



## Liability transfer enables tower construction Buffalo, New York

### The Client's Objective:

The client, a site-specific transaction company, entered into an agreement to manage, remediate, and assume liability for the environmental conditions at properties located in a former industrial section of Buffalo. Past operations at these properties included a manufactured gas plant, plumbing supply, and other miscellaneous light manufacturing operations.

### The Client's Challenge:

The client needed a liability transfer structure for this transaction to protect the sellers, the buyer/developer, and the new occupant of the property against liability for the environmental conditions at the properties. They also needed a full remediation strategy for the contaminated site to be implemented to facilitate construction of an office tower.

### Our Work:

WSP's environmental liability solution:

- A transaction company was individually established and uniquely tailored to address both the client's known and unknown environmental liabilities, which provided a seamless indemnity to the parties.
- The liability transfer structure provided a solution that effectively addressed ongoing remediation obligations.
- The process enabled the engaged parties to each focus on their core business and contribute to the economic vitality of downtown Buffalo.

Through the remediation process, WSP and its contractors removed over 150,000 tons of impacted soil, fill and construction debris from the site for off-site treatment or disposal. Nearly 4 million gallons of water were pumped from the excavations, treated, and discharged to the Buffalo Sewer Authority under a pre-treatment permit. Portions of the excavation extended below the public school adjacent to the site.

### The Outcome:

As WSP completed the excavation and confirmatory sampling, designated areas of the site were released to the developer and building construction began. The building is now complete and LEED certified.

This project demonstrated WSP's ability of the liability transfer process to align the interests of a site owner, buyer, developer, municipal government, state regulatory authority, and WSP in a manner that benefited a community blighted by an otherwise non-developable, contaminated property.

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