

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION ALBANY, NEW YORK 12233-0001

HENRY G. WILLIAMS

March 1986

Dear Tank Owners:

Under Federal Law, owners of underground tanks which are used or have been used for storing petroleum or a hazardous substance must notify the State of the existence of those tanks by May 8, 1986. This information is required by Section 9002 of the Resource Conservation and Recovery Act (RCRA as amended). The Department of Environmental Conservation has been designated by the Governor as the State agency to receive the notification information.

Enclosed is Federal Form Number 7530-1 (11/85) which must be completed for each location containing underground storage tanks. A list of hazardous substances is also enclosed to assist you. Forms are to be returned to:

> Bulk Storage Section Room 326 New York State Department of Environmental Conservation 50 Wolf Road Albany, New York 12233

In addition to completing the Federal form, State regulations require that you also register all facilities that store over 1100 gallons of petroleum product with our agency prior to December 27, 1986. If you do not yet have the State registration forms, please contact the nearest Department of Environmental Conservation regional office.

If you have any questions or need assistance, please call 518-457-4351.

incerely, G. Williams le fi T

Enclosures

John Figler Plumbing & Heating Co., Inc. P.O. BOX

NIAGARA FALLS, NEW YORK 14301 PHONE: 284-9510



May 12, 1986

PBS # 054313

Department of Environmental Conservation 600 Delaware Avenue Buffalo, New York 14202

Attn: R. Locey

Re: Houdaille Inc.

Dear Sir:

This letter will attest to removal of three (3), 10,000 gallon underground storage tanks at Houdaille Inc., 537 E. Delavan Avenue, Buffalo, New York on May 5 and 6 1986.

The tanks will be reused for shields to build manholes.

Enclosed find copy of letter you requested.

Please send us any pertinent regulations we must comply with on further tank removal.

Sincerely hn A. Figler

cc: W. Radecki, Houdaille Inc.

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New York State Department of Environmental Conservation 600 Delaware Avenue, Buffalo, New York 14202



Commissioner

August 9, 1990

Mr. Donald Johnson IPEX 537 East Delavan Avenue Buffalo, New York 14211

Dear Mr. Johnson:

Petroleum Bulk Storage Number 054313

On August 8, 1990, this office conducted a site inspection of your facility at 537 East Delavan to determine compliance with the Petroleum Bulk Storage (PBS) regulations (6NYCRR Parts 612, 613 and 614).

The inspection revealed that the following items need to be addressed in order to bring your facility into compliance:

- 1. Your Registration Certificate was not posted. The PBS regulations require that this Certificate be posted on site and accurately report facility information. Please update the enclosed copy of your registration application, sign and date it and return it to this office.
- 2. Based on the information that you are providing, an updated Certificate will be sent to you in about six weeks.
- 3. Your abandoned tanks must be properly closed. Closure requirements are given in Part 613.9 of the PBS regulations.
- 4. Your diesel tank fill piping is improperly color coded. It must be painted yellow for your firm to be in compliance by the December 1990 deadline.

Your cooperation in this matter is appreciated. If there are any questions on this, I can be contacted at this office at (716) 847-4590.

Sincerely,

James Stack Environmental Chemist I

JES:vm

Enclosure (Photocopy of PBS Application)

PBS INSPECTION FORM

Facility Name: IPEX Address: 537 E. Deliver SC City/Town: Buffelo My

PBS #: 054313 Inspection Date: 8/9/90 Inspector: June Stan Contact: Dor Johnson

Checklist

CHECKLIBC	
yes no N/A $\frac{\cancel{X}}{\cancel{X}} \underbrace{\frac{1}{\cancel{X}}}{\cancel{X}} \underbrace{\frac{1}{\cancel{X}}}{\cancel{X}}$	<u>Registration</u> Is the facility registered? Is the PBS certificate posted? Is the certificate accurate? Should another certificate be issued?
$= = \downarrow^{2}$	<u>Tank Tightness Testing</u> Is the facility up-to-date on testing? If not, which tanks are overdue?,,,,, Did any of the tanks fail any tests? If so, were the failures reported to DEC?
3. 	<u>Inventory Monitoring Requirements</u> Are inventory records being maintained? <u>daily</u> other Do the records meet the requirements of Part 613.4(a)? Do the records indicate a problem? <u>loss</u> gain Does the operator check for water? <u>daily</u> weekly Has there been a problem with water in the past?
→ → → → → → → → → → → → → → → → → → →	<u>Miscellaneous/General</u> Any apparent spills on site? area effected Have there been any spills in the past? If so, were the spills reported? to whom? Are there any waste oil tanks? size?, Is the "housekeeping" satisfactory/adequate? Is any clean up effort/action required?
5.	<u>Upgrading Due December 27, 1990</u> Are fill ports properly color-coded? Do 10,000 gallon A/G tanks have adequate secondary cont.? Do <u>all</u> A/G tanks have gauges or high level alarms? Design and working cap., ID # marked on tank near gauge? Do remote pumping systems have shear valves at dispensers? Are monitoring wells clearly marked as such?
<u>× </u>	<u>Federal Requirements</u> Does facility have SPCC plan signed by a P.E.? Has facility complied with financial resp. requirements? Do waste oil tanks require upgrading?
Follow-up/Remar	Durchy an wall police coolands.

DES V



VIBRATECH, INC. A Unit of IDEX Corporation 537 East Delavan Avenue, Buffalo, New York 14211 Telephone (716) 895-8000 - Telefax (716) 895-7258

August 10, 1990

New York State Department of Environmental Conservation 600 Delaware Avenue Buffalo, New York 14202 Attention: James Stack, Environmental Chemist

PBS=# 054313

Re: Vibratech site inspection report dated August 9, 1990

Dear Jim:

Please find enclosed the revised and signed Registration Certificate received from yourself this day.

A copy of the revised certificate was posted by the writer.

The green painted fill piping is correctly painted green for #2 fuel oil. This is in keeping with the telephone call to yourself on 8/9/90. We shall thus let it stand.

We believe that we are now in compliance. Please advise if other information is needed and we await our new revised certificate.

Yours truly,

Donald S. Johnson Manager, Manufacturing Engineering

DSJ/bdw enc.

cc: T. Critton



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VIBRATECH,* INC. A Unit of IDEX Corporation 537 East Delavan Avenue, Buffalo, New York 14211 Telephone (716) 895-8000 - Telefax (716) 895-7258 .

January 16, 1991

New York State Department of Environmental Conservation 600 Delaware Avenue Buffalo, New York 14202

Dear Sir:

Please be advised we have put back into service Above Ground Tank #4 as listed on Registration Certificate #054313. The tank was filled with 12,000 gallons of #6 heating oil on 01-15-91.

Very truly yours,

Ten

Harold Paul Maintenance Foreman

HP/bw encls.

cc: W. Lees





VIBRATECH,[®] INC. A Unit of IDEX Corporation 537 East Delavan Avenue, Buffalo, New York 14211 Telephone (716) 895-8000 - Telefax (716) 895-7258

June 25, 1991

PBS#19-054313

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New York State Department of Environmental Conservation 600 Delaware Avenue Buffalo, New York 14202

Dear Sir:

Please be advised we have temporarily taken out of service the Above Ground Tank #4 as listed on Registration Certificate #054313. The tank was emptied on 06/15/91 per New York State Environmental Conservation Law (NYSDEC) 17-1001, Part 612.1 and 613.9, Paragraph (a).

Before we put the 15,000 gallon tank back into service, the writer will notify NYSDEC by phone and writing of this change in status.

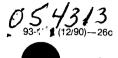
Very truly yours,

1) Far À

Harold Paul Maintenance Foreman

HP/bw







NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER • BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

(Continued on Reverse Side—Please Be Sure to Complete Section B)

inertel 8/10/93 RETURN COMPLETED FORM & FEE TO:

NYS DEC - REGION 9 600 DELAWARE AVENUE BUFFALO, NY 14202 (716) 847-4590

TYPE OF RETROI FUNA FAOULTY



Please Type or Print Clearly and Complete All Items

SECTION A-See Instructions on Cover Sheet

PBS NUMBER 9-054313		NAME VIBRATECH INC-A UNIT	OF IN	DEX		TYPE OF PETROLEUM FACILI	ITY:	
						(Check all that apply) A. Storage Terminal/Petroleum	Distributor	
Indicate Other Existing	F	LOCATION (Not P.O. Boxes) 537 E DELAVAN AVE				B. Betail Gasoline Sales	Distributor	
DEC Numbers, if any, for this Facility:	A	LOCATION (Continued)				C. \Box Other Retail Sales		
	ĉ					D. Manufacturing		
CBS Number:	1	CITY/TOWN/VILLAGE BUFFALO		STATE	ZIP CODE	E. 🗍 Utility		
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1, 2 and 5 require a fee.		NAME VIBRATECH INC-A UNIT	OF IN	DEX		I hereby certify under penalty	of perjury that t	the information
		ADDRESS (Street and/or P.O. Box) 537 E DELAVAN AVE				provided on this form is true to t		
1. Initial/	-	537 E DELAVAN AVE				belief. False statements made Class A misdemeanor pursuant		
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PBS-NUMBER:	
	9-054313

Tank Information for Petroleum Bulk Storage Facility

EXPIRATION DATE: 12/18/91

SECTION B—See Instructions on Cover Sheet

Page $_1$ of $_1$

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Action	Tank Number	Tank Location	Status	Pe	rmane	lation ent Clo Date		Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tan Exter Protec	k nal- tion	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfil Preventio		(UI	Last Te: ndergrou (MO)		ks)
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KEY	 FOR SECTION B ACTION Initial Listing Add Tank Close/Remove Tank Information Correction Recondition/Repair/ Reline Tank TANK LOCATION Aboveground on saddles legs, stilts, rack, or cradle Aboveground: 10% or more below ground Underground, vaulted, with access 	1 2 3 4 5 P 0 1 2 3 4 5 6 A 9	Tem out-c Clos Clos Tank Non Emp Leac Unle Nos Kerc Dies Lub Othe	ervice porario f-serviced—I ed—I c Coni- Regu JCT S ty Jed G aded 1, 2, 5 or esene el e Oil er*	ily vice Remo In Pla verte ilatec Gas or 4 6 Fu	ace d to d Use ED ine oline Fuel iel Oi	Oil	TANK TYPE1 Steel/Carbon Steel2 Stainless Steel Alloy3 Concrete4 Fiberglass Coated Steel5 Fiberglass Reinforced Plastic (FRP)6 Equivalent Technology9 Other*PIPING TYPE0 None1 Steel/Iron2 Galvanized Steel3 Fiberglass (FRP)4 Copper9 Other*	0 N E R F G O T 2 3 4 9 E X N P S îr F J V O 9 E N A U 0 1 2 3 4 5 6 0 P N A U 0 1 2 3 4 5 6 0 P N A U	ione poxy ubbel ibergl lass f ether* ERN/ one ainter acket /rapp ther* ING L lone boveg	Liner Liner Liner Liner MASP Cial A sed (P Cass ed (P OCA	er Liner (I ROTEC halt C Noode Curren iping) TION d	FRP) TION: oating	: Tan g	k/Pip	bing	0 1 2 3 4 5 6 7 7 4 5 6 7 7 8 4 5 6 7 7 8 4 5 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	ECONDAR None Vault Double-W Excavatio Cut-off W Imperviou Earthen D Prefabica Concrete Synthetic Naturai L Other* EAK DETE None Interstitia Vapor We Groundwa In-tank Sy Concrete	alled Tank in Liner alls is Underlay ited Steel I Dike Liner CTION I Monitorin il ater Well ystem Pad w/cha	yment Dike	0 1 2 3 4 5 6 9 0 1 2	PREV None Float High Autor Produ Catcl Vent Othe	t Vent V Level A matic S uct Leve h Basin Whistle r* NSER nersible ion	N Alarm hut-o el Ga	ff
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PBS #: 9- 0543/3 Inspection Date: 8/10/93 Inspector: Simon Wu Contact: Harry Paul

Checklist

ves no N/A 1. Registration Is the PBS registration certificate posted? Is the certificate accurate ? (Sections A and B information) Should another certificate be issued? Tank <u>Tightness</u> <u>Testing</u> (those u/g tanks of 1101 gal or more) Is the facility up-to-date on testing? If not, which tanks are overdue? ____ Inventory Monitoring Requirements _____daily _____other Are inventory records being maintained? Do the records meet the requirements of Part 613.4(a)? Do the records indicate a problem? _____loss _____gain Does the operator check for water? _____daily ____weekly weekly Has there been a problem with water? 4. Miscellaneous/General Any apparent spills on site? area effected Are there any waste oil tanks? size? Is the "housekeeping" satisfactory/adequate? Is any clean up effort/action required? Does operator keep monthly inspection records for A/G tanks? Are the cathodic protection systems checked annually? Post 1990 Requirements 5. Are fill ports properly color-coded? If applicable, are a/g tanks up to date w/ internal inspecti Do 10,000 gallon A/G tanks have adequate secondary cont.? Do <u>all</u> A/G tanks have gauges or high level alarms? Design and working cap., ID # marked on tank near gauge? Do pressurized systems have shear valves at dispensers? Are monitoring wells clearly marked as such? 6. Federal Requirements Does facility have SPCC plan signed by a P.E.? Has facility complied with financial resp. requirements? Do waste oil tanks require upgrading? Follow-up/Remarks Fanks have not been used for 2 years



Thomas C. Jorling Commissioner

September 1, 1993

Mr. Donald Johnson Vibratech, Inc. 537 East Delavan Avenue Buffalo, New York 14211

Dear Mr. Johnson:

Petroleum Bulk Storage #9-054313

On August 10, 1993, this Department inspected your facility at 537 East Delavan Avenue for compliance with the Petroleum Bulk Storage regulations (6NYCRR Parts 612, 613 and 614).

The fill ports on some of your tanks have not been color coded. Unless a tank is permanently closed, this has to be done. Please see the enclosed brochure for the proper color codes. Aboveground tanks are also required to have their identification number, together with the nominal and working fill capacities, stenciled on the tank in a location such that they will be seen by the person filling the tank.

Your inactive aboveground tanks (numbers 3 and 4) cannot remain out of service without being permanently closed. A one-year time frame is all that is allowed for inactive status. Permanent closure involves cleaning the tank internally and locking and securing all access ports, openings and dispensers. Stenciling it with the date of closure is also needed.

Your cooperation in this matter is appreciated. If you have any questions, please call me at 851-7220.

Sincerely,

James Stack Environmental Chemist I

JES:vm

Enclosure

93-19-1 (12/90)-26c



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER • BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,

Article 17, Title 10 of ECL; and 6 NYCRR 612-614.



NOV 2 1995

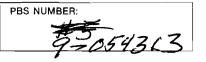
NYSDEC-REG. 9



Please Type or Print Clearly and Complete All Items (Continued on Reverse Side—Please Be Sure to Complete Section B)

SECTION A—See Instructions on Cover Sheet

PBS NUMBER		NAME					'E OF PETROLEUM FACIL	ITY:	
-		VIBRATECH IN	JC,				heck all that apply)		
7-25433		LOCATION (Not P.O. Boxes)				Α.	Storage Terminal/Petroleum	Distributor	
Indicate Other Existing DEC Numbers, if any,	F	537 E. DELAVA	AN GA	l Ē		В.	🗌 Retail Gasoline Sales		
for this Facility:	Â	LOCATION (Continued)				С.	Other Retail Sales		
	Ċ					D.	X Manufacturing		
CBS Number:		CITY/TOWN/VILLAGE		STATE	ZIP CODE				
	ΙL	BUFFALO		NY	14211		Trucking/Transportation		
	l ī	COUNTY	TOWNSH	IP OR CITY			Apartment Building		
SPDES Number:	ΤT	ERIE							
	Ŷ	NAME OF OPERATOR AT FACILITY	FACILITY	TELEPHO	NE NUMBER				
		BILL LEES	(716) 895	2017			Private Resid	
TRANSACTION TYPE	1	EMERGENCY CONTACT NAME			ACT PHONE NO.	- К.	🗌 Airline (Air Taxi) 🛛 🛛 L.	🗌 Other (Specif	y)
(Check all that apply)		HARRY PAUL	(716	,937	7903				
NOTE: Transaction Types		NAME							
1, 2 and 5 require a fee.						1	hereby certify under penalty	of perjury that	the information
a 100.		ADDRESS (Street and/or P.O. Box)					vided on this form is true to		
👝 Initial/							ef. False statements made		
1. New Facility	0	CITY		STATE	ZIP CODE	Clas	ss A misdemeanor pursuant	to Section 210.	45 of the Penal
Change of	Ŵ					Law	1.		
2. Ownership	N	FEDERAL TAX ID NO.	OWNE			NAM	E OF OWNER OR AUTHORIZED REPR		AMOUNT ENCLOSED
3. X Substantial 3. X Tank Modification	E		()			WILLIAM RADEC		\$ 0
	R	TYPE OF OWNER (Check only one)	<u> </u>	<u>,</u>		TITLE			<u> </u>
4. Information Correction		1 Private Resident 2 State G	overnment.	2	al Coverement		MFG. ENGR	· ^	
					ar Government	SIGN	ATURE ALLAN	Λ () DA	TE
5. 🗌 Renewal		4 Federal Government 5 Cor	porate/Comr	nercial			ATURE Million Rad	ecte .	10/30/95 AL USE ONLY
		ATTENTION					(OFFICI	AL USE ONLY
Geographical Locator	с	Bill	EES						
for this Facility: (If known)	ļğ	NAME OF COMPANY		-		_		Page	of
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	E							Reviewed By:	
DEG MIN SEC	ſ	(716) 937 7903							



Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

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Action	Tank Number	Tank Location	Status		erman	Date		Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Т	ank ternal	Piping Location	Piping Type	Piping Internal Prot.	Pipi Exter Protec	rnal	Secon		Lea		Spi Ove Preve	rfill	Dispenser		lergrou	est Dati Ind Tai	
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KE	 Y FOR SECTION B ACTION Initial Listing Add Tank Close/Remove Tank Information Correction Recondition/Repair/ Reline Tank TANK LOCATION Aboveground Aboveground on saddles legs, stilts, rack, or cradle Aboveground: 10% or more below ground Underground Underground, vauited, with access * If Other, please list on sepa 	1 2 3 4 5 0 1 2 3 4 5 6 6 4 9	Clos Clos Tan Non PROD Emp Lead Unle Nos Kerd Dies Nos Kerd Dies	ervic: apora of-sed sed k Coo h-Reg UCT UCT UCT (sed cos sel sel sel sel e Oil er*	rrily rvice - Rem - In Pl nverte ulate STOF Gasol d Gas 2, or 4 r 6 Fu e	ace ed to d Use IED ine oline Fue uel Oi	Oil 	TANK TYPE 1 Steel/Carbon Steel 2 Stainless Steel Alloy 3 Concrete 4 Fiberglass Coated Steel 5 Fiberglass Reinforced Plastic (FRP) 6 Equivalent Technology 9 Other* PIPING TYPE 0 None 1 Steel/Iron 2 Galvanized Steel 3 Fiberglass (FRP) 4 Copper 9 Other*	0 1 2 3 4 9 EX 0 1 2 3 3 4 5 5 6 9 PII 0 1 2	None Epoxy Flubbe Flberg Glass Other TERN None Painte Sacrif Impres Flberg Jacke Wrapp Other None Above	Line r Lin lass Line AL P d/As icial lassed lass ted LOC / groun groun	er Liner PROTE PROTE Phalt Anod Curre Piping ATION nd	(FRP ECTIO Coati e ent ent	N: Ta	nk/Pi	-		0 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 1	None Vault Doubl Excav Cut-o Imper Earth Prefa Conci Synth Natur Other Natur Other None Inters Vapol Grour	le-Wa vation ff Wa vious en Di bicate rete D netic ral Lin * ETEC stitial r Well ndwat k Sys rete F	Illed Line Ills Und ke ed St Dike Liner ner CTION I ter W stem Pad w	lerlay eel D itorin itorin itorin	ment like g		P 0 N 1 F 2 A 4 P 5 C 6 V 9 O 0 S 1 S 2 S	REVE one loat \ igh L utom roduc atch ent W ther* PENS	atic S St Lev Basir Vhistl ER ersible	Valve Alarm Shut-c el Ga 1 e	n off

9 Other*

* If Other, please list on separate sheet including the Tank Number

VIBRATECH

VIBRATECH,[®] INC. A Unit of IDEX Corporation 11980 Walden Avenue, Alden, New York 14004-9790 Telephone (716) 937-7903 - Fax (716) 937-4632

NYSDEC 270 Michigan Avenue Buffalo, NY 14203-2999 Attn : Petroleum Bulk Storage September 3, 1996

Reference : PBS ID Number 9-054313

1995

la administra La Re

To whom it may concern :

Please be advised that Vibratech, Inc. - A Unit of IDEX is no longer the owner of the property located at 537 E. Delavan Avenue, Buffalo, NY as of June 28, 1996. The new owner of the property is World Series of Sports New York, Inc., P.O. Box 347, Lewiston, NY. 14092. A copy of this notification is being forwarded to the new owner to facilitate re-registration of tanks previously identified on PBS ID# 9-054313 issued to the previous owner, Vibratech, Inc., on 1/15/92.

According to Vibratech records concerning PBS 9-054313, tanks identified on the registration certificate as #1 and #2 are in place and active. Tank #3 (Qty 2 - 15,000 G) and Tank #4 (Qty 4 - 10,000G) were properly cleaned by Vibratech (see attached documentation) as part of the terms of sale of the property. It is our understanding that the new owner has removed these tanks and is in the process of submitting a Tank Closure Report indicating same. Tank #5 was permanently closed by Vibratech , Inc. during October 1995 as the attached documentation submitted to the NYSDEC on 10/30/95 indicates.

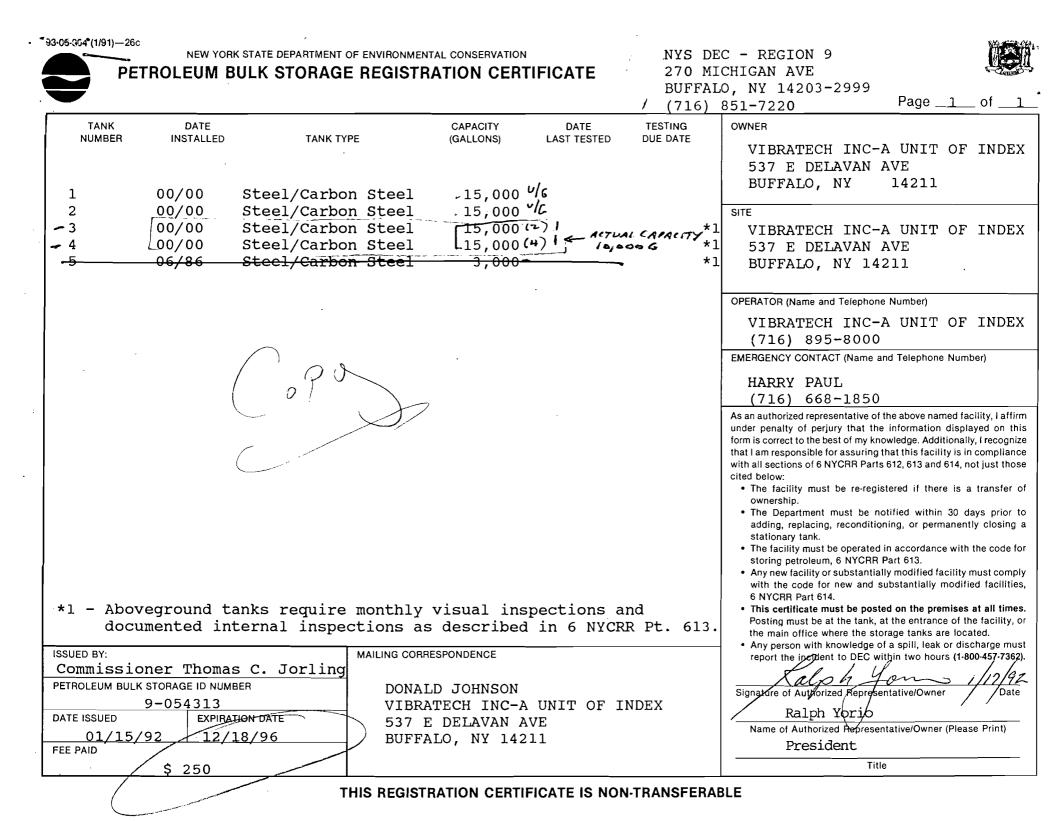
Sincerely,

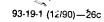
Robert

Robert J. Johnson Vice President of Manufacturing

cc: World Series of Sports New York, Inc. Mr. Mario Pugliese, President









NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER . BUREAU OF SPILL PREVENTION AND RESPONSE

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

Please Type or Print Clearly and Complete All Items

(Continued on Reverse Side—Please Be Sure to Complete Section B)

SECTION A-See Instructions on Cover Sheet

PBS NUMBER		NAME				TYPE OF PETROLEUM FACIL	ITY:	F
No 5		VIBRATECH IN	10.1			(Check all that apply)		
		LOCATION (Not P.O. Boxes)				A. Storage Terminal/Petroleum	Distributor	
Indicate Other Existing DEC Numbers, if any,	F	537 E. DELAVA	N AV	/ ธี		B. 🗌 Retail Gasoline Sales		
'for this Facility:	Α	LOCATION (Continued)				C. 🗌 Other Retail Sales		
CBS Number:	С					D. 🕅 Manufacturing		
CBS Number.	I.	CITY/TOWN/VILLAGE		STATE	ZIP CODE	E. Utility		
	L	BUFFALO		NY	14211	F. Trucking/Transportation		
00050 1	1	COUNTY	TOWNSHI	IP OR CITY	,	G. Apartment Building		
SPDES Number:	Т	ERIE				H. School		
	Y	NAME OF OPERATOR AT FACILITY			NE NUMBER		Private Reside	елсе
		BILL LEES		895			Other (Specify	
TRANSACTION TYPE		EMERGENCY CONTACT NAME			ACT PHONE NO.			,
(Check all that apply) NOTE: Transaction Types		HARRY PAUL	(716)	131	7903			
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a fee.						I hereby certify under penalty provided on this form is true to		
Initial/		ADDRESS (Street and/or P.O. Box)				belief. False statements made		
1. New Facility	0			OTATE	710.0005	Class A misdemeanor pursuant		
Change of	w	CITY		STATE	ZIP CODE	Law.		
2. Ownership	N	FEDERAL TAX ID NO.				NAME OF OWNER OR AUTHORIZED REPRI	ESENTATIVE	AMOUNT ENCLOSED
3. Xubstantial Tank Modification	E	TEBENAL TAX ID NO.	(N TEELTING		WILLIAM RADEC		s n
3. 🔊 Tank Modification	R	TYPE OF OWNER (Check only one)		,		TITLE	<u> </u>	•
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					al Government	SIGNATURE 1. AA		
5. 🗌 Renewal		4 🗌 Federal Government 5 🕅 Cor	porate/Comm	nercial		SIGNATURE Million Rad	eals 1	0/30/95
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PETROLEUM BULK STORAGE APPLICATION

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1	#5

Tank Information for Petroleum Bulk Storage Facility

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SECTION B—See Instructions on Cover Sheet

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Action	Tank Number	Tank Location	Status	Pe	ermar	allation nent Cl Date		Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Exte	nk ernal ection	Piping Location	Piping Type	Piping Internal Prot.	Pipir Exter Protec	× 1	Second	· ·	Lea Detec		Spi Ove Preve	rfill	Dispenser		.ast Te Jergrou 10)	ind Ta	
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716/695-6720 • FA) 716/695-0161 1-800-348-0316 "The total service approach to waste management."

RE:	Notifica	tion	of remov	val,	cleaning,
	purging,	aud	cutting	сf	underground
	storage 1	tariks	5.		

To whom it may concern:

This is to certify that the uncerground storage tanks have been cleaned and purged in compliance with Part 613.96, NYCRR.

Generator Name: UIBRATECH INC. AUNIT OF EDEX

-- Size-of Tanks: 4-10,000 GALLON AST

2-15,000 GALLON AST

Material Stored: ______

6 FUEL OIL

Date of Removal Service: 7-9-96 70 7-11-96

Sincerely. The Environmental Service Group (NY), Inc.

David Mendel Projects Manager

DM/dcl

BOX 242 • 177 WALES AVENUE • TONAWANDA, NEW YORK 14151-0242

TANK CLOSURE REPORT

_____, 1995 PBS #

few York State Department of Environmental Conservation ?70 Michigan Avenue !uffalo, New York 14203-2999

itth: Petroleum Bulk Storage Section

Please be advised we will be closing tanks on 7-7-96 to 7-11-96 it the following location:

ite Name: <u>UIBRATKIY INC. AUNIT OF FIREX</u> Street: <u>537 EAST DELEUAN AVENUE</u> City: <u>BUFFARD NEW YORK 14211</u>

'e will notify you if this schedule is changed.

anks to be closed:	Tank 1	Tank 2	Tank 3	Tank 4
Size:	4-10,000	2-15,000		
Tank Type:	STELL	STREEL	·	
Product:	LUBE OIL	# 6 pute oin	<u></u>	·
UST or AST:	AST	AST		
Removal or in place?	CLEANED ONLY	CLE Antoonly		
wher's Name: UNBAAT	CH INC.	Laboratory Nam	ne: <u> </u>	
treet: 11980 WALD	N AUL	Street:		
ity: ALDEN NEW YOM	Lh	City:		
hone: (2/4) 93;	-44 00	Phone: (
ontractor's Name: The	E NUIRON MANTAL	ENVICE GROUP NY	The	
treet: 177 WALKS				
ity: TONAWANDA	NY 14150		· · ·	
hone: <u>(7/6)</u> 695-	6720			
ill new tanks be instil	led at this locat	:ion? Yes (No	
xpected date of new ins				
		f		

/95



VIBRATECH,[®] INC. A Unit of IDEX Corporation 11980 Walden Avenue, Alden, New York 14004-9790 Telephone (716) 937-7903 - Fax (716) 937-4632

NYSDEC - Region 9 270 Michigan Avenue Buffalo, NY 14203-2999 Attn : Barbara Jezioro September 13, 1996

RECEIVED

Dear Ms. Jezioro :

Enclosed is the Petroleum Bulk Storage Application received by Vibratech, Inc. in reference to registration renewal for PBS # 9-054313. Per our telephone conversation of September 13, 1996, you recommended I return this application to you as Vibratech, Inc. is no longer the owner of the facility at 537 E. Delavan Ave. in Buffalo. Details of the change of ownership were sent to NYSDEC / Petroleum Bulk Storage in a letter dated September 3, 1996, which I have also enclosed.

If I can be of further help, please let me know.

Sincerely,

Joli noon Rober

Robert J. Johnson Vice President of Manufacturing



New York State Department of Environmental Conservation 270 Michigan Avenue, Buffalo, New York 14203-2999 (716) 851-7220



Michael D. Zagata Commissioner

September 19, 1996

World Series of Sports New York, Inc. P.O. Box 347 Lewiston, New York 14092

Dear Sir:

Petroleum Bulk Storage #9-054313

We have been notified that you purchased property at 537 E. Delavan Avenue, Buffalo, NY. This property is a registered Petroleum Bulk Storage (PBS) facility. Our PBS regulations require a new owner to re-register the facility with us. Enclosed is a copy of the PBS regulations and the PBS renewal form. Please make any necessary changes, and return it to me with the fee by October 11, 1996.

If you have any questions, please contact me at (716)851-7220. I'll be glad to help.

Sincerely,

Jan Course Star Barbara A. Jezioro Environmental Engineering Technician \mathcal{L}

BAJ:sz

Enclosures

LORENZO & COHEN

ATTORNEYS AT LAW STATLER TOWERS, SUITE | 400 |07 DELAWARE AVENUE BUFFALO, NEW YORK | 4202

TELEPHONE: (716)853-6628 Facsimile: (716)856-5115 HECEIVED

---- 2 3 1996

NYSDEC-REG. 9 FOIL REL__UNREL

Diane Hinman Of Counsel

September 19, 1996

New York State DEPARTMENT OF ENVIRONMENTAL CONSERVATION 270 Michigan Avenue Buffalo, New York 14203-2999 ATTN: PETROLEUM BULK STORAGE SECTION

> Re: Site Name: formerly: VibraTech, Inc. 537 Delavan Avenue, Buffalo, New York PBS#: 9-0543137 Our File No: 2939.04 $\hat{q} = 0$

9-054313

Dear Sir and/or Madam:

Enclosed herein please find a Tank Closure Report respecting petroleum storage tanks which were/are situated at the former VibraTech facility at 537 Delavan Avenue, Buffalo, New York.

The property is now owned by **World Series of Sports Promotions, Inc.** Please consider this Tank Closure Report and cover letter as a re-registration of the applicable tanks with the New York State Department of Environmental Conservation by the new owner.

If you require any further information, please contact the undersigned.

Very truly yours,

LORENZO & COHEN By:

ŠTEVEN M. COHEN



VIBRATECH,[®] INC. A Unit of IDEX Corporation 11980 Walden Avenue, Alden, New York 14004-9790 Telephone (716) 937-7903 - Fax (716) 937-4632

World Series of Sports New York, Inc. P.O. Box 347 Lewiston, NY 14092 Attn : Mr. Mario Pugliese September 3, 1996

Dear Mr. Pugliese :

Attached is a partially completed Tank Closure Report for the (2) 15,000 gallon and (4) 10,000 gallon tanks, which were properly cleaned per attached documentation on behalf of Vibratech by The Environmental Service Group (NY) Inc. on July 11 through July 13, 1996. As previously agreed and verified on September 3, 1996 by Bill Radecki, representing Vibratech, your company has removed these tanks. Accordingly, I would recommend you review and complete the Tank Closure Report attached and mail to the NYSDEC address identified on the report.

Also, note the attached letter I have sent to the NYSDEC in regard to the registration of applicable tanks at the facility. This letter informs the NYSDEC of the change in ownership of the facility as required by law. It is the responsibility of the new owner to re-register applicable tanks with the NYSDEC.

Sincerely,

Robert Solinson

Robert J. Johnson Vice President of Manufacturing



TANK CLOSURE REPORT

. :-

				9/3		1996 , 1995
		REGISTERE	O BY		Ellara	
		PREVIOUS	DWNE	PBS # <u>9-0</u>	54313	
New York State Departmen Environmental Conserva 270 Michigan Avenue Buffalo, New York 14203- Attn: Petroleum Bulk St Please be advised w at the following location Site Name: <u>Formeally</u> Street: <u>537 E.T</u>	ation -2999 corage Section we will be closin on: <u>: VIBRATECH</u> CELAVAN AV	, INC)	IDENTI ACCORD BY THE THIS REA THIS REA	TACHED DOLL FIED BELOM INC TO NYCR PREVIOUS OW PORT IS SUBM SDEC THAT T EEN REMOV	NEL, VIBLA	TANED 16 15 CH, IN DTIFY
City: BUFFALC	· •					
We will notify you if th	· ·		EAMIT #	9-054313 0	OF PREVIOUS	OWNEL
Tanks to be closed:	TANK#3	TANK#4 Tank 2		Fank 3	Tank 4	/
Size:	15,000 (0742)	10,000/01	¥#)			
Tank Type:	STEEL / CARBON ST	EL STEEL/LAR	SON STAL			
oduct:	DILLAGE FUELD	N) OIL (LUE	3E) _			
UST or AST:	AST	AST				
Removal or in place?	REMOVAL	REMOVA	L	/	/	
Owner's Name: World Se	OF. RHS SPORTS, NEW	Vore Inchorato	ory Name:		/	/
Street: <u>P.O. BOX 34</u>	<u>+7</u>	Street:				
ity: LEWISTON, A	Vy 14092	City:				
Phone:()	•	Phone:	(·		
Contractor's Name: (OW.	NER MAR	10 PUGLI	ESE			
Street: <u>5268 LE</u>	UNSTON RD					
city: <u>LEWSTON</u>						
Phone: (7/6) 2 8-3						
Vill new tanks be instal	led at this loca	ation? Yes				
Expected date of new ins			e	-		

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716/695-6720 • FA) 716/695-0161 1-800-348-0316 "The total service approach to waste management."

Notification of removal, cleaning,	
purging, and cutting of underground	
storage tarks.	
	Notification of removal, cleaning, purging, and cutting of underground storage tacks.

To whom it may concern:

This is to certify that the underground storage tanks have been cleaned and purged in compliance with Part 613.96, NYCRR.

Generator Name: UIBRATECH INC. AUNIT OF EDEX

-- Size-of Tanks: 4-10,000 GALLON AST

2-15,000 GALLON AST

Material Stored: LUBR OIL

6 FULL OIL

Date of Removal (ervice: 7-9-96 70)-11-96

Sincerely. The Environmental Service Group (NY), Inc.

David Mendel Projects Manager

DM/dcl

BOX 242 • 177 WALES AVENUE • TONAWANDA, NEW YORK 14151-0242

TANK CLOSURE REPORT

------, 1995 PBS #

Tew York State Department of Environmental Conservation 170 Michigan Avenue Juffalo, New York 14203-2999

sttn: Petroleum Bulk Storage Section

Please be advised we will be closing ranks on 7-7-96 to 7-11-96 it the following location:

ite Name: <u>VIBRATELY INC. AUNIT OF EDEX</u>

Street: 537 EAST DELEVAN AVENUE

city: BUFFALD NEW YORK 14211

'e will notify you if this schedule is changed.

anks to be closed:	Tank 1	Tank 2	Tank 3	Tank 4
Size:	4-10,000	2-15,000	·····	
Tank Type:		STALL	·	
Product:	LUBE OIL	# 6 pute oiu		
UST or AST:	AST	AST		
Removal or in place?	CLEANED ONLY	Clf Antoonly		
wner's Name: WIGNAT	CH ENC.	Laboratory Na	ame: <u>N/A</u>	
creet: 11980 WALD	N AUC	Street:	· · · · · · · · · · · · · · · · · · ·	
ity: ALDEN NEW YOR	Lh	City:	····	
hone: (7/4) 93.	-4400	Phone:()	
ontractor's Name: The	E ENVIRON MANTAL	KNUM GROUP NY	Tre	
treet: 177 WALKS	AVR. P.O. pox 2	42		
ity: TONAWANDA	NY 14150			
hone: (7/6) 695-	6720			
ill new tanks be instit xpected date of new itu			No.	
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/95

VIBRATECH

VIBRATECH,[®] INC. A Unit of IDEX Corporation 11980 Walden Avenue, Alden, New York 14004-9790 Telephone (716) 937-7903 - Fax (716) 937-4632

NYSDEC 270 Michigan Avenue Buffalo, NY 14203-2999 Attn : Petroleum Bulk Storage September 3, 1996

Reference : PBS ID Number 9-054313

To whom it may concern :

Please be advised that Vibratech, Inc. - A Unit of IDEX is no longer the owner of the property located at 537 E. Delavan Avenue, Buffalo, NY as of June 28, 1996. The new owner of the property is World Series of Sports New York, Inc., P.O. Box 347, Lewiston, NY. 14092. A copy of this notification is being forwarded to the new owner to facilitate re-registration of tanks previously identified on PBS ID# 9-054313 issued to the previous owner, Vibratech, Inc., on 1/15/92.

According to Vibratech records concerning PBS 9-054313, tanks identified on the registration certificate as #1 and #2 are in place and active. Tank #3 (Qty 2 - 15,000 G) and Tank #4 (Qty 4 - 10,000G) were properly cleaned by Vibratech (see attached documentation) as part of the terms of sale of the property. It is our understanding that the new owner has removed these tanks and is in the process of submitting a Tank Closure Report indicating same. Tank #5 was permanently closed by Vibratech , Inc. during October 1995 as the attached documentation submitted to the NYSDEC on 10/30/95 indicates.

Sincerely,

Robert

Robert J. Johnson Vice President of Manufacturing

cc: World Series of Sports New York, Inc. Mr. Mario Pugliese, President



93-06-004 (1/01) - 26c

TANK

NUMBER

1

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ISSUED BY:

DATE ISSUED

FEE PAID

-3

DATE

INSTALLED

00/00

00/00

00/00

200/00

06/86

Commissioner Thomas C. Jorling

EXPIRATION DATE

12/18/96

9-054313

\$ 250

PETROLEUM BULK STORAGE ID NUMBER

01/15/92

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TANK TYPE

*1 - Aboveground tanks require monthly visual inspections and

documented internal inspections as described in 6 NYCRR Pt. 613.

MAILING CORRESPONDENCE

DONALD JOHNSON

537 E DELAVAN AVE

BUFFALO, NY 14211

NYS DEC - REGION 9 PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE 270 MICHIGAN AVE BUFFALO, NY 14203-2999 Page __1__ of __ / (716) 851-7220 CAPACITY TESTING OWNER DATE DUE DATE (GALLONS) LAST TESTED VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211 -15,000 V/G Steel/Carbon Steel 15,000 %/2 Steel/Carbon Steel SITE 15,000 (2)1 Steel/Carbon Steel VIBRATECH INC-A UNIT OF INDEX L15,000(4) Steel/Carbon Steel 537 E DELAVAN AVE Steel/Carbon Steel BUFFALO, NY 14211 **OPERATOR** (Name and Telephone Number) VIBRATECH INC-A UNIT OF INDEX (716) 895-8000 EMERGENCY CONTACT (Name and Telephone Number) HARRY PAUL (716) 668-1850 As an authorized representative of the above named facility, I affirm under penalty of perjury that the information displayed on this form is correct to the best of my knowledge. Additionally, I recognize that I am responsible for assuring that this facility is in compliance

cited below:

. The facility must be re-registered if there is a transfer of ownership.

with all sections of 6 NYCRR Parts 612, 613 and 614, not just those

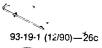
- The Department must be notified within 30 days prior to adding, replacing, reconditioning, or permanently closing a stationary tank.
- . The facility must be operated in accordance with the code for storing petroleum, 6 NYCRR Part 613.
- · Any new facility or substantially modified facility must comply with the code for new and substantially modified facilities, 6 NYCRR Part 614.
- · This certificate must be posted on the premises at all times. Posting must be at the tank, at the entrance of the facility, or the main office where the storage tanks are located.
- Any person with knowledge of a spill, leak or discharge must report the ipendent to DEC within two hours (1-800-457-7362).

alph Signature of Authorized Representative/Owner Date Ralph Yorib Name of Authorized Representative/Owner (Please Print) President

Title

THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE

VIBRATECH INC-A UNIT OF INDEX





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER . BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

Please Type or Print Clearly and Complete All Items

(Continued on Reverse Side-Please Be Sure to Complete Section B)

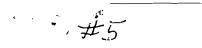
SECTION A-See Instructions on Cover Sheet

PBS NUMBER		NAME		_	-	TYPE OF PETROLEUM FACIL	ITY:
No 5		VIBRATECH IN	(Check all that apply)				
		LOCATION (Not P.O. Boxes)				A. Storage Terminal/Petroleum	Distributor
Indicate Other Existing DEC Numbers, if any,	F	537 E. DELAVA	AN AN	/ Ē		B. 🗌 Retail Gasoline Sales	
for this Facility:	Α	LOCATION (Continued)				C. 🗋 Other Retail Sales	
CBS Number:	С			_		D. 🕅 Manufacturing	
CBS Number.	1	CITY/TOWN/VILLAGE		STATE	ZIP CODE	E. Utility	
	L	BUFFALO		NY	14211	F. Trucking/Transportation	
	1	COUNTY	TOWNSH	IP OR CITY	,	G. Apartment Building	
SPDES Number: .	Т	ERIE				H. School	
•	Y	NAME OF OPERATOR AT FACILITY			NE NUMBER		Private Residence
		BILL LEES		<u>) 895</u>			Other (Specify)
TRANSACTION TYPE		EMERGENCY CONTACT NAME			ACT PHONE NO.		
(Check all that apply) NOTE: Transaction Types		HARRY PAUL	(716	,937	1903		
1, 2 and 5 require		NAME					
a fee.							of perjury that the information
1-141-1/		ADDRESS (Street and/or P.O. Box)				provided on this form is true to belief. False statements made	
1. New Facility				·		- Class A misdemeanor pursuant	
Change of	O W	CITY		STATE	ZIP CODE	Law.	
2. Ownership	N N						
Substantial	E	FEDERAL TAX ID NO.	OWNER	R TELEPHO	NE NUMBER	NAME OF OWNER OR AUTHORIZED REPRE	
3. X Substantial Tank Modification	R		()		WILLIAM RADECI	\$ 0
Information	n	TYPE OF OWNER (Check only one)	•			MFG. ENGR	
4. Correction		1 🗌 Private Resident 🛛 2 🗔 State G	iovernment	3 🖵 Loc	al Government		
5. 🗌 Renewal		4 🗆 Federal Government 5 🕅 Cor	porate/Comm	nercial		SIGNATURE Million Rad	ents' 10/30/95
		ATTENTION					OFFICIAL USE ONLY
Geographical Locator	co	Bill L	EES				
for this Facility: (If known)	Õ	NAME OF COMPANY					Page of
LATITUDE:	R R	VIBRAT	ECH.				
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Tank Information for Petroleum Bulk Storage Facility

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SECTION B-See Instructions on Cover Sheet

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| ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/
Reline Tank
TANK LOCATION
1 Aboveground
2 Aboveground on saddles
legs, stilts, rack, or
cradle
3 Aboveground: 10% or
more below ground
4 Underground
4 Underground, vaulted,
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 | | TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced
Plastic (FRP)
6 Equivalent Technology
9 Other*
PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

 | 0 None
1 Epoxy Liner
2 Rubber Liner |

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 | | | | teel/Carbon Steel0 None0 Nonetainless Steel Alloy1 Epoxy Liner1 Vaultconcrete2 Rubber Liner2 Double-Walled Tankiberglass Coated Steel3 Fiberglass Liner (FRP)3 Excavation Lineriberglass Reinforced4 Glass Liner4 Cut-off Wallslastic (FRP)9 Other*5 Impervious Underlaymentquivalent TechnologyEXTERNAL PROTECTION: Tank/Piping6 Earthen DikeNone1 Painted/Asphalt Coating8 Concrete DikeNone2 Sacrificial AnodeA Synthetic Lineralvanized Steel4 Fiberglass9 Other*iberglass (FRP)5 JacketedLEAK DETECTIONopper6 Wrapped (Piping)0 Nonether*9 Other*1 Interstitial MonitoringValuer*PIPING LOCATION2 Vapor Well0 None3 Groundwater Well4 In-tank System | | | | | | | | | | | | | | | | | | | | | | | | | |
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 | SPILL/OVERFILL
PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*
DISPENSER
1 Submersible
2 Suction
3 Gravity | | | | |
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New York State Department of Environmental Conservation 270 Michigan Avenue, Buffalo, New York 14203-2999 (716) 851-7220



Michael D. Zagata Commissioner

October 2, 1996

Mr. Steven Cohen Lorenzo & Cohen Statler Towers, Suite 1400 107 Delaware Avenue Buffalo, New York 14202

Dear Mr. Cohen:

Petroleum Bulk Storage #9-054313

As per our telephone conversation, October 2, 1996, I'm enclosing a Petroleum Bulk Storage (PBS) registration form for 537 E. Delavan Avenue, which is owned by World Series of Sports. Please send the completed application along with the required fee to this office by October 16, 1996. For your convenience, I'm also enclosing a copy of the site information we have on file as well as closure requirements and a copy of the PBS regulations.

If you have any questions, please contact me at 851-7220.

Sincerely,

Barbara a. Jzeoro

Barbara A. Jezioro Environmental Engineering Technician

BAJ:sz

Enclosures

New York State Department of Environmental Conservation 270 Michigan Avenue, Buffalo, New York 14203-2999 (716) 851-7220



Michael D. Zagata Commissioner

December 2, 1996

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Mario Pugliese World Series of Sports New York, Inc. P.O. Box 347 Lewiston, New York 14092

Dear Mr. Pugliese:

Petroleum Bulk Storage Number 9-054313

We sent a letter dated September 19, 1996 to you and one dated October 2, 1996 to your attorney, Mr. Steven Cohen, concerning the above-mentioned facility. These letters informed you that, as the new owner, you must re-register your facility at 537 East Delavan Avenue and requested that you send your completed application and required fee to this office.

We have not received any response from you; therefore, you continue to violate Petroleum Bulk Storage regulations. To preclude us from taking legal action and imposing fines, you must send your application and fee to this office by December 13, 1996. If we do not hear from you by that date, this matter will be referred to our Regional Attorney.

If you have any questions on this matter, please contact me at (716) 851-7220.

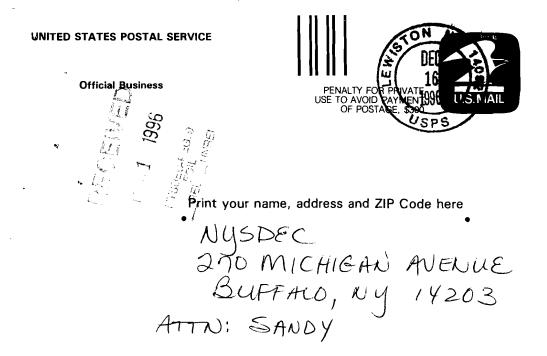
Sincerely,

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Barbara A. Jezioro Environmental Engineering Technician I

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New York State Department of Environmental Conservation 270 Michigan Avenue, Buffalo, New York 14203-2999 (716) 851-7220



Michael D. Zagata Commissioner

December 9, 1996

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Mario Pugliese 5268 Lewiston Road Lewiston, New York 14092

Dear Mr. Pugliese:

Petroleum Bulk Storage #9-054313

We sent a letter dated September 19, 1996, to you and one dated October 2, 1996, to your attorney, Mr. Steven Cohen, concerning the above-mentioned facility. These letters informed you that, as the new owner, you must re-register your facility at 537 East Delavan Avenue and requested that you send your completed application and required fee to this office.

We have not received any response from you; therefore, you continue to violate Petroleum Bulk Storage regulations. To preclude us from taking legal action and imposing fines, you must send your application and fee to this office by December 20, 1996. If we do not hear from you by that date, this matter will be referred to our Regional Attorney.

If you have any questions on this matter, please contact me at (716)851-7220.

Sincerely,

Barbar in piscon

Barbara A. Jezioro Environmental Engineering Technician

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e., .

Enclosures

7-054313

LORENZO & COHEN

Attorneys and Counselors at Law

1400 Statler Towers

Buffalo, New York 14202 (716)-853-6628 (716)-856-5115 (Fax)

Facsimile Transmittal Sheet

ATTN: BARBARA A. JEZIORO

New York State Dept. Environmental Conservation

Fax: (716)-851-7252

From: STEVEN M. COHEN, ESQ. Date: December 23, 1996

Pages including this 3 cover page:

Re: World Series of Sports New York, Inc. PBS#: 9-054313 Due Pile No. DDDD.01

SMC/CR

ENCL.

THE INFORMATION CONTAINED HEREIN IS STRICTLY CONFIDENTIAL. IF YOU RECEIVE IT IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.

LORENZO & COHEN

ATTORNEYS AT LAW STATLER TOWERS, SUITE | 400 | 07 DELAWARE AVENUE BUFFALO, NEW YORK | 4202

TELEPHONE: (716)853-6628 FACSIMILE: (716)856-5115

> DIANE HINMAN OF COUNSEL

December 23, 1996

VIA FACSIMILE & U.S. MAIL

New York State DEPARTMENT OF ENVIRONMENTAL CONSERVATION 270 Michigan Avenue Buffalo, New York 14203-2999 ATTN: MS. BARBARA A. JEZIORO Environmental Engineering Technician

Re: World Series of Sports New York, Inc. PBS#: 9-054313 Our File No: 2939.04

Dear Ms. Jezioro:

Let this letter confirm my discussion with you concerning the petroleum tanks at 537 Delevan Avenue, Buffalo.

My clients have not yet decided whether or not they want to use the tanks for petroleum storage, if they want to sell the tanks to another facility to use for petroleum storage or if they want to sell the tanks as scrap metal. They recognize their need to clean the tanks if they wish to sell it for scrap metal, and they are aware of the requirement of notification to the DEC prior to disposing of the tanks in any manner.

My client will make a decision regarding the tanks within the next three (3) or four (4) weeks. They have instructed me to comply with any and all notification and registration requirements following their decision. Page 2 of 2 WSS, Inc./NYSDEC 12/23/96

I thank you for your patience and for your attention herein.

Very truly yours,

LORENZO & COHEN

By:

STEVEN M. COHEN

SMC/cr

cc: A. Merani

M. Pugliese

LORENZO & COHEN

ATTORNEYS AT LAW STATLER TOWERS, SUITE 1 400 107 DELAWARE AVENUE BUFFALO, NEWYORK 14202

TELEPHONE: (716)853-6628 FACSIMILE: (716)856-5115

> DIANE HINMAN OF COUNSEL

December 23, 1996

VIA FACSIMILE & U.S. MAIL

New York State DEPARTMENT OF ENVIRONMENTAL CONSERVATION 270 Michigan Avenue Buffalo, New York 14203-2999 ATTN: MS. BARBARA A. JEZIORO Environmental Engineering Technician

> World Series of Sports New York, Inc. Re : PBS#: 9-054313 Our File No: 2939.04

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My client will make a decision regarding the tanks within the next three (3) or four (4) weeks. They have instructed me to and all notification and registration comply with any requirements following their decision.

DEC-23-96 MON 17:11 LORENZO COHEN

Page 2 of 2 WSS, Inc./NYSDEC 12/23/96

I thank you for your patience and for your attention herein.

Very truly yours,

LORENZO & COHEN

By:

STEVEN M. COHEN

SMC/cr

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cc: A. Merani

M. Pugliese

February 19, 1997

Ms Barbara A. Jezioro New York State Dept. of Environmental Conservation 270 Michigan Avenue Buffalo, N.Y. 14203-2999

Dear Ms Jezioro,

Enclosed herein please find the completed Petroleum Bulk Storage Application along with the check for the \$250.00 fee. If you have any questions or caterns please call Mr. Steve Cohen Esq. or David Maciejewski, law clerk, at 853-6628.

Thank you for your time and consideration.

Sincerely, David Maciejewski.

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93-19-1 (8/95)-26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF SPILLS MANAGEMENT • BUREAU OF SOURCE CONTROL

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,

Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14. (Continued on Reverse Side—Please Be Sure to Complete Section B)

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER		NAME	TYPE OF PETROLEUM FACILITY:
9-054313		WORLD-SERIES-OF-SPORTS-IN.Y.INC	(Check all that apply)
Indicate Other Existing		LOCATION (Not P.O. Boxes)	A. Storage Terminal/Petroleum Distributor
DEC Numbers, if any,	F	537-EAST-DELAVAN AVE.	B. 🗌 Retail Gasoline Sales
for this Facility:	A	LOCATION (Continued)	C. 🗌 Other Retail Sales
CBS Number:	C		D. 🛛 Manufacturing
		CITY/TOWN/VILLAGE STATE ZIP CODE RUIFIFALO NY 14211	E. 🗌 Utility
	Ŀ		F. Trucking/Transportation
SPDES Number:	T	COUNTY TOWNSHIP OR CITY	G. 🔲 Apartment Building
	Y	NAME OF OPERATOR AT FACILITY FACILITY TELEPHONE NUMBER	H. School
	•	MARIO PUGLIESE . (7)6, 895-8000	I. 🗌 Farm J. 🗌 Private Residence
TRANSACTION TYPE		EMERGENCY CONTACT NAME EMERGENCY CONTACT PHONE NO.	K. Airline (Air Taxi) L. Other (Specify)
(Check all that apply)		SAMC (116)285-0639.	
NOTE: Transaction Types 1, 2 and 5 may		NAME	
require a fee.		MARIO FUGLIESE	I hereby certify under penalty of perjury that the information
		ADDRESS (Street and/or P.O. Box)	provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a
1. Initial/ 1. New Facility		5268-LOWISTON NOAD	Class A misdemeanor pursuant to Section 210.45 of the Penal
	0 W	CITY B	Law. 1734 6 1
2. Change of Ownership	N	FEDERAL TAX ID NO. OWNER TELEPHONE NUMBER	NAME OF OWNER OR AUTHORIZED REPRESENTATIVE AMOUNT ENCLOSE
Substantial	E	(716)285-0639	MARIO-PUGLICSC \$250.00
3. U Tank Modification	R	TYPE OF OWNER (Check only one)	
4. Correction		1 Private Resident 2 State Government 3 Local Government	Fresident
Consection			SIGNATURE Marin Pugling DATE 2/19/97
5. 🗌 Renewal		4 Federal Government 5 Corporate/Commercial	Jughere 2/19/91
		ATTENTION MADO	OFFICIAL USE ONLY
Geographical Locator for this Facility:	C O	MARIO- L'UGLIESE	/ _ /
(If known)	R	NAME OF COMPANY WOBLD-SCRIES OF-SPORTS-	Men And I Arc Page of
LATITUDE:	ME AS	ADDRESS	Date Received: 2 / 20, 91
	ASI	ADDRESS 537-EAST-DELAVAN-	AURDULP .
DEG MIN SEC	ĻŎ	ADDRESS	Date Processed: 2,28,91
	ND		
LONGITUDE:	ĞĔ	CITY/STATE/ZIP CODE	Amount Received \$ _ 250
	ČE	BUIFFALD, N.Y. 1421	
	E	TELEPHONE NUMBER	Reviewed By:
020		(716) 895-8000	//



PBS NUMBER:

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

L									SLOTA		ee mau	uvu	0113	011	001												Pag	je	0	f
Action	Tank Number	Tank Location	Status	Pe	Installa ermanel Di MO)	nt Clo: ate			Сара	icity (Gallons)		Product Stored	Tank Type	Tank Internal Prot.	Tai Exte Prote	rnal	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secor Contair		Leal		Spil Over Prever	fill	Dispenser			Date Tanks) (YR)
\Box	* 1	4			0	υ	0			רשל	4	x	1	Ũ	0		3	1	0	Ò	0		D		4		2			
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KEY FOR SECTION B STATUS ACTION 1 In-service 1 Initial Listing 2 Temporarily out-of-service 3 Close/Remove Tank 3 Closed—Removed 4 Information Correction 4 Closed—In Place 5 Recondition/Repair/ Reline Tank 5 Tank Converted to Non-Regulated Use 7 Aboveground 0 Empty 1 Aboveground on saddles legs, stilts, rack, or cradle 1 Leaded Gasoline 3 Aboveground: 10% or more below ground 3 Nos. 1, 2, or 4 Fuel Oil 4 Underground 5 Kerosene 4 Underground, vaulted, with access B Used Oil (fuel) C Used Oil 5 Underground, vaulted, with access Fuel Oil 9 Other* *		umber	2 Stainles 3 Concrei 4 Fibergla 5 Fibergla Plastic 6 Equival- 9 Other* PIPING T 0 None 1 Steel/Irc 2 Galvani 3 Fibergla 4 Copper 9 Other*	arbon Steel ss Steel Alic te ass Coated ass Reinforc (FRP) ent Technol YPE on zed Steel ass (FRP)	Steel ced	INTERNAL PROTECTION: Tank/Piping 0 None 1 Epoxy Liner 2 Rubber Liner 3 Fiberglass Liner (FRP) 4 Glass Liner 9 Other* EXTERNAL PROTECTION: Tank/Piping 0 None 1 Painted/Asphalt Coating 2 Sacrificial Anode 3 Impressed Current 4 Fiberglass 5 Jacketed 6 Wrapped (Piping) 9 Other* PIPING LOCATION 0 None 1 Aboveground 2 Underground 3 Aboveground/Underground Combination					0 12 3 4 5 6 7 8 A B 9 L 0 1 2 3 4 5 6 7 8 A B 9 2 3 4 5 6 7 8 8 8 8 9 1 2 3 4 5 6 7 8 8 8 8 9 1 2 3 4 5 6 7 8 8 8 8 9 1 2 3 8 9 1 2 3 8 9 1 2 3 8 9 1 2 3 8 9 1 2 3 8 9 1 9 1 9 1 9 1 9 1 9 1 9 1 9 1 9 1 9	SECONDARY CONTAINMENT 0 None 1 Vault 2 Double-Walled Tank 3 Excavation Liner 4 Cut-off Walls 5 Impervious Underlayment 6 Earthen Dike 7 Prefabicated Steel Dike 8 Concrete Dike A Synthetic Liner B Natural Liner 9 Other* LEAK DETECTION 0 None 1 Interstitial Monitoring 2 Vapor Well 3 Groundwater Well 4 In-tank System 5 Concrete Pad w/channels 6 Double Bottom 9 Other*						SPILL/OVERFILL PREVENTION 0 None 1 Float Vent Vaive 2 High Level Alarm 3 Automatic Shut-off 4 Product Level Gaug 5 Catch Basin 6 Vent Whistle 9 Other* DISPENSER 1 Submersible 2 Suction 3 Gravity			ve Irm It-off									

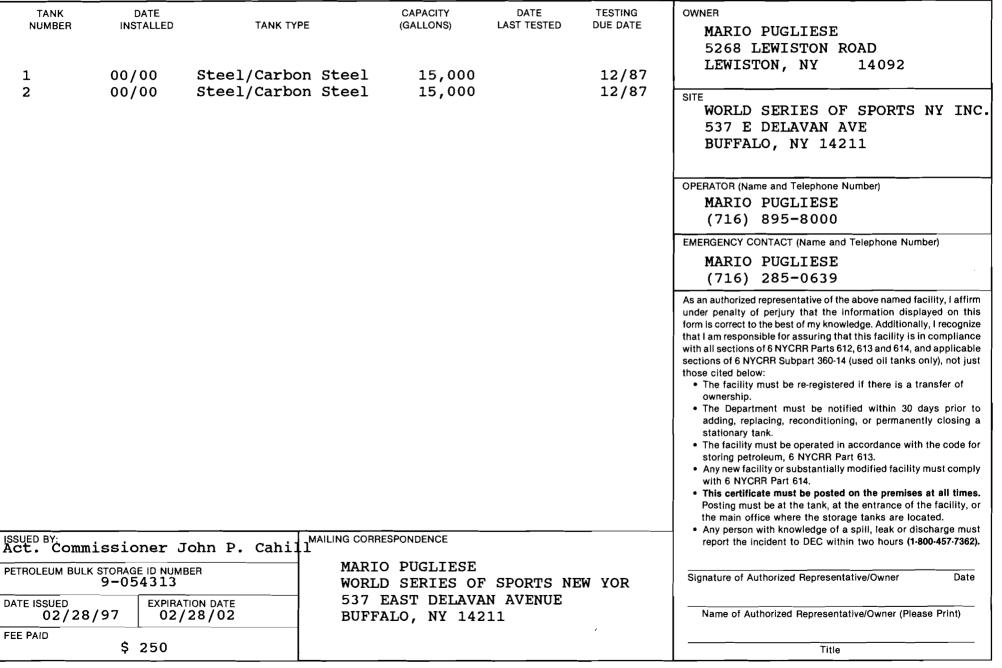
93-06-004 (12/94)-26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE

NYS DEC - REGION 9 270 MICHIGAN AVE BUFFALO, NY 14203-2999 (716) 851-7220 Page 1



WORLD SERIES OF SPORTS PROMOTIONS, INC.

5268 LEWISTON ROAD LEWISTON, NEW YORK 14092 ------TELEPHONE: (716)285-4095 FACSIMILE: (716)285-0639

RECEIVED

HOV 1 7 1997

NYSDEC-REG. 9 FOIL REL___UNREL

JOHN OTTO NYS DEC -REGION 9 270 MICHIGAN AVE BUFFALO, NY 14203-2999

DEAR MR. OTTO,

AS PER OUR TELEPHONE CONVERSATION I'M FOLLOWING UP WITH A REQUEST FOR AN AMEDMENT FOR MY COMPANY WORLD SERIES OF SPORTS, INC. 537 EAST DELEVAN AVE. BUFFALO.

MY ATTORNEY MADE A MISTAKE ON THE REGISTRATION APPLICATION FORM TO PETROLEUM STORAGE. THE FUEL IN OUR UNDERGROUND TANKS IS STRICTLY FOR HEATING THE FACILITY. THERE HAS BEEN NO CHANGES MADE SINCE I TOOK OVER FROM VIBERTECH. I APPRECIATE YOUR COOPERATION.

SINCERELY,

Man fortino

MARIO PUGLIESE WORLD SERIES OF SPORTS 11-14-97

* <u>NEW YORK STATE PETROLEUM BULK STORA</u>	<u>GE (PBS) REG</u>	ULATIO	NS INSPECT	TION REPOR	<u> </u> ,
PBS# <u>9-0543/3</u> or Unregistered Inspec	ction number	9-003	04 DAT	E 10/31	100
Facility Name World Series of Spets NY INC. Facility Address 537 E. DelauAN Ave BUFFALD 14211	s_52	erio Pu 68 Leu 0N, N-}	1	/ *	
Operator MARIO PUGLIESE	Contact	Sar	ne '		
Phone Number 895 - 8000-	Phone Number		some	285-0	639
GIS: N 4754402 E 17676510 La	cation 3. At AS		2. Centroid of UST 5.Main (✓NAD83 Im NAD27
NYSDEC REPRESENTATIVE and Title	W. EA	16-7	ecH.		
FACILITY REGISTRATION 1. Is the registration certificate posted at the facility? See Part 612.	2				÷
2. Is registration information current & correct? See Part 612.2.	······				
3. Monitoring wells are marked and secured-Part 613.3(b)(4).					
Registration Identification Number		L	2		
Underground or Aboveground Tank		<u> </u>	V		
Product Stored/Tank Volume if different than registered		4	4		
Date Installed					
4. Tanks temporarily closed properly? Y/N/X					
5. Tanks permanently closed properly? Y/N/X	-				
6. For Fed USTs - site assessment performed? Y/N/X'1 (inad	equate)				
7. Have all spills been reported and properly cleaned up? Y/N/X					
8. The fillport is color coded to identify the product in the tank. S	ee 613.3(b).	\times	\times		
 Motor fuel tank has pressurized piping and is equipped with she Y/N/1(Inoperative) 	ear valve.	\times	\succ		
10. Tank installed after 12/86, tank system meets standards If no. 1 (1)corrosion resistant, (2)secondary containment, (3)leak monitoring, (4)spill catch b prevention (auto shut-off valve, high level alarm or ball float valve) and have (6)corrosic with (7)leak monitoring (line leak detector for pressurized piping) or (8)only having one under the pump in suction piping system (9) tank label (10) as-built plans.	asin (5)overfill on resistant piping	\times	×		
11. Have tank top sumps and fill port catch basins been properly m Y/N (accumulation of product)/1 (poor condition)	aintained?				
12. Inventory records (USTs) metered Mark (1) for no records, (2) for por (3) for no reconciliation. (4) for reconciliation performed other than 10 days	or equipment,	\times	×		
13. Unmetered tanks-have annual standpipe, or tank test or other leak of	detect method	\times	\times		
14. Tightness testing (USTs) has been conducted on the tank and p Check for both tank and piping. $Y/N/1$ (entire tank not tested)/2 (no		$\boldsymbol{\times}$	\prec		
15. Cathodic protection for steel UST and piping systems monitors (at least 3 readings per tank and 1 per line) Y/N(missing both)/1(no monit 2(no monitoring on line/3(records not maintained)/4 (system not maintained to achieve	toring on tank V	\checkmark	×		
16. Leak monitoring (UST) being done (2- wall tank - interstice is Y/N/1(inoperative system method)/2(monitoring records not maintained)/3(inappropr					

* See Reverse for owner stip.

Ņ

17. Monthly inspections for all ASTs Y/N/1 (records not maintained)			
18. Ten year inspections for ASTs Y/N/X/1 (records not maintained)			
19. Tank installed after 12/86, tank system meets standards . If no, missing items? Y/N/X ASTs must be (1)welded steel with adequate (2)surface coating (paint), if on soil have (3)cathodic protection and if on grade have an (4)impermeable barrier under the tank with the ability to (5)monitor for leaks.			
20. Secondary containment (ASTs ≥ 10,000 gallons) good condition/design Y/N/ 1(not maintained)		 	
21. Dike drain valves are locked in a closed position Y/N/X	 	 	
22. Alternative secondary containment issues addressed. Y/N/1 (equipment not maintained)			
23. Gauge, high level alarm or other equivalent device for ASTs Y/N/ 1(inoperative)			
24. Design/working capacity, and id number - marked on AST and at gauge.			
25. Solenoid or equivalent value in place for gravity-fed motor fuel dispensers Y/N/ 1(inoperative)/ X (not applicable)			
26. Check valve in place for pump-filled tanks with remote fills. Y/N/ 1(inoperative)/ X (not applicable)			
27. Operating value in place on every line with gravity head. Y/N/ 1(inoperative)/ X (not applicable)			

28. General Facility Condition Good / Fair / Poor COMMENTS:(continue on back or separate paper)

Y= Yes (in compliance) N=No (not in compliance) X= Not Applicable

Bldg. Closed - appears out of business Sign States : "Heavenly Vail Spiritual SERVICE CENTER"

ASSESSOR Lists World Series of Sports NY Inc. OWNER AS : c/o Lorenzo & CoHEN ASKED FOR Status AND /OR OWNERSHIP OF UST, INFO UDDA+F LAW FIRM Suite 1400 Statler Tower BUFFALO 14202

New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999 **Phone:** (716) 851-7220 • **FAX:** (716) 851-7226 **Website:** www.dec.state.ny.us



November 8, 2000

World Series of Sports, New York, Inc. c/o Lorenzo & Cohen Law Firm Suite 1400 Statler Tower Buffalo, New York 14202

Dear Sir/Madam:

Petroleum Bulk Storage (PBS) Program Site Inspection - 6 NYCRR Parts 612 through 614 PBS #9-054313 / Inspection #9-00304

On October 31, 2000, I visited the facility at 537 East Delevan Avenue, Buffalo, New York to determine compliance with the PBS regulations. As a result, I am requesting information to update our files and clarify some issues.

Our records indicate that the current owner is Mr. Mario Pugliese of 5268 Lewiston Road, Lewiston, New York 14092. Since the site was closed and seemed abandoned, I contacted the local assessor who provided me with your address. If the ownership has changed, a new registration is required for the new owner. A \$250.00 fee is also required, renewable every five (5) years.

If ownership has not changed, but a name change occurred, or similar information change, this needs to be documented. We would then update our files. I have enclosed a registration application which can be used to update or re-register this facility. A copy of the PBS regulations is also enclosed.

We also need to know the status of the two (2) underground storage tanks (USTs) at this site. Are they still in use or temporarily out of service? Please use the form to update this information.

Since these USTs store #5 or #6 fuel oil used for the purpose of heating the premises, they are exempt from Federal (EPA) regulations. In order to remain in compliance with DEC regulations, registration needs to be up to date and a certificate posted on the premises, preferably near the USTs.

Please respond with thirty (30) days, updating the status of this facility. If information is to be changed, we will do so and issue a new registration. If ownership has in fact changed, we will process a new registration. Please note, registration is required whether the USTs are in service or not. If you have any questions, please contact me at 716/851-7220. Thank you.

F. Kithina Sincerely.

Paul F. Kutlina Environmental Engineering Technician

PFK:Ij

Enclosure

New York State Department of Environmental Conservation

Division of Legal Affairs, Region 9 270 Michigan Avenue, Buffalo, New York, 14203-2999 Phone: (716) 851-7190 • FAX: (716) 851-7296 Website: www.dec.state.ny.us



September 13, 2001

J&J Amalgamated Holdings, Inc. Attn: Mario Pugliese P.O. Box 632 Lewiston, New York 14092

Dear Mr. Pugliese:

Spill Number 9710497 537 East Delavan Avenue Buffalo, New York Legal File No. 01-05

ΤÈ

Thank you for contacting me on September 6, 2001.

As a follow-up to our conversation, our records indicate the presence of two underground storage tanks at the above property. For your reference, I enclose a copy of your Petroleum Bulk Storage Application, dated February 19, 1997. This application registered two (2) 15,000 gallon underground storage tanks (UST's), used for the storage of No. 5 or No. 6 fuel oil.

Please be advised that 6 NYCRR §612.2(b) requires a new owner to re-register a facility within thirty (30) days of an ownership transfer. As the property was acquired by J&J Amalgamated Holdings, Inc., a re-registration is required. I have enclosed a PBS Application and an instruction sheet for your use. Kindly complete the application and return it this office with the appropriate registration fee without delay.

It is our understanding that the above tanks are out-of-service. These tanks will have to be closed in accordance with the Regulations of this Department. 6 NYCRR §613.9 sets forth the requirements for closure of out-of-service tanks. A copy of the Petroleum Bulk Storage handbook, containing this regulation, is enclosed for your reference. Please note that if you elect to *permanently* close these tanks, you must give prior notification to the Department.

Lastly, with regard to the wooden floor blocks which have been removed, I would appreciate all information you may be able to provide regarding the testing performed, at your request, at SUNY

Buffalo approximately 3 years ago. I understand that although you were told there was no problem with the blocks, you did not obtain a "written" report. Nevertheless, in assessing the proper manner for you to dispose of these blocks, it would be helpful for us to know who did the sampling and testing.

If you have any questions regarding the above, please feel free to call me. Otherwise, I await your action regarding re-registration and tank closure, and the receipt of information regarding testing of the wooden blocks.

Very truly yours,

Joseph J. Hausbeck Assistant Regional Attorney

Enclosures

cc: Steven M. Cohen, Esq. Lorenzo & Cohen Statler Towers, Suite 1400 Buffalo, New York 14202

> Abby Snyder, Esq. Peter Buechi Paul Kutlina Maurice Moore

New York State Department of Environmental Conservation Division of Legal Affairs, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2999



MEMORANDUM

TO: Peter Buechi

FROM: Joe Hausbeck

SUBJECT: Mario Pugliese (J&J Amalgamated Holdings, Inc.)

DATE: November 2, 2001

Attached is a key to the Delavan Avenue property.

According to Mario, it is a master key, which will work on all locks <u>but</u> the lock on the gate accessing the area used by Vibratech's contractor (CRA?) for VOC groundwater monitoring.

Last time I spoke with Maurice, we decided that we should select and test some of the wood blocks before considering the disposal issue. We can now proceed.

FYI, no RP letter was sent following the last inspection. I assume that should wait until results of the block testing are in. However, there were also other issues (USTs and oil slick in basement of rear building are two that I recall). Nature's Way went out following the inspection but did not gain access.

Mario claims he will work with us with regard to the blocks, but I am sure "cost of disposal" will be the determining factor.

Joe

cc: Abby Snyder Maurice Moore Sal Calandra Francine Gallego

New York State Department of Environmental Conservation Division of Legal Affairs, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999 Phone: (716) 851-7190 • FAX: (716) 851-7296 Website: www.dec.state.ny.us



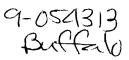
May 27, 2003



Steven M. Cohen, Esq. Lorenzo & Cohen Law Offices 1400 Statler Towers Buffalo, New York 14202

Dear Mr. Cohen:

Spill # 9710497 537 East Delavan Avenue Buffalo, New York Legal File # 01-05



I have not received a response to my February 25, 2003 correspondence to Mr. Pugliese. You may recall that the original correspondence was returned as undeliverable. I, therefore, sent a copy of the correspondence to your attention with a request that you forward it to him.

Re:

Item #2 in my February 25th letter required immediate attention by Mr. Pugliese. It entailed the registration of the underground storage tanks. That registration is 15 months overdue.

As a result, it is my present intention to issue an Order on Consent without further delay. The OOC will impose a substantial penalty upon your client for petroleum bulk storage violations.

ery truly yours,

Joseph J. Hausbeck Assistant Regional Attorney

ce: Abby Snyder, Esq. Andrea Skalski

New York State Department of Environmental Conservation

Division of Legal Affairs, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999 **Phone:** (716) 851-7190 • **FAX:** (716) 851-7296 **Website:** www.dec.state.ny.us



May 11, 2004

<u>REGISTERED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

Mr. Mario Pugliese 4412 Maplewood Avenue Niagara Falls, Ontario CANADA L2E6H2

Dear Mr. Pugliese:

Notice of Hearing and Complaint Legal File No. 01-05 Violations: Petroleum Bulk Storage Regulations ECL §17-1009.2, 6 NYCRR §612.2(a)(2) Facility Location: 537 East Delavan Avenue, Buffalo, NY

Enclosed, please find a Notice of Hearing and Complaint with regard to this matter.

Pursuant to 6 NYCRR 622.4, an Answer to the Complaint must be served within twenty (20) days of receipt of this Notice of Hearing and Complaint.

Very truly yours herofrok

Joseph J. Hausbeck Assistant Regional Attorney

Enclosures (2) (Notice of Hearing, Complaint)

cc: Abby Snyder, Esq., DEC Regional Attorney Andrea Skalski, Environmental Engineer

9-054313

New York Department of Environmental Conservation Division of Environmental Remediation Region 9 Office-Buffalo



FIELD INSPECTION REPORT

Date:August 8, 2006Site Name:Vibratech Inc.Site Number:sp9710497Location:537 East Delavan, BuffaloProject Engineer:Chad Staniszewski, NYSDEC - BuffaloContractor:OpTech

Weather Conditions: Mostly Sunny; Approx. 78°F

Purpose of Inspection: Observe activities relating to the decommissioning of two 15,000 gallon No. 6 fuel oil USTs.

Observations:

4

- DEC on-site 8:30 10:30 am and 2:40 2:45 pm.
- Optech on-site early am to 2:45 pm.
- Large Equipment: Optech: (1) High Pressure Vac Truck
- Workers Optech: (3) Laborers (1) PM on-site intermittently
- Irish propane removed the 1,000 gal propane tank from the site.
- Optech entered the tanks in-place and shoveled the fuel oil sludge to the vac truck hose, which was used to remove the sludge from the tanks. No. 2 fuel oil was brushed around the inside of the tank to remove the residual oil on the tank walls. The tanks were then pressure washed and wiped down with adsorbent pads. Optech completed the cleaning on the northern tank and partially cleaned the southern tank. Optech was off-site at 2:45 pm to dispose of accumulated liquids/oil in the vac truck.

Distribution: M. Doster/file

PHOTOS:

. .





Optech Cleaning Southern Tank



FIELD INSPECTION REPORT

Date:August 10, 2006Site Name:Vibratech Inc.Site Number:sp9710497Location:537 East Delavan, BuffaloProject Engineer:Chad Staniszewski, NYSDEC - BuffaloContractor:OpTech

Weather Conditions: Partly Cloudy; Approx. 85°F

Purpose of Inspection: Observe activities relating to the decommissioning of two 15,000 gallon No. 6 fuel oil USTs.

Observations:

- DEC on-site 8:00 12:00 pm.
- Optech on-site throughout the majority of the day.
- Large Equipment: Optech: Large Excavator
- Workers Optech: (1) Operator
 - (1) Laborer
- Optech excavated and removed the northern UST. Bedrock was encountered approximately 1-foot below ground surface, except in the immediate vicinity of the tank where the bedrock had been removed to place the tank. The sand bedding material surrounding the tank appeared minimally impacted by oil. A little oil/water was observed beneath the eastern end wall of the tank, however, the vast majority of bedding sand did not appear to be impacted by oil. In general, the excavation was dry. Once removed, the tank was inspected for holes. No holes were noted in the tank which appeared to be in good condition. The cylindrical steel tank was approximately 10-feet in diameter and 23feet long. As the remainder of sand was excavated to the bedrock walls, oil/water began seeping from the northern sidewall of the tank approximately 6 to 7 feet bgs (5 to 6 feet into the bedrock). A more viscous oil began to seep from the southern and eastern sidewall of the excavation at approximately the same elevation as the northern sidewall. (this may have appeared to be more viscous due to the lack of water). The western side wall of the excavation was not inspected because this area promptly backfill since approximately 1foot of the western end wall of the tank was positioned beneath the building foundation. The oil lens could not be tracked beyond the limits of the tank excavation due to the dense bedrock surrounding the tank. A sample of oil from the south wall of the excavation was collected to help identify the type of oil in the bedrock.

- It is assumed that the northern tank is not the source of the oil in the bedrock since no holes were observed in the tank, the tank appeared to be in good condition and minimal oil was encountered in the bedding material. Additional investigation is necessary to determine the source of the oil in the bedrock.
- All excavated bedding sand was placed back into the excavation since minimal visual contamination was observed. Crushed concrete was used to fill the remainder of the excavation. The tank was sent off-site for recycling.
- The southern tank was not excavated due to its proximity to a smoke stack. The contractor had concerns that excavating the tank could undermine the stability of the stack. The tank was cleaned on August 9, 2006. According to Optech no holes were noted from inside the tank. The tank was left empty, the manway cover was set over the manway and covered with soil.

Distribution: M. Doster/file

PHOTOGRAPHs



North Tank Removed From Excavation



East End Wall of North Tank



West End Wall of North Tank



South Side of North Tank



North Side of North Tank



Excavated Sand Bedding Around North Tank (Minimally Impacted by Oil (Visual Inspection))



North Tank Excavation (Note Tank Extended Under Building)



Southern Side Wall of Trench (Sand bedding Minimally Impacted) (Note Bedrock)



Bottom of North Tank Excavation (Note Small Amount of Oil/Water)



Close-Up of Oil/Water in Bottom of Trench (Shown Above) (Oil/Water Located Near Bottom of East End Wall) (No Hole Found in Tank)



Oil Leaking From Bedrock After Sand Bedding was Removed (Similar for South, North and East Side Walls of North Tank Excavation)



Unloading Crushed Concrete Backfill