



# FACT SHEET

## Brownfield Cleanup Program

**Receive Site Fact Sheets by *Email*.** See "For More Information" to Learn How.

**Site Name:** 432 Pearl Street  
**DEC Site #:** C915237  
**Address:** 432 Pearl Street  
Buffalo, NY 14202

Have questions?  
See  
"Who to Contact"  
Below

### **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 432 Pearl Street site ("site") located at 432 Pearl Street, 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.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/externalapps/derexternal/haz/details.cfm?pageid=3&progno=C915237>

The cleanup activities were performed by Buffalo Development Corporation with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

#### **Completion of Project**

The remedial program achieved a Track 4 Restricted Residential Use cleanup. For Track 4 remedies, restrictions are placed on the use of the property in the form of Institutional Controls/Engineering Controls (IC/ECs). For restricted-residential use, the top two feet of all exposed soils that are not otherwise covered by the components of the development of the site (e.g. buildings, pavement) cannot exceed the restricted-residential soil cleanup objectives (RRSCOs). Areas that exceed the RRSCOs must be covered by material meeting the requirements for restricted-residential Site use.

The remedial program included:

- Maintaining the existing site cover (building and asphalt). Any site redevelopment will maintain a site cover, which may consist either of the structures such as buildings, pavement or sidewalks. Soil cover areas will require two feet of clean soil meeting restricted residential use requirements.

- Contaminant plume reduction by treating the contaminated groundwater flowing from the site using in-situ treatment methods. This was accomplished by injecting in-situ (in-place) treatment materials along a series of injection points in the groundwater flow zone along accessible downgradient perimeter areas of the site forming a vertical permeable reactive treatment zone.
- Maintaining the existing sub-slab depressurization system (SSDS) in the existing building until vapor intrusion no longer occurs and is a health threat in this building.
- Filing of an Environmental Easement on the property that restricts site use to restricted residential, commercial or industrial (based on local zoning), prohibits the use of groundwater, requires compliance with the Site Management Plan, and requires periodic certification that all controls are in-place and effective.

### **Final Engineering Report Approved**

NYSDEC has approved the Final Engineering Report, 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 a deed restriction, 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 or vapor barrier.
- 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 or will be put in place on the site:

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

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

- Cover System
- Soil Vapor Mitigation

### **Next Steps**

With its receipt of a Certificate of Completion, 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 Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

## **Background**

**Location:** The BCP site consists of two non-contiguous parcels in the City of Buffalo, Erie County, located at 432 Pearl Street and 267 Franklin Street. The two parcels are separated by Asbury Alley owned by the City of Buffalo. The site is situated in an urban commercial district.

**Site Features:** The 432 Pearl Street parcel is a paved commercial parking lot. The 267 Franklin Street parcel contains an occupied apartment building with a paved parking lot for the tenants.

**Current Zoning and Land Use:** The site is situated in the Downtown Opportunity (DO) zoning district. Permitted use in the DO zoning district includes residential, office, (limited) retail, restaurant, hotel and entertainment. The surrounding parcels are currently used for a combination of commercial uses including surface parking, restaurant and entertainment.

**Past Use of the Site:** Since the late 1800s the site has been utilized mostly for residential purposes and parking. Records indicate limited commercial use on both parcels.

### **Site Geology and Hydrogeology:**

Near surface soil at the site consists of 2 to 5 feet of urban fill underlain by a 40 to 45 foot thick layer of sandy deposits inter-bedded with silty clay lenses underlain by a thin (1 to 2 foot thick) layer of glacial till over bedrock. Limestone bedrock was encountered about 52 feet below the surface.

Unconfined shallow groundwater was encountered within the native soils at depths of approximately 10 to 12 feet below ground surface. Because of a silty clay soil lens within the sandy soil profile at a depth of approximately 25 to 30 feet below ground surface, the site has a defined shallow and deep groundwater zone. Site groundwater flows in a south/southwest direction. Regional groundwater appears to flow west/southwest toward Lake Erie and confluence of the Buffalo River.

**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, 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 DEC 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>

## **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed.

Buffalo and Erie Co. Public Library  
Attn: Michael Mahaney  
1 LaFayette Square  
Buffalo, NY 14203  
phone: 716-858-8900

## Who to Contact

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

### Project Related Questions

Eugene Melnyk, PE  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
eugene.melnik@dec.ny.gov

### Site-Related Health Questions

Melissa Doroski  
New York State Department of Health  
Empire State Plaza, Corning Tower, Rm. 1787  
Albany, NY 12237  
518-402-7860  
BEEI@health.ny.gov

**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.**

### **Receive Site Fact Sheets by Email**

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page:  
<http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

