



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

HENRY G. WILLIAMS
COMMISSIONER

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.

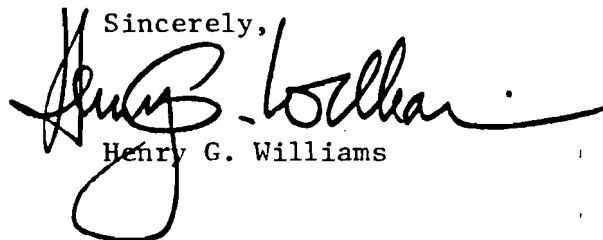
Enclosed is Federal Form Number 7530-1 (11/85) which must be completed for each location containing underground storage tanks. A list of hazardous substances is also enclosed to assist you. Forms are to be returned to:

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.

Sincerely,



Henry G. Williams

Enclosures

**John Figler
Plumbing & Heating Co., Inc.**

P.O. BOX ~~125~~ - NEW MARKET STATION
NIAGARA FALLS, NEW YORK 14301
PHONE: ~~284-9510~~ 284-9510

DFS
RLL RLL

May 12, 1986

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

PBS # C54313

Attn: R. Locey
Re: Houdaille Inc.

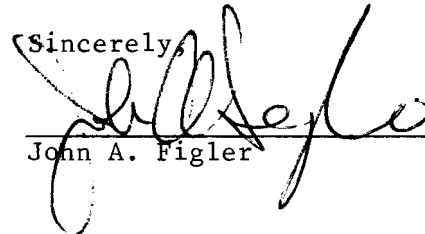
Dear Sir:

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,

John A. Figler

cc: W. Radecki, Houdaille Inc.

Inspected
8/8/90



REMINDER

1. Enclose registration fee.
Facility Size
1,101 - 4,999 gallons
5,000 - 10,000 gallons
10,001 - 399,999 gallons

Fee
\$ 50/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
150/REGISTRATION
250/FACILITY
PETROLEUM BULK STORAGE APPLICATION

SECTION A—Instructions on Back

SECTION B—Instructions on Back

APPLICATION NUMBER
04847

TRANSACTION TYPE
Check one
1 ☒ Registration
2 ☐ Transfer
If Transfer, Existing PBS Number
3 ☐ Substantial Facility Modification
4 ☐ Information Correction

PBS Number
054313

1. NAME OF FACILITY *Hydraulic Haulage Inc. Subsidiary of Houdeille Industries Inc.*
2. ADDRESS (Number and Street)
537 E. Delavan Ave.
3. CITY, TOWN, VILLAGE *Buffalo* 4. STATE *N.Y.* 5. ZIP CODE + 4 *14211*
6. COUNTY *ERIE* 7. TELEPHONE *(716) 895-8000*

1. NAME OF OWNER *Hydraulic Haulage Inc. Same Subsidiary of Houdeille Industries Inc.*
2. ADDRESS (Number and Street)
537 E. Delavan Ave
3. CITY, TOWN, VILLAGE *Buffalo* 4. STATE *N.Y.* 5. ZIP CODE + 4 *14211*
7. TELEPHONE *(716) 895-8000*

1. NAME OF OPERATOR *Hydraulic Haulage Inc. Same Subsidiary of Houdeille Industries Inc.*
2. ADDRESS (Number and Street)
537 E. Delavan Ave
3. CITY, TOWN, VILLAGE *Buffalo* 4. STATE *N.Y.* 5. ZIP CODE + 4 *14211*
7. TELEPHONE *(716) 895-8000*

1. NAME OF EMERGENCY CONTACT
V. Kocis - Maint. Foreman
2. ADDRESS (Number and Street)
537 E. Delavan Ave
3. CITY, TOWN, VILLAGE *Buffalo* 4. STATE *N.Y.* 5. ZIP CODE + 4 *14211*
7. TELEPHONE *(716) 895-8000*

I hereby affirm under penalty of perjury, that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

8 NAME/TITLE OF REPRESENTATIVE
T.J. CRITTON - President

9 SIGNATURE *T.J. Critton* DATE *9/30/86*

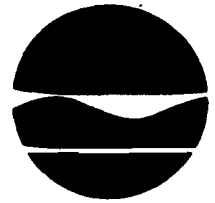
Action	Tank Number	Location	Capacity	Tank Type	Product Stored	Status	Installation Date	Leak Detection	Secondary Containment	Product Gauge	Piping Type	Dispenser	Test Certificate Enclosed	Official Use Only
1	001	1	15,000	1	4	1	0000	0006	6012					
1	002	1	15,000	1	4	1	0000	0006	6012					
1	003	4	15,000	1	4	1	0000	0006	1013					
1	004	4	15,000	1	4	1	0000	0006	1013					
1	005	5	3,000	1	6	1	0686	0061	1112					

KEY FOR SECTION B (Instructions on back)

ACTION 1 Register existing tank 2 Add Tank 3 Close/Remove Tank 4 Modify Tank LOCATION 1 Underground 2 Underground vaulted, with access 3 Underground vaulted, no access 4 Aboveground 5 Aboveground on crib, etc. 6 Aboveground—10% or more below ground	TANK TYPE 1 Bare steel or steel with black asphalt coating 2 Steel in vault 3 Steel with interior epoxy lining 4 Steel retrofitted with cathodic protection 5 Steel with cathodic protection 6 Fiberglass coated steel 7 Fiberglass reinforced plastic 8 Double walled	PRODUCT STORED 1 Leaded gasoline 2 Unleaded gasoline 3 Nos. 1, 2 or 4 fuel oil 4 Nos. 5 or 6 fuel oil 5 Kerosene 6 Diesel 7 Other STATUS 1 In service 2 Temporarily out 3 Permanently out INSTALLATION DATE This location Month/year (mm/yy)	LEAK DETECTION SYSTEM 1 Electronic 2 Vapor well 3 Sampling well 4 In-tank system 5 Other 6 None SECONDARY CONTAINMENT 1 Diking 2 Vault 3 Double wall tank 4 Underground liner 5 Other 6 None PRODUCT GAUGE 0 None 1 Gauge	PIPING TYPE 1 Steel/Iron 2 Galvanized Steel 3 Wrapped Steel 4 Fiberglass 5 Cathodically protected 6 Double walled 7 Unknown DISPENSER METHOD 1 Submersible 2 Suction 3 Gravity 4 Loading rack
---	---	---	--	---

REGION

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



Thomas C. Jorling
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. Delaware St
 City/Town: Buffalo NY

PBS #: 054313
 Inspection Date: 8/9/90
 Inspector: James Stahl
 Contact: Don Johnson

Checklist

yes no N/A

1. Registration

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the facility registered?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the PBS certificate posted?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the certificate accurate?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Should another certificate be issued?
2. Tank Tightness Testing

<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>	Is the facility up-to-date on testing?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If not, which tanks are overdue? _____, _____, _____
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Did any of the tanks fail any tests?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If so, were the failures reported to DEC?
3. Inventory Monitoring Requirements

<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>	Are inventory records being maintained? <input type="checkbox"/> daily <input type="checkbox"/> other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the records meet the requirements of Part 613.4(a)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do the records indicate a problem? <input type="checkbox"/> loss <input type="checkbox"/> gain
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the operator check for water? <input type="checkbox"/> daily <input type="checkbox"/> weekly
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has there been a problem with water in the past?
4. Miscellaneous/General

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any apparent spills on site? area effected _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Have there been any spills in the past?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If so, were the spills reported? to whom? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there any waste oil tanks? size? _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the "housekeeping" satisfactory/adequate? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is any clean up effort/action required?
5. Upgrading Due December 27, 1990

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are fill ports properly color-coded?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do 10,000 gallon A/G tanks have adequate secondary cont.?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do all A/G tanks have gauges or high level alarms?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Design and working cap., ID # marked on tank near gauge?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do remote pumping systems have shear valves at dispensers?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are monitoring wells clearly marked as such?
6. Federal Requirements

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does facility have SPCC plan signed by a P.E.?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has facility complied with financial resp. requirements?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do waste oil tanks require upgrading?

Follow-up/Remarks

waste oil tanks are water. spill contained.

VIBRATECH

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

YES *X*

August 10, 1990

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

PBS-71 054313

Re: Vibrattech site inspection report dated August 9, 1990

Dear Jim:

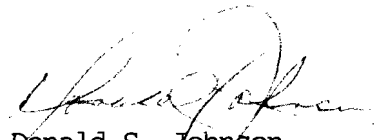
Please find enclosed the revised and signed Registration Certificate received from yourself this day.

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

SECTION A—Instructions on Back

REMINDER

1. Enclose registration fee.

Fee Size
1,101 - 2,999 gallons
5,000 - 9,999 gallons
10,000 - 29,999 gallons

2. ...

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PETROLEUM BULK STORAGE APPLICATION

SECTION B—Instructions on Back

Archer	Tank Number	Location	Capacity	Tank Type	Product Stored	Status	Installation Date	Leak Detection	Inventory Discontinuation	Product Gauge	Piping Type	Dispenser	Test Certificate Enclosed	Official Use Only
1	001	1	15,000	1	4	1	0000	00	6	6	0	1	2	
1	002	1	15,000	1	4	1	0000	00	6	6	0	1	2	
1	003	4	15,000	1	4	1	0000	00	6	1	0	1	3	
1	004	4	15,000	1	4	1	0000	00	6	1	0	1	3	
1	005	5	3,000	1	6	1	0686	00	6	1	1	1	2	

KEY FOR SECTION B (Instructions on back)

ACTION
 1 Register existing tank
 2 Add Tank
 3 Close/Remove Tank
 4 Modify Tank

LOCATION

1. Underground
2. Underground vaulted, with access
3. Underground vaulted, no access
4. Aboveground
5. Aboveground on crib, etc.
6. Aboveground—10% or more below ground

TANK TYPE

- 1 Bare steel or steel with black asphalt coating
- 2 Steel in vault
- 3 Steel with interior epoxy lining
- 4 Steel retrofitted with cathodic protection
- 5 Steel with cathodic protection
- 6 Fiberglass coated steel
- 7 Fiberglass reinforced plastic
- 8 Double walled

PRODUCT STORED
 1 Lead gasoline
 2 Unleaded gasoline
 3 Nos. 1, 2 or 4 fuel oil
 4 Nos. 5 or 6 fuel oil
 5 Kerosene
 6 Diesel
 7 Other

STATUS
1 In service
2 Temporarily out
3 Permanently out

INSTALLATION DATE
This location
Month/year (mm/yy)

LEAK DETECTION SYSTEM

- 1 Electronic
- 2 Vapor well
- 3 Sampling well
- 4 In-tank system
- 5 Other
- 6 None

SECONDARY CONTAINMENT
1 Diking
2 Vault
3 Double wall tank
4 Underground liner
5 Other
6 None

PRODUCT GAUGE
0 None
1 Gauge

PIPING TYPE
1 Steel/iron
2 Galvanized Steel
3 Wrapped Steel
4 Fiberglass
5 Cathodically protected
6 Double walled
7 Unknown

DISPENSER METHOD
1 Submersible
2 Suction
3 Gravity
4 Loading rack

VIBRATECH

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

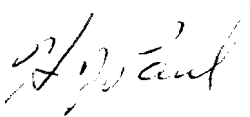
January 16, 1991

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,



Harold Paul
Maintenance Foreman

HP/bw
encls.

cc: W. Lees

VIBRATECH

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 # 9-054313

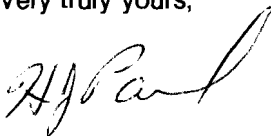
New York State Department of Environmental Conservation
600 Delaware Avenue
Buffalo, New York 14202

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,



Harold Paul
Maintenance Foreman

HP/bw

054313
93-1 (12/90)—26cNEW 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

RETURN COMPLETED FORM & FEE TO:

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

PBS NUMBER 9-054313	FACILITY	NAME VIBRATECH INC-A UNIT OF INDEX		TYPE OF PETROLEUM FACILITY: (Check all that apply) A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor B. <input type="checkbox"/> Retail Gasoline Sales C. <input type="checkbox"/> Other Retail Sales D. <input checked="" type="checkbox"/> Manufacturing E. <input type="checkbox"/> Utility F. <input type="checkbox"/> Trucking/Transportation G. <input type="checkbox"/> Apartment Building H. <input type="checkbox"/> School I. <input type="checkbox"/> Farm J. <input type="checkbox"/> Private Residence K. <input type="checkbox"/> Airline (Air Taxi) L. <input type="checkbox"/> Other (Specify)		
		LOCATION (Not P.O. Boxes) 537 E DELAVAN AVE				
		LOCATION (Continued)				
		CITY/TOWN/VILLAGE BUFFALO	STATE NY			ZIP CODE 14211
Indicate Other Existing DEC Numbers, if any, for this Facility: CBS Number: Not Applicable SPDES Number: Not Applicable	OWNER	COUNTY ERIE	TOWNSHIP OR CITY BUFFALO (C)		I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.	
		NAME OF OPERATOR AT FACILITY VIBRATECH INC-A		FACILITY TELEPHONE NUMBER (716) 895-8000 895-2017		
		EMERGENCY CONTACT NAME V. KOCSIS MAINT Harry Paul		EMERGENCY CONTACT PHONE NO. (716) 895-8000 668-1850 437-7903		
		NAME VIBRATECH INC-A UNIT OF INDEX				
TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 require a fee. 1. <input type="checkbox"/> Initial/ New Facility 2. <input type="checkbox"/> Change of Ownership 3. <input type="checkbox"/> Substantial Tank Modification 4. <input type="checkbox"/> Information Correction 5. <input checked="" type="checkbox"/> Renewal	CORRESPONDENCE MAILING ADDRESS	ADDRESS (Street and/or P.O. Box) 537 E DELAVAN AVE		NAME OF OWNER OR AUTHORIZED REPRESENTATIVE Thomas J. Critton AMOUNT ENCLOSED \$ 250.00		
		CITY BUFFALO	STATE NY			ZIP CODE 14211
		FEDERAL TAX ID NO. 13-3372061	OWNER TELEPHONE NUMBER (716) 895-8000			
		TYPE OF OWNER (Check only one) 1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government 4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial				
Geographical Locator for this Facility: (If known) LATITUDE: 42 55 DEG MIN SEC LONGITUDE: 78 50 DEG MIN SEC		ATTENTION BILL RODECH Donald Johnson BILL LEES		OFFICIAL USE ONLY Page 1 of 2 Date Received: 1/15/92 Date Processed: 1/15/92 Amount Received \$ 250.00 Reviewed By: JFD		
		NAME OF COMPANY VIBRATECH INC-A UNIT OF INDEX				
		ADDRESS 537 E DELAVAN AVE 11980 WALDEN AVE				
		ADDRESS				
CITY/STATE/ZIP CODE ALDEN, NY 14004-9790						
TELEPHONE NUMBER (716) 895-8000 937-7903						

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

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date				Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection		Piping Location		Piping Type	Piping Internal Prot.	Piping External Protection		Secondary Containment		Leak Detection		Spill/Overfill Prevention		Dispenser	Last Test Date (underground Tanks)			
				(MO)	(YR)	(MO)	(YR)															(MO)	(YR)	(MO)	(YR)		(MO)	(YR)	(MO)	(YR)
1	1	4	1	0	0	0	0	15,000	4	1	0	0	3	1			0	0	0	0	4	2			6	6	0			
1	2	4	1	0	0	0	0	15,000	4	1	0	0	3	1			0	0	0	0	4	2			6	6	0			
1	3	1	2	0	0	0	0	15,000	4	1	0	0	3	1			0	8	0	0	0	3			6	6	0			
1	4	1	2	0	0	0	0	15,000	4	1	0	0	3	1			0	8	0	0	0	3			6	6	0			
1	5	2	1	0	6	8	6	3,000	6	1	0	1	1	1			1	8	0	0	4	6	2		6	8	6			

KEY FOR SECTION B

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
- 5 Underground, vaulted, with access

STATUS

- 1 In-service
- 2 Temporarily out-of-service
- 3 Closed—Removed
- 4 Closed—In Place
- 5 Tank Converted to Non-Regulated Use

PRODUCT STORED

- 0 Empty
- 1 Leaded Gasoline
- 2 Unleaded Gasoline
- 3 Nos. 1, 2, or 4 Fuel Oil
- 4 Nos. 5 or 6 Fuel Oil
- 5 Kerosene
- 6 Diesel
- A Lube Oil
- 9 Other*

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*

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

SECONDARY CONTAINMENT

- 0 None
- 1 Vault
- 2 Double-Walled Tank
- 3 Excavation Liner
- 4 Cut-off Walls
- 5 Impervious Underlayment
- 6 Earthen Dike
- 7 Prefabricated 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 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

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

PBS INSPECTION FORM

Facility Name: Vibratex Inc.

PBS #: 9- 054313

Address: 537 E. Delavan Ave

Inspection Date: 8/10/93

City/Town: Buffalo

Inspector: Simon Wu

Contact: Harry Paul

Checklist

yes 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?

2. Tank Tightness Testing (those u/g tanks of 1101 gal or more)

Is the facility up-to-date on testing?
If not, which tanks are overdue? _____, _____, _____, _____

3. Inventory Monitoring Requirements

Are inventory records being maintained? _____ daily ^{only gauging} other
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
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?

5. Post 1990 Requirements

Are fill ports properly color-coded?
If applicable, are a/g tanks up to date w/ internal inspection?
Do 10,000 gallon A/G tanks have adequate secondary cont.?
Do all 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

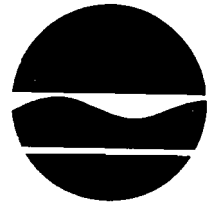
Does facility have SPCC plan signed by a P.E.?
Has facility complied with financial resp. requirements?
Do waste oil tanks require upgrading?

Follow-up/Remarks

The 15 ^{gallons} tanks have not been used for 2 years

New York State Department of Environmental Conservation

270 Michigan Avenue, Buffalo, New York 14203-2999



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



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

RECEIVED

NOV 2 1995

NYSDEC-REG. 9

FOIL
REL UNREL



PBS NUMBER 10-5 7-054313 Indicate Other Existing DEC Numbers, if any, for this Facility: CBS Number: SPDES Number: 	FACILITY	NAME VIBRATECH INC.		TYPE OF PETROLEUM FACILITY: (Check all that apply) A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor B. <input type="checkbox"/> Retail Gasoline Sales C. <input type="checkbox"/> Other Retail Sales D. <input checked="" type="checkbox"/> Manufacturing E. <input type="checkbox"/> Utility F. <input type="checkbox"/> Trucking/Transportation G. <input type="checkbox"/> Apartment Building H. <input type="checkbox"/> School I. <input type="checkbox"/> Farm J. <input type="checkbox"/> Private Residence K. <input type="checkbox"/> Airline (Air Taxi) L. <input type="checkbox"/> Other (Specify)	
		LOCATION (Not P.O. Boxes) 537 E. DELAVAN AVE			
		LOCATION (Continued)			
		CITY/TOWN/VILLAGE BUFFALO	STATE NY		
TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 require a fee. 1. <input type="checkbox"/> Initial/New Facility 2. <input type="checkbox"/> Change of Ownership 3. <input checked="" type="checkbox"/> Substantial Tank Modification 4. <input type="checkbox"/> Information Correction 5. <input type="checkbox"/> Renewal	OWNER	COUNTY ERIE		TOWNSHIP OR CITY	
		NAME OF OPERATOR AT FACILITY BILL LEES		FACILITY TELEPHONE NUMBER (716) 895 2017	
		EMERGENCY CONTACT NAME HARRY PAUL		EMERGENCY CONTACT PHONE NO. (716) 937 7903	
		NAME		ADDRESS (Street and/or P.O. Box)	
Geographical Locator for this Facility: (If known) LATITUDE: _____ DEG MIN SEC LONGITUDE: _____ DEG MIN SEC	CORRESPONDENCE MAILING	CITY		STATE	
		FEDERAL TAX ID NO.		OWNER TELEPHONE NUMBER ()	
		TYPE OF OWNER (Check only one) 1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government 4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial			
		NAME OF OWNER OR AUTHORIZED REPRESENTATIVE WILLIAM RADECKI			
		TITLE MFG. ENGR.		SIGNATURE William Radacki	
		DATE 10/30/95		OFFICIAL USE ONLY	
		Page _____ of _____ Date Received: ____/____/____ Date Processed: ____/____/____ Amount Received \$ _____ Reviewed By: _____			

~~#5~~
9-054313

SECTION B—See Instructions on Cover Sheet

Page ____ of ____

[illegible]

ACTION

- 1 Initial Listing
- 2 Add Tank
- 3 Close/Remove Tank
- 4 Information Correction
- 5 Recondition/Repair/
Reline Tank

- 1 Aboveground
- 2 Aboveground on saddles, legs, stilts, rack, or cradle
- 3 Aboveground: 10% or more below ground
- 4 Underground
- 5 Underground, vaulted, with access

- 1 In-service
- 2 Temporarily
out-of-service
- 3 Closed—Removed
- 4 Closed—In Place
- 5 Tank Converted to
Non-Regulated Use

0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

- 1 Steel/Carbon Steel
- 2 Stainless Steel Alloy
- 3 Concrete
- 4 Fiberglass Coated Steel
- 5 Fiberglass Reinforced Plastic (FRP)
- 6 Equivalent Technology
- 9 Other*

0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

- 0 None
- 1 Painted/Asphalt Coating
- 2 Sacrificial Anode
- 3 Impressed Current
- 4 Fiberglass
- 5 Jacketed
- 6 Wrapped (Piping)
- 9 Other*

0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

- 0 None
- 1 Vault
- 2 Double-Walled Tank
- 3 Excavation Liner
- 4 Cut-off Walls
- 5 Impervious Underlayment
- 6 Earthen Dike
- 7 Prefabricated Steel Dike
- 8 Concrete Dike
- A Synthetic Liner
- B Natural Liner
- 9 Other*

1 None
2 Interstitial Monitoring
3 Vapor Well
4 Groundwater Well
5 In-tank System
6 Concrete Pad w/channels
7 Double Bottom
8 Other*

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*

1 Submersible
2 Suction
3 Gravity

* 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

1996

To whom it may concern :

Please be advised that Vibrattech, 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, Vibrattech, Inc., on 1/15/92.

According to Vibrattech 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 Vibrattech (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 Vibrattech , Inc. during October 1995 as the attached documentation submitted to the NYSDEC on 10/30/95 indicates.

Sincerely,



Robert J. Johnson
Vice President of Manufacturing

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



PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE

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

Page 1 of 1

TANK NUMBER	DATE INSTALLED	TANK TYPE	CAPACITY (GALLONS)	DATE LAST TESTED	TESTING DUE DATE	OWNER
1	00/00	Steel/Carbon Steel	15,000 ^{u/g}			VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211
2	00/00	Steel/Carbon Steel	15,000 ^{u/g}			SITE VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211
3	00/00	Steel/Carbon Steel	15,000 (2) 1			
4	00/00	Steel/Carbon Steel	15,000 (4) 1			
5	06/86	Steel/Carbon Steel	3,000			OPERATOR (Name and Telephone Number) VIBRATECH INC-A UNIT OF INDEX (716) 895-8000
<p><i>COPY</i></p> <p>*1 - Aboveground tanks require monthly visual inspections and documented internal inspections as described in 6 NYCRR Pt. 613.</p>						EMERGENCY CONTACT (Name and Telephone Number) HARRY PAUL (716) 668-1850
						<p>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 with all sections of 6 NYCRR Parts 612, 613 and 614, not just those cited below:</p> <ul style="list-style-type: none"> The facility must be re-registered if there is a transfer of ownership. 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 incident to DEC within two hours (1-800-457-7362).
ISSUED BY: Commissioner Thomas C. Jorling			MAILING CORRESPONDENCE DONALD JOHNSON VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211			Signature of Authorized Representative/Owner Ralph Yorio Date 1/12/92
PETROLEUM BULK STORAGE ID NUMBER 9-054313						Name of Authorized Representative/Owner (Please Print) President
DATE ISSUED 01/15/92		EXPIRATION DATE 12/18/96				Title
FEE PAID \$ 250						

THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE



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

SECTION A—See Instructions on Cover Sheet



PBS NUMBER <u>No 5</u> Indicate Other Existing DEC Numbers, if any, for this Facility: CBS Number: SPDES Number:	FACILITY	NAME <u>VIBRATECH INC.</u>		TYPE OF PETROLEUM FACILITY: (Check all that apply) A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor B. <input type="checkbox"/> Retail Gasoline Sales C. <input type="checkbox"/> Other Retail Sales D. <input checked="" type="checkbox"/> Manufacturing E. <input type="checkbox"/> Utility F. <input type="checkbox"/> Trucking/Transportation G. <input type="checkbox"/> Apartment Building H. <input type="checkbox"/> School I. <input type="checkbox"/> Farm J. <input type="checkbox"/> Private Residence K. <input type="checkbox"/> Airline (Air Taxi) L. <input type="checkbox"/> Other (Specify)			
		LOCATION (Not P.O. Boxes) <u>537 E. DELAVAN AVE</u>					
		LOCATION (Continued)					
		CITY/TOWN/VILLAGE <u>BUFFALO</u>	STATE <u>NY</u>			ZIP CODE <u>14211</u>	
TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 require a fee. 1. <input type="checkbox"/> Initial/ New Facility 2. <input type="checkbox"/> Change of Ownership 3. <input checked="" type="checkbox"/> Substantial Tank Modification 4. <input type="checkbox"/> Information Correction 5. <input type="checkbox"/> Renewal	OWNER	COUNTY <u>ERIE</u>	TOWNSHIP OR CITY		I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.		
		NAME OF OPERATOR AT FACILITY <u>BILL LEES</u>		FACILITY TELEPHONE NUMBER <u>(716) 895 2017</u>			
		EMERGENCY CONTACT NAME <u>HARRY PAUL</u>		EMERGENCY CONTACT PHONE NO. <u>(716) 937 7903</u>			
		NAME		ADDRESS (Street and/or P.O. Box)			
Geographical Locator for this Facility: (If known) LATITUDE: DEG MIN SEC LONGITUDE: DEG MIN SEC	CORRESPONDENCE MAILING	CITY	STATE	ZIP CODE	NAME OF OWNER OR AUTHORIZED REPRESENTATIVE <u>WILLIAM RADECKI</u>	AMOUNT ENCLOSED <u>\$ 0</u>	
		FEDERAL TAX ID NO.		OWNER TELEPHONE NUMBER ()			
		TYPE OF OWNER (Check only one) 1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government 4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial					
		TITLE <u>MFG. ENGR.</u>					
		SIGNATURE <u>William Radecki</u>		DATE <u>10/30/95</u>			
		OFFICIAL USE ONLY Page _____ of _____ Date Received: ____/____/____ Date Processed: ____/____/____ Amount Received \$ _____ Reviewed By: _____					
		ATTENTION <u>BILL LEES</u>					
		NAME OF COMPANY <u>VIBRATECH.</u>					
		ADDRESS <u>11980 WALDEN AVE</u>					
		ADDRESS					
		CITY/STATE/ZIP CODE <u>ALDEN, NY. 14004-9790</u>					
		TELEPHONE NUMBER					

[illegible]

KEY FOR SECTION B

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
- 5 Underground, vaulted, with access

STATUS

- 1 In-service
- 2 Temporarily out-of-service
- 3 Closed—Removed
- 4 Closed—In Place
- 5 Tank Converted to Non-Regulated Use

PRODUCT STORED

- 0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

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*

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

SECONDARY CONTAINMENT

- 0 None
- 1 Vault
- 2 Double-Walled Tank
- 3 Excavation Liner
- 4 Cut-off Walls
- 5 Impervious Underlayment
- 6 Earthen Dike
- 7 Prefabricated 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

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

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



THE
ENVIRONMENTAL
SERVICE GROUP (NY), INC.

716/695-6720 • FAX 716/695-0161
1-800-348-0316

"The total service approach to waste management."

RE: Notification of removal, cleaning,
purging, and cutting of underground
storage tanks.

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: VIBRATECH INC. A UNIT OF EDEX

Size of Tanks: 4-10,000 GALLON AST

2-15,000 GALLON AST

Material Stored: LUBR OIL

#6 FUEL OIL

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

Sincerely,

The Environmental Service
Group (NY), Inc.

David Mendel
Projects Manager

DM/dcl

TANK CLOSURE REPORT

_____, 1995
PBS # _____

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

Attn: Petroleum Bulk Storage Section

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

Site Name: VIBRATECH INC. A UNIT OF EDEX
Street: 537 EAST DELEMAN AVENUE
City: BUFFALO NEW YORK 14211

We will notify you if this schedule is changed.

Tanks to be closed:	Tank 1	Tank 2	Tank 3	Tank 4
Size:	<u>4-10,000</u>	<u>2-15,000</u>	_____	_____
Tank Type:	<u>STEEL</u>	<u>STEEL</u>	_____	_____
Product:	<u>LUBE OIL</u>	<u>46 FUEL OIL</u>	_____	_____
UST or AST:	<u>AST</u>	<u>AST</u>	_____	_____
Removal or in place?	<u>CLEANED ONLY</u>	<u>CLEANED ONLY</u>	_____	_____

Owner's Name: VIBRATECH INC. Laboratory Name: N/A
Street: 11980 WALDEN AVE Street: _____
City: ALDEN NEW YORK City: _____
Phone: (716) 935-6400 Phone: ()

Contractor's Name: THE ENVIRONMENTAL SERVICE GROUP NY INC
Street: 177 WALLS AVE. P.O. BOX 242
City: TONAWANDA NY 14150
Phone: (716) 695-6720

Will new tanks be installed at this location? Yes ☐ No ☒
Expected date of new installation N/A

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 - Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999
Attn : Barbara Jezioro

September 13, 1996

RECEIVED

SEP 19 1996

NYSDEC-REG. 9
FOIL
REL UNREL

Dear Ms. Jezioro :

Enclosed is the Petroleum Bulk Storage Application received by Vibrattech, 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 Vibrattech, 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,

Robert J. Johnson

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,

Barbara A. Jezioro
Environmental Engineering Technician

BAJ:sz

Enclosures

*1500 gal Tank
not counted for*

LORENZO & COHEN

ATTORNEYS AT LAW
STATLER TOWERS, SUITE 1400
107 DELAWARE AVENUE
BUFFALO, NEW YORK 14202

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

DIANE HINMAN
OF COUNSEL

RECEIVED

SEP 23 1996

NYSDEC-REQ. 9
FOIL
REL UNREL

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#: 9-054313
Our File No: 2939.04

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:

STEVEN M. COHEN

SMC/cr

Encl.

cc: Mario Pugliese, Pres. (w/encl.)
Rick W. Kennedy, Esq. (w/encl.)

VIBRATECH

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 Vibratex 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 Vibratex, 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 J. Johnson
Vice President of Manufacturing

TANK CLOSURE REPORT

REGISTERED BY
PREVIOUS OWNER

9/3

1996
1995

PBS # 9-054313

New York State Department of
Environmental Conservation
270 Michigan Avenue
Buffalo, New York 14203-2999

Attn: Petroleum Bulk Storage Section

Please be advised we will be closing tanks on
at the following location:

Site Name: (FORMERLY: VIBRATECH, INC.)

Street: 537 E. DELAVAN AVE.

City: BUFFALO, NY 14211

PER ATTACHED DOCUMENTS, THE TANKS
IDENTIFIED BELOW WERE CLEANED
ACCORDING TO NYCRR PART 613.96
BY THE PREVIOUS OWNER, VIBRATECH, INC.

THIS REPORT IS SUBMITTED TO NOTIFY
THE NYSDEC THAT THE SAME TANKS NOW
HAVE BEEN REMOVED

We will notify you if this schedule is changed. REF: PERMIT # 9-054313 OF PREVIOUS OWNER

Tanks to be closed:

Size:

Tank Type:

Product:

UST or AST:

Removal or in place?

TANK #3
Tank 1TANK #4
Tank 2

Tank 3

Tank 4

15,000 (QTY 2) 10,000 (QTY 4)

STEEL/CARBON STEEL STEEL/CARBON STEEL

OIL (#6 FUEL OIL) OIL (LUBE)

AST

AST

REMOVAL

REMOVAL

Owner's Name: WORLD SEAKS SPORTS, NEW YORK, INC. OF

Street: P.O. BOX 347

City: LEWISTON, NY 14092

Phone: ()

Street:

City:

Phone: ()

Contractor's Name: (OWNER) MARIO PUGLIESE

Street: 5268 LEWISTON RD

City: LEWISTON N.Y. 14092

Phone: (716) 285-0639

Will new tanks be installed at this location? Yes

(No)

Expected date of new installation N/A



THE
ENVIRONMENTAL
SERVICE GROUP (NY), INC.

716/695-6720 • FAX 716/695-0161
1-800-348-0316

"The total service approach to waste management."

RE: Notification of removal, cleaning,
purging, and cutting of underground
storage tanks.

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: VIBRATECH INC. A UNIT OF IDEX

Size of Tanks: 4-10,000 GALLON AST

2-15,000 GALLON AST

Material Stored: LUBR OIL

#6 FUEL OIL

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

Sincerely,

The Environmental Service
Group (NY), Inc.

David Mendel
Projects Manager

DM/dcl

TANK CLOSURE REPORT

_____, 1995
PBS # _____

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

Attn: Petroleum Bulk Storage Section

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

Site Name: VIBRATECH INC. A UNIT OF EDEX
Street: 537 EAST DELEMAN AVENUE
City: BUFFALO NEW YORK 14211

We will notify you if this schedule is changed.

Tanks to be closed:	Tank 1	Tank 2	Tank 3	Tank 4
Size:	<u>4-10,000</u>	<u>2-15,000</u>	_____	_____
Tank Type:	<u>STEEL</u>	<u>STEEL</u>	_____	_____
Product:	<u>LUBE OIL</u>	<u>46 FUEL OIL</u>	_____	_____
UST or AST:	<u>AST</u>	<u>AST</u>	_____	_____
Removal or in place?	<u>CLEANED ONLY</u>	<u>CLEANED ONLY</u>	_____	_____

Owner's Name: VIBRATECH INC. Laboratory Name: N/A
Street: 11980 WALDEN AVE Street: _____
City: ALDEN NEW YORK City: _____
Phone: (716) 931-6400 Phone: ()

Contractor's Name: THE ENVIRONMENTAL SERVICE GROUP NY INC
Street: 177 WALLS AVE. P.O. BOX 242
City: TONAWANDA NY 14150
Phone: (716) 695-6720

Will new tanks be installed at this location? Yes ☐ No ☒
Expected date of new installation N/A

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 Vibrattech, 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, Vibrattech, Inc., on 1/15/92.

According to Vibrattech 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 Vibrattech (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 Vibrattech , Inc. during October 1995 as the attached documentation submitted to the NYSDEC on 10/30/95 indicates.

Sincerely,



Robert J. Johnson
Vice President of Manufacturing

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

PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE

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

Page 1 of 1

TANK NUMBER	DATE INSTALLED	TANK TYPE	CAPACITY (GALLONS)	DATE LAST TESTED	TESTING DUE DATE	OWNER
1	00/00	Steel/Carbon Steel	15,000 ^{u/c}			VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211
2	00/00	Steel/Carbon Steel	15,000 ^{u/c}			SITE
3	00/00	Steel/Carbon Steel	15,000 (2) 1			VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE BUFFALO, NY 14211
4	00/00	Steel/Carbon Steel	15,000 (4) 1			
5	06/86	Steel/Carbon Steel	3,000			

ACTUAL CAPACITY 10,000 G

*1 - Aboveground tanks require monthly visual inspections and documented internal inspections as described in 6 NYCRR Pt. 613.

COPY

ISSUED BY: Commissioner Thomas C. Jorling PETROLEUM BULK STORAGE ID NUMBER 9-054313 DATE ISSUED 01/15/92 FEE PAID \$ 250	MAILING CORRESPONDENCE DONALD JOHNSON VIBRATECH INC-A UNIT OF INDEX 537 E DELAVAN AVE 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 with all sections of 6 NYCRR Parts 612, 613 and 614, not just those cited below: <ul style="list-style-type: none"> The facility must be re-registered if there is a transfer of ownership. 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 incident to DEC within two hours (1-800-457-7362).
---	---	---

Signature of Authorized Representative/Owner <i>Ralph Yorio</i> Ralph Yorio Name of Authorized Representative/Owner (Please Print) President	Date 1/12/92
--	------------------------

Title

THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE



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



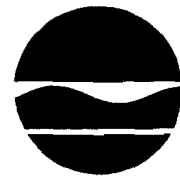
<p>PBS NUMBER No 5</p> <p>Indicate Other Existing DEC Numbers, if any, for this Facility:</p> <p>CBS Number:</p> <p>SPDES Number:</p>	<p>FACILITY</p> <p>NAME VIBRATECH INC.</p> <p>LOCATION (Not P.O. Boxes) 537 E. DELAVAN AVE</p> <p>LOCATION (Continued)</p> <p>CITY/TOWN/VILLAGE BUFFALO</p> <p>STATE NY</p> <p>ZIP CODE 14211</p> <p>COUNTY ERIE</p> <p>TOWNSHIP OR CITY</p> <p>NAME OF OPERATOR AT FACILITY BILL LEES</p> <p>FACILITY TELEPHONE NUMBER (716) 895 2017</p> <p>EMERGENCY CONTACT NAME HARRY PAUL</p> <p>EMERGENCY CONTACT PHONE NO. (716) 937 7903</p>	<p>TYPE OF PETROLEUM FACILITY: (Check all that apply)</p> <p>A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor</p> <p>B. <input type="checkbox"/> Retail Gasoline Sales</p> <p>C. <input type="checkbox"/> Other Retail Sales</p> <p>D. <input checked="" type="checkbox"/> Manufacturing</p> <p>E. <input type="checkbox"/> Utility</p> <p>F. <input type="checkbox"/> Trucking/Transportation</p> <p>G. <input type="checkbox"/> Apartment Building</p> <p>H. <input type="checkbox"/> School</p> <p>I. <input type="checkbox"/> Farm</p> <p>J. <input type="checkbox"/> Private Residence</p> <p>K. <input type="checkbox"/> Airline (Air Taxi)</p> <p>L. <input type="checkbox"/> Other (Specify)</p>
<p>TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 require a fee.</p> <p>1. <input type="checkbox"/> Initial/ New Facility</p> <p>2. <input type="checkbox"/> Change of Ownership</p> <p>3. <input checked="" type="checkbox"/> Substantial Tank Modification</p> <p>4. <input type="checkbox"/> Information Correction</p> <p>5. <input type="checkbox"/> Renewal</p>	<p>OWNER</p> <p>NAME</p> <p>ADDRESS (Street and/or P.O. Box)</p> <p>CITY</p> <p>STATE</p> <p>ZIP CODE</p> <p>FEDERAL TAX ID NO.</p> <p>OWNER TELEPHONE NUMBER ()</p> <p>TYPE OF OWNER (Check only one)</p> <p>1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government</p> <p>4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial</p>	<p>I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>NAME OF OWNER OR AUTHORIZED REPRESENTATIVE WILLIAM RADECKI</p> <p>AMOUNT ENCLOSED \$ 0</p> <p>TITLE MFG. ENGR.</p> <p>SIGNATURE <i>William Radecki</i></p> <p>DATE 10/30/95</p>
<p>Geographical Locator for this Facility: (If known)</p> <p>LATITUDE:</p> <p>DEG MIN SEC</p> <p>LONGITUDE:</p> <p>DEG MIN SEC</p>	<p>CORRESPONDENCE MAILING</p> <p>ATTENTION BILL LEES</p> <p>NAME OF COMPANY VIBRATECH.</p> <p>ADDRESS 11980 WALDEN AVE</p> <p>ADDRESS</p> <p>CITY/STATE/ZIP CODE ALDEN, NY. 14004-9790</p> <p>TELEPHONE NUMBER</p>	<p>OFFICIAL USE ONLY</p> <p>Page _____ of _____</p> <p>Date Received: ____/____/____</p> <p>Date Processed: ____/____/____</p> <p>Amount Received \$ _____</p> <p>Reviewed By: _____</p>

Page ____ of ____

[illegible]

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

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.

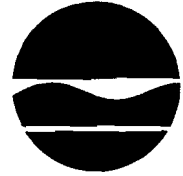
Sincerely,

Barbara A. 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,

Barbara A. Jezioro
Environmental Engineering Technician I

BAJ:vm

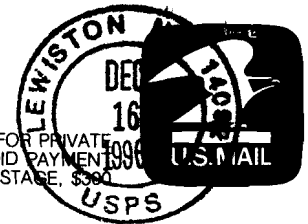
Enclosures

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

DEC 16 1996

LEWISTON ME
POST OFFICE
10000

Print your name, address and ZIP Code here

NYSDEC
270 MICHIGAN AVENUE
BUFFALO, NY 14203
ATTN: SANDY

V-334 514 080

RECEIPT FOR INSURED MAIL
DOMESTIC--INTERNATIONAL

ADDRESSED FOR DELIVERY AT
(Post Office, State and County)

SAVE THIS RECEIPT UNTIL PACKAGE IS ACCOUNTED FOR

POSTAGE	AIR	\$
INSURANCE COVERAGE	FEE	
\$	\$	
SPECIAL HANDLING		¢
DOMESTIC ONLY	Special Delivery	\$
	Restricted Delivery	¢
RETURN RECEIPT		¢
(Except to Canada)		
Fragile	Liquid	Perishable
TOTAL		\$
(Postmark)		

BAJ 12/10/96

Customer
Over

Postmaster
By

V-334 514 080

RECEIPT FOR INSURED MAIL
DOMESTIC--INTERNATIONAL

ADDRESSED FOR DELIVERY AT
(Post Office, State and County)

SAVE THIS RECEIPT UNTIL PACKAGE IS ACCOUNTED FOR

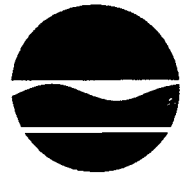
POSTAGE	AIR	\$
INSURANCE COVERAGE		FEE
\$		\$
SPECIAL HANDLING		c
DOMESTIC ONLY	Special Delivery	\$
	Restricted Delivery	c
RETURN RECEIPT (Except to Canada)		c
Fragile	Liquid	Perishable
TOTAL		\$
(Postmark)		

BAJ 12/10/96

Customer
Over

Postmaster
By

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,

Barbara A. Jezioro
Environmental Engineering Technician

BAJ:sz

Enclosures

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
Doc. Fil. No. 0000.01

9-054313

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 1400
107 DELAWARE AVENUE
BUFFALO, NEW YORK 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

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.

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 1400
107 DELAWARE AVENUE
BUFFALO, NEW YORK 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

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

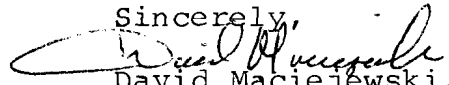
February 19, 1997

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 ~~conc~~cerns please call Mr. Steve Cohen Esq. or David Maciejewski, law clerk, at 853-6628.

Thank you for your time and consideration.

Sincerely,

David Maciejewski.

2 1997



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 9-054313 Indicate Other Existing DEC Numbers, if any, for this Facility: CBS Number: SPDES Number: 	FACILITY NAME WORLD-SERIES-OF-SPORTS-N.Y. INC. LOCATION (Not P.O. Boxes) 537-EAST-DELAUAN AVE. LOCATION (Continued) CITY/TOWN/VILLAGE BUFFALO STATE NY ZIP CODE 14211 COUNTY ERIE TOWNSHIP OR CITY NAME OF OPERATOR AT FACILITY MARIO PUGLIESE FACILITY TELEPHONE NUMBER (716) 895-8000 EMERGENCY CONTACT NAME SAME EMERGENCY CONTACT PHONE NO. (716) 285-0639	TYPE OF PETROLEUM FACILITY: (Check all that apply) A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor B. <input type="checkbox"/> Retail Gasoline Sales C. <input type="checkbox"/> Other Retail Sales D. <input checked="" type="checkbox"/> Manufacturing E. <input type="checkbox"/> Utility F. <input type="checkbox"/> Trucking/Transportation G. <input type="checkbox"/> Apartment Building H. <input type="checkbox"/> School I. <input type="checkbox"/> Farm J. <input type="checkbox"/> Private Residence K. <input type="checkbox"/> Airline (Air Taxi) L. <input type="checkbox"/> Other (Specify)
TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 may require a fee. 1. <input type="checkbox"/> Initial/ New Facility 2. <input checked="" type="checkbox"/> Change of Ownership 3. <input type="checkbox"/> Substantial Tank Modification 4. <input type="checkbox"/> Information Correction 5. <input type="checkbox"/> Renewal	OWNER NAME MARIO PUGLIESE ADDRESS (Street and/or P.O. Box) 5268-LEWISTON ROAD CITY Bewiston STATE NY ZIP CODE 14092 FEDERAL TAX ID NO. OWNER TELEPHONE NUMBER (716) 285-0639 TYPE OF OWNER (Check only one) 1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government 4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial	I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. NAME OF OWNER OR AUTHORIZED REPRESENTATIVE MARIO PUGLIESE AMOUNT ENCLOSED \$ 250.00 TITLE President SIGNATURE Mario Pugliese DATE 2/19/97
Geographical Locator for this Facility: (If known) LATITUDE: _____ DEG MIN SEC LONGITUDE: _____ DEG MIN SEC	CORRESPONDENCE MAILING ATTENTION MARIO PUGLIESE NAME OF COMPANY WORLD-SERIES-OF-SPORTS-NEW-YORK-INC. ADDRESS 537-EAST-DELAUAN-AVENUE ADDRESS CITY/STATE/ZIP CODE BUFFALO, N.Y. 14211 TELEPHONE NUMBER (716) 895-8000	OFFICIAL USE ONLY Page _____ of _____ Date Received: 2, 20, 97 Date Processed: 2, 28, 97 Amount Received \$ 250 Reviewed By: pw

PBS NUMBER:

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Page ____ of ____

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date		Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/Overfill Prevention	Dispenser	Last Test Date (underground Tanks)	
				(MO)	(YR)														(MO)	(YR)
	#1	4		00	00	15,000	4	A	1	0	0	3	1	0	0	0	0	4	2	
	#2	4		00	00	15,000	4	A	1	0	0	3	1	0	0	0	0	4	2	
	#3	1	5			15,000	A	1												
	#4	1	5			15,000	A	1												
	#5	1	3	10	30	95	10,000	A	1											

KEY FOR SECTION B

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
- 5 Underground, vaulted, with access

STATUS

- 1 In-service
- 2 Temporarily out-of-service
- 3 Closed—Removed
- 4 Closed—In Place
- 5 Tank Converted to Non-Regulated Use

PRODUCT STORED

- 0 Empty
- 1 Leaded Gasoline
- 2 Unleaded Gasoline
- 3 Nos. 1, 2, or 4 Fuel Oil
- 4 Nos. 5 or 6 Fuel Oil
- 5 Kerosene
- 6 Diesel
- A Lube Oil
- B Used Oil (fuel)
- C Used Oil
- 9 Other*

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*

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

SECONDARY CONTAINMENT

- 0 None
- 1 Vault
- 2 Double-Walled Tank
- 3 Excavation Liner
- 4 Cut-off Walls
- 5 Impervious Underlayment
- 6 Earthen Dike
- 7 Prefabricated 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 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

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



PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE

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



Page 1 of 1

TANK NUMBER	DATE INSTALLED	TANK TYPE	CAPACITY (GALLONS)	DATE LAST TESTED	TESTING DUE DATE	OWNER
1	00/00	Steel/Carbon Steel	15,000		12/87	MARIO PUGLIESE 5268 LEWISTON ROAD LEWISTON, NY 14092
2	00/00	Steel/Carbon Steel	15,000		12/87	
						SITE WORLD SERIES OF SPORTS NY INC. 537 E DELAVAN AVE BUFFALO, NY 14211
						OPERATOR (Name and Telephone Number) MARIO PUGLIESE (716) 895-8000
						EMERGENCY CONTACT (Name and Telephone Number) MARIO PUGLIESE (716) 285-0639
						<p>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 with all sections of 6 NYCRR Parts 612, 613 and 614, and applicable sections of 6 NYCRR Subpart 360-14 (used oil tanks only), not just those cited below:</p> <ul style="list-style-type: none"> • The facility must be re-registered if there is a transfer of ownership. • 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 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 incident to DEC within two hours (1-800-457-7362).
ISSUED BY: Act. Commissioner John P. Cahill		MAILING CORRESPONDENCE MARIO PUGLIESE WORLD SERIES OF SPORTS NEW YOR 537 EAST DELAVAN AVENUE BUFFALO, NY 14211				
PETROLEUM BULK STORAGE ID NUMBER 9-054313						
DATE ISSUED 02/28/97	EXPIRATION DATE 02/28/02					
FEE PAID \$ 250						
						Signature of Authorized Representative/Owner _____ Date _____ Name of Authorized Representative/Owner (Please Print) _____ Title _____

THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE

WORLD SERIES OF SPORTS PROMOTIONS, INC.

5268 LEWISTON ROAD
LEWISTON, NEW YORK 14092

TELEPHONE: (716) 285-4095
FACSIMILE: (716) 285-0639

RECEIVED

NOV 17 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,



**MARIO PUGLIESE
WORLD SERIES OF SPORTS
11-14-97**

NEW YORK STATE PETROLEUM BULK STORAGE (PBS) REGULATIONS INSPECTION REPORT

PBS# 9-054313 or ☐ Unregistered Inspection number 9-00304 DATE 10/31/00

Facility Name <u>World Series of Sports NY INC.</u>	Owner Name <u>Mario Pugliese</u>
Facility Address <u>537 E. Delavan Ave</u> <u>BUFFALO 14211</u>	Owner Address <u>5268 Lewiston Rd.</u> *
Operator <u>MARIO PUGLIESE</u>	Contact <u>Same</u>
Phone Number <u>875-8000</u>	Phone Number <u>Same 285-0639</u>

GIS: N 4754402 E 17676510 Location 1. Visitor parking 2. Centroid of site ☒ NAD83
3. At AST 4. At UST 5. Main Gate Map Datum NAD27

NYSDEC REPRESENTATIVE and Title RFK ENV. ENG-TECH.

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	<u>1</u>	<u>2</u>			
Underground or Aboveground Tank	<u>U</u>	<u>U</u>			
Product Stored/Tank Volume if different than registered	<u>4</u>	<u>4</u>			
	<u>15,000</u>	<u>15,000</u>			
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 (inadequate)					
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. See 613.3(b).	<u>X</u>	<u>X</u>			
9. Motor fuel tank has pressurized piping and is equipped with shear valve. Y/N/1 (inoperative)	<u>X</u>	<u>X</u>			

10. Tank installed after 12/86, tank system meets standards If no. missing items? (1) corrosion resistant, (2) secondary containment, (3) leak monitoring, (4) spill catch basin (5) overflow prevention (auto shut-off valve, high level alarm or ball float valve) and have (6) corrosion resistant piping with (7) leak monitoring (line leak detector for pressurized piping) or (8) only having one check valve under the pump in suction piping system (9) tank label (10) as-built plans.	<u>X</u>	<u>X</u>			
11. Have tank top sumps and fill port catch basins been properly maintained? Y/N (accumulation of product)/1 (poor condition)					
12. Inventory records (USTs) metered Mark (1) for no records, (2) for poor equipment, (3) for no reconciliation, (4) for reconciliation performed other than 10 days	<u>X</u>	<u>X</u>			
13. Unmetered tanks-have annual standpipe, or tank test or other leak detect method	<u>X</u>	<u>X</u>			
14. Tightness testing (USTs) has been conducted on the tank and piping system Check for both tank and piping. Y/N/1 (entire tank not tested)/2 (no test on line)	<u>X</u>	<u>X</u>			
15. Cathodic protection for steel UST and piping systems monitored annually (at least 3 readings per tank and 1 per line) Y/N (missing both)/1 (no monitoring on tank)/2 (no monitoring on line)/3 (records not maintained)/4 (system not maintained to achieve protection)	<u>X</u>	<u>X</u>			
16. Leak monitoring (UST) being done (2- wall tank - interstice is checked) Y/N/1 (inoperative system method)/2 (monitoring records not maintained)/3 (inappropriate method)					

* See Reverse for ownership.

17. Monthly inspections for all ASTs Y/N/I (records not maintained)					
18. Ten year inspections for ASTs Y/N/X/I (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/ I(not maintained)					
21. Dike drain valves are <u>locked in a closed position</u> Y/N/X					
22. Alternative secondary containment issues addressed. Y/N/ I (equipment not maintained)					
23. Gauge, high level alarm or other equivalent device for ASTs Y/N/ I(inoperative)					
24. Design/working capacity, and id number - marked on AST and at gauge.					
25. Solenoid or equivalent valve in place for gravity-fed motor fuel dispensers Y/N/ I(inoperative)/ X (not applicable)					
26. Check valve in place for pump-filled tanks with remote fills. Y/N/ I(inoperative)/ X (not applicable)					
27. Operating valve in place on every line with gravity head. Y/N/ I(inoperative)/ X (not applicable)					

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

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

BLdg. Closed - appears out of business

Sign states : "Heavenly Vail Spiritual Service Center"

ASSESSOR Lists

OWNER AS : World Series of Sports NY Inc.

c/o LORENZO & COHEN

LAW FIRM

Suite 1400

Statler Tower

BUFFALO 14202

(ASKED FOR STATUS
AND/OR OWNERSHIP
OF UST, INFO
UPDATE.)

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.

Sincerely,

Paul F. Kutlina
Environmental Engineering Technician

PFK:lj

Enclosure

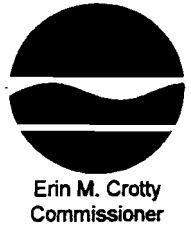
New York State Department of Environmental Conservation

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*

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.

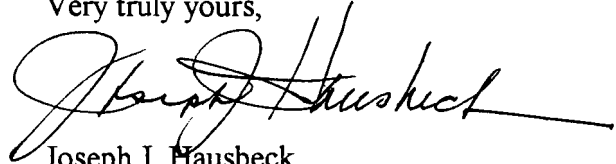
It is our understanding that the above tanks are out-of-service. These tanks will have to be closed in accordance with the Regulations of this Department. 6 NYCRR §613.9 sets forth the requirements for closure of out-of-service tanks. A copy of the Petroleum Bulk Storage handbook, containing this regulation, 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,

A handwritten signature in black ink, appearing to read "Joseph J. Hausbeck", written over a horizontal line.

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



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 but the lock on the gate accessing the area used by Vibratex'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

~~Erin M. Crotty~~

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

E-FILED

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

Dear Mr. Cohen:

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

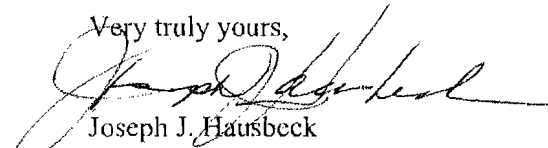
9-054313
Buffalo

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.

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.

Very truly yours,



Joseph J. Hausbeck
Assistant Regional Attorney

cc: 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

REGISTERED MAIL
RETURN RECEIPT REQUESTED

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

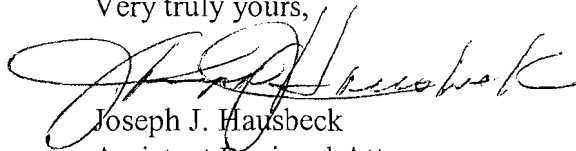
Dear Mr. Pugliese:

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,



Joseph J. Hausbeck
Assistant Regional Attorney

Enclosures (2) (Notice of Hearing, Complaint)

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

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



FIELD INSPECTION REPORT

Date: August 8, 2006
Site Name: Vibratech Inc.
Site Number: sp9710497
Location: 537 East Delavan, Buffalo
Project Engineer: Chad Staniszewski, NYSDEC - Buffalo
Contractor: 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:

- 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

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



FIELD INSPECTION REPORT

Date: August 10, 2006
Site Name: Vibratech Inc.
Site Number: sp9710497
Location: 537 East Delavan, Buffalo
Project Engineer: Chad Staniszewski, NYSDEC - Buffalo
Contractor: 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 23-feet 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 1-foot 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