings, and is located in a predominantly commercial and residential area of downtown Buffalo. The site and surrounding area were historically used for industrial, commercial and residential purposes. The site once included several tax parcels, which were combined into one greater parcel and eventually re-structured to the current legal tax parcels in a sale from Buffalo Urban Renewal Agency (BURA) to the current owner and BCP applicant (257 W. Genesee, LLC).

The 4 New Seventh Street property was formerly developed with a coal shed and coal yard (between 1889 to 1899), a gasoline service station (from 1927 to 1966), Century Manufacturing Company (1925), Erie Elec. Co. (1951), as well several residential structures.

Previous investigations were conducted at the site between the years 2003 and 2005, and revealed that soil and groundwater in the area of the former on-site gasoline station were contaminated. In May 2006, the site entered into the Brownfield Cleanup Program. The field work for the RI to determine the site conditions outside the Interim Remedial Measures area was conducted in June 2006.

Significant project steps have included:

- Application submitted – December 20, 2005
- Brownfield Cleanup Agreement approved - May 2, 2006
- Remedial action (IRM) conducted - June 2, 2006 to June 16, 2006
- Final Engineering (IRM) Report – received on December 11, 2006 and approved on December 22, 2006.

LOCATIONS TO VIEW PROJECT RELATED DOCUMENTS

You are welcome to view project reports and a copy of the Certificate of Completion for this site at the following locations:

Science/Technology Reference Section (2nd Floor)
Buffalo Public Library
Central Library
Lafayette Square
Buffalo, NY 14202

NYS Department of Environmental Conservation
Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7220
Please call for an appointment.

WHO TO CONTACT WITH QUESTIONS

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

Site- Related Project Questions

Mr. Jaspal S. Walia, P.E., Project Manager
NYS Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203-2399
(716) 851-7220
jswalia@gw.dec.state.ny.us

Site-Related Health Questions

Mr. Cameron O'Connor
Public Health Specialist
NYS Department of Health
582 Delaware Avenue
Buffalo, NY 14202
(716) 847-4385

If you know someone who would like to be added to the project mailing list, please have them contact the NYSDEC project manager above.

Please 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.