DECISION DOCUMENT

Chandler Incubator
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915336
December 2019

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

DECLARATION STATEMENT - DECISION DOCUMENT

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Statement of Purpose and Basis

This document presents the remedy for the Chandler Incubator 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 Chandler Incubator site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

During 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.

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.

12/6/2019

Date

Michael Cruden, Director
Remedial Bureau E

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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.

The results of the investigation and the implementation of the IRM(s) 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 Decision Document (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 repository:

North Park Library
Attn: Paul Guminski
975 Hertel Avenue
Buffalo, NY 14216
Phone: 716-875-3748

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 site is addressed as 27 and 37 Chandler Street in the City of Buffalo, Erie County, New York and consists of two parcels totaling approximately 1.13 acres of land. The site is bound to the north by Chandler Street, to the south by Grote Street, to the west by residential structures, and to the east by a manufacturing facility. The property is located within an urban area utilized for industrial, commercial, and residential purposes.

Site Features:
The building located at 27 Chandler Street is three-stories and 20,500 square feet of space, while 37 Chandler Street is a two-story 12,350 square foot structure. The parcels extend to Grote Street.

Current Zoning and Land Use:
The 27 Chandler Street property is currently vacant and inactive and was most recently used for warehousing, storage, as well as used furniture sales until 2017. 37 Chandler Street is also currently vacant and inactive and was most recently utilized as The Kennel Club for dog training, grooming, and boarding until 2017. 27 and 37 Chandler Street are currently zoned N-1S Secondary Employment Center which addressed mixed-use employment centers.

Past Uses of the Site:
27 Chandler Street: Constructed in 1902 by Charles Berricks & Sons a brick manufacturing company and by 1916 the property was inhabited by the Jewett Refrigerator Co. Buffalo Davenport, a furniture manufacturing facility that occupied the property until 1960. Since that time, various companies occupied the building including Temp-Trol Windows, Inc., Gotta Rest Mattress Co. Inc. (manufacturer), Masters Pattern Co. (industrial patterns), Warren Refining & Chemical Co. (manufacturer), Byam CP Co. (paper milk container manufacturers), Acme Steel

(warehouse), Atlas Steel Casting Co. (warehouse), Cople Refrigeration & Heating (service repair), Liable Colling & Heating, Inc. as well as other commercial occupants including a law office, leather merchandise sales, janitorial supplies sales, and office supply sales. Most recently, the building was used for warehousing and storage, as well as used furniture sales until 2017.

37 Chandler Street: Constructed in 1902 by the Double Truss Cornice Brake Company. The site was vacant by 1930 and remained vacant until 1935 when Viner & Sons (organ builders) occupied the building, remaining at the site until the early 1940s. Acme Steel and Malleable Iron Works and Buffalo Brake Beam Co. (railroad equipment manufacturing) occupied the property from the mid-1940s into the 1980s. The property was vacant for a few years then occupied by Corr Distributors in the mid-1980s until the mid-2000s. Commercial occupants since that time included Horsefeathers Architectural Antiques and Kennel Club (dog training, grooming, and boarding). The site has been vacant since 2017.

Site Geology and Hydrogeology:
The soil borings completed at the site indicate approximately 3.5 to 5 feet of granular and cohesive fill material is present throughout the site. Clay and silt were encountered below the fill material and extends to at least 20 feet below ground surface. Shallow regional groundwater is expected to flow in a southwesterly direction toward Shaquana Creek located approximately 0.48 miles south and toward the Niagara River located approximately one mile west of the site.

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 under the Brownfield Cleanup Agreement is a Volunteer. The Applicant does not have an obligation to address off-site contamination. 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 and extent 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

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 contaminants of concern identified at this site are:

arsenic
cadmium
copper
lead
mercury
nickel
zinc
polycyclic aromatic hydrocarbons (PAHs),
DDT
DDE
DDD
ethylbenzene
benzene

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 Remedial Investigation – Interim Remedial Measures – Alternatives Analysis 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 IRMs were completed at this site between June 2019 and August 2019 based on conditions observed during the RI. The IRMs locations are shown in Figure 2.

IRM - Excavation

Excavation and off-site disposal of contaminant source areas, including:

- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- soils which exceeded the unrestricted use soil cleanup objectives (URSCOs) for all contaminants including metals and polycyclic aromatic hydrocarbons (PAHs); and
- soils that created a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

Remediation of Parking Lots: Both vacant parking lots, except the loading dock areas at 27 Chandler Street and 37 Chandler Street, were excavated from 3 to 5 feet below grade. A total of 3,165 cubic yards of soil soil/fill contaminated with metals and polycyclic aromatic hydrocarbons (PAHs), and other less frequently detected contaminants, exceeding unrestricted use soil cleanup objectives (URSCOs) was removed from this area and disposed off-site. Confirmatory samples collected from sidewall and excavation bottom locations throughout the parking lot areas were all below URSCOs

Remediation of Loading Dock: Low levels of acetone were detected in soil/fill in the loading dock area at the 37 Chandler Street parcel. Approximately 7 cubic yards of soil/fill was excavated from two 6'x6' areas to remove the acetone contaminated soil/fill in the dock area. Confirmatory samples from these areas confirmed concentrations of acetone below URSCOs. The excavated soil/fill was disposed off-site.

Underground Storage Tank (UST) Removal: A 250- gallon UST was found during excavation of southern portion of 27 Chandler Street property. The tank was removed, cleaned and sent for recycling. Contaminated soil around the tank was also removed. Cleanup of the UST soils was confirmed by post excavation soil sampling.

Soil Removal from Beneath the Existing Buildings: Approximately 1-2 feet of soil/ historic fill underneath the floors were removed from each building. Approximately 820 cubic yards of soil was removed and disposed off-site.

Basement Cleanout: Approximately 31 cubic yards of cinders/ash piles were removed from a basement at 27 Chandler Street and disposed off-site.

The limits of soil/fill contamination were confirmed by collecting confirmatory samples after completion of excavations. The levels of all test parameters in the confirmation samples were below URSCOs. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) for unrestricted use was brought in to complete the backfilling of the excavation and establish the designed grades at the site.

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.

A Remedial Investigation (RI) was completed in August 2019. The soil/fill and groundwater samples were analyzed for Target Compound List (TCL) volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), pesticides, herbicides, Target Analyte List (TAL) metals, and emerging contaminants. Soil/fill samples were collected across the site (including beneath the building floors) to native soil which was present from 3 to 5 feet below ground surface. Deeper soil borings (20 feet below ground surface) did not identify the presence of contamination in native soil.

Post IRM:
Soil: Post excavation verification sampling of excavation bottom and sidewalls was implemented to ensure project cleanup goals were achieved. The concentrations of contaminants remaining in soil/fill were less than the URSCOs. There is no evidence of off-site migration of contaminants of concern.

Groundwater: Groundwater was sampled for VOCs, SVOCs, metals, PCBs, pesticides, and emerging contaminants. The levels of the following contaminants exceeded Groundwater Quality Standards (GWQS): 140 ppb acetone (GWQS-50ppb), 0.17 ppb benzo(a)anthracene (GWQS-0.002 ppb); 0.13 ppb benzo(a)pyrene (GWQS-ND); 0.18 ppb benzo(b)fluoranthene (GWQS-0.002 ppb); 0.15 ppb benzo(k)fluoranthene (GWQS-0.002 ppb); 0.24 ppb chrysene (GWQS-0.002 ppb); 0.12 ppb indenol(1,2,3-cd)pyrene (GWQS- 0.002 ppb), 8.4 ppb bis (2-ethylhexyl)phthalate (GWQS- 5 ppb), 2.26 ppb aroclor-1254 (GWQS - 0.09 ppb), and 0.283 ppb Beta-BHC (GWQS- 0.04 ppb). GWQS also exceeded for dissolved iron, magnesium and manganese.

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.*

The site is completely fenced which restricts public access, and most of the site is covered with buildings and pavement. Soil removal actions have been completed on-site to remove contaminated soil and therefore, contact with site-related contaminants is not expected. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by site-related contamination. Volatile organic compounds in the soil vapor (air spaces within the soil) can move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Environmental sampling indicates that soil vapor intrusion is not a concern for on-or off-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.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.

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.

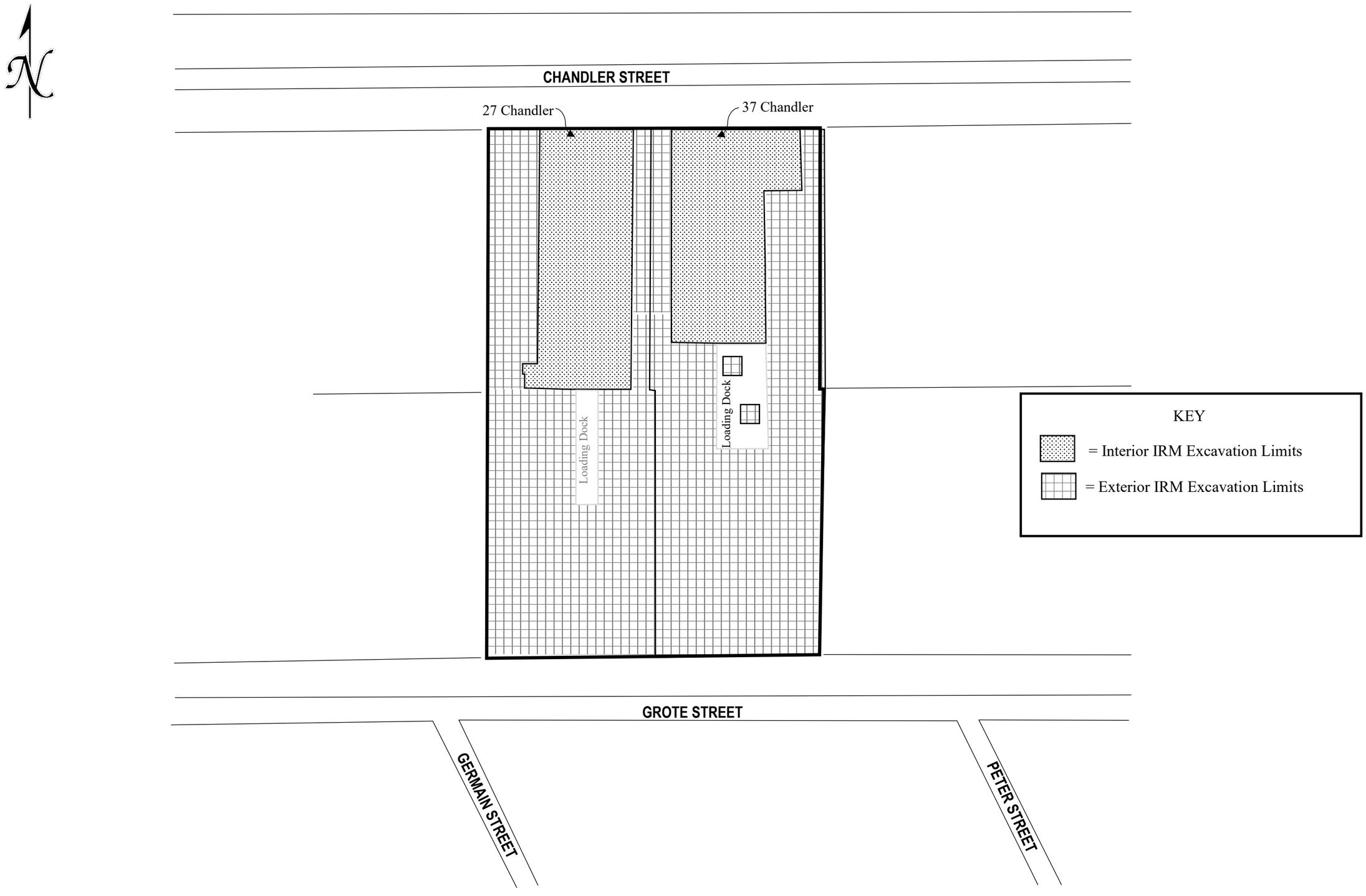
SECTION 7: ELEMENTS OF THE SELECTED REMEDY

Based on the results of the investigations at the site, the interim remedial measures (IRMs) that have been performed, and the evaluation presented here, the Department has selected No Further Action as the remedy for the site. The selected remedy is referred to as the Unrestricted Use remedy. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

To address the Groundwater RAO for public health, the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH should be restricted. However, an environmental easement is not required to achieve this restriction due to a requirement of the Buffalo Water Board Regulations (21 NYCRR § 10085.3) that "every dwelling, house or other building requiring the use of water must be supplied from the water mains of the water board…". As public water suppliers must also meet the requirements of 10 NYCRR Chapter I Subpart 5-2, no additional restrictions on potable water use are necessary.

BCP Boundary Limits

HAZARD EVALUATIONS, INC.		
Phase I/II Audits – Site Investigations – Facility Inspections		
SITE LIMITS 27 & 37 CHANDLER STREET BUFFALO, NEW YORK		
Chandler Incubator BUFFALO, NEW YORK		
DRAWN BY: MMW	SCALE: NOT TO SCALE	PROJECT: e1646
CHECKED BY: MMW	DATE: 11/18	FIGURE 1



WITTMAN GEOSCIENCES, PLLC	**IRM Excavation Areas**	DRAWN BY: MMW	SCALE: 1" = 50'	PROJECT: 19202
	Chandler Incubator, Buffalo, NY	CHECKED BY: MMW	DATE: 10/2019	FIGURE NO: 2