



FACT SHEET Brownfield Cleanup Program

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

Site Name: 3021 Orchard Park Road Site
DEC Site #: C915289
Address: 3021 Orchard Park Road
Orchard Park, NY 14127

Have questions? See "Who to Contact" Below

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 3021 Orchard Park Road Site ("site") located at 3021 Orchard Park Road, Orchard Park, Erie County under New York State's Brownfield Cleanup Program have been or will be met. Please see the map for the site location.

The cleanup activities were performed by Comprehensive Cancer Services Oncology, P.C. and 3021-3041 Orchard Park Road LLC with oversight provided by NYSDEC. NYSDEC has approved a Final Engineering Report and issued a Certificate of Completion for the site. Copies of the Final Engineering Report and Notice of the Certificate of Completion are available at the location(s) identified below under "Where to Find Information."

Completion of Project

The cleanup consisted of:

- Excavation and off-site disposal of approximately 1,700 cubic yards of contaminated soil;
Injection of chemical reducing agents into the subsurface to treat the contaminated groundwater beneath a portion of the site;
Maintaining a cover system over the entire site consisting of the existing concrete floor slab and asphalt pavement;
Imposing an environmental easement on the property that will limit the property to restricted residential, commercial and industrial uses and;
Implementing the Site Management Plan that details the management of any future excavation of contaminated soil/fill, assesses the performance and effectiveness of the groundwater treatment, requires the evaluation of any new buildings for soil vapor intrusion and details the requirements for periodic review and certification of these site controls.

Final Engineering Report Approved

NYSDEC has approved the Final Engineering Report which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. 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 cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been or will be put in place on the site:

- Soil Management Plan
- Monitoring Plan
- Groundwater Use Restriction
- Environmental Easement
- Land Use Restriction
- Institutional Control/Engineering Control Plan

The following engineering controls have been or will be put in place on the site:

- Cover System

Next Steps

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. 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, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Background

Location:

The site is located in a moderately developed, mixed-use commercial and residential area of the Town of Orchard Park, Erie County, New York. The site is bordered by Orchard Park and Michael Roads on the west and north respectively, and commercial properties and Union Road to the south and east.

Site Features:

The site occupies 4.19 acres of a 5.06 acre tax parcel. The 0.87-acre portion of the parcel excluded from the site consists of the northwest corner (approximately 0.45 acres) which is covered with asphalt pavement and grass-covered landscaped areas along the perimeter of the parcel. A single story, multiple-tenant, commercial building occupies the eastern half of the site. The building and an asphalt parking lot cover the entire site.

Current Zoning and Land Use:

The site is zoned Business 2, for commercial use; a convenience store and credit union office currently occupy the north and south ends of the building, respectively. These two units will remain occupied throughout the site remediation and building redevelopment. Only commercial properties are located adjacent to the site. The nearest residential areas are located approximately 300 to 400 feet from the site boundaries, to the west (on Eaglebrook Drive) and northeast (on Union Road).

Past Use of the Site:

Between 1979 and 2008, the building housed a dry cleaning shop in two of the building units, addressed as 3035 and 3039 Orchard Park Road, near the south end of the building. The dry cleaning operations appear to have led to the site contamination. Other current and former tenants included discount, grocery, pharmacy, paint and antique stores as well as a bank, credit union, hair salon and a photocopy/printing shop.

Site Geology and Hydrogeology:

The site is generally flat and slopes gently to the north-northeast. Much of the site is covered with asphalt underlain with a poorly graded gravel and sand sub-base. Beneath the asphalt and sub-base, the native soil across the site is generally described as a brown to dark grey sandy clay (till). Bedrock is 11.5 to 17 feet below ground surface (fbgs). The upper 3 to 6.5 feet of bedrock is a very weathered, fissile shale followed by a more competent shale bedrock unit.

Shallow groundwater was encountered generally between 1.7 and 7.3 fbgs. The shallow groundwater flow is dominated by the existing storm sewer/underdrain system present beneath the asphalted areas across the site. The invert elevations of the underdrain are generally 2 to 2.5 fbgs. The shallow groundwater is intercepted and directed by the underdrain system toward the northeast corner of the site where it exits through a single catch basin (CB-3) and connects to the Orchard Park storm sewer system on Michael Road. A localized (and possibly natural) groundwater mound extends from the southeast corner of the site, beneath the on-site building, toward and intercepted by the western portion of the underdrain system. Subsequent groundwater flow from this mound is west-northwest. In addition, the underdrain system has created a localized groundwater sink in the western portion of the site. Shallow groundwater flow associated with this sink is inward toward the underdrain system.

The deeper, bedrock groundwater, flows in a northwesterly direction and is not apparently affected by the underdrain system. The elevation of the deeper groundwater varies from 4.1 to 6.7 fbgs, and the vertical gradient between shallow and deeper groundwater is variable.

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

<http://www.dec.ny.gov/cfm/xtapps/derexternal/haz/details.cfm?pageid=3&progno=C915289>

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.

Buffalo & Erie County Public Library
Attn: Peggy Errington
Orchard Park Branch
4570 S Buffalo Street
Orchard Park, NY 14127

Who to Contact

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

Project Related Questions

David Locey
Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Ave
Buffalo, NY 14203-2915
716-851-7220
david.locey@dec.ny.gov

Site-Related Health Questions

Christopher M. Doroski
New York State Department of Health
Corning Tower Rm 1787
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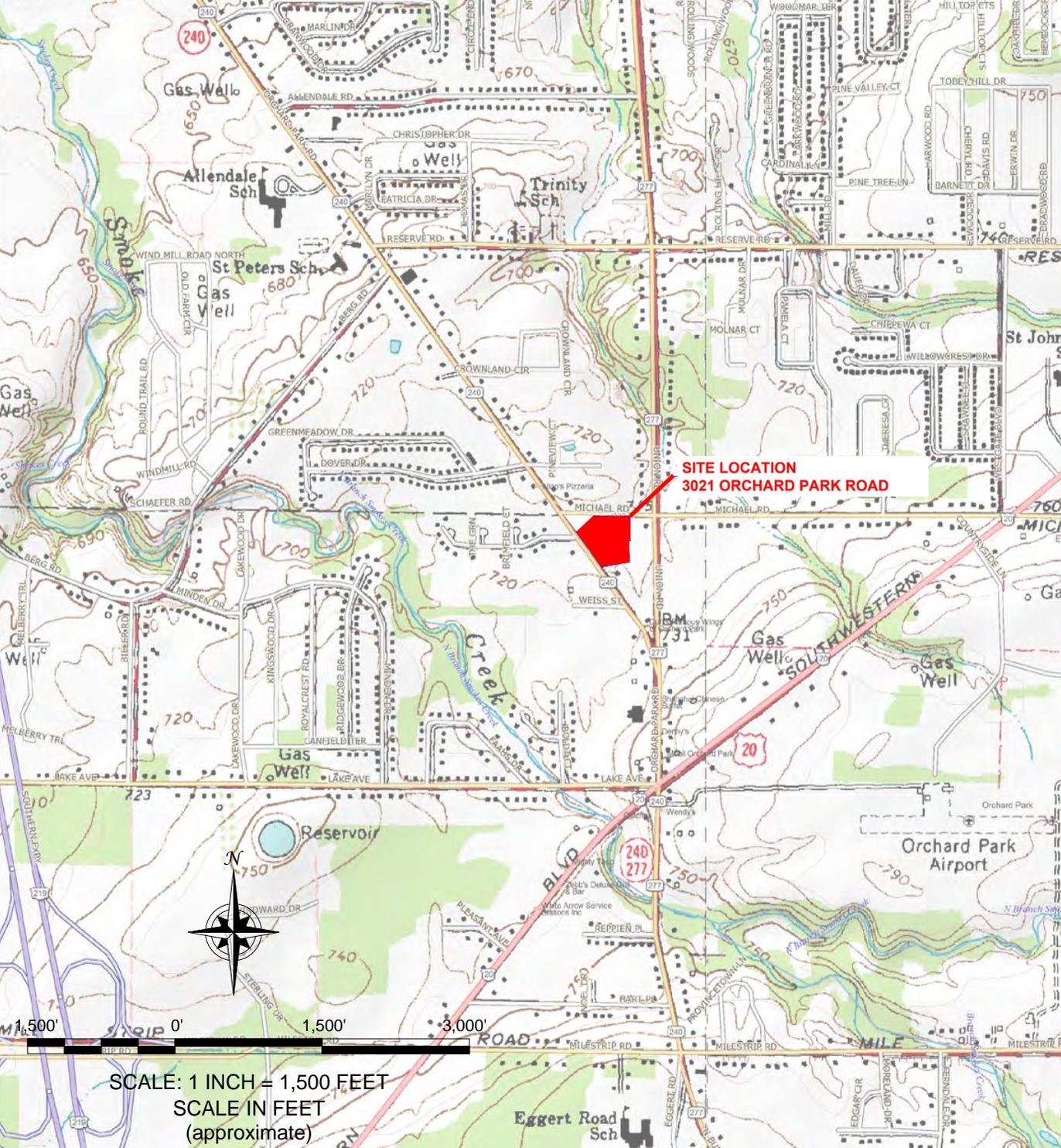
We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

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.



**SITE LOCATION
3021 ORCHARD PARK ROAD**



SCALE: 1 INCH = 1,500 FEET
SCALE IN FEET
(approximate)

