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285-295 Niagara Street Site (Buffalo, Erie County) - Public Invited to Comment on No Further Action Proposal

The New York State Department of Environmental Conservation sent this bulletin on 07/17/2013 04:25 PM EDT



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This link opens a fact sheet that invites the public to comment on a proposal for "no further action" related to the **285-295 Niagara Street Site (City of Buffalo, Erie County) #C915259** under New York's Brownfield Cleanup Program:

- [285295NiagaraStreetSiteNoFurtherActionProposed.pdf](#)

NYSDEC is accepting **public comments** about the proposal through **August 29, 2013**. Please see fact sheet for details.

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the NYSDEC web site to download the program for free: <http://www.dec.ny.gov/about/590.html>.

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

This fact sheet is being provided by the Division of Environmental Remediation within NYSDEC.

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FACT SHEET

Brownfield Cleanup Program

*Receive site fact sheets by *email*. See **For More Information** to learn how.

Site Name: 285-295 Niagara Street Site

DEC Site #: C915259

Site Address: 285-295 Niagara Street; Buffalo, NY 14201

July 2013

Have questions? See
Who to Contact
below

285-295 Niagara St Update: Report Recommends No Further Action at Brownfield Site; Public Comment Period Announced

The public is invited to comment on a no further action remedy for the 285-295 Niagara Street Site ("site") located at 285-295 Niagara Street, Buffalo, Erie County. Please see the map for the **Site Location**. Documents related to the cleanup of this site can be found at the locations identified below under "**Where to Find Information**."

New York State Department of Environmental Conservation (DEC) is reviewing a report that recommends no further action at the site. The report, called a "Remedial Investigation Report," was submitted to DEC by 285 Niagara Operating Co., LLC ("applicant"). The report describes the results of the site investigation.

How to Comment

DEC is accepting written comments about the investigation report for 45 days, from **July 17, 2013** through **August 29, 2013**. The investigation report is available for public review at the locations identified below under "**Where to Find Information**." Please submit comments to the DEC project manager listed under Project Related Questions in the "**Who to Contact**" area below.

No Further Action Remedy

A series of Interim Remedial Measures (IRMs) were implemented during the investigation to address known areas of concern. These IRMs included:

- Demolition and off-site disposal of two on-site buildings.
- Removal and off-site recycling of approximately 374 tons of non-impacted asphalt and concrete.
- Excavation of approximately 4,360 tons of non-hazardous petroleum-impacted soil for biotreatment at Tonawanda Terminal Biotreatment facility, located in Tonawanda, New York.
- Identification and removal of two small underground storage tanks.

Institution and Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. 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.

- No institutional or engineering controls are required because the site was remediated to unrestricted use standards. All contamination that may have presented an exposure concern was removed from the site.

Next Steps

DEC will complete its review, make any necessary revisions and, if appropriate, approve the investigation report and its no further action recommendation. The approved report will be made available to the public (see “**Where to Find Information**” below).

If the approved investigation report concludes that no further action is needed to address the site, DEC will issue a "Certificate of Completion" to the applicant. Upon receiving a Certificate of Completion, the applicant:

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

The applicant will be eligible to redevelop the site after receiving the Certificate of Completion from DEC. A Certificate of Completion may be modified or revoked if, for example, an applicant does not comply with the terms and conditions of its Brownfield Cleanup Agreement with DEC.

Background

Location: This site is comprised of two adjoining parcels totaling approximately 0.68 acres and is located in a highly urbanized area of the City of Buffalo. The site is bounded by Niagara Street to the west, Fell Alley to the east, commercial properties to the north, and a large residential apartment building complex to the south.

Site Features: There is one multi-story building, an asphalt parking area, gravel parking area and driveways on the site. Two smaller on-site buildings were demolished in 2012.

Current Zoning/Use: Allowable use is commercial and Industrial; however, the site is currently unoccupied. Land use surrounding the Site includes commercial, residential, and some vacant properties.

Historic Uses: The northern portion of the Site has a history of manufacturing and commercial operation. It was utilized as a carriage manufacturing operation, including a blacksmith shop, and painting and varnishing operation since 1889. Around 1900 a bicycle manufacturer operated the southern portion of the parcel including a machine shop and metal plating operation.

The southern portion of the site was utilized as an automobile filling station and car wash since 1961. Several underground storage tanks and two dispensing islands were associated with the filling station.

Geology and Hydrogeology: The site is located in the Lake Erie-Niagara River basin. The geology at the Site was investigated during the RI and is generally described as asphalt and subbase fill overlying reddish-brown sandy lean clay. Prior remedial excavation backfill included rounded cobbles and gravel. Groundwater was encountered approximately 6 feet below ground surface and generally flows to the west/southwest.

Additional site details, including environmental and health assessment summaries, are available on DEC's website at <http://www.dec.ny.gov/chemical/80314.html> and <http://www.dec.ny.gov/cfm/external/derexternal/haz/details.cfm?pageid=3&progno=C915259>.

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

Site Location



Where to Find Information

Public interest in this project is valued and appreciated. Project documents are available at the following location to help the public stay informed. For more information about the BCP, visit:

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

NYS DEC Region 9 Office

270 Michigan Avenue
Buffalo, New York 14203
716-851-7220
(Call for appointment)

Buffalo and Erie Co. Public Library

Attn: Mary Jean Jakubowski
1 LaFayette Square
Buffalo, NY 14203

Who to Contact

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

Project Related Questions:

Chad Staniszewski
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
crstanis@gw.dec.state.ny.us

Site-Related Health Questions:

Matthew Forcucci
NYS DOH
584 Delaware Ave
Buffalo, NY 14202-1295
716-847-4501
beci@health.state.ny.us

For More Information

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. DEC 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*.

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