

Survey on Status of New York Area of Concern Remedial Action Plan Activities

AOC Management Meeting

May 13, 2014

Area of Concern: Buffalo River

Date of Completed Stage 2 RAP Document and Addendums: Stage 2 Addendum completed in December 2011

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- 1) List the current beneficial use impairments in your RAP and summarize the activities underway and planned to restore each beneficial use and make progress towards AOC delisting.(This is a big picture or 10,000 ft view of the major actions needed to delist the AOC) In addition please attach the short write ups of the priority projects we talked about having done by the April meeting.**

Impaired BUIs	Activities underway or planned
1 – Restrictions on Fish and Wildlife Consumption	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment
2 – Tainting of Fish and Wildlife Flavor	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment• NYSDEC's three-year phenol study of the Buffalo River AOC
3 – Degradation of Fish and Wildlife Populations	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment• Secure sites, Design & Implement projects from Buffalo River Habitat Restoration Action Plan
4 – Fish Tumors and Other Deformities	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment• Post-Dredging Legacy Monitoring (2 and 5 year)
5 – Bird or Animal Deformities or Reproductive Problems	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment• USGS Tree Swallow Study
6 – Degradation of Benthos	<ul style="list-style-type: none">• Great Lakes Legacy Act Dredging to remediate contaminated sediment• Post-Dredging Legacy Monitoring (2 and 5 year)

7 – Restriction on Dredging	<ul style="list-style-type: none"> • Great Lakes Legacy Act Dredging • Post-Dredging Legacy Monitoring (2 and 5 year)
11 - Degradation of Aesthetics	<ul style="list-style-type: none"> • Buffalo Sewer Authority Long-Term Control Plan implementation for CSO abatement and 400 acres green infrastructure solutions • City of Buffalo Green Code & riverfront rezoning
14 – Loss of Fish and Wildlife Habitat	<ul style="list-style-type: none"> • Implementation of RiverBend Habitat Restoration Phase II • 5 aquatic habitat restoration sites are included as part of the Great Lakes Legacy Act Project • Priority upland/riparian habitat restoration sites have been identified and are awaiting funding opportunities (Buffalo River Habitat Restoration Action Plan) • City of Buffalo Green Code & riverfront rezoning • Buffalo Sewer Authority Long-Term Control Plan implementation for CSO abatement and 400 acres green infrastructure solutions

2) Which BUIs will be proposed by your RAC and public noticed for re-designation to “not impaired” in 2013? In 2014? In 2015 and beyond

Fill out the following table FY Target and Status (e.g. Approval of Delisting submittal to EPA, Public notice of Delisting issued, Assessment in progress, Further assessment needed, etc.)

FY Target	BENEFICIAL USE IMPAIRMENTS	Status (Actions Required)
2016-17	Restrictions on fish and wildlife consumption	It is anticipated that this BUI could be proposed for re-designation as early as FY16-17 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.
2016	Tainting of fish and wildlife flavor	It is anticipated that this BUI will be proposed for re-designation in FY15 based on the implementation of the Great Lakes Legacy act and results from NYSDEC’s phenol study in the AOC.
2017-19	Degradation of fish and wildlife populations	Depending on the start and duration of Legacy Act Dredging, and implementation of habitat restoration projects, it is

		anticipated that this BUI could be proposed for re-designation as early as 2017. Post dredging monitoring (2 yr and 5yr) will provide data and trends on this recovery.
2016-17	Fish tumors or other deformities	It is anticipated that this BUI could be proposed for re-designation as early as FY16-17 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.
2016-17	Bird or animal deformities or reproduction problems	It is anticipated that this BUI could be proposed for re-designation as early as FY16-17 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.
2016-17	Degradation of benthos	It is anticipated that this BUI could be proposed for re-designation as early as FY16-17 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring.
2016	Restriction on dredging activities	It is anticipated that this BUI could be proposed for re-designation as early as FY16 based on the implementation of the Great Lakes Legacy Act sediment remediation project and results from post-dredging (2yr and 5 yr) monitoring, or additional monitoring conducted by the Army Corps of Engineers.
NA	Eutrophication or undesirable algae	
NA	Restrictions on drinking water consumption, or taste and odor problems	
NA	Beach closings	
2014	Degradation of aesthetics	It is anticipated that this BUI could be proposed for re-designation as early as FY14 based on the results of the adoption of the City of Buffalo's Green Code, as well as the results of the Consent Order negotiation on the Buffalo Sewer Authority's Long Term Control Plan. The current draft calls for 400 acres of green infrastructure within the Buffalo River AOC, and over 15 years results in reduced bacterial loadings and minimizes CSO events.

NA	Added costs to agriculture or industry	
NA	Degradation of phytoplankton and zooplankton populations	
2017-19	Loss of fish and wildlife habitat	It is anticipated that this BUI could be proposed for re-designation in 2017-19 based on aquatic and upland habitat restoration proposed in the Great Lakes Legacy Act Project and the Buffalo River Habitat Restoration Action Plan.

3) Based on your current progress and planned activities, what is your best estimate of the year when your RAC would be ready to proceed with a final Stage 3 Area of Recovery designation or AOC delisting document?

We believe that the Buffalo River RAC would be ready to proceed with an “Area in Recovery” designation in 2016. Once post dredging and post-habitat restoration monitoring is commenced, complete, and the data supported, barring any further funding delays, we believe that the Buffalo River RAC would be ready to proceed towards a final Stage 3 Delisting document in 2018-19.

4) When does your current RAP capacity grant funding run out? What will be your future RAP capacity needs by year with estimated dollar amount to accomplish BUI removal and AOC delisting targets described in questions 2 and 3 above?

A detailed analysis to determine funding needs has not been performed and estimating the cost for RAP capacity funding is made difficult by the varying (and often unknown) project tasks. That being said, it is anticipated that personnel costs associated with RAP coordination and project oversight will range from \$150,000-200,000 per year until the Buffalo River has been delisted or designated as an Area in Recovery.

Buffalo Niagara Riverkeeper received funding of \$103,000 for Buffalo River RAP Coordination through the end of 2014 as part of an EPA grant obtained by Erie County. The following table describes the tasks included as part of this grant agreement.

Be an active member of the Federal-State AOC Coordinating Committee (FEDSTACC) by attending meetings and participating in conference calls.
Continue to be an active member of the Great Lakes Legacy Act Project Coordination team to ensure that contaminated sediment is remediated and habitat restoration occurs in support of NY State's delisting schedule.
Interface with NYSDEC and other agencies to advance State goals, objectives, and delisting schedule.
Coordinate RAP implementation for the Buffalo River AOC, including the planning, hosting and facilitating of regular Remedial Action Committee meeting.
Coordinate with Great Lakes Programs including Great Lakes Restoration Initiative, Lakewide Management Plans and other programs as they pertain to the Buffalo River AOC for issues related to BUI delisting.
Coordinate with NYSDEC to assure post dredging legacy monitoring is consistent with RAP objectives and goals.
Coordinate the implementation of the 13 priority habitat connectivity projects identified in the Buffalo River Habitat Restoration Action Plan (attached).
Work with the City, County, private landowners, etc. to ensure that habitat restoration projects are consistent with RAP goals.
Inform the RAC on current environmental and remedial initiatives and issues affecting the RAP and review and comment as necessary.
Work with the USEPA RAP liaisons to better align and engage federal programs that may be helpful to implementing RAP goals and to achieving delisting targets.
Attend region-wide workshops or conferences with other RAP coordinators and EPA.
Attend bi-annual NY State AOC meetings and provide overview of Buffalo River AOC status as needed.
Provide local support of regional planning efforts related to the Buffalo River AOC.
Attend public/stakeholder meetings and provide comments on plans/projects that have the potential to hinder or enhance the Buffalo River AOC.
Report on milestones expected to be achieved during the term of the grant toward de-listing of the AOC, such as projections of restoration of impaired beneficial uses.
Produce materials and meeting notes from workshops, public meetings, and Remedial Advisory Committee meetings.
Maintain and update the Buffalo River RAP website.
Continue to facilitate of Buffalo River Remedial Advisory Committee meetings and participate on relevant conference calls; provide coordination, administrative and technical support, background research and leadership to foster implementation strategies and report on progress.
Develop grant applications and seek funding support for projects related to BUI delisting.
Continue education and outreach to build partnerships and engage stakeholders about issues affecting the Buffalo River AOC
Continue E.coli and Water Quality Testing in the Buffalo River Watershed
Provide semi-annual updates on RAP progress and status.
Work with EPA to provide updates and information for the RAP websites.
Report to the GLNPO LaMP/RAP Project Officer, and/or appropriate GLNPO staff contacts, on a periodic basis to review workplan and status.
General grant administration and billing

5) What barriers (policy, funding, technical, other?) are RAP Coordinators encountering to tracking BUI activities and progress towards removal?

- Integrating RAP priorities with State, local, and regional plans such as zoning code updates, land use planning, economic development, etc. To the extent practical, the Buffalo River RAP should be incorporated fully into the Brownfield Opportunity Area Planning, as well as the Local Waterfront Revitalization Planning (state plans), City-driven Green Code, and the work of other quasi-governmental planning entities such as Erie Canal Harbor Development Corporation.
- Redevelopment planned along the Buffalo River corridor needs to be better integrated at all planning levels with the restoration investments made through the RAP process to date. This will ensure that adequate site-level policies and protections are in place for long-term RAP delisting goals.
- Agency support and funding for BUI monitoring and delisting.
- Congressional decisions on funding for the Great Lakes Legacy Act and the GLRI.