



FACT SHEET

NYSDEC Certifies Cleanup at NOCO #S41 BCP Site

Brownfield Cleanup Program

January 2010

Project No. C915211

Introduction

The New York State Department of Environmental Conservation (NYSDEC) has determined that NOCO Energy Corporation (NOCO) has achieved cleanup requirements at the NOCO #S41 site located at 1055 Genesee Street in the City of Buffalo, under New York's Brownfield Cleanup Program (BCP).

NYSDEC has issued a Certificate of Completion to the applicant. A copy of the COC is available at the locations identified in this fact sheet and on the NYSDEC Region 9 Environmental Remediation web page, <http://www.dec.ny.gov/chemical/37554.html>.

Completion of Project

NOCO completed soil and underground tank removals in 2008 as an Interim Remedial Measure (IRM). An IRM is a cleanup action that may be conducted to address an obvious environmental problem. It involved:

- Excavating petroleum-impacted soil;
- Removing, treating, and discharging to local Publicly Owned Treatment Works (POTW) approximately 17,790 gallons of impacted groundwater;
- Removing and properly disposing three underground storage tanks (USTs);
- Sampling the sidewalls and bottom of the excavation to ensure that contaminant concentrations were at or below standards protective of public health and the environment;
- Transporting and disposing impacted soils at a registered waste disposal facility;
- Placing clean gravel in the excavation areas; and
- Preparing a Site Management Plan (SMP) and an environmental easement that describe institutional and engineering controls for the site.

The IRM successfully addressed soil contamination and NYSDEC approved the Final Engineering Report and Site Management Plan in December 2009. The Certificate of Completion was issued on December 24, 2009.

Institutional Controls/Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. 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 soil cap or vapor barrier.

The following institutional and/or engineering controls in effect at the site include:

- Prohibiting the use of groundwater without necessary water quality treatment, as determined by the New



York State Department of Health (NYSDOH), and prior notification and approval by the DEC;

- Conducting future intrusive activities and soil/fill handling at the Site in a safe and environmentally responsible manner, in accordance with the Excavation Work Plan;
- Monitoring groundwater according to the Groundwater Monitoring Plan; and,
- Inspecting the site and ensuring that the institutional controls have not been altered and remain effective.

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report submitted by the applicant. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that cleanup requirements have been achieved for the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

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, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Background

The Site is an approximate 0.75-acre parcel located on the southeast corner of Genesee Street and Fillmore Avenue. The Site is currently vacant but was historically used as a retail gasoline station and convenience store. Previous releases of petroleum from leaking tanks and fuel dispensers contaminated the site.

Who Should I Contact If I Have Questions About the Site?

Project related questions:

Michael Yount
NOCO Energy Corp.
700 Grand Island Blvd.
Tonawanda, NY 14150
(716) 845-4233

Environment related questions:

Bill Murray
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7220
region9@gw.dec.state.ny.us

Health related questions:

Ian Ushe
NYSDOH
547 River Street
Troy, NY 12180
(518) 402-7880
ziu01@health.state.ny.us

Locations to View Project Documents

Project documents, including the Certificate of Completion, are available at the following locations:

Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203
Phone: (716) 858-8900

OR

NYSDEC Buffalo Office
270 Michigan Avenue
Buffalo, N.Y. 14203
(716) 851-7220 (please call for appointment)

You may also view project documents at <http://www.dec.ny.gov/chemical/37554.html>. Look for the NOCO #S41 entry under the Erie County heading.