



Department of
Environmental
Conservation



BUFFALO NIAGARA
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Frequently Asked Questions

NYSDEC, alongside the Buffalo-Niagara Waterkeeper and the Buffalo River Area of Concern Remedial Advisory Committee, have concluded that the “Restrictions on Dredging Activities” Beneficial Use Impairment can be removed from the list of impairments for the Buffalo River Area of Concern. This decision was reached in accordance with established guidance from both the United States Environmental Protection Agency (USEPA) as well as from the International Joint Commission, as well as guidance from local experts. Significant restoration actions within the Buffalo River support the removal of the “Restrictions on Dredging Activities” Beneficial Use Impairment. These include, but are not limited to, removing over 1,000,000 cubic yards of contaminated sediment within the Buffalo River and remediating upland inactive hazardous waste sites. Based on water sediment sampling conducted within the Buffalo River, overall contaminant levels have significantly decreased since the late 1980s.

Questions

1. What, specifically, does the "Restrictions on Dredging Activities" BUI mean?

- A. The “Restrictions on Dredging Activities” Beneficial Use Impairment, or BUI, is one of fourteen indicators of impaired water and ecosystem quality used by the International Joint Commission to assess the status of Areas of Concern, or AOCs, within the Great Lakes Basin. For the Buffalo River AOC, this BUI existed because of contaminated bottom sediments that restricted disposal to a Confined Disposal Facility (CDF) only.

2. How do you know this BUI is positioned to be removed from the list of impairments for the Buffalo River AOC?

- A. Extensive remedial work has been done over the last few decades, including remediating upland inactive hazardous waste sites, dredging Buffalo River sediments to remove contaminants, and implementing protective measures to contain in place any remaining contaminated sediments. A large portion of remedial dredging activities were funded under the Great Lakes Legacy Act (GLLA). Additional information on the GLLA Remedial Dredging can be found [HERE](#). The United States Army Corps of Engineers (USACE) has sampled and analyzed sediments and found them to meet site specific remedial goals. Sediments have also been analyzed for beneficial reuse in both upland and aquatic environments and found the chemical quality to be acceptable for beneficial reuse projects. Through these actions it has demonstrated that the criteria established to remove the BUI have been met, enabling NYSDEC and its partners to recommend to the U.S. EPA removing this BUI in accordance with International Joint Commission and USEPA guidance.

3. Why does it matter if this one is removed from the list of impairments? How important is this one in the big picture toward a final delisting of the AOC?

- A. Each BUI removal is representative of the comprehensive ecosystem recovery that has occurred in the Buffalo River Area of Concern over the past three decades and brings the River

one step closer to having the AOC designation removed. This is another step in the delisting process of the Buffalo River AOC. After each BUI is removed, the AOC is eligible to be delisted.

- 4. Dredged sediments are still being placed in the CDF; how can this BUI be removed?**
 - A. Although Buffalo River sediments that are routinely dredged within the AOC are placed in the CDF, this is due to convenience and proximity and therefore more cost-effective, not because of chemical contamination. The USACE is currently conducting studies to determine a suitable location for open water placement within Lake Erie.
- 5. Does the Buffalo River still have contaminated sediments?**
 - A. There are some areas in the Buffalo River where contaminated sediments remain, but they have been contained within an engineered cap or cover. These contained areas have been (and will continue to be) monitored to ensure the integrity of the cover stays in place.
- 6. How many other BUIs are there that have been identified for the Buffalo River? What are they?**
 - A. There are 9 BUIs that were originally identified as impaired in the Buffalo River Area of Concern. In 2018, BUI #11: "Degradation of Aesthetics" was the first BUI to be removed, followed by BUI #2: "Tainting of Fish and Wildlife Flavor" in 2020. With the removal of BUI #7: "Restrictions on Dredging Activities", 6 BUIs remain.
 - B. The BUIs that currently remain are: #1: Restrictions on Fish and Wildlife Consumption, #3: Degradation of Fish and Wildlife Populations, #4: Fish Tumors and Other Deformities, #5: Bird or Animal Deformities or Reproductive Problems, #6: Degradation of Benthos, #14: Loss of Fish and Wildlife Habitat
- 7. Is there a timeline for when the others might be satisfied? Could you elaborate on that for each BUI?**
 - A. Several of the remaining BUIs require monitoring efforts that are ongoing. A large monitoring effort occurred in the Buffalo River during the summer of 2020 and summer of 2021, in cooperation with the USACE, USEPA, NYSDEC. The results of this monitoring effort are intended to provide more information about whether the removal criteria has been met for several of the remaining BUIs. We anticipate making continued progress assessing and removing BUIs, with a goal of having all BUIs removed by 2025. However, we cannot say with certainty that conditions will allow for removal of all remaining BUIs by this time.
- 8. How are these removals of each BUI achieved? And, how do you know when they have been?**
 - A. The Buffalo River Remedial Advisory Committee (RAC), an assemblage of technical experts and local community representatives, developed removal criteria for each BUI. This information is detailed in the "Buffalo River Area of Concern: A Monitoring Plan for the Delisting of "Impaired" Beneficial Use Impairments." After the criteria were established, remedial and/or restorative actions were identified and implemented to improve conditions to an extent that would enable the criteria to be met. Once subsequent assessments and monitoring confirm that the criteria have been met, the BUI can be removed.
- 9. What are the next steps in the Buffalo River restoration toward the path toward eventual delisting of the AOC?**

- A. The NYSDEC, alongside the Buffalo-Niagara Waterkeeper, Buffalo River Area of Concern RAC and the United States Environmental Protection Agency, will continue pursuing the removal of the remaining BUI's in the Buffalo River AOC.

10. Are there estimates for how long it will take to fully accomplish the delisting?

- A. The Buffalo River is targeted for delisting in 2026. However, and similar to the remaining BUI removals noted above, we cannot say with certainty that conditions will allow for delisting by this time.

11. What are the main challenges/impediments toward achieving that goal?

- A. The river's ecosystem and community developments are continually changing. Monitoring of overall ecosystem health within the Buffalo River is essential to re-evaluating the status of the remaining BUIs and being able to determine if beneficial uses have in fact been restored. This monitoring is comprehensive, complex, and requires close coordination amongst multiple partners in order to be effectively implemented.

12. Are some BUIs more difficult than others to remove from the list of impairments? If so, why?

- A. Each BUI has unique removal criteria. Generally, BUIs can be removed when it is determined that their established removal criteria have been met. There are alternate scenarios under which BUIs can be removed, based on guidance provided by USEPA.

13. Do any sources remain for other contaminants polluting the Buffalo River? What are those contaminants? What are the sources?

- A. Combined sewer overflows remain a source for nutrient and bacteriological pollution in the Buffalo River. Contaminants originating from surface runoff/stormwater include various chemicals (pesticides/herbicide, PAHs), road salt, automobile fuels/oils, metals and rubber particles from brake and tire wear, and other non-point sources.
- B. Plastic pollution

14. When the Buffalo River is finally delisted from the AOC, how will it be different than how it exists today? Swimmable? Fishable? Other beneficial uses?

- A. The Buffalo River Area of Concern has seen comprehensive ecosystem recovery and water quality improvements over the past three decades. The delisting of the Buffalo River AOC will be an accomplishment that is driven by decades of hard work by many partners. However, the Buffalo River is an urban waterway, and will remain so when it is delisted as an Area of Concern. This means it will continue to be vulnerable to pollution incidents, litter, invasive species, climate warming and other challenges.
- B. The Buffalo River is classified by New York State as a Class C waterway. This classification indicates that pollution sources to the Buffalo River are regulated to support healthy fisheries and suitable for non-contact recreational activities.

15. What can I do to help the Buffalo River?

- A. The Buffalo River will always need stewards and community support. You can help the Buffalo River AOC by joining a litter cleanup, staying informed about emerging contaminants, and joining the Buffalo River Stewardship Series.