



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** 399 Ohio Street Site  
**DEC Site #:** C915287  
**Address:** 399 Ohio Street  
Buffalo, NY 14204

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 399 Ohio Street Site ("site") located at 399 Ohio 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/externalapps/derexternal/haz/details.cfm?pageid=3&progno=C915287>

The cleanup activities were performed by 1093 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 site cleanup included the:

- Excavation and off-site disposal of approximately 900 tons of soil/fill impacted by metals, polycyclic aromatic hydrocarbons (PAHs) and petroleum.
- Placement of a cover over the entire site to allow for restricted residential use. The cover consists of buildings, pavement, or two feet of soil meeting restricted residential use criteria.
- Execution of an environmental easement for the property that restricts it to restricted residential, commercial or industrial use(s); and
- Development of a Site Management Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the remedy remains 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:

- Site Management Plan
- Soil Management Plan
- Land Use Restriction
- Institutional Control and Engineering Control Plan
- Groundwater Use Restriction
- Environmental Easement

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 399 Ohio Street Site is located in an urban area of the City of Buffalo. The site is approximately 1/4 mile south of the intersection with Michigan Avenue.

**Site Features:** The main site features on this 5.0 acre site includes a newly constructed 52,000 square foot mixed use building for restaurants, commercial space, and residential apartments to the north and an approximately 10,000 square foot vehicle maintenance building to the south. The remaining area in-between these two buildings is planned for future phases of the development and is covered with blacktop. The site is generally flat and bordered by the River Fest Park to the north, a rowing club to the south, Ohio Street to the east, and the Buffalo River to the west.

**Current Zoning and Land Use:** The site is zoned for commercial use and contains a newly constructed building to the north for apartments along with future restaurants/commercial space, and a maintenance building to the south. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles to the east.

**Past Use of the Site:** The site has been utilized for various industrial and commercial operations since at least 1889. Operations included rail lines, material handling and shipping equipment

maintenance, and the use and storage of paints, solvents, thinners, greases, hydraulic oils and lubricants common among former commercial operations. More recently property uses have included the operation of bus and trucking terminal and maintenance operations, including the placement of underground storage tanks, aboveground storage tanks, and fuel dispensing pump(s).

Geology and Hydrogeology: The site consists of 4-6 feet of fill (soil, ash, brick, and sand) over native clay. Shallow groundwater was encountered at 4-6 feet below ground surface and flows westward towards 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.

Buffalo & Erie County Public Library  
Attn: Mary Jean Jakubowski  
1 Lafayette Square  
Buffalo, NY 14203  
phone: 716-858-8900  
([jakubowskim@buffalolib.org](mailto:jakubowskim@buffalolib.org))

NYS DEC  
Attn: Anthony Lopes  
270 Michigan Ave  
Buffalo, NY 14203  
phone: 716-851-7220  
([anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov))

Project documents are also available on the NYSDEC website at:  
<http://www.dec.ny.gov/chemical/37554.html>

## Who to Contact

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

### Project Related Questions

Anthony Lopes, P.E.  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
anthony.lopes@dec.ny.gov

### Site-Related Health Questions

Melissa Doroski  
New York State Department of Health  
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**

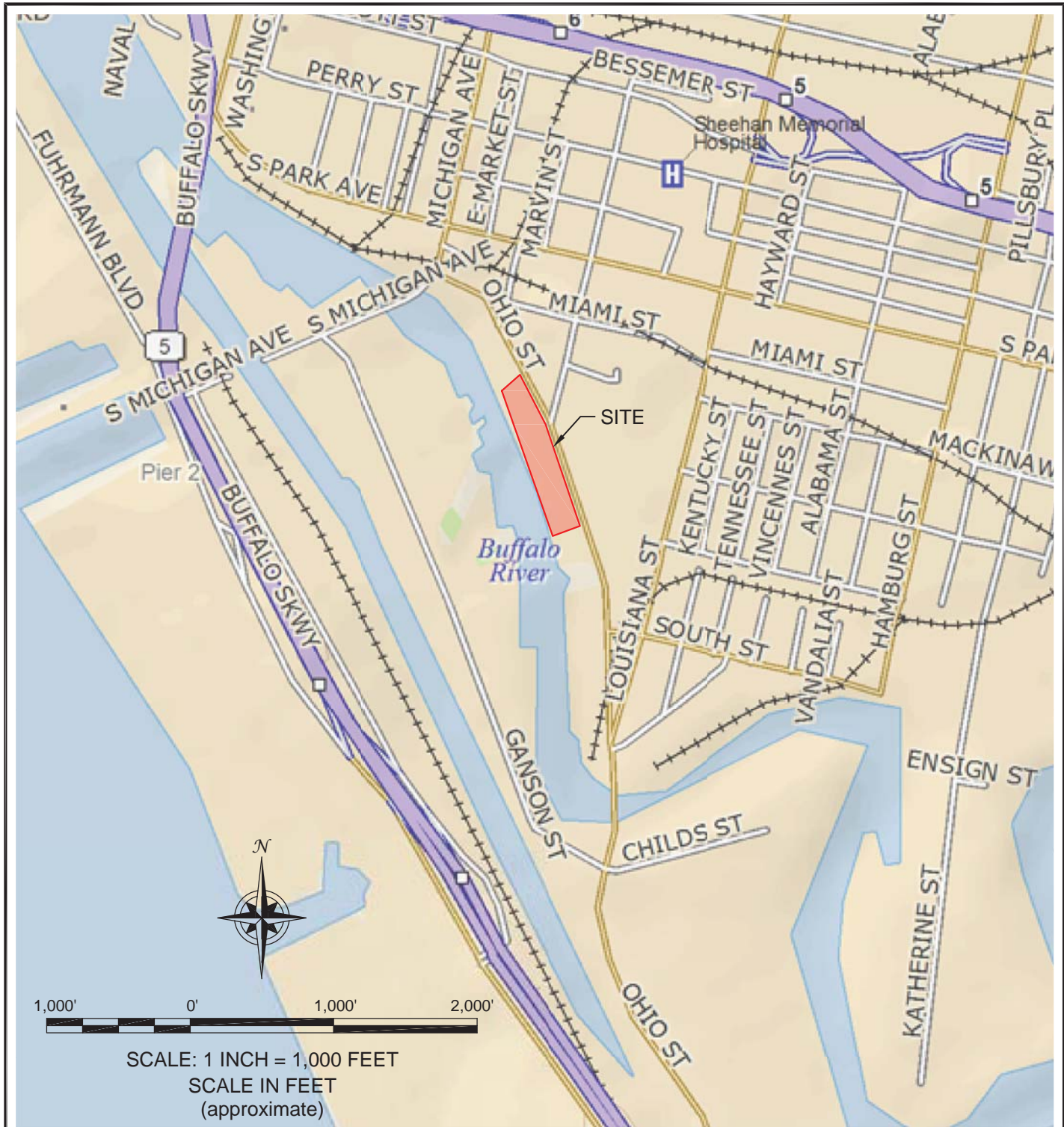
Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: <http://www.dec.ny.gov/chemical/61092.html>. It's quick, it's free, and it will help keep you *better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



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

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

FIGURE 1



2558 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 856-0635

### SITE LOCATION AND VICINITY MAP

REMEDIAL INVESTIGATION / ALTERNATIVE ANALYSIS REPORT

399 OHIO STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

1093 GROUP, LLC

PROJECT NO.: 0136-013-011

DATE: DECEMBER 2015

DRAFTED BY: JJR

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