Dear Mr. Walia,

Buffalo Niagara Waterkeeper would like to take the opportunity to provide formal comments on the Alternative Analysis Report (AAR) for the Queen City Landing Site (BCP Site No. C915304). Waterkeeper strongly believes that the proper remediation of this site is beneficial to the overall health and economic revitalization of the City of Buffalo’s waterfront, but remains concerned about some aspects of the draft AAR that inadequately address surface, sub-surface, and groundwater impacts.

**Protection of Groundwater**

Due to the detection of SVOCs in the nine groundwater monitoring wells, and the proximity of this site to Lake Erie and NYSOS Significant Coastal Habitat, the remedial program should have stricter target values than 500 mg/kg for total PAHs. The use of this value is not protective of groundwater. The Protection of Groundwater soil cleanup objectives noted in Part 375-6.8(b) should be used since groundwater has been impacted by the site and there is no remedy proposed to control the impacted groundwater.

**Processed Materials Potentially Containing Lead**

In May 2017, Queen City Landing was put under Consent Order by the NYSDEC for Environmental Conservation Law violations including failing to control and segregate lead-based paint debris. The Order notes that paint debris potentially comingled with other debris from construction and demolition material during processing (Consent Order § 9-11).

A major oversight in the AAR that Waterkeeper requests be addressed is that the AAR (and Remedial Investigation ”RI”) fail to discuss the contaminated material generated by the crushing of concrete laden with lead based paint. Both the RI and AAR fail to discuss the sampling and re-use of this material on the site. Further, there appears to be no additional testing and analysis of potential lead impacted soil and fill on the site.

Any remedial action needs to perform the proper analysis and necessary remediation to ensure that soils are not impacted by the processing and reuse of material that may contain lead. This should also be cataloged in § 2.1.4.1 Waste Characterization.
§ 3.5.1.3 Alternative 3: Restricted Use (Track 4) Cleanup notes that site grades will be constructed using on-site processed concrete, which as stated above, may contain lead paint debris. Additionally, any excavated and removed, or backfill material should be sampled and appropriately documented for the same reason.

**Additional Sampling and Remediation**

As part of the additional sampling requested by NYSDEC, the removal of the stockpile and additional confirmatory sampling for elevated chromium and magnesium content in the area of F6-SS must be performed before the approval of this AAR and the drafting of a decision document.

Thank you for the opportunity to address concerns regarding this project. Proper remediation and oversight of this site is imperative to preserve critical natural resources. If you have any further questions, please do not hesitate to contact me at the information below.

Sincerely,

Jill Jedlicka
Executive Director and Waterkeeper
Buffalo Niagara Waterkeeper
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