



# FACT SHEET

## Brownfield Cleanup Program

Receive Site Fact Sheets by *Email*. See "For More Information" to Learn How.

**Site Name:** ExxonMobil Oil Former Buffalo Terminal  
**DEC Site #:** C915201  
**Address:** 522 and 542 Elk Street  
Buffalo, NY 14210

Have questions?  
See  
"Who to Contact"  
Below

### NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the ExxonMobil Oil Former Buffalo Terminal site ("site") located at 522 and 542 Elk Street, Buffalo, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfm/external/haz/details.cfm?pageid=3&progno=C915201>

The cleanup activities were performed by ExxonMobil Oil Corporation with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the locations identified below under "Where to Find Information."

#### Completion of Remedial Program

The completed remediation of the site achieved a Track 2 commercial cleanup. For Track 2 remedies, restrictions are placed on the use of the property in the form of Institutional Controls/Engineering Controls (IC/ECs).

The completed remedial measures include:

- Excavation and off-site disposal of all soil/fill exceeding commercial use cleanup standards. The excavation was backfilled with clean fill imported from off-site; and
- Filing of an Environmental Easement on the property that restricts site use to commercial or industrial (based on local zoning), prohibits the use of groundwater, requires compliance with the Site Management Plan, and requires periodic certification that all controls are in-place and effective.

## **Final Engineering Report Approved**

NYSDEC has approved the Final Engineering Report, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Environmental Easement
- Local Groundwater Use Restriction
- Site Management Plan
- Land Use Restriction

No engineering controls have been or will be put in place on the site.

## **Next Steps**

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

## **Background**

**Location:** The site is located on the north side of Elk Street across from the former ExxonMobil Buffalo Refinery and is comprised of two non-contiguous parcels located at adjacent corners of the Winona Street intersection. The total area of both parcels is approximate 1.76 acres. The site is bordered on the north by mostly vacant land and parking areas for a local business. It is located in an urban area, generally surrounded by a mixture of industrial and commercial property. There are a few isolated residential parcels located immediately to the north.

**Site Features:** The site is flat and covered with turf grass. Both parcels are secured with a chain link fence that surround each parcel.

**Current Zoning and Land Use:** The site is currently zoned light industrial (M-1) but future planned zoning will be commercial. The site is currently vacant with no active use.

**Past Use of the Site:** The site was historically used and developed for residential use. The site was contaminated with heavy end petroleum cracking stock when a tank on the south side of Elk Street at the former ExxonMobil refinery ruptured in 1976. ExxonMobil subsequently acquired the residential properties and demolished the residential structures.

**Site Geology and Hydrogeology:**

Three unconsolidated deposits exist throughout the majority of the site including a clean fill soil layer to backfill contaminated soil excavation areas. The clean fill layer is underlain by an alluvial deposit layer consisting of silt, sands, gravel and clay and an alluvial deposit layer consisting of clay which acts as a confining layer. Groundwater is approximately 3 feet below ground surface and generally flows southwest toward the Buffalo River.

**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, business or other uses.

A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit: <http://www.dec.ny.gov/chemical/8450.html>

## **FOR MORE INFORMATION**

### **Where to Find Information**

Project documents are available at the following location(s) to help the public stay informed.

Dudley Branch Library  
2010 South Park Avenue  
Buffalo, NY 14220  
phone: (716) 823-1854

NYS Dept. of Environmental Conservation  
Attn: Eugene Melnyk, PE  
270 Michigan Avenue  
Buffalo, NY 14203  
phone: (716) 851-7220

## Who to Contact

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

### Project Related Questions

Eugene Melnyk, PE  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
eugene.melnyk@dec.ny.gov

### Site-Related Health Questions

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

**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.**

### **Receive Site Fact Sheets by Email**

Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

