



# FACT SHEET

## Brownfield Cleanup Program

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**Site Name:** 250 Delaware Avenue Site  
**DEC Site #:** C915271  
**Address:** 250 Delaware Avenue  
Buffalo, NY 14202

Have questions?  
See  
"Who to Contact"  
Below

### DEC Certifies Cleanup Requirements Achieved at Brownfield Site

New York State Department of Environmental Conservation (DEC) has determined that the cleanup requirements to address contamination related to the 250 Delaware Avenue Site ("site") located at 250 Delaware Avenue, 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.

The cleanup activities were performed by DNC 250, Inc. with oversight provided by DEC. DEC 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 locations identified below under "Where to Find Information."

#### Completion of Project

An Interim Remedial Measure ("IRM") was implemented to remove all petroleum impacted soil that was serving as an ongoing source of residual petroleum contamination in site groundwater and impacted fill to remediate the site to Unrestricted Use Soil Cleanup Objectives (SCOs). The IRM completed at the site consisted of:

- Removal of two known and two previously unknown petroleum underground storage tanks,
- Removal of 24,870 tons or approximately 19,100 cubic yards petroleum contaminated soil, and
- Removal of 10,300 tons or approximately 7,900 cubic yards of service station impacted soil and impacted fill underlying the asphalt paved portions of the site.

The petroleum excavation area was excavated to a depth ranging from 15 to 20 feet below ground surface (bgs). The impacted fill removal areas were generally excavated to a depth between 4 to 6 feet bgs until verified meeting cleanup requirements. All asphalt pavement was also removed during the IRM.

Following the completion of the petroleum impacted soil and impacted fill removal IRM down to contaminant levels meeting project goals, the excavation areas were backfilled with clean fill consisting of "run-of-crusher" limestone.

The IRM was initiated autumn 2013 and completed early spring 2014. Upon completion of the remediation of the petroleum impacted area, the groundwater quality significantly improved. Only a nominal level of benzene (210 ppb) remained 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 groundwater use within the city, which serves to limit any potential exposure to the residual benzene contamination in groundwater.

## **Final Engineering Report Approved**

DEC 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 DEC.

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**

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 DEC.

### **Background**

**Location:** The site is located at 250 Delaware Avenue in the City of Buffalo. The address for the BCP site parcel has been renumbered by the City to 250 Delaware Street. The site encompasses an area the length of a city block along the north side of West Chippewa Street extending from Delaware Avenue to South Elmwood Avenue.

**Site Features:** The site is located in a highly developed urban area and 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 with a gentle slope toward the Buffalo River/Lake Erie typical of the Buffalo metro area. The site currently has no buildings, but steel framing and floor decking for a 12 story mixed use commercial use building has recently been completed.

**Current Zoning and Land Use:** The site is zoned for commercial use in City of Buffalo Downtown Opportunity (DO) zone. Previous use and future use following redevelopment will be commercial.

**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. An area behind the Delaware Court building used for surface parking was previously used for gasoline retail as early as the 1930s.

Westward from the Delaware Court building, three residential structures occupied lots fronting Chippewa Street. These structures were eventually demolished. Two of the residential lots were subsequently used for surface parking. The remaining former residential lot at the corner of West Chippewa and South Elmwood was used as a retail gasoline filling station with a one story convenience store. The former residential lots and commercial use lots were eventually combined into a single parcel with the Delaware Court Building lot.

Just north of this gasoline station, records show that the parking lot area contained another gasoline filling station for a period of time. 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 previous 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. Prior to demolition, a locksmith occupied the building. Records for this building indicate several uses including a paint shop and a pipe/hardware shop.

In 2003, the site owner at that time entered into stipulation agreement with DEC to investigate and remediate a petroleum spill discovered at the site. A petroleum recovery system was installed in 2003 and was operated until 2004. Approximately 4,300 gallons of petroleum product was extracted from the impacted area.

Measures to treat groundwater impacted with dissolved petroleum contamination were implemented by the site previous owner in 2004 and 2006. Ongoing monitoring indicated continued dissolved phase petroleum impacts to groundwater. The site owner sold the site to the BCP applicant in 2012 and the site was admitted to the BCP in early 2013.

The BCP applicant demolished the gas station/convenience store during early summer 2013. The Delaware Court Building was demolished during winter 2013-2014. The site is currently being redeveloped with the construction of a 12 story mixed commercial use building in the area formerly occupied by the Delaware Court Building and a 4 story parking ramp.

#### Site Geology/Hydrogeology:

**Overburden:** Following the recent interim remedial measure (IRM), the surficial site geology has been altered. The surface and upper zone in the former parking lot area consists of crushed limestone backfill of varying thickness. The petroleum excavation area was backfilled with crushed limestone ranging in depth from 15 to 20 feet in depth, and historic fill area contains crushed limestone from 2 to 6 feet in depth. Below the crushed limestone fill layer, native soils consists of mostly a fine sand with some interbedded thin lenses of a silty/clayey soil ranging from 41 to 46 feet in depth. The sandy soil layer progressively becomes siltier moving northward along the site. The predominantly sandy soil is likely a part of a lake-laid sandy ridge deposit that is unique in this locality of the city. The soil beneath the basement of former Delaware Court Building consists of the fine sandy soil.

**Bedrock:** Limestone bedrock varies from 41 to 46 feet below ground surface.

**Hydrogeology:** Unconfined groundwater was encountered within the native soils and recent backfill 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 DEC's website at <http://www.dec.ny.gov/chemical/98725.html> and <http://www.dec.ny.gov/cfmx/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 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 locations to help the public stay informed.

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

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

### 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  
716-851-7220

[eugene.melnyk@dec.ny.gov](mailto:eugene.melnyk@dec.ny.gov)

#### Site-Related Health Questions

Ian Ushe  
New York State Department of Health  
Bureau of Environmental Exposure  
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.

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*.



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.

