



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Tract I Highland Avenue  
**DEC Site #:** C932157  
**Address:** 3123 Highland Avenue; Niagara Falls, NY 14305  
**Website:** <http://www.dec.ny.gov/chemical/81805.html>

Have questions?  
See  
"Who to Contact"  
Below

### Report Recommends No Further Action at Brownfield Site; Public Comment Period Announced

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC) to address contamination related to the Tract I Highland Avenue site ("site") located at 3123 Highland Avenue, Niagara Falls, Niagara County. Please see the map for the site location. Documents related to the cleanup of this site can be found at the locations identified below under "Where to Find Information."

#### How to Comment

NYSDEC is accepting written comments about the proposed remedial plan for 45 days, from **June 10, 2014 through July 25, 2014**. The proposed plan is available for public review at the locations identified below under "Where to Find Information." Please submit comments to the NYSDEC project manager listed under Project Related Questions in the "Who to Contact" area below.

#### No Further Action Remedy:

The result of the cleanup is described in the Draft Alternatives Analysis Report (AAR) prepared by Amec Environmental & Infrastructure, Inc., dated May 2014.

The proposed remedy is based on the completion of interim remedial measures (IRMs) conducted prior to the submittal of the AAR. The completed IRMs include the following:

- Demolition of the former Power City Warehouse including removal of concrete floors and foundations and the filling in of the basement area with clean backfill.
- Excavation and off-Site disposal of approximately 50 cubic yards of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) identified in two areas of the Site.
- Excavation and off-Site disposal of approximately 11,000 cubic yards of soils containing constituents (primarily lead) that exceeded the Commercial Soil Cleanup Objectives (SCOs).
- Removal and off-Site disposal of four underground storage tanks (USTs).

At the completion of the IRMs post excavation soil sampling was conducted to confirm that remaining soil meets Commercial SCOs. Brightfields Corporation will be submitting a Final

Engineering Report, for NYSDEC review, to document cleanup requirements have been achieved to fully protect public health and the environment for the proposed site use.

The proposed remedy requires that institutional controls, in the form of Environmental Easement, be placed on the site that prevent the future use of the property for residential or unrestricted (e.g. agricultural, high contact recreation, etc.) purposes. A Site Management Plan and Environmental Easement will be prepared and implemented to ensure enforcement of the easement. The Site will be monitored on an annual basis to ensure the institutional controls remain in effect and monitoring will be documented through submission of a Periodic Review Report to the Department.

### **Summary of the Investigation:**

Based upon investigations conducted, lead was identified as the primary contaminant of concern. Lead was detected inside the former building in surface soil from beneath the floors and in sediment from inside drains or sumps. Lead levels inside the building ranged from 2,350 milligrams per kilogram (mg/kg) to 178,000 mg/kg. Lead concentrations outside of the building ranged from 2,790 to 8,240 mg/kg. Soil concentrations exceeded the hazardous waste Toxicity Characteristic Leaching Procedure (TCLP) lead criteria in the northeast corner and along the southern boundary of the Site ranging from 18.4 to 69.7 milligrams per liter (mg/l). Soil concentrations of other metals (arsenic, barium, cadmium, copper, mercury, zinc), semivolatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) were also detected within the site boundaries above Commercial SCOs. A radiological survey was conducted at the site due to the observance of suspected Technologically-Enhanced, Naturally-Occurring Radioactive Materials (TENORM) material during the site investigation. The TENORM material is in the form of a hard, rock like, metallurgical slag that was once produced in the Western NY area as a by-product of the processing of phosphate ore and was commonly used as fill at many industrial sites, roadways, parking lot and fill areas in northern Erie and western Niagara County. Two areas of suspected TENORM slag exceeding the twice background cleanup criterion value of 13,400 counts per minute (CPM) were observed beneath the Power City Warehouse floors during demolition activities. No significant groundwater contamination was identified on Site. A few metals and pesticides were detected at concentrations exceeding NYSDEC groundwater standards and Trichloroethene was detected at 8.7 micrograms per liter (ug/l), slightly above the 5 ug/l standard, in one well however, local ordinance mandates the use of municipal water thereby limiting any future human exposure.

### **Next Steps**

NYSDEC will complete its review, make any necessary revisions and, if appropriate, approve the report and it's no further action recommendation. The approved report will be made available to the public (see "Where to Find Information" below).

Upon the approval of the report and the submission of final documents, the NYSDEC will issue a "Certificate of Completion" to the applicant(s). Upon receiving a Certificate of Completion, the applicant(s):

- Would have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- Would be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

The applicant(s) will be eligible to redevelop the site after receiving the Certificate of Completion from NYSDEC. A Certificate of Completion may be modified or revoked if, for example, an applicant does not comply with the terms and conditions of its Brownfield Cleanup Agreement with NYSDEC.

### **Background**

**Location:** The Tract I Site is located in a mixed light industrial, commercial and residential area at 3123 Highland Ave in the City of Niagara Falls in Niagara County. It is approximately 5.90 acres and is bounded by Highland Ave to the west, the Tulip Corporation, a plastic recycling company to the north, a 60 foot wide National Grid Corp. utility right-of-way to the east and the Tract II Highland Avenue State Superfund Site (DEC Site Number 932136) to the south and east. Several commercial establishments and the Niagara Falls Alternative School are located to the west of the Property. Residential areas are located approximately 400 feet south and 700 feet east of the site.

**Site Features:** The site was mostly covered (approximately 3.3 acres) by the former Power City Warehouse Building, a three-story masonry building, which was in various levels of disrepair (the building has been demolished, as noted above). The site is currently covered and rough graded with clean backfill material.

**Current Zoning/Use(s):** Current zoning is for industrial use; however, zoning may be changed with the remediation and redevelopment of the site to commercial use to be in conformance with the City's Master Plan.

**Historical Uses:** The Power City Warehouse was formerly a battery manufacturing facility. Sometime around 1910, U.S. Light and Hest Co., and later Autolite Co., began automobile, truck, and tractor battery manufacturing. Prestolite Co. acquired the facility in the 1960s and retooled operations for manufacturing of hard rubber battery cases, filling of batteries with sulfuric acid, and battery charging. Operations at the facility ceased in the mid-1970s and relocated to 3001 Highland Avenue. After battery manufacturing ended in the mid-1970s, the site was used as an automotive body shop and a warehouse. The site has been vacant since the late 1980s. In 1990, the city of Niagara Falls retained ownership of the site due to tax foreclosure. Due to historical operations at the site, there were environmental concerns about potential residual impacts associated with the battery manufacturing processes.

**Site Geology and Hydrogeology:** The Site is covered with a fill layer ranging from 1.5 - 9 feet in thickness overlying silty clay that grades into a till unit composed of clay and varying amounts of silt, gravel, cobbles and fragments of the underlying bedrock. The underlying bedrock is the Lockport Dolostone. Tract II property investigations have revealed that bedrock is between 12.5 and 23.5 feet below ground surface (ft-bgs) in the vicinity of the Site. There is no significant groundwater aquifer within overburden soils or fill materials. Groundwater in the overburden soils and fill appears to be perched at the top of bedrock and is believed to generally flow southwest, toward the 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 is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

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.

**NYS DEC Region 9 Office**  
270 Michigan Avenue  
Buffalo, New York 14203  
716-851-7220  
(Call for appointment)

**Doris W. Jones Family Resource Center**  
3001 9th Street  
Niagara Falls, NY 14305  
716-285-5374

Project documents are also available on the NYSDEC website at:  
<http://www.dec.ny.gov/chemical/81805.html>.

### Who to Contact

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

#### Project Related Questions

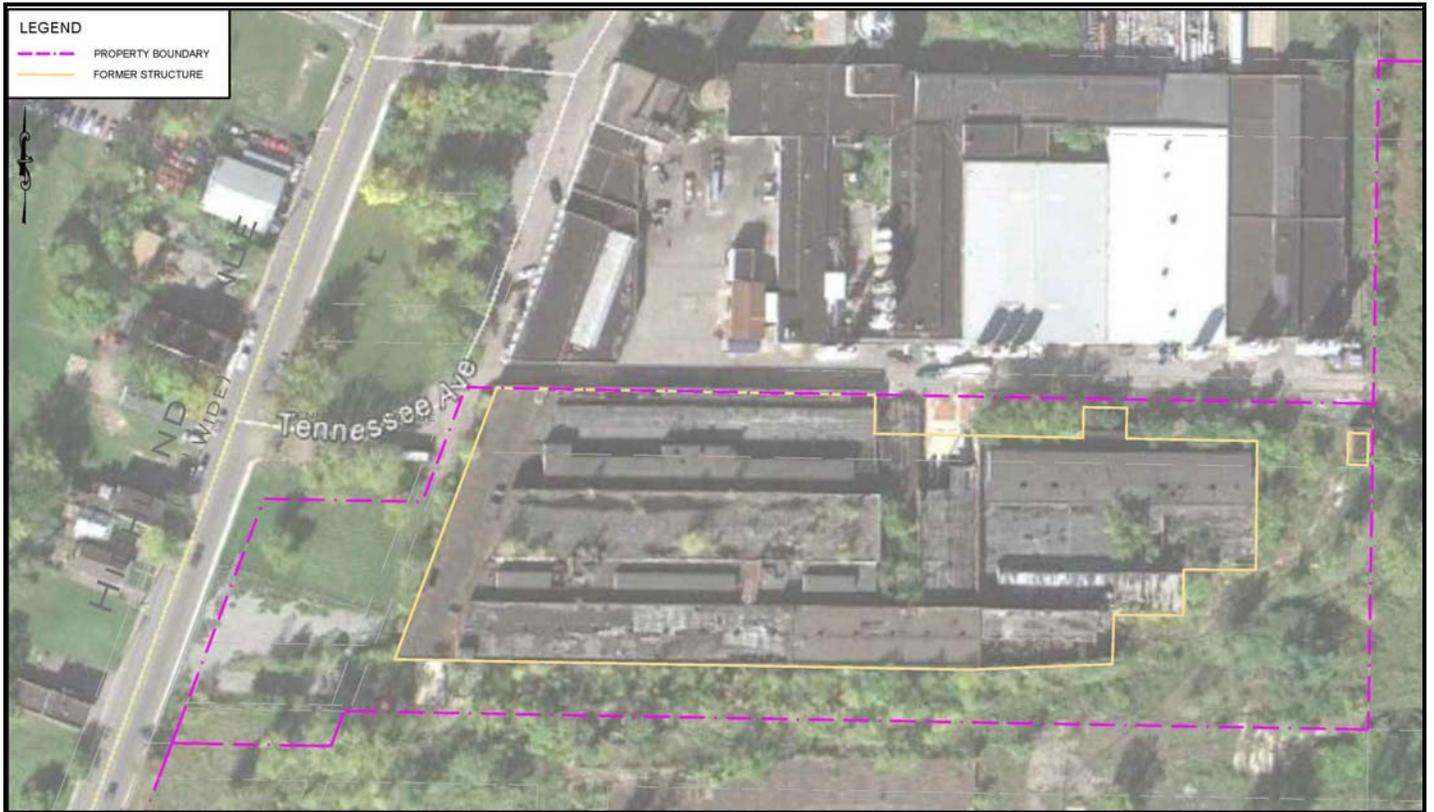
Timothy Dieffenbach  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Ave  
Buffalo, NY 14203-2915  
716-851-7220  
tedieffe@gw.dec.state.ny.us

#### Site-Related Health Questions

Matthew Forcucci  
New York State Department of Health  
584 Delaware Ave Buffalo, NY 14202  
716-847-4501  
BEEI@health.state.ny.us

**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.**

**Site Figure**



### 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.