

DECISION DOCUMENT

Former Pilgrim Village Senior Apartments
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915363
May 2021



**Department of
Environmental
Conservation**

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

DECLARATION STATEMENT - DECISION DOCUMENT

Former Pilgrim Village Senior Apartments
Brownfield Cleanup Program
Buffalo, Erie County
Site No. C915363
May 2021

Statement of Purpose and Basis

This document presents the remedy for the Former Pilgrim Village Senior Apartments 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 Former Pilgrim Village Senior Apartments site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

The selected remedy is referred to as the Track 1 - Unrestricted Residential Use with generic soil cleanup remedy.

1. Remedial Design:

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

2. Excavation:

The existing on-site buildings will be demolished and materials which can't be beneficially reused on site will be taken off-site for proper disposal in order to implement the remedy.

Excavation and off-site disposal of all on-site soils which exceed unrestricted SCOs, as defined by 6 NYCRR Part 375-6.8. If a Track 1 cleanup is achieved, a Cover System will not be a required element of the remedy.

3. Backfill:

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

4. Contingent Track 1:

The intent of the remedy is to achieve Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated.

In the event that Track 1 unrestricted use is not achieved, the following contingent remedial elements will be required, and the remedy will achieve at least a Track 4 cleanup.

5. Cover System (if required):

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

6. Local Institutional Controls:

If no EE or SMP is needed to achieve soil, groundwater, or soil vapor remedial action objectives, then the following local use restriction will be relied upon to prevent ingestion of groundwater: Buffalo Water Board Regulations (21 NYCRR Â§ 10085.3).

7. Institutional Controls (if required):

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;

- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH; and
- require compliance with the Department approved Site Management Plan.

8. Site Management Plan (if required):

A Site Management Plan is required, which includes the following:

- a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 8.

Engineering Controls: Cover System discussed in Paragraph 6.

This plan includes, but may not be limited to:

- an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
- descriptions of the provisions of the environmental easement including any land use, and groundwater;
- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

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.

5/10/21

Date



Michael Cruden, Director
Remedial Bureau E

DECISION DOCUMENT

Former Pilgrim Village Senior Apartments
Buffalo, Erie County
Site No. C915363
May 2021

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 has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

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:

DECInfo Locator - Web Application
<https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C915363>

Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203
Phone:

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 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 Former Pilgrim Village Senior Apartments site is an approximately 1.96-acre site located in a mixed residential/commercial area in the City of Buffalo, Erie County. The site is bounded to the north by Ellicott Street and is a portion of the 951 Ellicott Street parcel. The eastern and western edges of the property are landlocked.

Site Features:

The main site feature includes three clusters of multiple-unit apartment buildings with a total of 21 units. These apartment clusters are a portion of an approximately 7.9-acre parcel that houses 12 separate multiple unit apartment buildings constructed sometime prior to 1981. The site also contains a green space and some asphalt parking areas. The apartment buildings are currently occupied. This site is located next to another BCP site (Pilgrim Village Family Apartments, Site No. C915362) at 1100 Michigan Avenue.

Current Zoning and Land Use:

The site is currently zoned D-R Residential Campus.

Past Use of the Site:

Prior to the apartment complex the property was occupied by dense residential housing with several small shops, from the late 1800s through the mid-1970s. A gasoline filling station was located on the adjacent northeast corner parcel at Michigan and Best Streets from at least 1951 through at least the 1960s.

Site Geology and Hydrogeology:

The sub-surface consists of urban fill consisting of predominantly sand, silt, crushed rock, asphalt, and brick from the surface to approximately 2 to 8 feet below ground surface. The fill is underlain by native soil consisting of sand, gravel, silty clay to clayey silt.

The groundwater flows through the non-native fill material on-site towards north northwest. Regional groundwater flow is west toward Lake Erie.

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, alternatives (or an alternative) that restrict(s) the use of the site to as described in Part 375-1.8(g) were/was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the 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. 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 contaminant(s) of concern identified at this site is/are:

copper	mercury
lead	zinc

The contaminant(s) of concern exceed the applicable SCGs for:

- Soil
- Groundwater

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.

There were no IRMs performed at this site during the RI.

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.

Remedial Investigation Results:

The field work for the remedial investigation (RI) was completed in February 2021. The RI included sampling of soil/fill and groundwater. The surface, sub-surface 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, and Target Analyte List (TAL) metals. Sub-surface soil and

groundwater samples were also analyzed for emerging contaminants. Soil/fill samples were collected across the site to native soil which was present from four to approximately eight feet below ground surface. Soil borings to 25 feet below ground surface did not identify the presence of contamination in native soil.

The concentrations of contaminants in different media were as follows:

Surface soil:

Metals: The metals exceeding unrestricted soil cleanup objectives (USCOs) were copper up to 65.2 parts per million (ppm) (USCO - 50 ppm), lead up to 735 ppm (USCO - 63 ppm), mercury up to 2.18 ppm (USCO - 0.18 ppm) and zinc up to 261 ppm (USCO - 109 ppm).

Sub-surface soil/fill:

Metals: The metals exceeding USCOs were copper up to 57.5 ppm (USCO - 50 ppm), lead up to 215 ppm (USCO - 63 ppm), mercury up to 1.25 ppm (USCO - 0.18 ppm) and zinc up to 340 ppm (USCO - 109 ppm).

No VOCs, SVOCs, PCBs, pesticides, herbicides or emerging contaminants were detected in soil above USCOs (or guidance values for emerging contaminants). The data does not indicate potential off-site migration in on-site soils.

Groundwater:

Five overburden groundwater monitoring wells (three wells from this site and two wells from the adjacent Pilgrim Village Family Apartments site) were sampled and analyzed for VOCs, SVOCs, metals, PCBs, pesticides, and herbicides and three wells were sampled for emerging contaminants. Groundwater Quality Standards (GWQS) were exceeded for some metals.

Metals: The metals exceeding GWQS were magnesium up to 66 ppm (GWQS - 35 ppm) and sodium up to 145 ppm (GWQS - 20 ppm), both naturally occurring metals.

No VOCs, SVOCs, PCBs, pesticides, herbicides or emerging contaminants were detected in on-site groundwater above GWQS (or maximum contaminant level (MCL) values for emerging contaminants).

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*.

Direct contact with contaminants in the soil is unlikely because the site is currently covered with buildings, pavement, and vegetation. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination.

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.

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

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is referred to as the Track 1 - Unrestricted Use with generic soil cleanup remedy. The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design:

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

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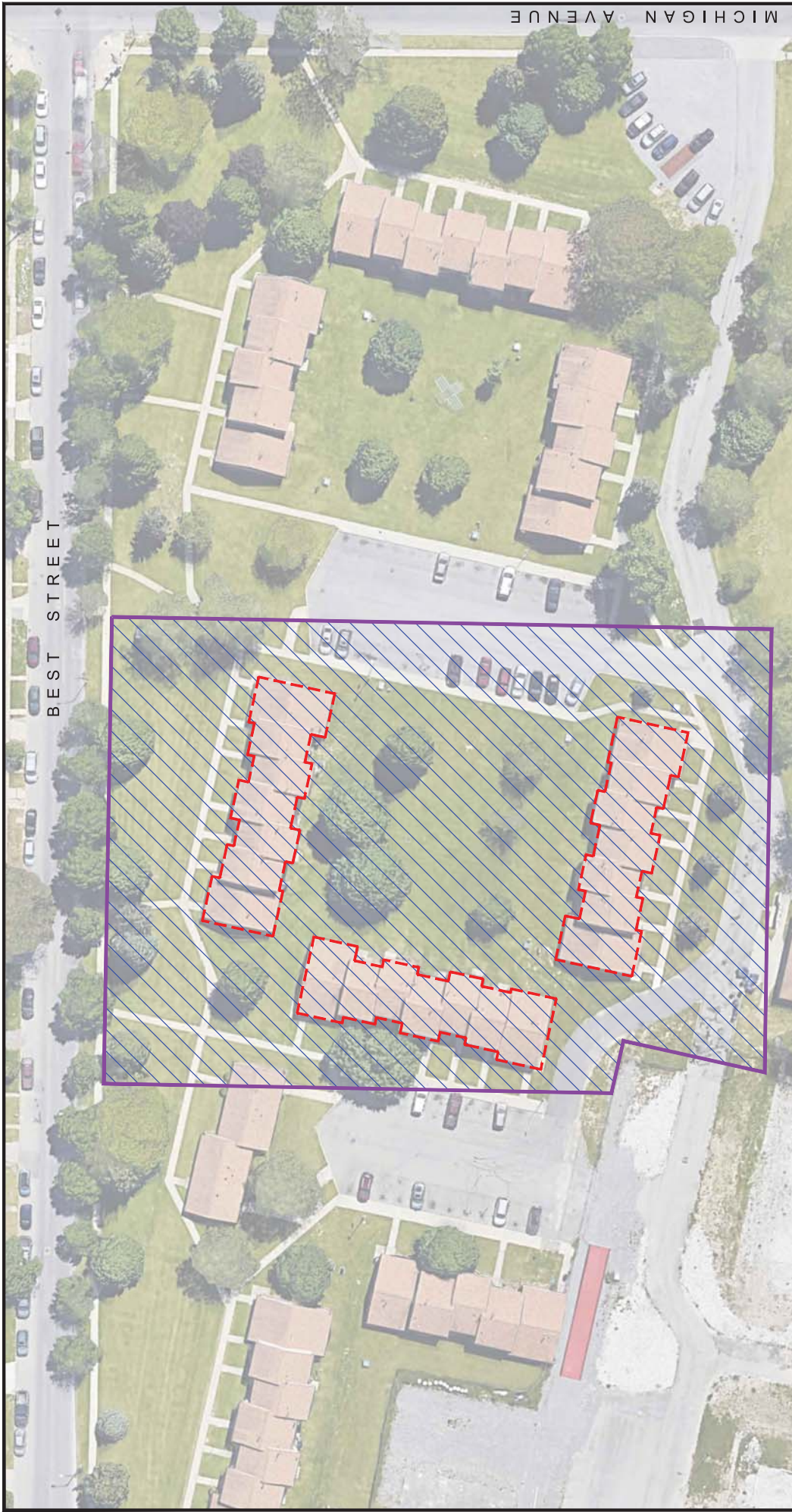
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- provisions for the management and inspection of the identified engineering controls;
- maintaining site access controls and Department notification; and
- the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.



 960 Bust Avenue Suite B150 Buffalo, NY 14213 P: 716-862-6532	Figure 1 Site Location Map	Former Pilgrim Village Senior Apartments Site # Buffalo, New York 14209	Revisions <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>					
February 2021	SCALE: N/A	SHEET 1 OF 1						





BEST STREET

MICHIGAN AVENUE

LEGEND

- APPROXIMATE SITE BOUNDARY
- ▨ AREA TO BE EXCAVATED TO MEET UNRESTRICTED SCOS
- - - BUILDING TO BE DEMOLISHED AND REMOVED



BES-CORP
 960 Bust Avenue
 Suite B150
 Buffalo, NY 14213
 P: 716-862-6632

March 2021

Figure 2
 Track 1 Unrestricted
 Use Remedy Demolition & Soil
 Excavation/Removal
 Senior Apartments
 Site # C915363
 Buffalo, New York 14209

Revisions

SCALE: N/A

SHEET 1 OF 1