

(Fact Sheet Begins Next)

## Act Now to Continue Receiving Information About This Site!

DEC's Division of Environmental Remediation (DER) now distributes information about contaminated sites *electronically by email*.

If you would like to continue to receive information about the contaminated site featured in this fact sheet:

**You must sign up for the DER email listserv:**

[www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html)

DER cannot register your email address - only the email address owner can do so. If you already have signed up for the listserv for the county in which the site is located, you need do nothing.



### **Why You Should Go “Paperless”:**

Get site information faster and share it easily;

Receive information about all sites in a chosen county - read what you want, delete the rest;

It helps the environment and stretches your tax dollars.

**If “paperless” is not an option for you**, call or write to the DER project manager identified in this fact sheet. Indicate that you need to receive paper copies of fact sheets through the Postal Service. Include the site name in your correspondence. The option to receive paper is available to individuals only. Groups, organizations, businesses, and government entities are assumed to have email access.

This page intentionally left blank.

**FACT SHEET****Brownfield Cleanup  
Program****Receive Site Fact Sheets by *Email*.** See "For More Information" to Learn How.

**Site Name:** 233 South Elmwood Avenue and 234 Delaware Avenue  
(a.k.a 250 Delaware Avenue)

**DEC Site #:** C915271

**Address:** 233 South Elmwood Avenue and 234 Delaware Avenue  
Buffalo, NY 14202

Have questions?  
See  
"Who to Contact"  
Below

## **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 233 South Elmwood Avenue and 234 Delaware Avenue site ("site") located at 233 South Elmwood Avenue and 234 Delaware Avenue, Buffalo, Erie County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the location(s) identified below under "Where to Find Information."

New York State Department of Environmental Conservation (NYSDEC) is reviewing a report that recommends no further action at the site. The report, called a "Remedial Investigation Report," was submitted to NYSDEC by BTC Block 20 Inc. ("applicant"). The report describes the results of the site investigation.

### **How to Comment**

NYSDEC is accepting written comments about the investigation report for 45 days, from **September 8, 2014** through **October 22, 2014**. The investigation report is available for public review at the location(s) identified below under "Where to Find Information." Please submit comments to the NYSDEC project manager listed under Project Related Questions in the "Who to Contact" area below.

### **No Further Action Remedy**

An interim remedial measure (IRM) to remove the gas station, four underground storage tanks, and petroleum impacted soil that was serving as an ongoing source of residual petroleum contamination in site groundwater was initiated autumn 2013 and completed early spring 2014. The IRM involved the removal of approximately 25,000 tons of petroleum contaminated soil from the former service station and historic fill underlying the asphalt paved portions of the site down to unrestricted use levels which included the removal of service station impacted soil and historic down to unrestricted use levels.

Upon completion of the remediation of the petroleum impacted area, the groundwater quality significantly improved. A nominal level of benzene remains in groundwater in an area previously heavily contaminated with petroleum. With the bulk removal of petroleum impacted soils from the site, it is anticipated that the benzene residual will continue to diminish to levels approaching the groundwater quality standard. The City of Buffalo maintains a prohibition on use within the city, which serves to limit any potential exposure to the residual benzene contamination in groundwater.

### **Institutional 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 controls have been or will be put in place on the site.

No engineering controls have been or will be put in place on the site.

### **Next Steps**

NYSDEC will complete its review, make any necessary revisions and, if appropriate, approve the investigation report and the 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, NYSDEC 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.

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 NYSDEC.

### **Background**

**LOCATION:** The 233 South Elmwood Avenue and 234 Delaware Avenue site is located at the addresses noted above in the City of Buffalo spanning along the north side of West Chippewa Street from Delaware Avenue to South Elmwood Avenue.

**SITE FEATURES:** The site is located in a highly developed urban area. The site is situated in a popular entertainment district. The site occupies approximately 1.96 acres in area on the north side of West Chippewa Street, and is bounded by South Elmwood Avenue to the west, Delaware Avenue to the east and commercial properties to the north. Local topography of the area is generally flat typical of Buffalo metro area.

The main site features included two commercial use structures and a vast area for surface parking. Approximately two thirds of the site was covered with asphalt pavement. A two story “L”- shaped building, referred to as the Delaware Court Building, faced Delaware Avenue to the east and West Chippewa to the south and occupied approximately one third of the site parcel. The Delaware Court Building was previously utilized as a mixed-use commercial building. A single-story building that was formerly utilized as a retail gasoline station with a convenience

store was located at the corner of South Elmwood Avenue and West Chippewa Street. The gas station was demolished summer 2013 prior to implementation of an interim remediation measure proposed for the site and the Delaware Court Building was demolished winter 2014 to make way for planned redevelopment of the site. Construction of a multi-story tower building for hotel, business office, retail use and a multi-story parking garage for the new building tenants.

**CURRENT ZONING:** The current and future use of the site is for commercial use in City of Buffalo Downtown Opportunity zone.

**PAST USE OF THE SITE:** The development history dates back to the late 1800s. The site and surrounding area was historically used for commercial and residential uses. The eastern portion of the site contained the Delaware Court building which was utilized as a mixed-use commercial building since its construction in 1925. The Delaware Court Building was demolished in 2014 and the gasoline retail station was demolished in 2013 to make way for a new high-rise multi-use building and parking ramp. Prior to the construction of the Delaware Court building, the area was occupied by a stately residential structure. An area behind the Delaware court building currently used for surface parking was previously used for gasoline retail.

Westward from the Delaware Court building, three residential structures occupied lots fronting Chippewa Street. These structures were demolished decades ago sometime after the construction of the Delaware Court Building. Two of the lots used for residential areas were used for surface parking. The remaining former residential lot at the corner of West Chippewa and South Elmwood was recently used as a retail gasoline filling station with a one story convenience store. Just north of the existing gasoline station, records show that the current parking lot area contained a gasoline filling station. A tire service operation was present on-site from approximately 1931 and 1936, and a service station was identified on the project site from 1982 and 1987 suggesting historic on-site automotive repair operations. Municipal records indicate the installation and removal of several underground storage tanks on this side of the project site.

North of the former gasoline station, a former commercial building occupied the area fronting South Elmwood. This building was demolished in the mid-2000s. This structure was utilized by a number of businesses over numerous decades. Prior to demolition, a locksmith occupied the building. Records for this building indicate several uses including a paint shop and a pipe/hardware shop.

The former residential lots and commercial use lots were combined into a single parcel with the Delaware Court Building lot.

#### **SITE GEOLOGY/HYDROGEOLOGY:**

**Overburden:** The site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity of major drainage ways. The surficial geology of the Lake Erie plain generally consists of a thin glacial till layer, glaciolacustrine (lake-laid laminated silts and clays) deposits, alluvium, and soils derived by these deposits.

Based upon site borings and borings from a nearby site, the site geology consists of a thin layer of fill or pavement, followed by a silty clayey layer ranging from 1 to 4 feet in thickness and then a thick fine sandy layer. This sandy layer is likely a part of a lake-laid sandy ridge deposit about

40 to 45 feet thick with several interbedded silty clay lenses. The depth of the sandy layer is unconfirmed at this time.

**Bedrock:** The site is situated over the Onondaga formation limestone. Based upon information from a nearby BCP project, limestone bedrock is likely about 52 feet below the surface (unconfirmed).

**Hydrogeology:** Unconfined groundwater was encountered within the native soils at depths of approximately 10 to 12 feet below ground surface. Site groundwater flow gradient appears to flow in a south/southwest direction. Regional groundwater likely flows west/southwest toward Lake Erie and confluence of the Buffalo River.

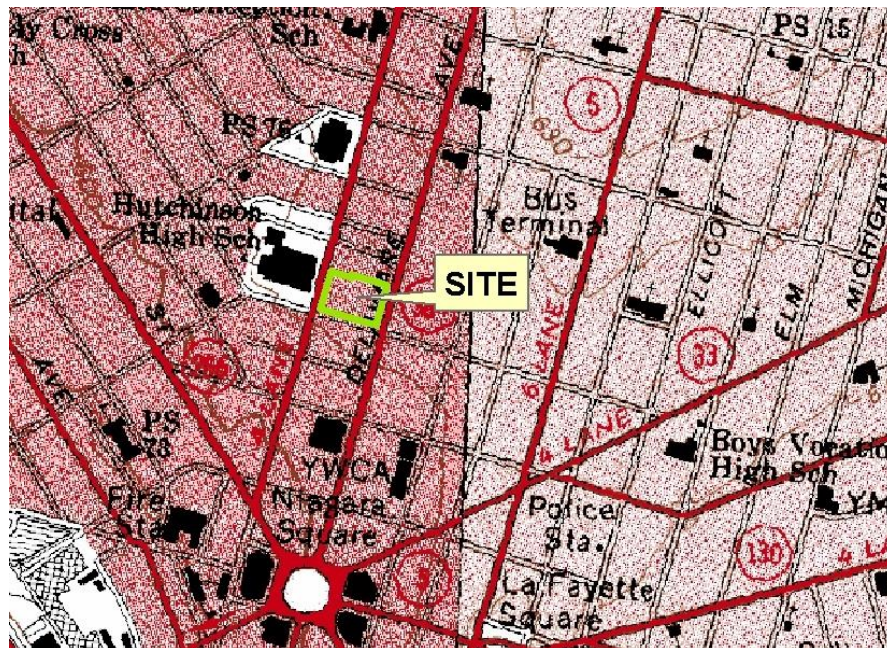
Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915271>

**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** 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>





## FOR MORE INFORMATION

### Where to Find Information

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

Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203  
phone: 716-858-8900

NYSDEC Region 9 Office  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, NY 14203  
phone: 716-851-7220  
By Appointment Only

Project documents are also available on the NYSDEC website at:

<http://www.dec.ny.gov/chemical/37554.html>

### 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](mailto:eugene.melnik@dec.ny.gov)

#### Site-Related Health Questions

Ian Ushe  
New York State Department of Health  
Bureau of Environmental Exposure Investigation  
Empire State Plaza, Corning Tower, Rm. 1787  
Albany, NY 12237  
518-402-7860  
[BEEI@health.ny.gov](mailto: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.

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