



Department of  
Environmental  
Conservation

# FACT SHEET

Brownfield Cleanup Program

1585 Hertel Avenue

1585 Hertel Avenue  
Buffalo, NY 14216

**SITE No. C915328**

**NYSDEC REGION 9**

January 2019

## Where to Find Information:

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

**Buffalo & Erie County  
Public Library – North Park**  
975 Hertel Avenue  
Buffalo, NY 14216  
(716) 875-3748

## Who to Contact:

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

### **Project-Related Questions**

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### **Project-Related Health Questions**

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Albany, NY 12237  
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For more information about New York's  
Brownfield Cleanup Program, visit:

[www.dec.ny.gov/chemical/8450.html](http://www.dec.ny.gov/chemical/8450.html)

## **NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site**

Action has been completed to address the contamination related to the 1585 Hertel Avenue Site ("site") located at 1585 Hertel Avenue in Buffalo, New York, Erie County, under New York State's Brownfield Cleanup Program (BCP). Please see the attached map for the site location.

The cleanup activities were performed by O'Dalaigh Real Estate LLC and 1585 Hertel LLC ("applicant") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site. Copies of the FER and Notice of the COC are available at the location identified to the left under "Where to Find Information."

**Completion of the Project:** The following activities have been completed to achieve the remedial action objectives:

- Demolition of the pre-existing structure;
- Excavation and off-site disposal of approximately 2,900 tons of impacted soil/fill material which exceeded the site specific clean up criteria for Unrestricted Use;
- Excavation and offsite recycling and/or disposal of nine underground storage tanks (USTs). Prior to recycling/disposal, the tank contents were removed and all liquids and solids disposed off-site;
- Removal of three hydraulic lifts from beneath the former building. The lifts were sent off-site for recycling;
- Removal of the former pump island piping; and
- Confirmation sampling was completed throughout the site to ensure unrestricted clean up objectives were achieved.

**Final Engineering Report Approved:** NYSDEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.

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- 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.

No institutional or engineered controls have been placed on this site.

**Next Steps:** With its receipt of a COC, the applicant(s) is eligible to redevelop the site. In addition, the applicant(s):

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

**Site Description and Background:** The site is a 0.18-acre parcel in a mixed residential/commercial business area at 1585 Hertel Avenue in the City of Buffalo. The site currently is vacant. Historically, the site has been used as a gasoline service station and auto repair facility since the 1930s. The site has a history of automotive service including underground storage tanks and automotive lift stations.

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

Environmental Site Remediation Database (by entering the Site ID, C915328) at:

<http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>

**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 may 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 NYSDEC 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>

***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 at:

[www.dec.ny.gov/chemical/61092.html](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.

Note: Please disregard if you already have signed up and received this fact sheet electronically.

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Site Location Map

