

August 20, 2026

Ms. Ashita Patel, Brownfield State and Tribal Lead
US Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

RE: Brownfields Cleanup Decision Memorandum for 2020 River Road, Wheatfield, NY

Dear Ms. Patel:

The Niagara County Department of Economic Development is pleased to submit this Brownfields Cleanup Decision Memorandum (Decision Memo) to the U.S. Environmental Protection Agency (USEPA), in accordance with the requirements of Cooperative Agreement #4B96270623. This memorandum presents the steps leading to the selection of a remedial approach at 2020 River Road in the Town of Wheatfield. The memorandum is organized as follows:

- Section 1 - Introduction;
- Section 2 - Summary of the Analysis of Brownfields Cleanup Alternatives (ABCA);
- Section 3 - Description of the selected remedial approach; and
- Section 4 - Demonstration that the selected remedial approach achieves regulatory compliance and attains the cleanup goals.

1. INTRODUCTION

1.1 Background

The 4.2-acre site is located at 2020 River Road (hereafter referred to as “the Site”) and is owned by the Town of Wheatfield. The Site was formerly occupied by a residential dwelling but has been undeveloped since at least 1972. Since that time, the property was used for extensive filling and dumping. Materials imported to the site reportedly included drums and smaller containers, and industrial wastes like slag, ash, coal, and foundry sand. The Site is an irregular “L” shape, located within a residential and commercial area.

Based on the analyses provided in the ABCA, including the open public meeting, consultation with environmental professionals, and the entirety of the administrative record for the site, a remedial approach for the site has been selected, as presented in this Decision Memo.

2. SUMMARY OF ABCA

The purpose of the ABCA is to identify, evaluate, and compare the reasonable alternatives for addressing the contamination identified at the Site. The ABCA presents information regarding site description, site environmental conditions, applicable laws and standards, and an evaluation of selected remedial alternatives. These items are summarized in this section.

2.1 Site Description

The Town of Wheatfield is the current owner of the Site and is looking to redevelop the site to provide the community with riverfront access and a public parking area.

The Site is comprised of four parcels (SBL Nos. 174.07-3-6, 174.07-3-7, 174.07-3-8, and 174.07-3-9). The parcels form a narrow “L-shape”, extending between River Road and the Niagara River.

The site is bordered to the north by River Road, with an automotive repair facility beyond. To the east is the former Brzezinski Landfill. To the south is the Niagara River. To the west are residential parcels and the former 102nd Street Landfill site (formerly on the National Priorities List (NPL) and delisted in 2004). The former Love Canal NPL site is located approximately 2,000 ft to the northwest.

Numerous Phase I and Phase II Environmental Site Assessment (“ESA”) have been conducted at the Site to identify and assess recognized environmental conditions (“RECs”).

2.2 Site Environmental Conditions

Assessments performed include a 2004 Modified Phase I/II ESA by Empire Geo-Services, Inc., a 2006 Phase I ESA by Conestoga-Rovers & Associates, a 2013 Phase II ESA by LaBella Associates, P.C., and a 2020 Phase II ESA by Leader Consulting Services.

The Phase I ESA identified two RECs:

- Historical use of the property for filling; and
- Surrounding properties.

These RECs were subsequently investigated in the Phase II ESAs. The work included conducting subsurface geophysical surveys; installing soil borings, test pits, and a monitoring well; and collecting and analyzing soil and groundwater samples.

Test pits identified fill material across the site extending up to approximately 8 feet deep. Native grey silty clay was encountered beneath the fill.

In general, the sample results showed highly variable contaminant concentrations, both vertically and horizontally, across the site. This is consistent with years of fill placement, versus a point discharge where contaminant gradients are common. Three surface soil samples exceeded the Commercial soil cleanup objectives (SCOs) for various metals. Two subsurface soil samples, collected between 4 – 5 feet below grade, exceeded the Commercial SCOs for arsenic. A limited groundwater investigation was conducted and identified lead above the NYSDEC Drinking Water Maximum Contaminant Level (MCL).

2.3 Applicable Laws and Cleanup Standards

The applicable statutes, regulations and guidance of the State of New York and NYSDEC will be referenced to provide the Standards, Criteria and Guidance (SCGs) for the project. NYSDEC regulations for site remediation are codified at 6 NYCRR § 375 et. seq.

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The standards, criteria, and guidance that will or will likely be directly applicable to the Site’s remediation include those listed below:

- NYSDEC DER-10 Technical Guidance for Site Investigation and Remediation, May 2010
- NYSDEC CP-51 Soil Cleanup Guidance Policy, October 2010

All contaminated material will be properly excavated and disposed of off-site, and the remaining native soil will be analyzed to ensure compliance with the NYSDEC CP-51 SCLs. Backfill materials will meet NYSDEC requirements for backfill at remediation sites. The effective implementation of the NYSDEC regulations will be managed by a qualified environmental professional, to be retained by the Town of Wheatfield.

For soil disturbing activities, a Community Air Monitoring Plan (CAMP) will be developed in accordance with New York State Department of Health (NYSDOH).

2.4 Analysis of Cleanup Alternatives

The ABCA presents an evaluation of several potential cleanup scenarios for the site. The following evaluation criteria were considered in comparing the remedial alternatives:

- Effectiveness in providing compliance with NYSDEC regulations and increased protectiveness to public health and the environment;
- Implementability of the considered alternative;
- Cost of the considered alternative; and
- Sustainability and resilience considerations.

Based on these criteria and giving consideration to site characteristics, surrounding environment, land-use restrictions, potential future uses, and cleanup goals, the preferred remedial approach which was selected shall mitigate all significant threats to public health and the environment presented by the contamination as described in Section 3 of this Decision Memo.

Subsequent to the publication of a Draft ABCA, the Town solicited and received public comments (as documented in the Final ABCA). A summary of the public comments received is appended to the Final ABCA document. All comments were addressed, and none resulted in edits to the ABCA.

3. SELECTED ENVIRONMENTAL CLEANUP PLAN

3.1 Remedial Approach: Selective Capping and Institutional Controls

Under this alternative, the remedial action will include removing selected hotspots and capping selected areas of the site to accommodate redevelopment for public waterfront access. A total of five samples exceeded the commercial SCOs. Three of them (TP-15, TP-13, and SS-1) are in areas planned for future public access. As a result, at each location, soil from a 10 ft long by 10 ft wide area will be excavated to up to 8 feet. A total of approximately 300 square feet will be excavated, with an anticipated weight of 133 tons. With future for public waterfront access, most of the site will remain undisturbed and fully vegetated. This will allow for preservation of existing wetlands and a majority of the established vegetation. Two feet of surface soil will be excavated prior to constructing future park amenities, and serve as environmental caps in the following areas:

- Walking trail. Approximately 12,618 square feet, for a total weight of 1,402 tons.

- Parking area. Approximately 10,080 square feet of soil, for a total weight of 1,120 tons.
- Picnic area. Approximately 3,588 square feet of soil, for a total weight of 390 tons.
- Rain garden and landscaped areas. Approximately 2,615 square feet of soil, for a total weight of 291 tons.

These areas total 28,901 square feet and weigh approximately 3,203 tons.

The cap in each area will consist of a visual barrier demarcating the impacted underlying fill. Backfill will vary based on the area, but will include compacted clean fill and appropriate structural sub-base material.

Thereafter, an Environmental Easement will be recorded, preventing future residential use and restricting groundwater use at the site. This combination of remedies will prevent future users from exposure to site contaminants.

Further details of the remediation plan are as follows:

- Develop a Community Air Monitoring Plan (CAMP) and Soil/Fill Management Plan.
- Obtain necessary permits from US Army Corps of Engineers and NYSDEC related to working in and around the wetland area.
- Excavate an estimated total including hot spots areas of 29,001 square feet, having an estimated weight of 3,345 tons. Excavated soils will be sampled and characterized in accordance with the requirements of the designated disposal facility.
- Install fencing and signage directing visitors to stay on trails for the protection of the established wetlands, and to prevent exposure pathways to contaminants of concern.
- Install a visible barrier and install backfill material with appropriate specifications for the future use. Compact and grade the site as appropriate.
- Ensure ongoing protectiveness of the engineering controls by developing and implementing an Operation and Maintenance Plan.
- The Institutional Controls will consist of an Environmental Easement that would prevent future residential use and restrict the use of groundwater at the site.

Upon completion of this alternative, the property will be suitable for passive recreational use, meeting the project goal. Fences and/or signs will be necessary to ensure visitors are not exposed to residual surface contaminants.

3.2 Selection Rationale

The selected remedy compares favorably with respect to sustainability metrics by reducing energy use, greenhouse gas emissions, and the volume of material requiring landfill disposal. In addition, the remedy is resilient and is expected to remain protective over the long term, including under reasonably foreseeable changing climate conditions. The remedial action should result in restricted use of the site. This alternative will require an Environmental Easement that would:

- Prevent future active recreation or residential use of the property; and
- Restrict the use of groundwater at the site.

4. REGULATORY COMPLIANCE AND ACHIEVEMENT OF CLEANUP GOALS

4.1 Regulatory Framework

All contaminated material will be properly excavated and disposed of off-site, and the remaining native soil will be analyzed to ensure compliance with the NYSDEC CP-51 SCLs. Backfill materials will meet NYSDEC requirements for backfill at remediation sites. The effective implementation of the NYSDEC regulations will be managed by a qualified environmental professional, to be retained by the Town of Wheatfield.

For any soil disturbing activities, a Community Air Monitoring Plan (CAMP) will be developed in accordance with New York State Department of Health (NYSDOH).

4.2 Achievement of Cleanup Goals

The proposed plan would effectively achieve project remediation goals by:

- Disrupting the pathway of the most heavily contaminated soils to human, ecological, or surface water receptors;
- Protecting future users via institutional controls; and
- Achieving the applicable remediation standards and technical and administrative compliance with the NYSDEC regulations.

4.3 Limitations

Following remediation, there will be an environmental easement established to prevent future active recreation or residential use of the property and restrict the use of groundwater at the site.

5. CLOSING

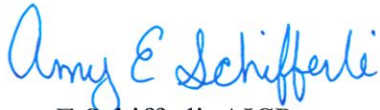
This Decision Memo was prepared with the assistance of the County's technical consultant, Brownfield Redevelopment Solutions, Inc. (BRS). Please contact the BRS project managers listed below, or the undersigned, with any questions regarding this document.

BRS Project contacts:

Jennifer Taylor, P.E.
JTaylor@brsinc.com
(856) 780-0501

Michele Christina, Principal
Michele@brsinc.com
(856) 964-6456

Sincerely,



Amy E Schifferli, AICP
Director of Planning and Brownfield Development

cc: Michele Christina, BRS
Jennifer Taylor, BRS

