NEW YORK STATE | Department of Environmental Conservation

January 2018

FACT SHEET

Brownfield Cleanup Program

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

Site Name: 1050-1088 Niagara Street Site
DEC Site #: C915277
Address: 1050-1088 Niagara Street
Buffalo, NY 14213

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 1050-1088 Niagara Street Site ("site") located at 1050-1088 Niagara 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/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915277

The cleanup activities were performed by 9271 Group, LLC 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 location(s) identified below under "Where to Find Information."

Completion of Project

The completed remediation of the Site achieved a Track 4 restricted residential use cleanup. For Track 4 remedies, restrictions are placed on the use of the property in the form of Institutional Controls/Engineering Controls (IC/ECs). For restricted-residential use, the top two feet of all exposed soils that are not otherwise covered by the components of the development of the site (e.g., buildings, pavement) cannot exceed the restricted residential soil cleanup objectives.

The remedial program included:

- Excavation and removal of underground storage tanks (USTs);
- Excavation and off-site disposal of soil/fill impacted with petroleum, poly-chlorinated biphenyls (PCBs), metals and semi-volatile organic compounds (SVOCs);
- Installation of a soil vapor extraction system to remediate petroleum volatile organic compound (VOC) contamination in deep overburden soil/fill;

- Placement of a 2-foot thick cover system, in areas without hardscape (building, asphalt and concrete), over residually contaminated soil/fill; and
- Filing of an Environmental Easement on the property that restricts site use to restricted residential, 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
- Site Management Plan
- Local Groundwater Restriction
- Land Use Restriction

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

- Cover System
- Soil Vapor Extraction

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 1050-1088 Niagara Street Site is located in the City of Buffalo, Erie County. The site is bounded by Albany Street to the north with commercial properties beyond; light industrial manufacturing facility to the south; Niagara Street and residential properties beyond to the east; and railroad tracks, NYS I-190, the Black Rock Canal and the Niagara River to the west.

Site Features: The site is comprised of three adjoining parcels totaling approximately 2.7 acres in size. The site is mostly flat, with a slight westerly pitch away from Niagara Street toward the Niagara River. Steep embankments up to 20 feet in height define the northern and western perimeter of the site.

The 1050 Niagara Street parcel contains a two story structure that occupies most of the parcel. The building has been recently renovated for mostly commercial office space, with the back section undergoing renovation for several apartments. The 1054 Niagara Street parcel contains several features including a concrete covered loading dock, a small utility shed and soil covered areas. The 1088 Niagara Street parcel was previously vacant and covered with either vegetated soil areas or granular fill. A new structure was constructed adjacent to Niagara Street for commercial use on the ground floor and residential on the second floor. The balance of the flat area was paved with asphalt for tenant parking. The steep embankments were cleared and a vegetated soil cover was placed.

Current Zoning and Land Use: The site is currently zoned M1 Light Industrial. Current land use is mostly office space for 1050 Niagara Street and commercial/residential at the new 1088 Niagara Street building.

Past Use of the Site: The 1050 Niagara Street parcel has a long history of being utilized for commercial/manufacturing operations dating as far back as 1889. The parcel was used for commercial printing businesses from approximately 1930 through 2000. Historic Sanborn records indicate that two 25,000 gallon tanks, that likely containing fuel oil and/or printing related solvents were located in the basement of the building. The lithographic printing operations historically utilized VOC-based solvents for routine print machine cleaning, degreasing and ink-solvents.

The 1088 Niagara Street parcel (northern portion of the site) previously contained a series of buildings and a railroad siding on the west side of the parcel. The International Brewing Company and American Gelatine Corp. operated on-site in the early 1900s. Gulf Oil Corporation and Hygrade Petroleum Co. were identified as on-site operators from approximately the 1920s through 1960. Records from 1925 indicate Hygrade Oil Co. utilized the site as a service station and fuel distribution facility, including multiple petroleum storage and distribution tanks, gasoline pump house(s) and tank wagon loading house, which was historically located abutting the current 1050 Niagara Street building. Historic information suggests that Hygrade Petroleum utilized the 1088 parcel from at least the 1920s through the 1960s. The buildings were razed sometime during the 1960s.

Site Geology: The surface soils on the site is characterized as Urban Land, consisting of level to gently sloping land with 80 percent or more of the soil surface covered by asphalt, concrete, buildings, or other impervious structures typical of an urban environment. The redeveloped 1088 Niagara Street parcel contains extensive fill with depths up to 35 feet below ground surface, and in some instances down to top of bedrock. The subsurface soil/fill characteristics vary. Distinct layers include crushed concrete, stone, gravel, sandy lean clay layers, and fill with varying amounts and depths of material (i.e., soil, brick, concrete, foundry sand, metal and other debris). The soil below the existing building at 1050 Niagara Street parcel consists of mainly native soils down to bedrock. The native soil is characterized as a lean silty clay and varies in thickness from 9 feet to 21 feet.

Bedrock: The site is situated over the Onondaga formation limestone. Limestone bedrock was encountered about 35 to 40 feet below the surface.

Hydrogeology: Groundwater depth is approximately 25 feet below ground surface. Based upon area topography and proximity to the Niagara River, the groundwater flows to the west/northwest toward the Black Rock Canal/Niagara 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.

Buffalo & Erie County Public Library
Attn: Kathy Galvin
Niagara Branch
280 Porter Avenue
Buffalo, NY 14201
phone: 716-882-1537

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

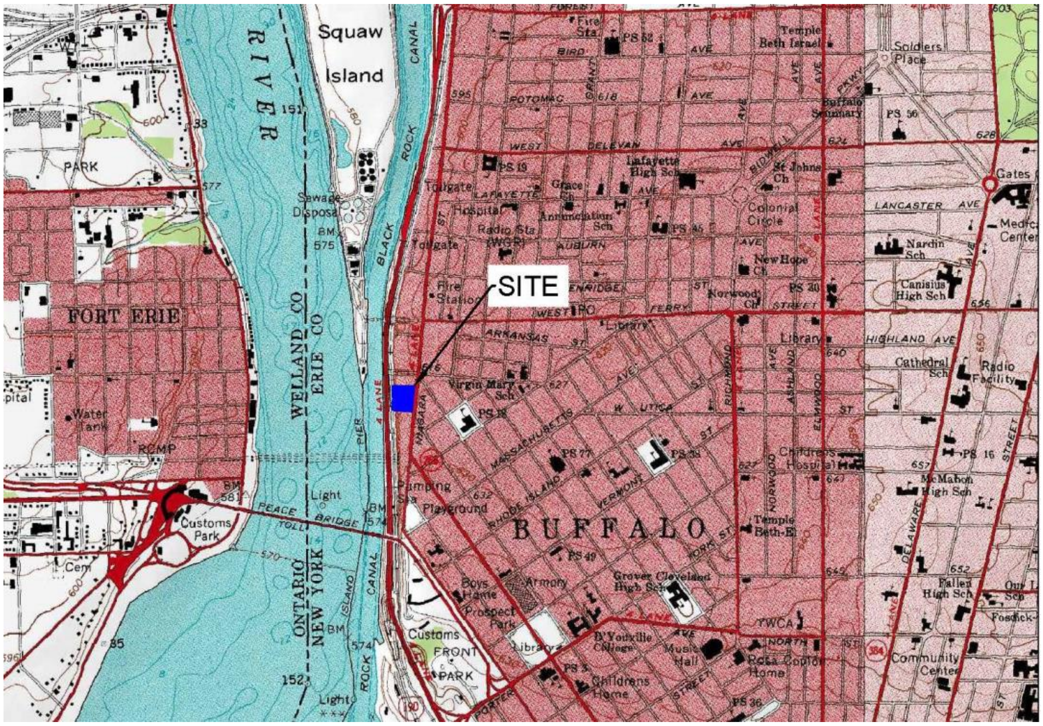
Site-Related Health Questions
Stephen Lawrence
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Rm. 1787
Albany, NY 12237
518-402-7860
BEEI@health.ny.gov

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.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NEW YORK
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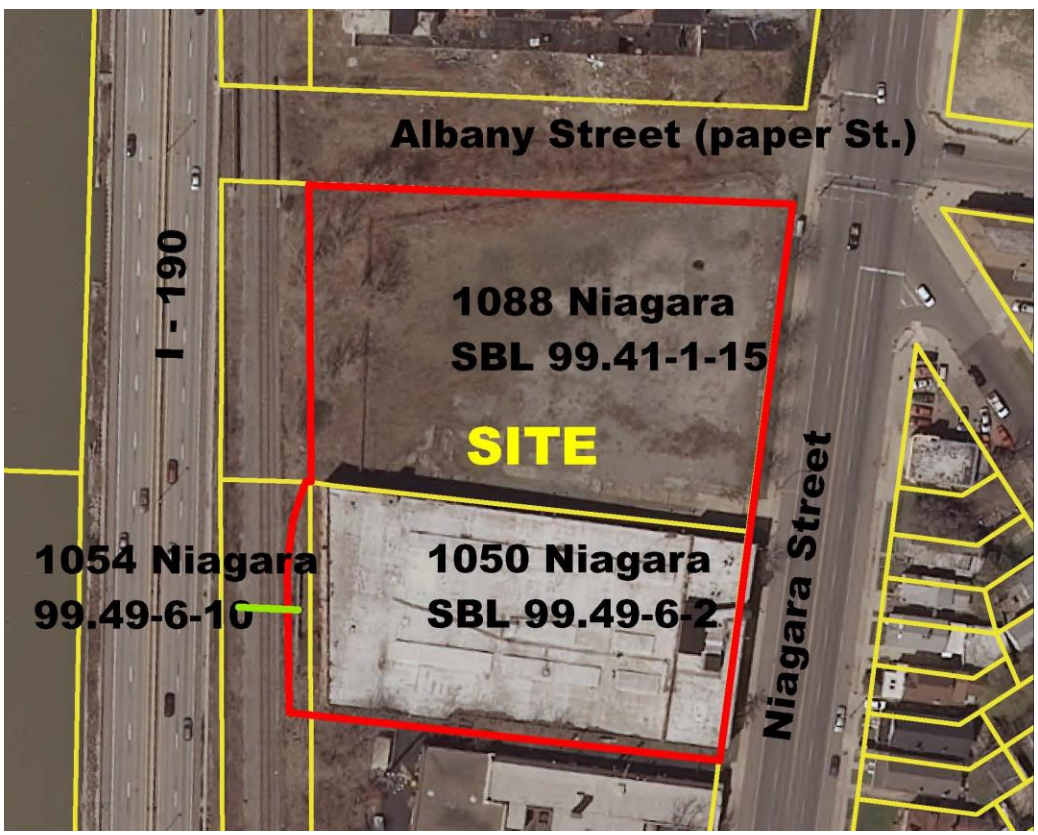
Albany Street (paper St.)
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1088 Niagara
SBL 99.41-1-15
SITE
1054 Niagara
99.49-6-10
1050 Niagara
SBL 99.49-6-2
Niagara Street