



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Silos at Elk Street Site  
**DEC Site #:** C915309  
**Address:** 50 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 Silos at Elk Street Site ("site") located at 50 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/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915309>

The cleanup activities were performed by Silos at Elk Street, 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 remedial program included:

- Stabilization and off-site disposal of all hazardous lead contaminated soil/fill.
- Segregating the site into two distinct areas for redevelopment. One area, fronting Fulton Street, will allow for restricted residential re-use and a second area, containing the former malting facility, will allow for commercial re-use.
- Removal and off-site disposal of soil/fill from areas of concern containing elevated concentrations of lead and arsenic.
- Excavation and off-site disposal of the top one foot of soil in the restricted residential area followed by regrading the site allowing for the placement of appropriate cover.
- Site cover allows for restricted residential and commercial use of the site. The site cover consists of paved surface parking areas, sidewalks, or one foot of soil cover in the commercial reuse area and two feet of soil cover in the restricted residential reuse area.

- 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 period 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
- Groundwater Use Restriction
- Land Use Restriction

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

- Cover System

## **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 50 Elk Street Site is located within a highly developed residential, commercial, and industrial area of the City of Buffalo. The site sits at the corner of Elk and Fulton Streets. Elk Street wraps around the western and southern portion of the site.

**Site Features:**

The approximately 1.9 acre, site is improved with a vacant multi-story former industrial building and adjacent asphalt parking lot. The abandoned building is constructed of brick, metal, and concrete.

**Current Zoning and Land Use:**

The site is currently being renovated for office reuse. Land-use surrounding the site includes residential, commercial, and vacant industrial properties.

Future use of the site is two-fold, a portion of the site is suitable for restricted residential reuse and the former facility area is suitable for commercial reuse.

**Past Use of the Site:**

From 1889 to about 1899, the site was developed with numerous former residential and commercial buildings in addition to railroad tracks along the eastern portion of the site.

Commercial operations include storefronts and taverns. From about 1899 to the 1980s, the site use remained consistent with historic uses adding a malting operation with storage areas, malting floors, a kiln, coal areas, engine rooms, offices, a transformer room, cleaning areas, and grain elevators/silos. Throughout the 1980s surrounding residential and commercial buildings were demolished leaving only the malting facility which from the 1980s has been vacant.

**Site Geology and Hydrogeology:**

The overburden material is a one or two-foot clean soil cover above a ash-fill unit consisting of coal fragments, orange brick, glass, ceramic fragments, etc. underlain by a native, stiff lacustrine clay unit.

The Buffalo River is approximately 0.6 miles south of the site. Regional groundwater appears to flow south and west towards the Buffalo River and Lake Erie. Local groundwater, found from approximately 5 to 10 feet below ground surface may be influenced by subsurface features, such as excavations, utilities and localized fill-conditions.

**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: Carol Ann Batt  
1 Lafayette Square  
Buffalo, NY 14203  
phone: 716-8585-7129  
(tompkinsa@buffalolib.org)

New York State Department of Environmental Conservation  
Attn: Maurice Moore  
270 Michigan Avenue  
Buffalo, NY 14203  
phone: 716-851-7220  
(maurice.moore@dec.ny.gov)

### Who to Contact

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

#### Project Related Questions

Maurice Moore  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
maurice.moore@dec.ny.gov

#### Site-Related Health Questions

Steven G. Berninger  
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.



# Silos at Elk Street Site

Site #C915309

**Legend**

-  50 Elk St
-  Site Location



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