



Department of
Environmental
Conservation

Where to Find Information:

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

Document Repository Name

Erie County Public Library
East Clinton-Bailey Branch
1929 Clinton Street
Buffalo, NY 14206
Phone: 716-823-5626

Who to Contact:

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

Project-Related Questions

Jaspal S. Walia, Project Manager
NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
Tel. No.: 716-851-7220
jaspal.walia@dec.ny.gov

Health-Related Questions

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

**For more information about New York's
Brownfield Cleanup Program, visit:**
www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

837 Bailey Avenue Site
837 Bailey Avenue
Buffalo, NY 14206

SITE No. C915298
NYSDEC REGION 9

January 2020

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 837 Bailey Avenue Site ("site") located at 837 Bailey 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.

Cleanup activities were performed by Near Dings, LLC ("applicant(s)") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

- Access the FER, Notice of COC and other project documents online through the DECinfo Locator:
<https://www.dec.ny.gov/data/DecDocs/C915298/>
- The documents also are available at the location(s) identified at left under "Where to Find Information."

Completion of the Project: The following activities have been completed to achieve the remedial action objectives:

- 1) Removal and off-site disposal of approx. 785 tons of concrete, construction and demolition materials, in addition to removal of 9 truckloads of tires.
- 2) Removal and off-site disposal of approximately 1,000 cubic yards of soil/fill contaminated with metals (especially lead, mercury, and arsenic) and polycyclic aromatic hydrocarbons.
- 3) Installation of site-wide soil cover system to allow for commercial re-use of the site, comprised of a minimum of one foot of clean soil placed over a demarcation layer, with the upper 6 inches of the soil of sufficient quality to maintain a vegetation layer.
- 4) Development of a Site Management Plan (SMP) for long-term management of residual contamination as required by the Environmental Easement, including plans for: (1) institutional and engineering controls (IC/ECs); (2) soil/fill management; (3) monitoring; and (4) reporting.
- 5) Recording of an Environmental Easement as an IC to prevent future exposure to any contamination remaining at the site and to ensure implementation of the SMP.

BROWNFIELD CLEANUP PROGRAM

Final Engineering Report Approved: NYSDEC has approved the FER, 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 put in place on the site:

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

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

- Cover System

Next Steps: With its receipt of a COC, the applicant(s) is eligible to redevelop the site. In addition, the applicant(s):

- 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 COC may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Site Description: The site is 8.76 acres in area in a mixed residential/commercial business in the City of Buffalo. The site was used as an auto salvage/wrecking facility, automotive repair facility, tire recapping facility, and a filling station. The site has been vacant since 2014.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the Site ID, C915298) at:

<http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program Overview: 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 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>

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.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:

www.dec.ny.gov/chemical/61092.html

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

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <http://www.dec.ny.gov/pubs/109457.html>

Site Location Map



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