Mr. McGrath,

Fisher Associates is informing the State University Construction Fund (SUCF) of findings from a subsurface investigation conducted as part of an environmental assessment for the property. This summary is to document the findings on behalf of SUCF. In July 2012, Fisher Associates conducted soil borings at eight (8) locations around the property located at 960 Washington Street in the City of Buffalo (refer to attached Figure 1). The soil borings were conducted to assess the subsurface conditions at the property due to the past history of the surrounding area and to determine the impact, if any, from a New York State Department of Environmental Conservation (NYSDEC) open petroleum spill file associated with the property on the north side of High Street at Main Street.

During the investigation, the samples recovered were observed for possible staining, unusual odors, and scanned with a photoionization detector (PID) for the presence of organic vapors. The results of the screenings showed minor PID readings that were not repeatable and an occasional, slight, musty odor emanating from the samples. Representative samples were collected from each of the soil borings for laboratory analysis. These samples, because there was no evidence of gross contamination, were collected from depths that corresponded with the top of ground water and at the apparent top of bedrock where equipment refusal terminated the soil boring.

The sample results recently received indicated that borings B-1a, B-5, and B-6 had no compounds detected above the laboratory method detection limits. Samples from B-3a, B-4, B-7, and B-8 showed slightly elevated concentrations of Acetone, which may be a possible laboratory contaminant. However, the samples collected from soil boring B-2 from 18-feet indicated very high levels of semi-volatile organic compounds (SVOCs) that are well above NYSDEC cleanup levels. The compounds are those typically associated with fuel oil, and are compounds of concern as known or possible carcinogens.

Based on the levels of compounds detected in soil boring B-2, there is a responsibility (with legal ramifications for not responding) under Article 12 of the Navigation Law, Section 178 for contacting the NYSDEC as there is evidence of a spill. This responsibility falls on the owner to contact the NYSDEC to report. There is also a responsibility to the consultant to notify the NYSDEC upon discovery. Since there were no obvious field indications of contamination, Fisher Associates needed to wait for the laboratory results to know that the site was compromised, which now puts us in a position of responsibility.
Based on the depth of contamination, it will not likely be encountered during excavation activities unless the foundation is extremely deep. However, depending on the type of foundation support (i.e. piles) there may be a preferential pathway for the contaminant vapors to travel that may bring the vapors to the foundation and create the potential for vapor intrusion. The NYSDEC and the NYS Department of Health would then become involved and may require a regular monitoring of these vapors.

This may require that a mitigation system be put in place beneath the floor slab to vent the vapors from beneath. It would also require that floor slab penetrations/openings be sealed to prevent infiltration. A system such as this would be in the range of approximately $15,000 to $25,000 to install beneath the slab. At that point, initial sampling would need to be conducted in an effort to determine under-slab concentrations. If the concentrations are high enough, a fan system would need to be installed to more effectively remove the vapors from beneath the slab. This would add an additional cost of approximately $1,000 to the system installation.

Please let us know how you would like to proceed and if the owner is going to call the NYSDEC to report the findings, or if this is something that Fisher Associates should proceed with. We will need to know by tomorrow morning (August 3, 2012) in order to fulfill our obligation.