

letter.C932127, 2006-10-05, fact-sheet

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**PUBLIC NOTICE  
FACT SHEET  
BROWNFIELD CLEANUP PROGRAM**

**RECEIVED**

**Site Name:** 2250 Factory Outlet Boulevard Site  
**Site Address:** 2250 Factory Outlet Boulevard  
Niagara Falls, New York 14304  
**County:** Niagara  
**Site No.:** C932127  
**Requestor:** Benderson Development Company, LLC

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The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) 27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor indicated above has submitted a BCP application for a remedial investigation and interim remedial measure at the site indicated above.

NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository located at the address indicated below.

**Please note the application package includes a Draft Interim Remedial Measures (IRM) Work Plan which describes how the contamination related to the site will be addressed. The IRM proposed includes excavation of the contaminated fill materials from the site. The IRM is expected to include all necessary remedial actions for the site.**

NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application.

Comments should be submitted by November 20, 2006 to:

New York State Department of Environmental Conservation  
Division of Environmental Remediation - Region 9  
270 Michigan Avenue  
Buffalo, New York 14203  
Attention: Jeff Konsella

Repository address:  
Niagara Falls Public Library  
LaSalle Branch  
8728 Buffalo Avenue  
Niagara Falls, New York 14304



## FACT SHEET

### Brownfield Cleanup Program

Benderson Development Company, LLC

October 2006

Site No. C932127

Niagara Falls, Niagara County

### **Brownfield Cleanup Application, Draft Remedial Investigation Work Plan, and Draft Interim Remedial Measures Work Plan Available for Public Comment**

New York State Department of Environmental Conservation (NYSDEC) requests public comments as it reviews the draft work plan to investigate and undertake environmental cleanup activities at the Benderson Development Company, LLC site, located at 2250 Factory Outlet Boulevard in Niagara Falls, Niagara County, New York. (See the map on page 3 for site location.)

The draft "Remedial Investigation (RI) / Alternative Analysis Report (AAR) / Interim Remedial Measures (IRM) Work Plan" was submitted by Benderson Development Company, LLC under New York's Brownfield Cleanup Program (BCP). Benderson Development Company, LLC submitted an application to NYSDEC to participate in the BCP. The application proposes that the site will be used for commercial purposes.

The terms "*remediation*" or "*remedial*" mentioned throughout this fact sheet refer to all necessary actions to address and clean up any known or suspected environmental contamination associated with the site.

#### **Public Comments about the Draft RI/AAR/IRM Work Plan**

NYSDEC is accepting written public comments about the draft RI/AAR/IRM Work Plan for 45 days, from **October 5, 2006 through November 20, 2006**. The draft RI/AAR/IRM Work Plan is available for public review at the locations identified at the end of this fact sheet.

Written comments should be submitted to:

Mr. Jeffrey Konsella, P.E.  
NYS Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203-2999

#### **Highlights of the Proposed Remedial Investigation**

The remedial investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other impacted media;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and/or the environment; and
- 4) provide information to support the development of a Remedial Work Plan, if required upon completion of IRM activities, to address contamination at the site.

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as brownfields so that they can be reused and redeveloped. These uses include recreation, housing and business.

A brownfield is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit [www.dec.state.ny.us/website/bcdp](http://www.dec.state.ny.us/website/bcdp)

The investigation will be performed by Benderson Development Company, LLC with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

Based on previous environmental investigation completed on-site, the contaminant of concern identified on-site is chromium that has affected the near surface soil/fill less than 4 feet below ground surface.

#### **Details about the Remedial Investigation**

This RI will be completed on-site to supplement the data previously collected. Additional activities that be completed during the RI include:

- Completing test pits and soil borings, and installing groundwater monitoring wells on-site;
- Collecting and analyzing soil and groundwater samples to assess soil and groundwater quality and collect site-specific hydrogeological data; and,
- Bench-scale testing of soil/fill samples that exceed the chromium threshold to evaluate potential methods for reducing chromium concentrations so that soil/fill from the site could be transported and disposed of as a non-hazardous waste.

#### **Highlights of the Proposed Interim Remedial Measures**

In concurrence with RI activities, IRM cleanup activities are planned to address chromium-impacted soil/fill present at the site. Planned IRM cleanup activities include:

- Excavating of non-impacted surface cover and gravel bedding on-site;
- Excavating chromium-impacted soil/fill within the area identified east of the existing building to an approximate depth of 4 feet below ground surface;
- Treating (on-site or off-site) soil/fill that exhibits hazardous waste characteristics;
- Transporting and disposing of impacted soil/fill at an off-site permitted solid waste disposal facility;
- Placing and compacting of non-impacted on-site soil and "clean" soil from an off-site source(s) as backfill; and
- Placing select fill to reach a final grade for the site.

#### **Next Steps**

NYSDEC will consider public comments when it completes its review, makes any necessary revisions, and approves the RI/AAR/IRM Work Plan. NYSDOH must concur in the approval of the Work Plan. The approved Work Plan will be available for public review, and will be placed in the location identified at the end of this fact sheet under the heading "For More Information."

After the Work Plan is approved, Benderson Development Company, LLC may proceed with the remedial investigation and implementation of interim remedial measures at the site. It is estimated that the remedial investigation will take about two weeks of field time and is anticipated to begin in November 2006. The IRM field time is anticipated to take approximately four weeks and is anticipated to begin in January 2007.

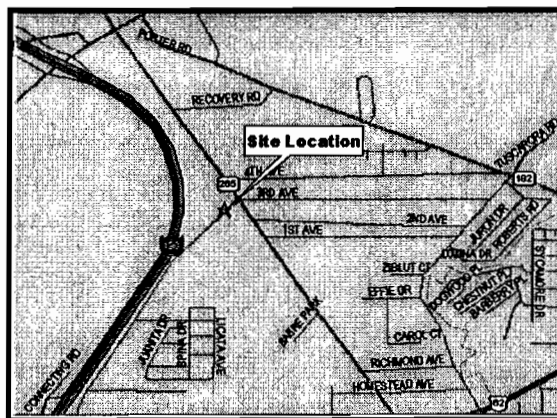
The applicant will develop a Remedial Investigation Report and IRM Construction Closeout Report that summarizes the results of the site investigation and remediation.

NYSDEC will keep the public informed during the investigation and remediation of the 2250 Factory Outlet Boulevard site using fact sheets, similar to this one.

## **Background**

### *Site Background*

The site encompasses approximately 5.33 acres on the north side of Factory Outlet Boulevard in Niagara Falls, New York. The property is bounded by Interstate 190 to the west, a car dealership to the north, Military Road to the northeast, Factory Outlet Boulevard to the southeast, and an automobile oil and lube facility to the south. (See site map below.) The surrounding properties generally include commercial and residential properties. The property currently consists of an approximate 39,000 square foot vacant concrete block building located on the western portion of the property. The rest of the site is covered with asphalt or grass/landscaping.



### *Site History*

A Phase I Environmental Assessment of the site was completed in December 1995 by Maxim-Empire Soils Investigations, Inc. (Maxim-Empire). That study indicated that the site was first developed in the early 1970s by Grossman's Building Supply. Prior to that time, the site was reportedly undeveloped. The Phase I ESA indicated that the former "Union Carbide Dump" was located less than 1,000 feet west of the site, but concluded that it was unlikely that portions of the site are within the limits of the "Union-Carbide Dump." Maxim-Empire did not identify recognized environmental concerns associated with the site. The results of previous investigations are summarized below.

### *Environmental History*

#### February/March 2006

- Panamerican Environmental, Inc. (PEI) performed an environmental assessment at the site. Based on that investigation, it was determined that site soil had been impacted with chromium. Additional soil sampling completed by PEI indicated that some of the soil could be considered a characteristic hazardous waste due to exceedance of the toxicity standards for chromium.

#### June 2006

- Benchmark performed a supplemental soil investigation focused on collecting site-wide near-surface (i.e., 0-4 feet below ground surface (fbgs)) soil samples to evaluate the extent of previously identified chromium impact on the site. The findings of that study indicated that the near-surface soils across the site have been impacted by chromium.

### *BCP Status*

- The BCP application was submitted on September 8, 2006 and deemed complete on September 22, 2006.

### **FOR MORE INFORMATION**

#### **Locations to View Project Documents**

A local document repository has been established at the following location to help the public to review important project documents. These documents include the draft RI/AAR/IRM Work Plan and the application to participate in the BCP accepted by NYSDEC.

The locations identified below have been established to provide the public with convenient access to important project documents:

Niagara Falls Public Library  
LaSalle Branch  
8728 Buffalo Avenue  
Niagara Falls, New York 14304  
Attn: Betty Babanoury, Director  
Phone: (716) 283-8309  
Hours: M - W 10-8  
Th - Sat. 10-5  
Sun. (closed)

NYSDEC Region 9 Office  
270 Michigan Avenue  
Buffalo, New York 14203-2999  
Attn: Ms. Megan Gollwitzer  
Phone: (716) 851-7220  
Hours: M-F 8:30am-4:45pm  
(Please call for appointment.)

#### **Who to Contact**

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

Mr. Jeffrey Konsella, P.E.  
Project Manager  
New York State Department of Environmental  
Conservation  
270 Michigan Avenue  
Buffalo, New York 14203-2999  
(716) 851-7220

#### Health Related Questions

Mr. Matthew Forcucci  
Public Health Specialist  
New York State Department of Health  
584 Delaware Avenue  
Buffalo, New York 14202  
(716) 847-4385

If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.