EXPLANATION OF SIGNIFICANT DIFFERENCE

1318 NIAGARA STREET SITE
1318 NIAGARA STREET, BUFFALO, NY 14213

City of Buffalo / Erie County / Site No. E915213 / September 2025

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

1.0 INTRODUCTION

The purpose of this notice is to describe the progress of the cleanup at the 1318 Niagara Street site and to inform you about a change in the Site remedy. The site is located at 1318 Niagara Street, Buffalo, New York. The Site is part of NYSDEC's Superfund program, and the Record of Decision (ROD) was issued in March 2014 to select a remedy to clean up the site.

The ROD included a description of the remedial goals, today these are called Remedial Action Objectives (RAOs). This communication provides details on changes to the selected remedy and demonstrates that the amended remedy achieves the RAOs.

The U.S. Environmental Protection Agency (EPA) has approved a polychlorinated biphenyl (PCB) cleanup plan submitted by New York State Department of Environmental Conservation (NYS DEC) on behalf of the City of Buffalo, New York under the Agency's PCB Cleanup Program. This EPA program, governed by the Toxic Substances Control Act of 1976 (TSCA), focuses on cleaning up contaminated sites and returning them to beneficial use, where possible.

EPA's approval will allow for the City of Buffalo to redevelop the site as a park, amphitheater and green space for passive recreation. Any alternative or future development of the site for high occupancy use or other non-commercial or non-industrial uses must meet relevant TSCA cleanup requirements, including, but not limited to, maintaining the installed site cover.

A public comment period extended for 30 days, beginning on July 9th, 2025 and ending August 8th, 2025 at 5:00pm EST.

The risk based cleanup is available at https://extapps.dec.ny.gov/data/DecDocs/E915213/

This Explanation of Significant Difference (ESD) will become part of the Administrative Record for this Site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

Buffalo and Erie Public Library
1 Lafayette Square
Buffalo, NY 14203
716-858-8900

Interested persons are invited to contact NYSDEC's Project Manager Elyse DuBois, elyse.dubois@dec.ny.gov or (518) 402-0031 to obtain more information or have questions answered about this site.

2.0 SITE DESCRIPTION AND ORIGINAL REMEDY

2.1 Site History, Contamination, and Selected Remedy

The 1318 Niagara Street site (Site) is located in Buffalo, NY, at the intersection of Niagara Street and Lafayette Avenue (Figure 1). The Site is approximately 0.77 acres in size and is currently a vacant lot covered by well-established grasses and uniformly graded to promote drainage. The Site previously contained industrial structures, which were demolished in 2006. Several interim remedial measures (IRMs) and remedial actions were completed at the Site that have resulted in the removal of contamination and have established a vegetated soil cover over the Site. During the 2019 cleanup, identified in the March 2014 ROD, soils with PCBs over 1 ppm were removed, resulting in at least two (2) ft of clean soil cover, with a demarcation layer beneath this clean cover, over the entire site.

The Site is bounded by a fence and buildings to the north and south, a fence with gate along Niagara Street to the east, and a fence and CSX Railroad to the west. The Site is owned by the City of Buffalo, is currently inactive and zoned for a passive park.

The Site was used as a brewery from 1909 to 1987. From 1987 to 2004, the Site was utilized by private owners for unknown purposes. In 2004 the City of Buffalo obtained the property through tax foreclosure. Demolition of the Site buildings began in May of 2006. During this demolition a former furnace was discovered in the northwest corner of the Site in January 2007. The furnace contained sludge containing PCBs (23,700 ppm). TCLP results of the sludge showed detectable (but non-hazardous) levels of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and barium. During IRM-1, The furnace and sludge were removed and properly disposed of. Residual oil was removed from underground storage tanks (USTs) using a vacuum truck, and the USTs were excavated in February 2007. Underground piping associated with the USTs was also discovered and removed prior to 2009. Upon UST excavation in 2007, it was found that one of the USTs had leaked into the subsurface, impacting the surrounding soil. As a result of the UST leak, the DEC assigned Spill Number 06-51726 to the Site, this spill has since been closed due to IRM work completed at the site. Site investigation began in 2007 parallel with the IRM-1 work. The site investigation sampled oil within the UST and in the surrounding soils on site and found exceedances for PCBs among other contamination. The tanks were removed from the site and IRM-1 was completed in 2010.

IRM-2 was completed in 2013, and included an excavation of five discrete areas, where PCB concentrations were identified exceeding 10 ppm. Confirmatory sampling conducted after IRM-2 found areas of remaining contamination, including PCB contaminated fill material, above 10 ppm located over

the western portion of the site. Data also indicated that PCB contaminated soil greater than 1 ppm remained over a majority of the site.

The ROD was issued in March of 2014 and called for the excavation of soils with PCBs exceeding 10 ppm, along with a cover system, institutional controls (ICs) and a site management plan (SMP). Due to the City's planned redevelopment of the site as a passive park and green space, in 2020 the Department completed excavation of soils on site exceeding 1 ppm, where technically feasible. This cleanup resulted in a sitewide cover of not less than two feet of clean soil placed over a demarcation layer.

Nature and Extent of Contamination

Based upon investigations conducted to date, the primary contaminant of concern is polychlorinated biphenyls (PCBs) in soil. Additionally, dichloroethylene, acetone, benzene, xylene, chromium, lead, 1,2,4-trichlorobenzene, trichloroethene, vinyl chloride, 1,2 dichloroethane, and indeno(1,2,3-cd)pyrene were listed as contaminates of concern in the ROD. The only metals in soil exceeding commercial soil cleanup objectives (SCOs) are copper (8,770 ppm) and zinc (70,000 ppm) at monitoring well (MW)-03, 18-20 feet below ground surface. The semi-volatile organic compound (SVOC) indeno(1,2,3-cd)pyrene was noted in two samples (530 and 600 ppb), slightly exceeding the unrestricted SCO of 500 ppb. No volatile organic compounds (VOCs) exceeded restricted residential were found in the soil. On-site groundwater also indicated the presence of PCBs, in addition to VOCs and metals.

Soil - In general, soil contamination is limited to PCBs in fill, but extends to native clay at depths of 12 feet below ground surface (fbgs) or greater in the former UST and furnace pit areas. Based on sample results from investigations performed in 2015, PCB-contaminated fill material from 1 ppm to 1,300 ppm was present in various areas of the site. Contamination was also found off-site outside the western fence line on CSX railroad property with PCB concentrations ranging from 11 to 860 ppm in this area.

Groundwater - Groundwater contamination exceeding groundwater standards was noted in monitoring wells MW-03, MW-04, and MW-05 and consisted of several VOCs and associated degradation products (e.g., trichloroethylene at 350 ppb). PCB impacts to groundwater were found in wells MW-01, MW-02, MW-03, MW-04, and MW-05 with total PCBs of 4.5 ug/l, 0.13 ug/l ,5.1 ug/l,0.39 ug/l, and 2.2 ug/l respectively in unfiltered samples. Only MW-01 had PCB detections after filtering. The sample retrieved from this location returned a PCB detection of 0.36 ug/l, exceeding the aquifer water quality standard guidance values (AWQSGVs) standard of 0.09 ug/l. Past results of MW-03 found high levels of PCBs in the groundwater. Subsequent investigations found a DNAPL layer in this area. Three (3) more wells were installed down gradient on the western fence line in 2022 to monitor migration of contaminates. The DNAPL layer has not been observed in MW-07, immediately down gradient of MW-03.
Two additional wells were installed in 2022 (MW-09 and MW-10) adjacent to the Black Rock Canal to monitor for migration farther off site. Testing of these wells found no detects in MW-10 and minor detections, 0.18 ug/l in MW-09. Similar results were not noted in the borings completed on the downgradient side of the site suggesting that the identified impacts observed in the offsite wells did not migrate from the Site and are unrelated to 1318 Niagara St. and this ESD.

Components of Selected Remedy

The major components of the March 2014 Original Remedy were listed as follows:

1. A remedial design program to verify the components of the conceptual design and provide the details necessary for the construction, operation and maintenance, and monitoring of the remedial program. Any uncertainties identified during the RI/FS will be resolved;
2. Excavation and off-site disposal of approximately 2,562 cubic yards of soil exceeding 10 ppm PCBs;
3. A site cover will be required to allow for commercial use of the site;
4. Imposition of an institutional control in the form of an environmental easement for the controlled Property; and
5. a Site Management Plan, including but not limited to an excavation work plan and monitoring for vapor intrusion for any building developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion

3.0 CURRENT STATUS

Remedial action was completed in 2020 to remediate, to the extent practicable, on-site soil with PCB concentrations above 1 ppm and establish two feet of clean cover over a demarcation layer. This action involved excavation, off-site disposal, and placement of a soil cover over a demarcation layer.

4.0 DESCRIPTION OF SIGNIFICANT DIFFERENCE

4.1 New Information

The City of Buffalo proposed and shall ensure that the Site is zoned for and used only as a park in efforts to provide a green space for passive recreation. In order for the DEC to remediate to a conforming use, the RAOs for cleanup and allowable use were amended at the site to restricted residential with a two-foot cover. Following completion of the remediation, the top two (2) to four (4) feet of soil across the Site now exhibit PCB concentrations less than 1 ppm. During the 2020 cleanup action, further removal of soil deeper than two (2) ft, was deemed technically impracticable due to the presence of an adjacent building foundation along the southern side of the site and the adjacent railroad along the western side of the site. Contamination remains at depth on the site in limited areas, however further excavations on the site to remove remaining contamination at these locations is currently technically infeasible. The Site Management Plan will require the inspection and maintenance of the existing fence along the western side of the site as an engineering control, to prevent access to the railroad and remaining contamination in off-site surface and shallow soils.

4.2 Comparison of Changes with Original Remedy

A summary of the changes to the original ROD as modified in this document are shown below. The March 2014 ROD element is described, followed by any modifications or additions made by this ESD. If a remedial element is not mentioned in the ESD changes column it remains unchanged from the original proposed remedy.

SUMMARY OF PROPOSED REMEDY CHANGES
1318 Niagara St– Site No. e915213

2014 ROD	ESD Changes
1. A remedial design program to verify the components of the conceptual design and provide the details necessary for the construction, operation and maintenance, and monitoring of the remedial program. Any uncertainties identified during the RI/FS will be resolved.	*Unchanged.*
2. Excavation and off-site disposal approximately 2,562 cubic yards of soil exceeding 10 ppm PCBs.	*Modified* • *Removal of soil exceeding 1 ppm in the upper 2 ft of soil at the site.* • *Further removal of soil in certain areas of the site, exhibiting elevated PCB concentrations, was deemed technically impracticable due to the presence of an adjacent building foundation along the southern edge of the site and the adjacent railroad to the west.*
3. Cover - A site cover will be required to allow for commercial use of the site.	*Modified* • *The one-foot cover was increased to two feet to allow for restricted residential and creation of a park in efforts to provide a green space for passive recreation.*
4. Easement - Imposition of an institutional control in the form of an environmental easement for the controlled Property	*Modified* • *The current Easement will be modified from commercial to restricted residential.*
5. Site Management Plan	*Modified* • *Monitoring of DNAPL present in MW-3 will be added to the Monitoring Plan in the SMP.* • *Inspection and maintenance of the fence on western side of the site restricting access to the Railroad property.*

5.0 SCHEDULE AND MORE INFORMATION

This Explanation of Significant Difference (ESD) will become part of the Administrative Record for this Site. The information here is a summary of what can be found in greater detail in documents that have been placed in the following repositories:

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1 Lafayette Square
Buffalo, NY 14203
716-858-8900

Access project documents through the DECinfo Locator:
https://extapps.dec.ny.gov/data/DecDocs/E915213/

Stay Informed With DEC Delivers Sign up to receive site updates by email: http://www.dec.ny.gov/chemical/61092.html

DECInfo Locator Interactive map to access DEC documents and public data about the environmental quality of specific sites: https://www.dec.ny.gov/pubs/109457.html

If you have questions or need additional information you may contact any of the following

Elyse DuBois, Project Manager
NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7017
(518) 402-0031
elyse.dubois@dec.ny.gov

Stephen Lawrence
New York State Department of Health
Bureau of Environmental Exposure Investigation Empire State Plaza,
Corning Tower, Room 1787
Albany, NY 12237
(518) 402-7860
BEEI@health.ny.gov

9/4/25
Date

Elyse DuBois, Project Manager
Remedial Section A, Remedial Bureau E

09/08/2025
Date

Benjamin Rung, P.E., Section Chief
Remedial Section A, Remedial Bureau E

9/8/25

Date

Michael J Cruden

Michael Cruden, P.E., Bureau Director
Remedial Bureau E

9/19/25

Date

David Harrington

David Harrington, Assistant Director
Division of Environmental Remediation

DECLARATION

The selected remedy is protective of public health and the environment, complies with State and Federal requirements that are legally applicable or relevant and appropriate to the remedial action to the extent practicable, and is cost effective. This remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, to the maximum extent practicable, and satisfies the preference for remedies that reduce toxicity, mobility, or volume as a principal element.

N

SITE LOCATION

Lafayette Ave

Scajaquada Creek

Unity Island

Black Rock Canal

Niagara River

ROCKWELL RD
DART ST
HAWLEY ST
WEST AVE
REES ST
LINCOLN PKWY
POOLEY PL
BARRY PL
HOYT ST
Buffalo Seminary
CHAPIN PKWY
ST JAMES PL
ARDMORE PL
Lafayette HS
LAFAYETTE AVE
LANCASTER AVE
AUBURN AVE
Nardin Acad
BOYD ST
TUDOR PL
CLEVELAND
Canisius H
W FE
NIAGARA ST
ESSEX ST
19TH ST
18TH ST
HIGHLAND AVE
LEXINGTON AVE
ANDERSON PL
Catholic Of W B
W UTI
14TH ST
15TH ST
16TH ST
17TH ST
RIPLEY PL
HODGE AVE
BRYANT S
NORWOOD AVE
ASHLAND AVE
ELMWOOD AVE
OAKLAND PL
DELAWARE AVE
SUMMER ST
PEACE BRIDGE PLZ
COBB ALY
NORTH ST
Ansley Wilcox
PARK ST
IRVING PL
N PEARL ST
JERSEY ST
BUSTI AVE
DAYS PARK

Public Sch 19 Native American Magnet Sch
Public Sch 45 International Sch
Public Sch 18 Dr Antonia Pantoja Community Sch Of Academic Excellence
Public Sch 30 Frank Sedita Acad
Public Sch 198 International Preparatory Sch
Public Sch 212 Leonardo Da Vinci HS
D'Youville Coll
Public Sch 3 D'Youville Porter Campus Sch
Autism Services Sch

190
266
198
384
650
600

ADAPTED FROM: BUFFALO NW USGS QUADRANGLE

MAP LOCATION

0 100,000 200,000 Feet

SITE LOCATION

New York State Department of Environmental Conservation
Risk-Based PCB Remediation Approach
1318 Niagara Street
Buffalo, New York

FIGURE 1

AUGUST 2023

RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.
A RAMBOLL COMPANY

I:\Parsons-Eng.8653\STDS\GIS\1318 Niagara\PRO\Niagara_St\Niagara_St.aprx\Figure_2-GW_Monitoring_and_Contours

PROJECT: 1940075261 | DATED: 1/24/2024 | DESIGNER: SSOULE

APPROXIMATE 2022 WELL LOCATIONS

HISTORICAL WELL LOCATIONS

GROUNDWATER CONTOUR

PROPERTY LINE

0 20 40 Feet

MW-XX
UNFILTERED/FILTERED RESULTS IN PPB
TOTAL PCBs IN PPB BASED ON NOVEMBER/DECEMBER 2023 EVENT

NOTES:
- WELL LOCATIONS ARE APPROXIMATE.
- CONTOUR INTERVAL IS 1 FOOT.
- ALL PCBs HAD DETECTIONS OF AROCLOR 1260. MW-10 HAD A SECOND SAMPLE WITH DETECTIONS OF BOTH 1260 AND 1254.

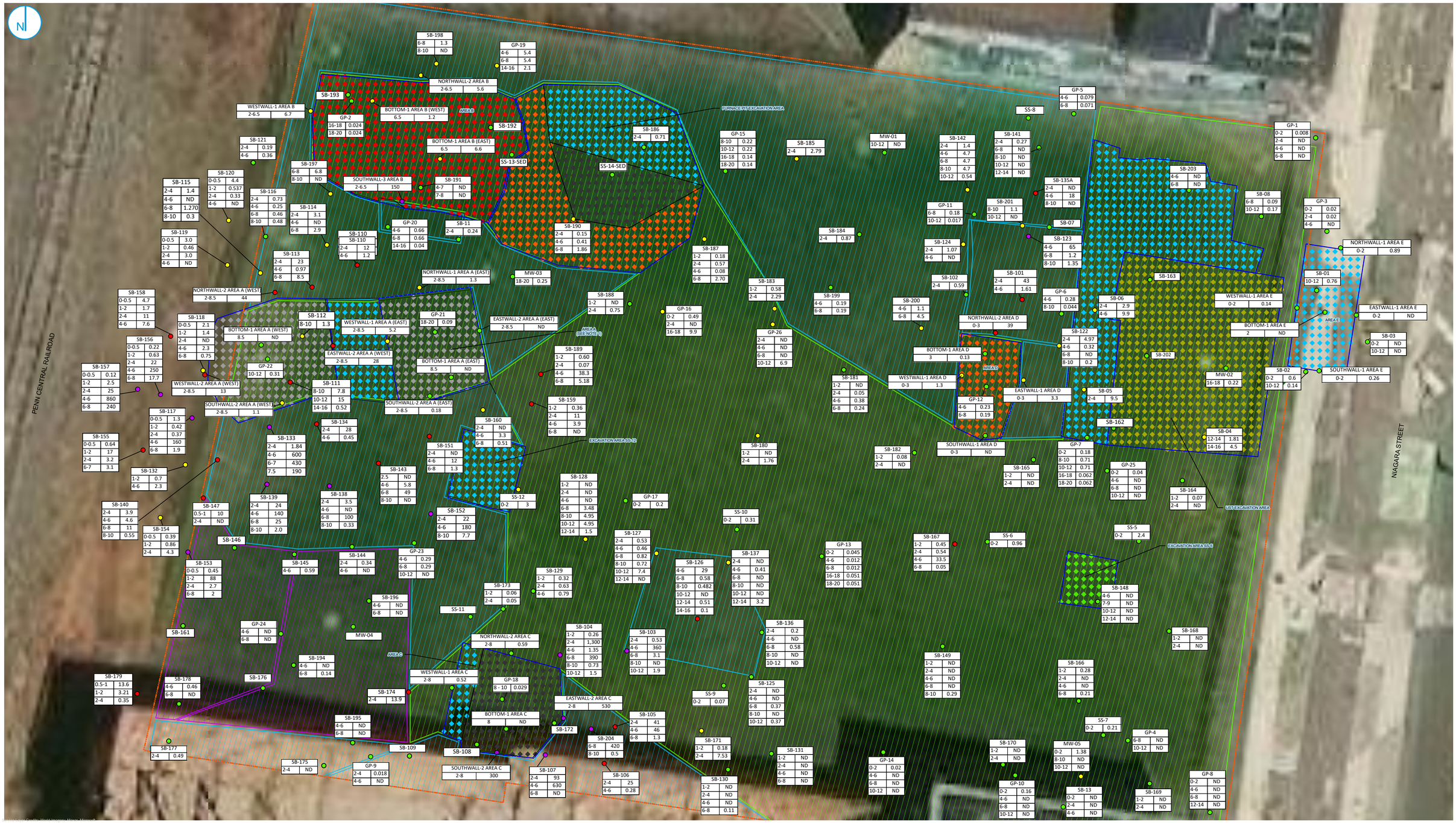
GROUNDWATER CONTOURS AND QUALITY

NYSDEC
RISK BASED PCB SOIL REMEDIATION APPROACH
1318 NIAGARA STREET
BUFFALO, NY

FIGURE 2

RAMBOLL AMERICAS
ENGINEERING SOLUTIONS, INC.
A RAMBOLL COMPANY

RAMBOLL



PROJECT: 86533.71532 | DATED: 9/29/2023 | DESIGNER: COOPERSA

PCB CONCENTRATION OF SOIL SAMPLES

- < 1 PPM
- ≥ 1 AND < 10 PPM
- ≥ 10 AND < 50 PPM
- ≥ 50 PPM (TSCA)

HISTORIC IRM EXCAVATION DEPTH

- 1 FT
- 2 FT
- 3 FT
- 6.5 FT
- 8 FT
- 8.5 FT
- 12 FT

0 25 50 Feet

2019 IRM EXCAVATION LIMITS

- 1 FT
- 2 FT
- 4 FT
- PRE-2019 IRM EXCAVATION LIMITS
- PROPERTY LINE

NOTES:

1. AREA A EAST AND AREA A WEST WERE BOTH 8.5-FT DEEP EXCAVATIONS. BETWEEN THE TWO AREAS, 2 FT OF SOIL WAS REMOVED.
2. THE LIMITS OF THE 2019-2020 IRM EXTENDED TO THE PROPERTY LINE. SAMPLES WEST OF THE PROPERTY LINE WERE NOT REMEDIATED IN THE TOP 2 FEET.
3. DOT COLOR REPRESENTS THE HIGHEST CONCENTRATION DETECTED AT THAT LOCATION. SEE TABLE 1 FOR DEPTH INTERVALS.
4. THE SAMPLE DEPTHS ON THIS FIGURE REPRESENT ORIGINAL SAMPLE DEPTH INTERVALS. THESE DEPTHS DO NOT INDICATE IRM SHALLOW REMOVAL OR COVER FILL CONDITIONS.
5. BOTTOM- SAMPLE LOCATIONS ARE APPROXIMATED FOR AREAS A (EAST), A (WEST), C, AND D.

SOIL PCB CONCENTRATIONS

SB-138	
2-4	3.5
6-8	100

DEPTH BELOW GROUND SURFACE (FT)

PCB CONCENTRATION (MG/KG)

NYSDEC
RISK-BASED PCB SOIL
REMEDIATION APPROACH
1318 NIAGARA STREET
BUFFALO, NY

FIGURE 3

SEPTEMBER 2023

RAMBOLL AMERICAS
ENGINEERING SOLUTIONS, INC.
A RAMBOLL COMPANY

RAMBOLL

APPENDIX A

Responsiveness Summary
RESPONSIVENESS SUMMARY

1318 Niagara Street
Environmental Restoration Project
Buffalo, Erie County, New York
Site No. E915213

The Explanation of Significant Difference (ESD) for the 1318 Niagara Street site was prepared by the New York State Department of Environmental Conservation (the Department) in consultation with the New York State Department of Health (NYSDOH) and was issued to the document repositories on August 25th 2025. The ESD outlined the remedial measures taken for the contaminated soil and groundwater at the 1318 Niagara Street site.

The release of the Draft ESD was announced by sending a notice to the public contact list, informing the public of the opportunity to comment on the proposed remedy.

A public comment period was held from July 9th 2025 to August 8th 2025.

This responsiveness summary responds to all questions and comments raised during the public comment period. The following are the comments received, with the Department's responses:

No comments were received by the Department or US EPA