DECISION DOCUMENT

130 Main Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915347
December 2022

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

DECLARATION STATEMENT - DECISION DOCUMENT

130 Main Street
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915347
December 2022

Statement of Purpose and Basis

This document presents the remedy for the 130 Main Street 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 130 Main 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 undertaken at this site is discussed in Section 6.2.

Based on the results of the investigations at the site, the IRM that has been performed, and the evaluation presented here, the Department has selected No Further Action as the remedy for the site. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

The completed IRM met the requirements for a Track 1 Unrestricted cleanup and does not require additional remedial action, including any institutional or engineering controls.

No groundwater use restriction is needed because the area is serviced by public water and the City of Buffalo 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..."

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 Cruden

12/15/22

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 IRM undertaken at this site is discussed in Section 6.2.

Based on the implementation of the IRM, 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 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 identifies the IRM 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, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance, based on the reasonably anticipated use of the property.

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:

DECInfo Locator - Web Application
https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C915347

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

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 130 Main Street site is an approximately 0.492-acre site located in a highly developed residential/commercial area at 130 Main Street in the City of Buffalo, Erie County. The site is located at the corner of Main Street and Marine Drive and is bordered by Canalside's Hamburg Drain recreational waterway to the north, Marine Drive to the south, Main Street and the NFTA Metro Rail to the east and the Children's Museum to the west.

Site Features:
The site is currently vacant.

Current Zoning and Land Use:
The site is zoned Mixed Use Core (N-1C) for high density mixed residential and commercial. Canalside Design Guidelines require high density mixed use for future development. Planned reuse of the site is consistent with the Canalside Design Guidelines and Buffalo Green Code.

Past Use of the Site:
Based on historic records and previous investigations, the site was developed with various commercial structures and uses from the late 1880's through the late 1930's. Aerial photographs during this time also show that the non-developed area of the site was disturbed, suggesting demolition of onsite structures. A portion of the former Buffalo Memorial Auditorium was located on site from 1939 through 2009. The site has been vacant since 2009.

Site Geology and Hydrogeology:

The site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward toward Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, all of the site soils are characterized as Urban Land (Ud) with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures typical of an urban environment.

Onsite drilling activities completed prior to entry into the Brownfield Cleanup Program (BCP) identified fill to an approximate depth of 9-15 feet below ground surface (fbgs), with underlying clay/silt from 15-25 fbgs, and sand to bedrock, at approximately 45 fbgs.

Groundwater was identified ranging from 10-15 fbgs and is assumed to generally flow in the west to southwest direction towards the Buffalo River and Lake Erie. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. No local groundwater flow direction could be discerned during the RI.

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 Applicants under the Brownfield Cleanup Agreement are Volunteers. The Applicants 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

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:

benzo(a)pyrene	dibenz[a,h]anthracene
benzo(a)anthracene	indeno(1,2,3-cd)pyrene
benzo(b)fluoranthene	mercury
benzo(k)fluoranthene	lead
chrysene	arsenic

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 described in Section 6.2. More complete information can be found in the RI Report and the Interim Remedial Measure/Alternative 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 IRM has been completed at this site based on conditions observed during the RI.

IRM-Excavation

Based upon investigations conducted prior to the IRM, primary contaminants of concern (COCs) at the site included metals and polycyclic aromatic hydrocarbons (PAHs). Prior to excavation, the fill material formerly present on-site was sampled for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides, herbicides, polychlorinated biphenyls (PCBs), per- and polyfluoroalkyl substances (PFAS).

An IRM was implemented to remove all impacted soil and fill to remediate the site to Unrestricted Use soil cleanup objectives (USCOs). The IRM completed at the site consisted of excavation and off-site disposal of contaminated soil/fill until USCOs were achieved. All impacted soil/fill removed from the site was disposed of at a permitted landfill.

The IRM was initiated in February 2022 and completed in August 2022. A total of 24,290 tons of impacted soil and fill were removed from the site. The IRM excavation occurred across the entire site area. The impacted soil and fill removal areas were generally excavated to a depth between 1 to 20 feet below ground surface (fbgs). A groundwater dewatering system was installed throughout the site to properly address groundwater that was encountered during the excavation. Post excavation confirmation samples verified that USCOs were achieved throughout the site. The excavation was backfilled with clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) to replace the excavated soil and establish the designed grades at the site. Perimeter sidewall samples at the property line revealed remaining contamination consisting of several metals, PAHs, and pesticides which is indicative of local fill within the area.

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.

Nature and Extent of Contamination:

Soil: There were 74 post excavation confirmatory bottom and perimeter sidewall soil samples obtained to ensure the project cleanup goals were achieved. These soil samples were analyzed

for VOCs, SVOCs, pesticides, herbicides, PCBs, metals, and PFAS. The concentrations of contaminants remaining in the bottom samples consisting of native soils were below USCOs. Site perimeter sidewall samples identified SVOCs, metals, and pesticide exceedances above USCOs but below commercial SCOs (CSCOs) with the exception of benzo(a)pyrene where the USCO and CSCO are the same. There is no evidence of offsite migration of contaminants of concern.

SVOCs detected in subsurface perimeter sidewall soil samples included: benzo(a)anthracene (up to 3.9 parts per million (ppm); USCO: 1 ppm), benzo(a)pyrene (up to 3 ppm; USCO: 1 ppm, CSCO: 1 ppm), benzo(b)fluoranthene (up to 3.8 ppm; USCO: 1ppm), benzo(k)fluoranthene (1.4 ppm; USCO: 0.8 ppm), chrysene (up to 3.5 ppm; USCO: 1 ppm), dibenz(a,h)anthracene (up to 0.42 ppm; USCO: 0.33 ppm), indeno(1,2,3-cd)pyrene (up to 2.1 ppm; USCO: 0.5 ppm).

Pesticides detected in five subsurface perimeter sidewall soil samples include 4,4'-DDT (up to 0.02 ppm; USCO: 0.0033 ppm).

Metals detected in subsurface perimeter sidewall soil samples included mercury (up to 0.51 ppm; USCO: 0.18 ppm), lead (up to 384 ppm; USCO: 63 ppm), and zinc (up to 284 ppm; USCO: 109 ppm).

Groundwater: On-site groundwater was sampled for VOCs, SVOCs, metals, pesticides, herbicides, PCBs and PFAS. There were no groundwater quality exceedances and/or health advisory value exceedances for SVOCs, pesticides, herbicides, PCBs, or PFAS.

VOCs detected in groundwater included acetone up to 240 parts per billion (ppb) (GWQS: 50 ppb) in one sample. All impacted soil and fill were removed from the site as part of the remedy.

Metals detected in groundwater included iron up to 45,500 ppb (GWQS: 300 ppb), magnesium up to 78,700 ppb (GWQS: 35,000 ppb), manganese up to 1,900 ppb (GWQS: 300 ppb), and sodium up to 1,090,000 ppb (GWQS: 20,000 ppb). These metals are naturally occurring minerals and are not considered contaminants of concern for this site.

The use of groundwater as a source of potable or process water, without necessary water quality treatment is restricted. 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 use are necessary.

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.*

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. The source of soil contamination has been removed from the site; therefore, contact with contaminants is not expected.

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, and the evaluation presented here, the Department has selected No Further Action as the remedy for the site. The Department believes that this remedy is protective of human health and the environment and satisfies the remediation objectives described in Section 6.5.

The completed IRM met the requirements for a Track 1 Unrestricted cleanup and does not require additional remedial action, including any institutional or engineering controls.

No groundwater use restriction is needed because the area is serviced by public water and the City of Buffalo 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..."

Figure 1 – Site Location Map

FIGURE 1

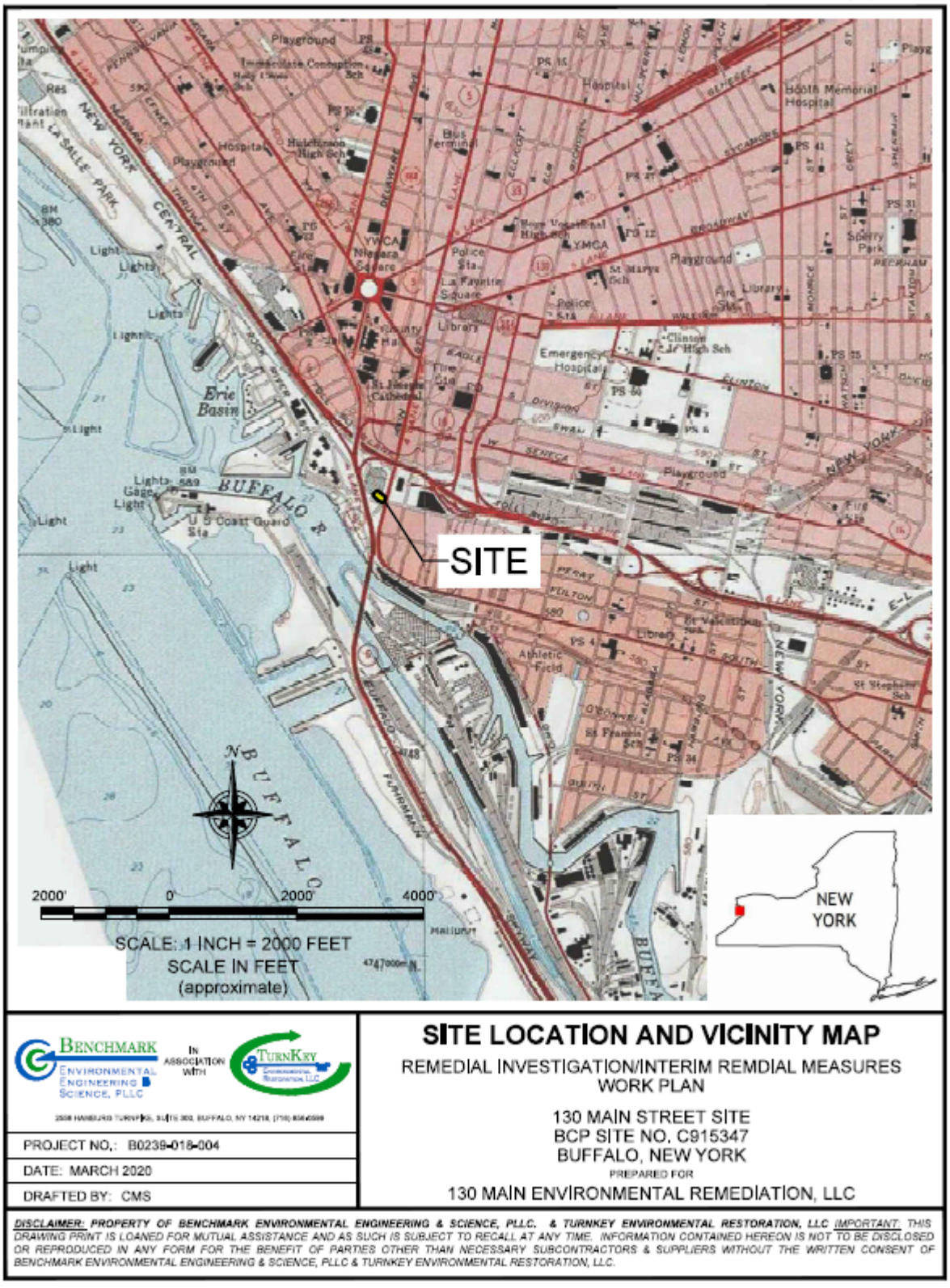

Figure 2 – Site Plan

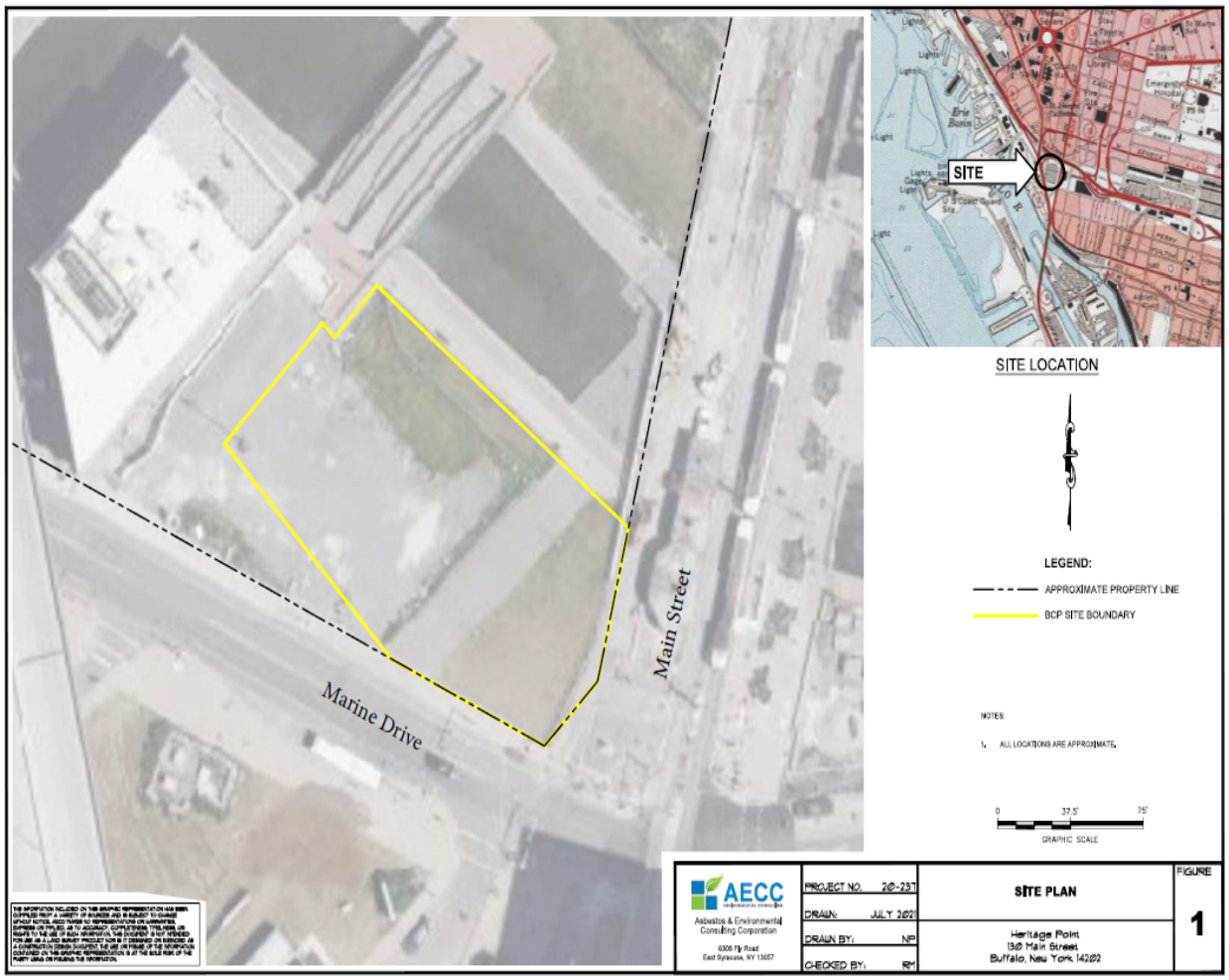

Figure 3 – Selected Remedy (Excavation Location/Limits)