



# FACT SHEET

## Brownfield Cleanup Program

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

**Site Name:** Silos at Elk Street Site  
**DEC Site #:** C915309  
**Address:** 50 Elk Street, Buffalo, NY 14210

Have questions?  
See  
"Who to Contact"  
Below

### Remedy Proposed for Brownfield Site Contamination; 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 Silos at Elk Street Site ("site"), 50 Elk Street in Buffalo, Erie County. Please see the attached map for the site location. Documents related to the cleanup of this site can be found at the location(s) identified below under "Where to Find Information."

The cleanup activities will be performed and funded by Silos at Elk Street, LLC (applicant) with oversight provided by NYSDEC. When NYSDEC is satisfied that cleanup requirements have been achieved, the applicant may be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

Based on the findings of the investigation, NYSDEC, in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's website at:

<http://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?pageid=3&progno=C915309>

#### How to Comment

NYSDEC is accepting written comments about the proposed cleanup plan for 45 days, from August 2, 2017 through September 15, 2017. The draft Remedial Investigation Alternatives Analysis Report (RIAAR) containing the proposed site remedy is available for public review at the location(s) 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.

#### The Proposed Remedy

- Segregating the site into two distinct areas for redevelopment. One area fronting Fulton Street will be remediated to allow for restricted residential re-use, and the second area containing the former malting facility will be addressed to allow for commercial re-use.
- Excavation and off-site disposal of arsenic and lead impacted soil/fill from (4) areas of concern with concentrations exceeding site specific action levels.

- Regrading of surface soils to allow for installation of a site wide cover.
- Installation of a site wide cover to allow for restricted residential and commercial use of the site. The site cover may consist of paved surface parking areas, sidewalks, or a soil cover. In areas where soil cover is required, the cover will be a minimum of: one foot in the commercial re-use area and two feet in the restricted residential re-use area, placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for commercial and restricted residential use as set forth in 6 NYCRR Part 375-6.7(d).
- Placing an environmental easement on the property which will:
  - require periodic certification that the environmental easement and engineering controls (the cover) are in place and effective;
  - allow the use and development of the site for restricted residential use in the restricted residential re-use portion of the site and commercial use in the commercial re-use portion of the site, although land use is subject to local zoning laws;
  - restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
  - require compliance with the Department approved Site Management Plan.

In addition, an interim remedial measure (IRM) is underway consisting of the in-situ (in place) stabilization of soil/fill containing characteristically hazardous levels of lead, rendering the soil/fill non-hazardous prior to excavation and off-site disposal. The stabilization and off-site disposal of this material is being completed as an IRM prior to approval of the final remedy. An IRM allows for expedited remedial action while the remainder of the final remedy is being evaluated.

#### *Summary of the Investigation*

The investigations completed to date show that there are areas of concern at the site due to the presence of metals including lead, arsenic, manganese and mercury. Hazardous waste levels of lead have been noted in two distinct areas of black sand fill. Elevated levels of semi-volatile organic compounds (SVOCs) including, poly-cyclic aromatic hydrocarbons (PAHs) related to urban fill and the use and burning of fossil fuels, are widespread across the site.

Elevated levels of iron, sodium, magnesium and PAHs were identified in groundwater. Groundwater is not used as a potable source and public water is supplied by the City of Buffalo.

#### **Next Steps**

NYSDEC will consider public comments received on the proposed remedy presented in the draft RIAAR and ultimately issue a final Decision Document. The New York State Department of Health (NYSDOH) must also concur with the remedy. The final Remedial Work Plan (with revisions if necessary) and the Decision Document will be made available to the public. The applicant may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH. During this comment period time the Applicant intends to complete the aforementioned IRM.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

## **Background**

### **Location:**

The 50 Elk Street Site is located in a highly developed residential, commercial, and industrial area of the City of Buffalo. The site is located at the corner of Elk and Fulton Streets. Elk Street wraps around the western and southern portion of the site.

### **Site Features:**

The approximate 1.9 acre site is improved with a vacant multi-story former industrial building and adjacent asphalt parking lot. The abandoned building is constructed of brick, metal, and concrete. The remainder of the site is mowed vegetative cover with two twin 30-inch cottonwood trees west of the building and scrub brush along the eastern property boundary.

### **Current Zoning and Land Use:**

The site is currently occupied by a vacant building and is zoned industrial. Land-use surrounding the site includes residential, commercial, and vacant industrial properties.

### **Past Use of the Site:**

From 1889 to about 1899, the site was developed with numerous former residential and commercial buildings in addition to railroad tracks along the eastern portion of the site. Commercial operations include storefronts and taverns. From about 1899 to the 1980's, the site use remained consistent with historic uses adding a malting operation with storage areas, malting floors, a kiln, coal areas, engine rooms, offices, a transformer room, cleaning areas, and grain elevators/silos. Throughout the 1980's surrounding residential and commercial buildings were demolished leaving only the malting facility which has been vacant since the late 1980s.

### **Site Geology and Hydrogeology:**

The overburden material is a vegetated lean clay with sand (topsoil) above a greyish white to black ash-fill unit (mostly fines, coal fragments, orange brick, glass, ceramic fragments, etc.) underlain by a native clay unit. Also present are distinct areas of stressed vegetation that contain black fine ash/coal-like material and are absent of topsoil.

The depth to bedrock at the site has been determined to be approximately 20 to 22 feet below ground surface.

The Buffalo River is approximately 0.6 miles south of the Site. Regional groundwater appears to flow south and west towards the Buffalo River and Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities and localized fill-conditions.

**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 Library  
1 Lafayette Square  
Buffalo, New York 14203  
(716)851-8900

NYSDEC – Region 9  
Attn: Maurice Moore  
270 Michigan Ave  
Buffalo, NY 14203  
716-851-7220  
[maurice.moore@dec.ny.gov](mailto:maurice.moore@dec.ny.gov)

Selected 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

Maurice F. Moore  
Department of Environmental Conservation  
Division of Environmental remediation  
270 Michigan Avenue Buffalo NY, 14203  
(716)851-7220  
[maurice.moore@dec.ny.gov](mailto:maurice.moore@dec.ny.gov)

#### Site-Related Health Questions

Steven G. Berninger  
New York State Department of Health  
Empire State Plaza, Corning Tower,  
Rm 1787  
(518)402-7860  
[bee@health.ny.gov](mailto:bee@health.ny.gov)

{ Call for an appointment }

**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.**

