

BROWNFIELD CLEANUP PROGRAM DECISION DOCUMENT

Niagara Transformer Corporation Site Town of Cheektowaga, Erie County, New York Site No. C915234 August 2010

Statement of Purpose and Basis

This Brownfield Cleanup Program (BCP) Decision Document presents the remedy identified by the Department of Environmental Conservation (Department) for the Niagara Transformer Corporation site. The remedial program was chosen in accordance with Article 27 Title 14 of the New York State Environmental Conservation Law and the 6 NYCRR375 regulations relative to the BCP.

Description of the Site

The site is a vacant lot located at 1755 Dale Road, Cheektowaga, NY, Erie County and is approximately 3.2 acres in size. The site is located 1500 feet south of Walden Avenue and 1000 feet east of Interstate 90. The site is bounded on the west by a paved driveway and parking lot to the Niagara Transformer Corporation's (NTC) existing manufacturing facility, Dale Road on the north, an active Conrail railroad switching yard on the south, and another NTC-owned vacant parcel to the east.

The area surrounding the site is primarily commercial/light industrial; two residential properties are located approximately 250 feet to the south-southeast of the site, on the opposite side of the railroad yard. The next nearest residential area is located approximately 1100 feet to the southwest of the site. The ROCO Limited, Voluntary Cleanup Program site (#V00422) is located on the opposite side of Dale Road, to the northwest of the site. NTC's manufacturing facility to the west is the remediated NYS Superfund site #915146.

Limited preliminary investigations found PCBs in the soils and groundwater on the site. As part of its BCP application, NTC proposed to further investigate the extent of the site contamination and to excavate and dispose of PCB-contaminated soils as an interim remedial measure (IRM).

A Brownfield Cleanup Agreement was executed in November 2009; much of the BCP investigative activities had been completed by that date. The soil excavation IRM was completed in April 2010. A draft Remedial Investigation/Alternatives Analysis and IRM report was submitted in May 2010. The report was subsequently issued for public review. There were no comments provided by the public when the review period closed on August 14, 2010.

The site's intended use is industrial; NTC proposes to construct a facility to expand its existing electrical transformer manufacturing operations from the adjacent parcel.

An Environmental Easement was executed and filed with the Erie County Clerk on July 15, 2010.

Nature and Extent of Contamination

Contamination was identified by the Remedial Investigation of this site, which represented a significant threat to public health and the environment. A remedial program under the BCP was required for the site to address the contamination identified below. A subsequent Interim Remedial Measure addressed the contamination and eliminated the significant threat. The off-site exposure assessment identified no off-site exposures.

Based on the results of a Phase I assessment, the Site had a history of use prior the 1970s by railroads and in part as a contactor's storage yard and scrap yard. It may be inferred from these past uses that petroleum based volatile and semi-volatile compounds as well as heavy metals could be present and these possible contaminants were examined in the BCP site investigation.

In 1996-97, the Site was used by NYSDEC contractors as a staging area for the remediation of the adjacent Niagara Transformer facility (site #915146). PCBs were detected in pre-mobilization samples of the soil in the northern half of the Site, primarily along the western boundary. Concentrations as high as 440 ppm were later found along a haul road to the staging area decontamination pad. The impacted soils were excavated and disposed but closure samples found that PCB concentrations of less than 10 ppm remained in the surface and shallow subsurface soils.

In 2004, the Site was again used as a staging area by the NYSDEC for an IRM conducted on the adjacent site (#915146). Pre-mobilization sampling found PCBs at concentrations as high as 1180 ppm in the quarter-acre staging area, located near the central western boundary of the Site. The contaminated soils were later excavated and disposed.

Due to the concerns arising from the earlier Site activities and as part of the plans to expand its manufacturing facility, Niagara Transformer performed a more extensive soils investigation in late 2007 to screen for the presence of PCBs. The results indicated concentrations exceeding the industrial soil cleanup objective (SCO) of 25 ppm PCBs, generally in the southwestern portion of the Site, particularly along the western parcel boundary. Lower concentrations of PCBs (i.e. typically less than 10 ppm) however were found to be widespread in the southeast as well as the northern half of the site.

The 2007 soils investigation included one temporary monitoring well, installed in the southwest corner of the Site. Groundwater sampled from this point contained 6.76 ppb of PCBs. The well boring revealed a subsurface soil profile to a depth of 12 feet which included four feet of topsoil and fill (sand, gravel, weathered concrete, and brick) over reddish brown silt and sand with some clay. Investigations of the adjacent site #915146 suggest that the deeper site soils may consist of up to 40 or 50 feet of silty clay till and clay, separating two aquifers, both of which flow generally southward.

The Site surface has a gradual slope to the south towards a surface water drainage ditch which lies between the site and railroad yard. The drainage ditch flows westward, past the Niagara Transformer site (#915146) where the ditch has been lined with concrete as part of a previous remedial action. The surface water collects in a storm water retention pond, located approximately 1,100 feet west of the site. The retention pond drains to municipal storm sewers which discharge to the Buffalo River, approximately 3 miles southwest of the site. Low level PCB contamination of surface water and sediments persist in the drainage ditch despite earlier remedial efforts.

The concentrations of VOCs, SVOCs, metals, pesticides, herbicides, and cyanide found in the soil/fill during the RI were below Part 375 Commercial SCOs with the exception of benzo(a)pyrene. The contaminant was found in two samples, B-2 (1.4 PPM) and B-7 (1.9 PPM), slightly exceeding the 1.1 ppm Industrial SCO. The average concentration of benzo(a)pyrene found in the nine samples tested was approximately 0.7 ppm. Based on the lack of elevated PID readings, visual and/or olfactory evidence of contamination, the slightly elevated SVOC appears to be associated with the historic fill, which is common for developed, industrialized areas.

Five groundwater monitoring wells were installed at the Site as part of the RI, only three produced enough groundwater to sample. The three wells were located along the western half of the site, upgradient and downgradient of the more heavily PCB-contaminated areas. The concentrations of VOCs, SVOCs, pesticides, herbicides, and cyanide were below groundwater quality standards with the exception of iron, manganese, and sodium. PCBs were not detected (method detection limits, 0.17-0.25 ppb).

Surface water was sampled from the drainage ditch adjacent to the southern boundary of the site prior to the IRM; no PCBs were detected. Sediment from upstream of the site contained 0.24 ppm PCBs, a sample from a point adjacent to the site contained 0.34ppm. The drainage ditch immediately downstream of the site is lined with concrete, there was no sediment to sample.

Between February and April 2010, surface soil/fill was removed from thirteen grid areas of site identified as PCB-contaminated in the 2007 investigation and 2009 RI. Approximately 3200 tons of soil/fill was excavated and disposed at a permitted, off-site landfill. Six partially crushed and deteriorated drums containing roofing tar residuals were also characterized and disposed off site.

All on-site post-excavation soil sample results were below the 25 ppm Industrial SCO for PCBs. The depth of excavation and the extent of PCB contamination were typically only 1 to 2 feet below ground surface. The maximum residual PCB concentration detected in any one excavated grid area was 4.8 ppm (Grid 3 Floor). The average residual PCB concentration of the excavated grid floor verification samples was 1.6 ppm. The average concentration in the sidewall verification samples was 1.5 ppm PCBs. Outside of the IRM-excavated grid areas, the PCB concentrations that remain in the soil/fill on site range from 0.4 to 11.2 ppm and average about 1.9 ppm.

One off-site surface soil sample, SS-7, collected from the adjacent Superfund site #915146, contained 49 ppm PCBs. Two other off-site surface samples, directly south and at a lower elevation with respect to this location contained 1.2 and 1.3 ppm PCBs. The side wall samples of the nearest IRM excavated grid areas on site contained 2.7 and 1.2 ppm PCBs. The contamination found at location SS-7 was considered an anomalous result, inconsistent with the data collected at adjacent sampling locations and unlikely the result of contaminant migration from the site.

Description of the Remedy

Based on the results of the Alternatives Analysis and the criteria identified for evaluation of alternatives, the NYSDEC has selected a Track 2 remedy for this BCP site.

Areas of the Site that exhibited elevated PCB concentrations in surficial soil/fill have been removed to levels well below the Part 375 Industrial SCO. The majority of the Site will be redeveloped for industrial land use and will be covered by structures, asphalt, and concrete. Redevelopment of the Site will also incorporate a new stormwater collection, retention and discharge system designed in accordance with New York State stormwater standards to provide a mechanism for controlled surface water transport that will result in minimization of sediment erosion and provide an on-Site capture mechanism within a stormwater retention basin.

A Site Management Plan will include a stormwater monitoring plan to monitor residual PCBs in stormwater, a soil/fill management plan to address any impacted soil/fill encountered during post-development maintenance activities; and a Site-wide Inspection program to assure that the Institutional controls placed on the Site have not been altered and remain effective.

The Remedial Investigation/Alternatives Analysis/Interim Remedial Measures report concluded that the completed IRM and implementation of a proposed Site Management Plan would fully satisfy the remedial action objectives and be fully protective of human health and the environment.

Declaration

The selected remedy is protective of human health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action and will allow for the identified use of the site. This remedy utilizes permanent solutions and alternative treatment to the maximum extent practicable, and satisfies the preference for remedies that reduce remove or otherwise treat or contain sources of contamination and protection of groundwater.

16 Sept 2010

Date

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Director

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