

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

Site Name: 441 Ohio Street Site
DEC Site #: C915285
Address: 9 South Street
Buffalo, NY 14203

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 441 Ohio Street Site ("site") located at 9 South Street, Buffalo, Erie County under New York State's Brownfield Cleanup Program (BCP) 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=C915285>

The cleanup activities were performed by 441 Ohio Street, LLC 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

- Excavation and off-site disposal of approximately 785 tons of PCB contaminated soil/fill from the southern end of the site. Additionally, approximately 928 tons of excess non-hazardous soil/fill generated during the site redevelopment was removed from the site and disposed of in a permitted landfill.
- Placement of a cover over the entire site to allow for restricted residential use of the site. The cover consists of a building, pavement and sidewalks comprising the site development, or two feet of soil meeting restricted residential use criteria.
- Reuse of the former foundation wall as a riverbank development feature that involved partial removal of the upper section of the wall, sloping back the embankment, and stabilizing the embankment with two feet rock armor. For the remaining section of the riverbank, a segment of the embankment was sloped back to a more stable slope and covered with two feet of armor stone.
- Execution of an environmental easement that restricts the use and development of the controlled property for restricted residential, commercial and industrial use(s), and
- Development of a Site Management Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the remedy remains 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:

- Soil Management Plan
- Site Management Plan
- Environmental Easement
- Institutional Control/Engineering Control Plan
- Groundwater Use Restriction
- Land Use Restriction

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

- Cover System

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 Site is located in an urban area with an official street address at 9 South Street near the intersection of Ohio Street in the City of Buffalo.

Site Features: The site is a 1.78-acre portion of a larger 2.25 acre parcel. The topography of the site and vicinity is generally flat with little topographic elevation change. The land surface is only several feet above the water level of the adjoining Buffalo River and is situated within the 100 year floodplain of the river. The non-BCP portion of the 2.25 acre parcel is considered lands under water along the Buffalo River. This area may have been previously dredged to allow docking of commercial freight ships and barges.

Current improvements consist of a recently constructed five story apartment building (2017). Previous improvements on the site consisted of a 500 x 100 foot 2-story wood framed building that occupied most of the site. The building was in an extremely dilapidated condition and had been condemned by the City of Buffalo Building Department. The building structure and most of the foundation was demolished in Spring 2015. A stone foundation wall abutting the Buffalo River was retained to be used as a retaining wall and historic riverfront architectural remnant desired by the local preservation community. The balance of the site is mostly paved or covered with gravel with some minor vegetated strip areas. A rail spur leads to the northern side of the site. Multiple rails lines previously lead to the interior of the former building.

Current Zoning and Land Use: The site is located in the M2, General Industrial District, but has transitioned to Mixed Use Edge – Residential (N-2E and N-2R) under the revised Buffalo Green Code. The site is bounded by South Street to the north, with the NYSDEC recreational boat launch beyond; commercial and recreational property to the south (Bison City Rod and Gun Club), a vacant lot and Ohio Street to the east, and the Buffalo River along the western property line.

Past Use of the Site: The site has been used for various freight and warehousing operations from as early as 1889. Operations included intermodal (lake freight, rail and trucking) material handling and shipping, equipment use and maintenance, paper recycling and bundling equipment. There was some nominal storage of paints, solvents, thinners, greases, hydraulic oils, and lubricants commonly used by the former commercial recycle paper handling operations inside the former building.

Site Geology and Hydrogeology: 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. Surface soils at the site consist of a layer of fill, varying in thickness from 2 to 4 feet, containing foundry sand, crushed slag, mixed soil and hard demolition debris. Below the fill layer exists a layer of reworked soil consisting of native looking soil mix containing sand, silt and clayey soils and varies in thickness from 2 to 7 feet. Native soil below consists of a lean brown clay with varying amounts of silt, sand and gravel. A sandy soil formation exists below this clay soil layer along the northern half of the site. The native soils are encountered at depths varying from 4 to 10 feet below the surface and extend to bedrock at depths varying from 25 to 30 feet below ground surface. Bedrock consists of the Onondaga limestone formation.

Groundwater depth is approximately 10 to 11 feet below ground surface. Based on area topography and proximity to the Buffalo River, the groundwater gradient is relatively flat, and flows in a westerly direction toward the 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 & Erie County Public Library
Attn: Mary Jean Jakubowski
1 Lafayette Square
Buffalo, NY 14203
phone: 716-858-8900
(jakubowskim@buffalolib.org)

Who to Contact

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

Project Related Questions

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

Site-Related Health Questions

Stephanie Selmer
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower
Albany, NY 12237
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.

