

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Hazardous Waste and Radiation Management

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August 19, 2019

Mr. Nathan T. Munley  
Project Manager  
Benchmark Turnkey  
2558 Hamburg Turnpike, Suite 300  
Buffalo, NY 14218

Re: Former Wood Treaters of Buffalo Co. Site  
100 Botsford Place, Buffalo New York  
Contained-In Determination Request

Dear Mr. Munley:

We have completed our review of the soil sampling data (Lab Sample ID: L1909188-01, L1909188-02, L1909188-03, L1909188-04, L1909188-05, L1909188-06, L1909188-07, L1909188-08, L1909188-09, L1909188-10, L1909188-11, L1909188-12, L1909188-13, L1909188-14, L1923571-01 and L1923571-02) submitted with your July 30, 2019 request for a "contained-in" determination for the referenced project. No hazardous constituents exhibited a hazardous waste characteristic by exceeding their TCLP regulatory level.

Concentrations for arsenic and chromium were detected was significantly less than its current "contained-in" soil action levels and Land Disposal Restriction concentrations. Therefore, soils excavated from following boring location: SB-1, SB-2, SB-3, SB-4, SB-5, SB-6, SB-7, SB-8, SB-9, SB-10, SB-11 and SB-12, from 0 to 4-ft below grade surface (bgs), do not have to be managed as hazardous waste and may be transported off-site to a permitted solid waste landfill with liner and leachate collection system, for proper disposal as nonhazardous waste.

During the soil excavation, if Benchmark-Turnkey encounters stains, discoloration or soils that exhibit odors suggesting contamination, such material shall be separated from the excavated material and shall be properly stockpiled and analyzed as per the approved Investigation Work Plan (IWP), and depending on the results, Benchmark-Turnkey may request a "Contained-In" determination for this material.

This Contained-in determination does not apply to any soil below 5 feet bgs. Soils, from below 5 ft bgs to 20 ft bgs, need to be evaluated further for arsenic, chromium and copper, and depending on the results, you may request a "Contained-In" determination

Should you have any questions regarding the content of this letter, please do not hesitate to contact me at (518) 402-9611 or email me at [henry.wilkie@dec.ny.gov](mailto:henry.wilkie@dec.ny.gov).

Sincerely,



Henry Wilkie  
Assistant Environmental Engineer  
RCRA Permitting Section

ec: P Reuben, DEC Region 9  
N. Schnabel, DEC Region 9