April 2014

Buffalo River Trustee Council

Release of Trustee Groundwater Injury Determination Report

The New York State Department of Environmental Conservation, the Tuscarora Nation, and the U.S. Department of the Interior Fish and Wildlife Service, collectively the Trustees of the Buffalo River, are conducting a Natural Resource Damage Assessment (NRDA). The goal of the NRDA process is to restore trust resources injured as a result of the release of hazardous substances to the environment. ***This fact sheet is to inform the public of the release of the Trustee Groundwater Injury Determination report and the on-going process to restore the Buffalo River.***

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Injury to groundwater has occurred adjacent to the Buffalo River as documented by contaminants in groundwater at concentrations in exceedance of the New York State Codes Rules and Regulations (6 NYCRR Part 703) groundwater quality standards, or New York State guidance values for Class GA fresh groundwater. Additional details on the Groundwater Injury Determination can be found in the 2014 Trustee document: http://northeast.fws.gov/nyfo/ec/BuffaloRiverGroundwaterInjuryDetermination.pdf

Trust Natural Resources and Natural Resource Damages: Natural resources defined in both State and federal law include land, groundwater, surface water, air, and biota. When hazardous substances enter the environment and cause changes to "the chemical or physical quality or the viability to a natural resource," it is said to be injured (43 Code of Federal Regulation (CFR) 11.14(v)). Subject to Trustee concurrence, responsible parties may restore the injured resources themselves, or they may make a payment (i.e., pay damages) equal to the cost of required restoration or the value of lost resources. The Buffalo River NRDA Trustees have identified Honeywell International, PVS Chemicals, and Exxon Mobil as potentially responsible parties. Restoration through **NRDA is separate, and in addition to, the on-going remedy** in the Buffalo River.

Groundwater Injury Determination Highlights:

- Groundwater provides one quarter of New Yorkers with their drinking water. Groundwater in the Buffalo River watershed is classified as Class GA fresh groundwater, with its best use "as a source of potable water supply" under New York State Code of Rules and Regulations (6 NYCRR Part 701.15).
- A wide range of contaminants (e.g., pesticides, petroleum products, metals, including mercury) in groundwater, at sites adjacent to the Buffalo River, have concentrations in exceedance of New York State groundwater quality standards.
- Several petroleum products and metals such as mercury and lead can negatively impact human health including possibly causing cancer and impacting the nervous system and causing permanent brain damage. Due to contamination, the groundwater cannot be used as a drinking water source.

For more information on the Buffalo River NRDA, please contact:
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