



# FACT SHEET

## NYSDEC Certifies Cleanup Requirements Achieved at Niagara Street and Pennsylvania Avenue BCP Site

Brownfield Cleanup Program

February 2010

Project No. C915223

### Introduction

The New York State Department of Environmental Conservation (NYSDEC) has determined that 1093 Group, LLC has achieved cleanup requirements at the Niagara Street and Pennsylvania Avenue site, located at 517 Niagara Street in Buffalo, under New York's Brownfield Cleanup Program (BCP).

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

### What Has Been Done at the Site?

1093 Group, LLC completed soil and underground tank removals in 2009 as an Interim Remedial Measure (IRM). An IRM is a cleanup action that may be conducted without extensive investigation in order to address an obvious environmental problem and reduce risk to public health and the environment. The IRM measures included:

- Excavating petroleum-impacted soil;
- Removing and properly disposing five 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 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 an environmental easement, 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 vapor barrier.



The following institutional and/or engineering controls have been put in place on the site:

- 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.
- Investigating the potential for soil vapor intrusion, and if necessary, installing vapor mitigation systems at buildings developed on the site;
- Inspecting the site and ensuring that 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 encompasses a quarter of an acre and is located on the southeast corner of Niagara Street and Pennsylvania Avenue in a predominantly commercial and residential area of Buffalo, New York. The Site had been used for commercial purposes, including an auto repair/service and gasoline retail facility. Previous releases of petroleum contaminated the Site. The contamination was successfully addressed through the remedial actions described above. 1093 Group, LLC has developed the property for commercial purposes.

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

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

#### Project related questions:

Corey Stewart  
1093 Group, LLC  
295 Main Street, Suite 210  
Buffalo, NY 14203  
(716) 854-0060

#### Environment related questions:

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

#### Health related questions:

Deanna Ripstein  
NYSDOH  
547 River Street  
Troy, NY 12180  
1-800-458-1158 Ext. 27870  
[dmr13@health.state.ny.us](mailto:dmr13@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, NY 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 Niagara Street and Pennsylvania Avenue entry under the Erie County heading.