

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E

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December 20, 2017

Mr. Paul F. Ciminelli
1360 Niagara Street, LLC
350 Essjay Road
Williamsville, New York 14221

RE: 1360 Niagara Street, Site No: C915302
City of Buffalo, Erie County
Remedial Investigation/Interim Remedial Measures/
Alternatives Analysis Report & Decision Document

Dear Mr. Ciminelli:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Report (RI/IRM/AAR) for the 1360 Niagara Street site, revised December 2017 and prepared by C&S Companies on behalf of 1360 Niagara Street, LLC. The RI/IRM/AAR is hereby approved. Please ensure that a copy of the approved RI/AAR is placed in the document repository. The draft plan should be removed.

Enclosed is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repository.

Please contact the Department's Project Manager, Anthony Lopes, 716-851-7220 at your earliest convenience to discuss next steps.

Sincerely,



Michael J. Cruden, P.E.
Director
Remedial Bureau E
Division of Environmental Remediation

Enclosure

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NEW YORK
STATE OF
OPPORTUNITY
Department of
Environmental
Conservation

DECISION DOCUMENT

1360 Niagara Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915302
December 2017



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

1360 Niagara Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915302
December 2017

Statement of Purpose and Basis

This document presents the remedy for the 1360 Niagara Street site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 1360 Niagara Street site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

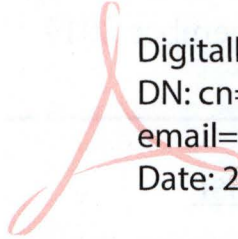
During the course of the investigation certain actions, known as interim remedial measures (IRMs), were undertaken at the above referenced site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternatives analysis (AA). The IRM(s) undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment; therefore, No Further Action is the selected remedy. The remedy may include continued operation of a remedial system if one was installed during the IRM and the implementation of any prescribed institutional controls/engineering controls (ICs/ECs) that have been identified as being part of the proposed remedy for the site.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

Michael J
Cruden



Digitally signed by Michael J Cruden
DN: cn=Michael J Cruden, o=DER, ou=RBE,
email=mjcruden@gw.dec.state.ny.us, c=US
Date: 2017.12.19 11:36:16 -05'00'

Date

Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

1360 Niagara Street
Buffalo, Erie County
Site No. C915302
December 2017

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site resulted in threats to public health and the environment that were addressed by actions known as interim remedial measures (IRMs), which were undertaken at the site. An IRM is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before completion of the remedial investigation (RI) or alternative analysis (AA). The IRMs undertaken at this site are discussed in Section 6.2.

Based on the implementation of the IRM(s), the findings of the investigation of this site indicate that the site no longer poses a threat to human health or the environment. The IRM(s) conducted at the site attained the remediation objectives identified for this site, which are presented in Section 6.5, for the protection of public health and the environment. No Further Action is the selected remedy. A No Further Action remedy may include continued operation of any remedial system installed during the IRM and the implementation of any prescribed controls that have been identified as being part of the remedy for the site. This DD identifies the IRM(s) conducted and discusses the basis for No Further Action.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

Buffalo & Erie County Public Library
Attn: Carol Ann Batt
Buffalo & Erie County Public Library System
1 Lafayette Square
Buffalo, NY 14203
Phone: 716-858-7191

NYS DEC
Attn: Anthony Lopes
270 Michigan Avenue
Buffalo, NY 14203
Phone: 716-851-7220

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:

The 1360 Niagara Street site is a 1.802 acre site located in an urban area near the intersection of Niagara Street and Lafayette Avenue in the City of Buffalo.

Site Features:

The site is relatively flat and is composed of three parcels separated by City owned Brace Street. The northern parcel includes one un-occupied four story commercial building, a small attached structure to the north and paved parking area. The southern two parcels are vacant land.

Current Zoning and Land Use:

The site is currently inactive and is zoned commercial use. The surrounding parcels are currently used for a combination of light industrial, commercial, residential and utility right-of-way's.

Past Use of the Site:

Until 2016 the site was used for residential purposes, a lubricating factory, planning mill, pharmaceuticals production and leather operations. Prior uses that appear to have led to site contamination include the use of fill throughout the site, fuel USTs, a CSX rail line to the west, the 1318 Niagara Street Environmental Restoration Program site (Site No. E915213) to the south and groundwater contamination migrating from the ChemCore Superfund site (Site No. 915176)

to the north.

Site Geology and Hydrogeology:

The site contains 3-4 feet of urban fill underlain by native clay. Groundwater is 30-50 feet below ground surface (fbgs) and flows SW.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the investigation against unrestricted use standards, criteria and guidance values (SCGs) for the site contaminants is available in the Remedial Investigation (RI) Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

| | |
|------------------------|-------------------------|
| benzo(a)anthracene | 1,1-dichloroethane |
| benzo(a)pyrene | cis-1,2-dichloroethene |
| benzo(b)fluoranthene | vinyl chloride |
| benzo[k]fluoranthene | tetrachloroethene (PCE) |
| chrysene | phenol |
| dibenz[a,h]anthracene | acetone |
| arsenic | methyl ethyl ketone |
| indeno(1,2,3-CD)pyrene | lead |
| chromium | |

Based on the investigation results, comparison to the SCGs, and the potential public health and environmental exposure routes, certain media and areas of the site required remediation. These media were addressed by the IRM(s) described in Section 6.2. More complete information can be found in the RI Report.

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

The following IRM(s) has/have been completed at this site based on conditions observed during the RI.

IRM Soil Removal

Between April and July 2017, a total of 21,693 tons of contaminated urban fill and native soils were excavated from the site and disposed of in an off-site permitted landfill. Previous site investigations (Remedial Investigation) had determined the initial IRM excavation limits (both vertically and horizontally) using 35 soil boring samples into native soil. Sub-slab soil sample results collected underneath the basement floor of the existing building all met Unrestricted Use Soil Cleanup Objectives (USCOs).

The excavation targeted all contaminant fill to a depth that met USCOs down into native soil, which included:

- SVOCs, and metals including arsenic, chromium, and lead;
- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- soils which exceeded the protection of groundwater soil cleanup objectives (PGW SCOs), as defined by 6 NYCRR Part 375-6.8 for those contaminants found in site groundwater above standards; and
- soils that created a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

As the IRM excavation progressed from south to north, visual and olfactory field observations were used to further define the limits of excavation. Four empty and dry underground storage tanks (4,500, 5,000, and 7,500 gal) were uncovered, removed, and properly disposed of off-site. The depth of excavation ranged from 1 to 12 feet below ground surface (fbgs) up to and around the existing buildings.

The extent of the IRM excavation is depicted in the attached Figure 2.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Post-Remediation

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were SVOCs and metals in soil and VOCs in groundwater.

Soil:

All (35) pre-excavation soil samples confirmed the depth of excavation into native soil met unrestricted use SCOs across the site for VOCs, SVOCs, metals, PCBs and herbicides/pesticides. All contaminated soil/fill has been excavated and disposed at a permitted disposal facility. Remedial actions have successfully achieved USCOs.

Data does not indicate any off-site soil impacts from this site.

Groundwater:

Two rounds of groundwater samples were collected from (5) on-site groundwater monitoring wells (GWMWs) and analyzed for TCL VOCs and SVOCs, TAL metals, PCBs, pesticides and herbicides.

Groundwater contamination exists at 25-30 fbs within the fractured bedrock due to a migrating groundwater plume containing chlorinated volatile organic compounds (CVOCs) from the ChemCore site located to the north. The following CVOCs were detected in groundwater above NYS Ambient Water Quality Standards and Guidance Values - TOGS 1.1.1 (GWQS): 1,1-dichloroethane (up to 121 ppb vs 5.0 ppb GWQS), cis-1,2-dichloroethene (up to 130 ppb vs 5.0 ppb GWQS), tetrachloroethene (up to 10.9 ppb vs 5.0 ppb GWQS), and vinyl chloride (up to 458 ppb vs 2.0 ppb GWQS).

In addition, methyl ethyl ketone (up to 8,700 ppb vs 50 ppb GWQS), acetone (up to 11,000 ppb vs 50 ppb GWQS), phenol (up to 10,700 ppb vs 1 ppb GWQS), barium (up to 5,120 ppb vs 1,000 ppb GWQS), and alpha Bhc (up to 0.0168 ppb vs 0.01 ppb GWQS) were detected significantly above GWQSS in one upgradient well only. This upgradient well is positioned immediately downgradient of the ChemCore site and the contamination is attributed to contamination associated with an upgradient source. No other on-site well exceeded standards for these compounds.

No PCBs were detected above GWQSS.

The use of groundwater as a potable source is prohibited in the City of Buffalo. Data does not indicate any off-site impacts to groundwater related to this site.

Sub-Slab Vapor:

A soil vapor intrusion (SVI) investigation was completed to determine whether actions are needed to address exposures related to SVI. Three sub-slab vapor samples were collected within the basement/parking garage along the northern property line and in the northern section of the single-story slab-on-grade building abutting the ChemCore site.

The following VOCs were detected: trichloroethene (up to 2.0 ppb), 1,1,1-Trichloroethane (up to 6.7 ppb), carbon tetrachloride (up to 1.0 ppb), and methylene chloride (up to 4.2 ppb).

Overall these sampling results, in conjunction with the environmental results and the presence of a 6 to 8-foot-thick clay layer above the bedrock that appears to be acting as a barrier to soil vapor migration, indicate no actions are needed to address exposures related to soil vapor intrusion in on-site buildings.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

Remedial activities have been completed and have eliminated the potential for contact with site-related contaminants in soil. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into the overlying buildings and affect indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of the buildings, is referred to as soil vapor intrusion. Sampling indicates soil vapor intrusion is not a concern for on-site buildings.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection



- Prevent migration of contaminants that would result in groundwater or surface water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

Based on the results of the investigations at the site, the IRM that has been performed (Section 6.2), and the evaluation presented here, the Department has selected No Further Action as the remedy for the site. No groundwater use restriction is needed because the area is served by public water and the city of Buffalo code prohibits potable use of groundwater without prior approval. The Department will rely upon this local use restriction to achieve the GW RAOs (Section 6.5). The Department believes that this Track 1 Unrestricted remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.



Legend

-  SUBJECT PROPERTIES
-  PROPERTY BOUNDARIES




C&S Engineers, Inc.
 141 Elm Street
 Buffalo, New York 14203
 Phone: 716-847-1630
 Fax: 716-847-1454
 www.cscos.com

3

1360 NIAGARA STREET
 REMEDIAL INVESTIGATION
 BUFFALO, NEW YORK

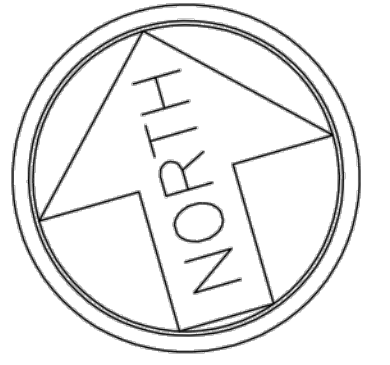
| MARK | DATE | DESCRIPTION |
|--|------|-------------|
| REVISIONS | | |
| PROJECT NO: E67.018.002 | | |
| DATE: JULY 14, 2017 | | |
| DRAWN BY: C. MARTIN | | |
| DESIGNED BY: C. MARTIN | | |
| CHECKED BY: | | |
| NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW | | |

SITE LOCATION

FIGURE 1



EX. GROUND ELEVATION
 EXCAVATION ELEVATION
 BACKFILL ELEVATION
 LOCATION OF ELEVATIONS



LEGEND

- EX. CONTOUR
- BENCHMARK
- UTILITY POLE
- MANHOLE
- CATCH BASIN
- FIRE HYDRANT
- EXISTING FENCE
- EXISTING WATERLINE
- EXISTING ELECTRIC
- EXISTING STORM
- EXISTING SANITARY
- EXISTING GAS
- OVERHEAD WIRES
- EXISTING TELEPHONE

- BCP SITE BOUNDARY
- EXCAVATION AREA

INTERSTATE 190

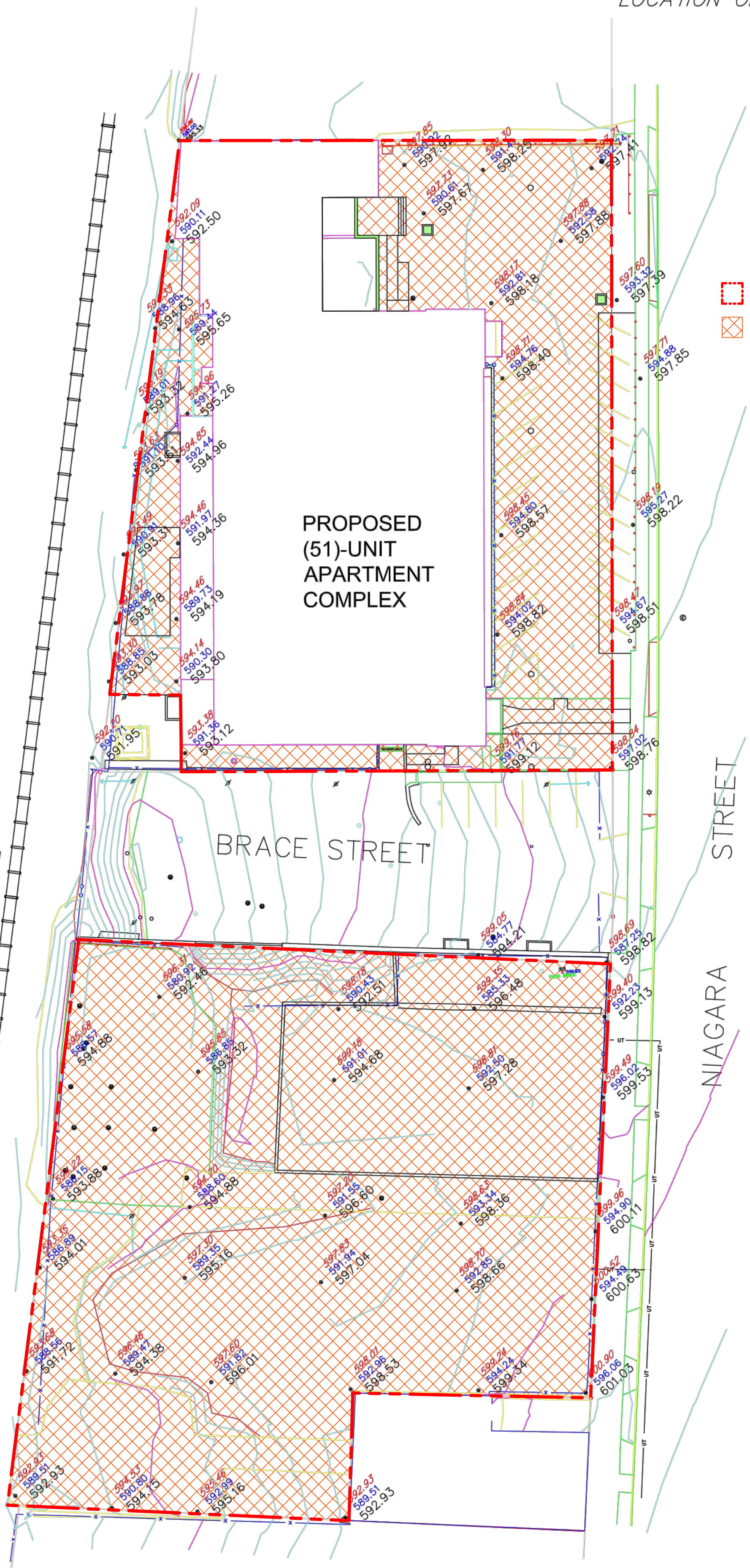
CONRAIL

BRACE STREET

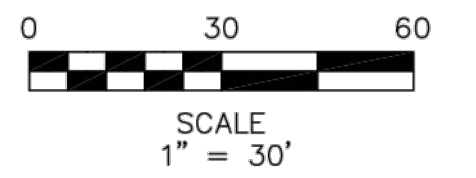
STREET

NIAGARA STREET

PROPOSED
(51)-UNIT
APARTMENT
COMPLEX



TRACK 1 LEVEL - UNRESTRICTED USE CLEANUP



Pinto Construction Services
 1 Babcock Street, Buffalo, NY 14210
 Phone: (716) 825-6866
 Fax: 716-825-6773

PROJECT NUMBER
 17-0024

| NO. | DATE | REVISION |
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DRAWN BY: GJM
 APPROVED BY: PKD
 DATE: August 28, 2017

1360 NIAGARA STREET
 BUFFALO, NEW YORK
 FIGURE 2

FINAL EXCAVATION
 AND
 GRADING

(SHEET 1 OF 1)

