



July 18, 2024

Benjamin McPherson, Project Manager  
NYSDEC Region 9  
700 Delaware Avenue  
Buffalo, NY 14209

Angela Martin  
NYSDOH  
Empire State Plaza  
Corning Tower, Room 1787  
Albany, NY 12242

**RE: Comments on Site C915353 Draft Alternatives Analysis Report**

Dear Mr. McPherson and Ms. Martin,

Please accept the following comments from Buffalo Niagara Waterkeeper in response to the Remedy Proposed for Brownfield Site Contamination at Site C915353, a portion of the former Tonawanda Coke property located at 3875 River Road, Tonawanda, NY 14150.

Buffalo Niagara Waterkeeper (BNW) is a community-based organization whose mission is to restore and protect our water and surrounding ecosystems for the benefit of current and future generations. We protect clean water, restore the health of ecosystems, connect people to water, and inspire economic growth and community engagement. BNW's focus is on protecting and restoring the biological, chemical, and physical integrity of our water within the eight-country region of Western New York (WNY), including the Niagara River and Lake Erie shoreline to the Pennsylvania border. Within this region, over 20% of the world's freshwater flows through our communities each day, with Lake Erie and the Niagara River providing over 11 million people in the US and Canada with clean drinking water and supporting countless ecosystems. In addition, our freshwater resources in WNY have provided for centuries of industry, leaving WNY with abundant legacy contamination along our shorelines. For the past 35 years, BNW has worked tirelessly with local and federal partners to catalyze, execute, and steward the cleanup of legacy contamination sites throughout the Niagara River watershed.

As such, we respectfully ask that you consider the following comments and questions regarding the Draft Alternatives Analysis Report for Site C915353.

**Big Picture**

*BNW supports the current effort to remediate BCP Site C915353 and redevelop it in a way that is protective to human health and the environment. We recognize the need to separate the*

*whole of the former Tonawanda Coke site, encompassing 3875 and 3800 River Road into discrete areas for the purpose of addressing legacy environmental conditions, but wish to acknowledge that the remediation plan for the entire site must be considered holistically, particularly as the discharge from Site C915353, in the form of storm and groundwater, receives contribution from Site 110 (Site 915055) and moves through Site 109 (Site 915055) and ultimately Site 108 (Site 915055) prior to discharge to the Niagara River.*

*Regarding the proposed strategies discussed in the Draft Alternatives Assessment Report, the Report needs to explain how changing climate trends and extreme weather events were evaluated and assessed as they pertain to design and implementation of the preferred remedial strategies.*

*In addition, the Report needs to outline the plan to continue to provide information to and solicit feedback from the community and local organizations regarding this site, including the continuation of the Tonawanda Coke Working Group (TCWG), be clearly articulated and communicated.*

## **Stormwater**

The Draft Alternatives Assessment Report acknowledges that, “current stormwater drainage from the BCP Site, Site 110, and Site 109 along with discharges from other industrial properties east of River Road, flows through a culvert onto Site 108. The culvert discharges to an open channel west of River Road. The flow from the combined discharges and the property west of River Road ultimately discharges to the Niagara River under the current SWPPP. To date, RITC has implemented a series of NYSDEC approved IRMs to eliminate potential runoff and contributions in and to the stormwater system.”

Under the proposed preferred remedy, the main mechanism for stormwater management is site grading that directs stormwater to a large retention basin that will be excavated as a part of the perimeter Track 1 cleanup, designed to control the peak discharge from the site, with the south perimeter drainage and peak flows being controlled by a smaller bioretention pond, and swales.

*BNW requests more specificity in the Report about the proposed stormwater management system, particularly the design constraints and modeling to be used in the engineering of the retention basin, bioretention pond, and swales. Information needs to be presented to show that the stormwater management system can handle the more severe and intense storms that our region is experiencing regularly. Additional information also needs to be presented regarding stormwater discharge from the site into the Niagara River. BNW opposes any untreated stormwater being discharged directly into the river.*

In addition, the report mentions that the BCP remedy must satisfy Stormwater Best Management Practices. *The Report needs to be more specific of how the quality and discharge of the stormwater will be monitored and managed during construction, outside of being beholden to SPDES discharge permitting and local requirements of the Town of Tonawanda.*

## **Groundwater**

The report recognizes that, “subsurface water within the fill is likely the primary unit for the potential transport of any BCP Site related constituents within the BCP Site, but the absence of saturated fill along some areas of the BCP Site perimeter, the absence of flowing water in the test pits around the perimeter of the BCP Site, and inward and parallel gradients along BCP Site boundaries demonstrate the fill water bearing unit is not a complete pathway to any offsite receptor. Note: the lack of water in several areas around the perimeter of the site supports the understanding that there is no known offsite transport of groundwater in fill from the BCP Site.” *BNW acknowledges the current conditions at the site but requests more information be presented in the Report about how changing climate trends and more frequent and severe weather events will affect the groundwater table and flow. Storm events are likely to inundate the site and sourcing sites with excess water and modeling needs to be completed and analyzed to determine the impact of this additional groundwater on subsurface fill.*

In closing, as a member of the Tonawanda Coke Working Group, BNW would like to acknowledge the magnitude of the work accomplished at this site to date, the effective communication and engagement provided throughout, and the milestone that this Report and Public Comment represent for the work of RITC, NYSDEC, NYCDOH, OSC, Inventum, and for WNY.

While we appreciate all the previous and current efforts at this site, additional information needs to be collected and presented to the community regarding groundwater and stormwater to protect the critical ecosystem of the Niagara River. The most effective measures should be used to address and eliminate any potential discharge of legacy pollution into this Class GA River.

Respectfully,  
Sandy Smith



Director of Community Engagement  
Buffalo Niagara Waterkeeper