



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes  No

If yes, provide existing site number:

**PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 11***

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME LL Fuel Storage, LLC		
ADDRESS Post Office Box 454		
CITY/TOWN Hurley		ZIP CODE 12443
PHONE 845-656-4600	FAX	E-MAIL kensd65@gmail.com
Is the requestor authorized to conduct business in New York State (NYS)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.</li> </ul>		
Do all individuals that will be certifying documents meet the requirements detailed below?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		

**Section II. Project Description**

1. What stage is the project starting at?  Investigation  Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):  Yes  No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

**Section III. Property's Environmental History**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	
Chlorinated Solvents			
Other VOCs			
SVOCs	X	X	
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*  Yes  No  
 (\*answering No will result in an incomplete application)

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing         | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input checked="" type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery               | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Petroleum Bulk Storage

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME LL Fuel Storage, LLC				
ADDRESS/LOCATION Laurel Avenue & Griff Court				
CITY/TOWN South Fallsburg		ZIP CODE 12779		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Fallsburg				
COUNTY Sullivan		SITE SIZE (ACRES) 1.4		
LATITUDE (degrees/minutes/seconds)		LONGITUDE (degrees/minutes/seconds)		
41 °	42 ' 35 "	74 °	37 ' 53 "	
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
Laurel Avenue & Griff Court, South Fallsburg	51.	1	8.2	1.4
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information.  Yes  No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
State Pollutant Elimination System (SPEDES) Permit	NYSDEC	NY0234231

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested.

Are the Property Description and Environmental Assessment narratives included in the prescribed format?  Yes  No

**Note:** Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits?  Yes  No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?  Yes  No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?  Yes  No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> See Instructions for Further Guidance		DEC USE ONLY	
		BCP SITE NAME: _____	
		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Kenneth Davenport			
ADDRESS Post Office Box 454			
CITY/TOWN Hurley, New York		ZIP CODE 12443	
PHONE 845-656-4600	FAX	E-MAIL kensd65@gmail.com	
NAME OF REQUESTOR'S CONSULTANT Deborah Thompson/DT Consulting Services, Inc.			
ADDRESS 1291 Old Post Road			
CITY/TOWN Ulster Park, New York		ZIP CODE 12487	
PHONE 845-658-3484	FAX	E-MAIL dtconsulting@hvc.rr.com	
NAME OF REQUESTOR'S ATTORNEY Gary S. Bowitch, Esq.			
ADDRESS 17 Elk Street			
CITY/TOWN Albany, NY		ZIP CODE 12207	
PHONE 5185272232	FAX	E-MAIL bowitch@bcalbany.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p> <p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</p>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Section VII. Requestor Eligibility Information (continued)**

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC?  Yes  No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?  Yes  No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Are there any unregistered bulk storage tanks on-site which require registration?  Yes  No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one):

- Previous Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

- Yes  No

**Note: a purchase contract does not suffice as proof of access.**

**Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  Yes  No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_  Yes  No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_  Yes  No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.  Yes  No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_  Yes  No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment.  Yes  No

**Section IX. Contact List Information**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

**Section X. Land Use Factors**

<p>1. What is the current municipal zoning designation for the site? Commercial</p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply)</p> <p><b>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</b></p>	
<p>3. Reasonably anticipated use Post Remediation: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>4. Do current historical and/or recent development patterns support the proposed use?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am a member (title) of LL Fuel Storage, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/3/21 Signature: \_\_\_\_\_

Print Name: Kenneth Davenport, Member/LL Fuel Storage, LLC (requestor)

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

**PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS.** Please provide a hard copy of ONLY the application form and a table of contents.

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 11**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
<b>From 6 NYCRR 375-3.2(l) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and	
(1) the proposed use is at least 75 percent for industrial uses; or	
(2) at which:	
(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;	
(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and	
(iii) one or more of the following conditions exists, as certified by the applicant:	
(a) property tax payments have been in arrears for at least five years immediately prior to the application;	
(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or	
(c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3.

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:** LL Fuel Storage, LLC  
**City:** South Fallsburg

**Site Address:** Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)  
**County:** Sullivan **Zip:** 12779

**Tax Block & Lot**

**Section (if applicable):** 51. **Block:** 1 **Lot:** 8.2

**Requestor Name:** LL Fuel Storage, LLC  
**City:** Hurley

**Requestor Address:** Post Office Box 454  
**Zip:** 12443 **Email:** kensd65@gmail.com

**Requestor's Representative (for billing purposes)**

**Name:** Kenneth Davenport  
**City:** Hurley, New York

**Address:** Post Office Box 454  
**Zip:** 12443

**Email:** kensd65@gmail.com

**Requestor's Attorney**

**Name:** Gary S. Bowitch, Esq.  
**City:** Albany, NY

**Address:** 17 Elk Street  
**Zip:** 12207

**Email:** bowitch@bcalbany.com

**Requestor's Consultant**

**Name:** Deborah Thompson/DT Consulting Services, Inc.  
**City:** Ulster Park, New York

**Address:** 1291 Old Post Road  
**Zip:** 12487

**Email:** dtconsulting@hvc.rr.com

**Percentage claimed within an En-Zone:**  0%  <50%  50-99%  100%

**DER Determination:**  Agree  Disagree

**Requestor's Requested Status:**  Volunteer  Participant

**DER/OGC Determination:**  Agree  Disagree  
**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**  Yes  No

**Does Requestor Claim Property is Upside Down:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:**  Yes  No  Planned, No Contract

**DER/OGC Determination:**  Agree  Disagree  Undetermined

**Notes:**

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

**Section I: Requestor Information**

Members/Owners of Each Requestor

<b>Business Entity</b>	<b>Member Name</b>
LL Fuel Storage, LLC	Kenneth Davenport Post Office Box 454 Hurley, New York 12443 845-656-4600 kensd65@gmail.com
	Patrick Garraghan Post Office Box 454 Hurley, New York 12443 patgarraghan@gmail.com

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through September 10, 2020.

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Selected Entity Name: LL FUEL STORAGE, LLC

Selected Entity Status Information

**Current Entity Name:** LL FUEL STORAGE, LLC

**DOS ID #:** 3560467

**Initial DOS Filing Date:** AUGUST 24, 2007

**County:** ULSTER

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

LL FUEL STORAGE, LLC

P.O. BOX 454

HURLEY, NEW YORK, 12443

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
AUG 24, 2007	Actual	LL FUEL STORAGE, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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COPY

**BARGAIN & SALE DEED**

**THIS INDENTURE**, made the 4<sup>th</sup> day of October, 2007 between **JimKat Enterprises, LLC**, a New York limited liability company, with addresses at 81 Pleasant Pond Road, Contoocook, New Hampshire 03229, party of the first part, and **LL Fuel Storage LLC**, a New York limited liability company, with an address at P.O. Box 797, Lake Katrine, New York 12547, party of the second part.

RECORDED IN NEW YORK SULLIVAN COUNTY SS:  
ON 2007 OCT 04 11:00 AM  
In Book 3405 Page 244  
and Examined.

**WITNESSETH**

Neil M. Gilbers CLERK

That the party of the first part, in consideration of One and 00/100 (\$1.00) Dollar, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever:

See annexed **Schedule A**.

Being and intended to be a portion of the premises conveyed to JimKat Enterprises, LLC from Jo-El Properties, Inc. by deed dated March 18, 2005 and recorded April 01, 2005 in Liber 2941 page 617 in the Sullivan County Clerk's Office. It is the intent of the party of the first part to convey all remaining rights, title and interest in and to the premises referenced in said Deed.

**TOGETHER** with all right title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

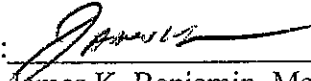
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to payment of the cost of the improvement before using any part of the total of the same for any other purpose.



IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

**JimKat Enterprises, LLC**

By:   
James K. Benjamin, Member and Manager

STATE OF NEW HAMPSHIRE :  
: COUNTY OF Merrimack :  
:ss.:

On the 1<sup>ST</sup> day of October, in the year 2007 before me, the undersigned, personally appeared James K. Benjamin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of Merrimack, NH (insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).

  
Notary Public

RECORD AND RETURN TO: \_\_\_\_\_

**ELIN K. LEONARD, Notary Public**  
**My Commission Expires November 29, 2011**

**Dunleavy Title Abstractors, Inc.**  
Title No. 6053TT

Dunleavy Title Abstractors, Inc.  
225 South Plank Road  
Newburgh NY 12550

**Schedule A**

Page 1

Parcel I  
51-1-11.1

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1153.

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1156.

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1170.

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1173.

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1177.

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly

described in the following deeds of conveyance: Deed between Sarah W. Griff and Helen G. Weisgal, Grantors, and Griff Petroleum Corporation, Grantee, dated December 18, 1965 and recorded May 31, 1966 in Book 704 of Deeds at Page 1180.

EXCEPTING from aforesaid description that portion of 51-1-11.1 known as all that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York, and more particularly described in the following deed of conveyance: Deed from JimKat Enterprises, LLC and Jo-EI properties, Inc. f/k/a Griff Petroleum Corp., Grantors, and Fallsburg Lumber Company, Inc., Grantee, dated February 21, 2007, and recorded March 22, 2007 in Book 3308 of deeds at Page 526.

Parcel II  
51-1-8.2

All that tract or parcel of land, situate, lying and being in the Town of Fallsburg, County of Sullivan, and State of New York and more particularly described in the following deed of conveyance: Deed from GOC, Inc. to Griff Petroleum Corp., Grantee, dated May 9, 1990, and recorded June 1, 1990 in Book 1461 of Deeds at Page 478.

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

## **Section II: Project Description**

### **Site Name/Location:**

LL Fuel Storage, LLC

Laurel Avenue & Griff Court (Tax ID 51.-1-8.2), South Fallsburg, Sullivan County, New York

### **Note:**

The property subject to this application is located at the intersection of Laurel Avenue and Griff Court, South Fallsburg, New York. On account of this intersection and 911 address changes, the property has also been referenced as 25 Laurel Avenue, 74 Griff Court and Laurel Ave Tr 34. For the purposes of this BCP application and the generation of documents herein the Site Location has been and will be referenced as Laurel Avenue & Griff Court (Tax ID 51.-1-8.2).

### **Overall Development Project Description:**

The Site is improved with ten aboveground storage tanks (ASTs), a fuel truck loading rack and an oil-water separator utilized to treat storm water run-off within the secondary containment area surrounding the ASTs prior to discharge. The property contains no Site structures other than an operating booth and is unmanned. The petroleum bulk storage (PBS) and distribution facility is planned to maintain its current footprint and Site use.

### **BCP Projected Start/Completion:**

The applicant is prepared to commence the remedial program on May 1, 2021. Completion of remedial action and obtaining the COC for the project is projected to be completed by May 2022.

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

### **Section III: Property's Environmental History**

#### **Previous Environmental Reports:**

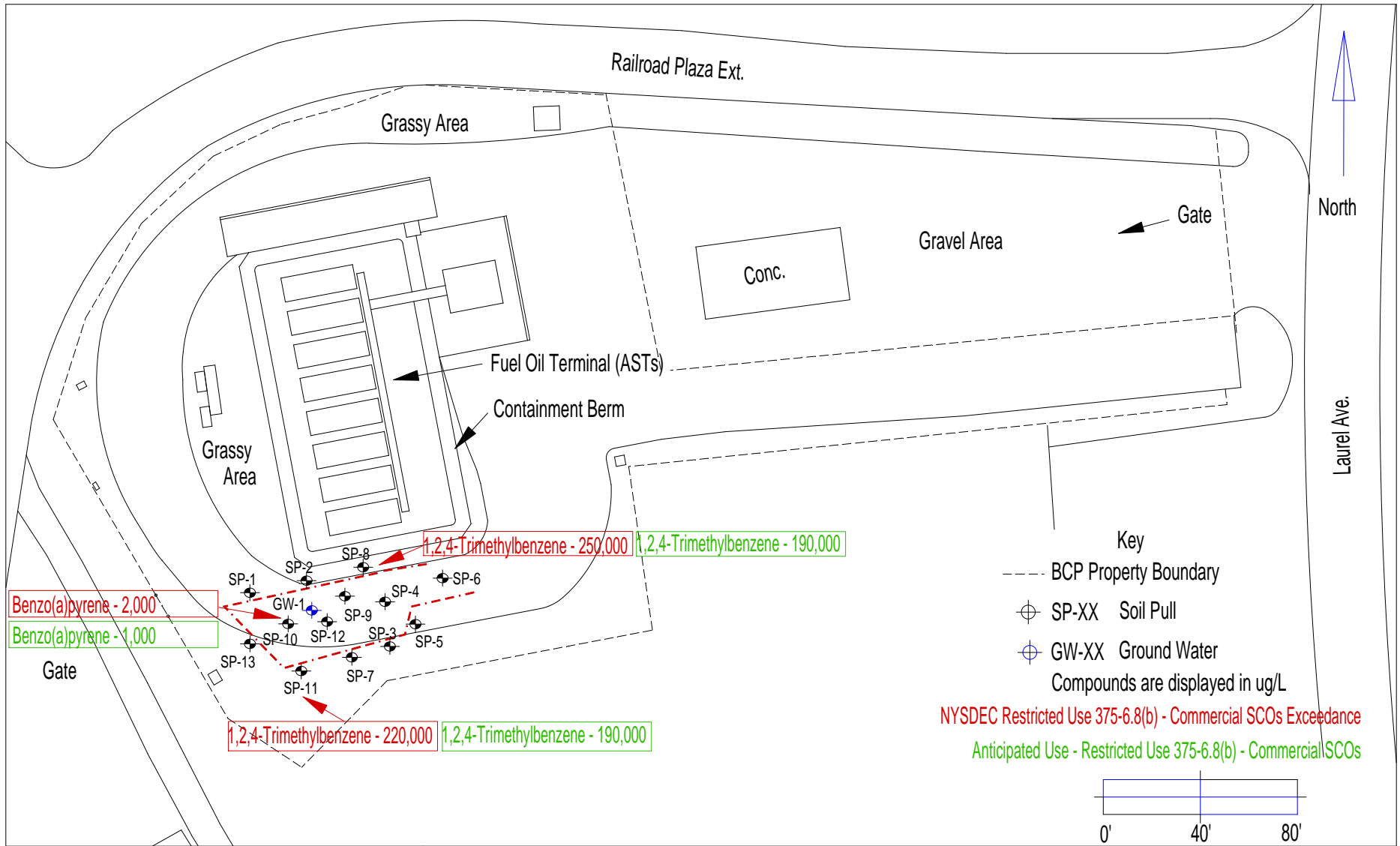
1. Phase I and Limited Phase II Environmental Site Assessments, Continental Placer, Inc., April 15, 2019.
2. Subsurface Investigative Work Plan, DT Consulting Services, Inc., July 19, 2019.
3. Remedial Investigative Report, DT Consulting Services, Inc., December 23, 2019.
4. Remedial Action Summary Report, DT Consulting Services, Inc., September 11, 2020.

**DT CONSULTING SERVICES, INC.**

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

**SECTION III - HISTORICAL REPORTING – MAPS/TABLES**

**(Environmental Reports provided as separate PDF Files)**



DT Consulting Services, Inc.  
 1291 Old Post Road  
 Ulster Park, New York 12487  
 (845) 658-3484

Client: LL Fuel Storage, LLC

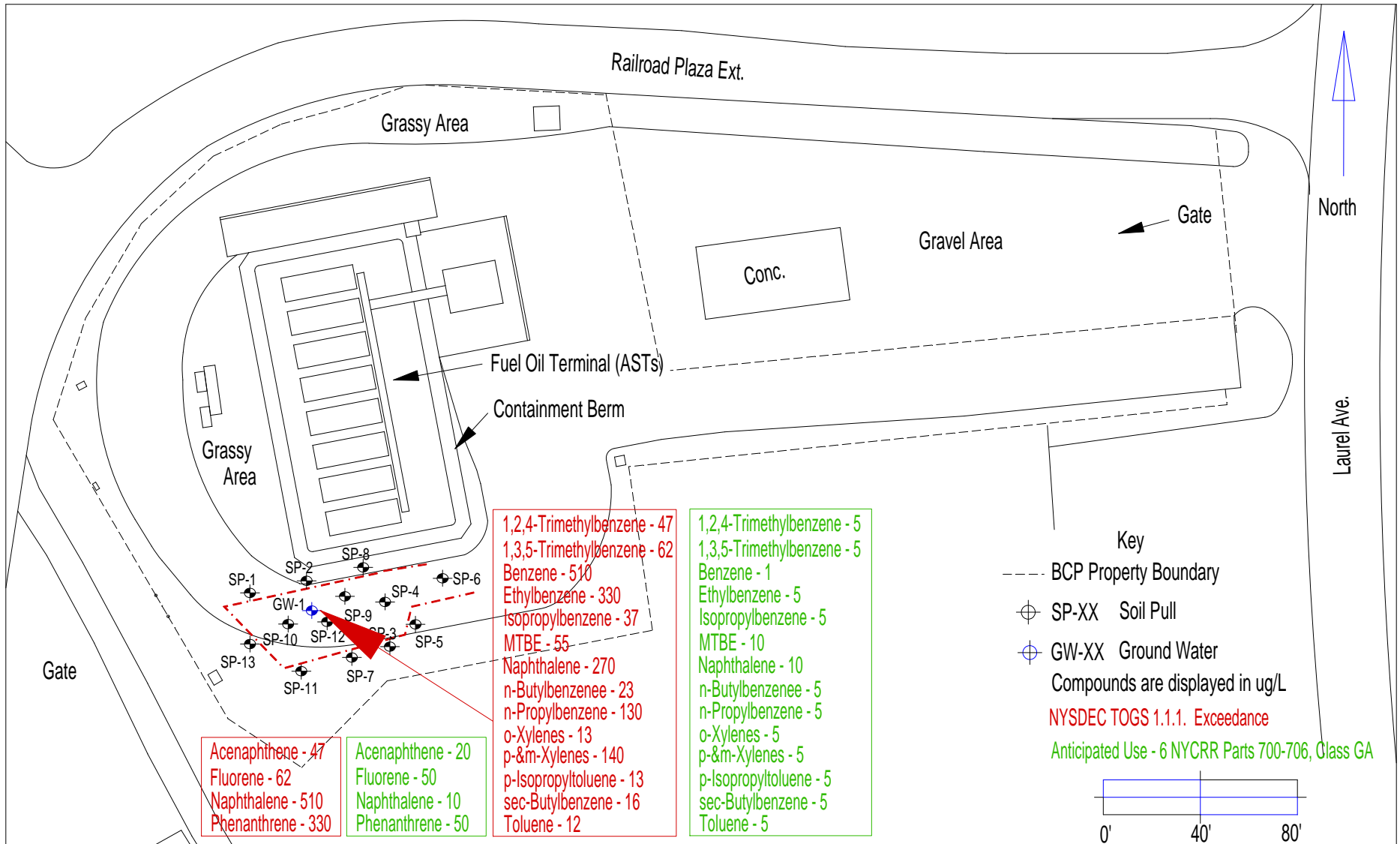
Location: Laurel Avenue & Griff Court, South Fallsburg, Sullivan County, New York

Title: Volatile/Semi-Volatile Organic Compounds Contaminant Exceedances/Standards for Anticipated Use - Soil July 10, 2020

Scale: Graphic

Drawn By: O.T.

BCP#: C353017



1,2,4-Trimethylbenzene - 47  
 1,3,5-Trimethylbenzene - 62  
 Benzene - 510  
 Ethylbenzene - 330  
 Isopropylbenzene - 37  
 MTBE - 55  
 Naphthalene - 270  
 n-Butylbenzene - 23  
 n-Propylbenzene - 130  
 o-Xylenes - 13  
 p-&m-Xylenes - 140  
 p-Isopropyltoluene - 13  
 sec-Butylbenzene - 16  
 Toluene - 12

1,2,4-Trimethylbenzene - 5  
 1,3,5-Trimethylbenzene - 5  
 Benzene - 1  
 Ethylbenzene - 5  
 Isopropylbenzene - 5  
 MTBE - 10  
 Naphthalene - 10  
 n-Butylbenzene - 5  
 n-Propylbenzene - 5  
 o-Xylenes - 5  
 p-&m-Xylenes - 5  
 p-Isopropyltoluene - 5  
 sec-Butylbenzene - 5  
 Toluene - 5

Acenaphthene - 47  
 Fluorene - 62  
 Naphthalene - 510  
 Phenanthrene - 330

Acenaphthene - 20  
 Fluorene - 50  
 Naphthalene - 10  
 Phenanthrene - 50

DT Consulting Services, Inc.  
 1291 Old Post Road  
 Ulster Park, New York 12487  
 (845) 658-3484

Client:	LL Fuel Storage, LLC		
Location:	Laurel Avenue & Griff Court, South Fallsburg, Sullivan County, New York		
Title:	Volatile and Semi-Volatile Organic Compounds Contaminant Exceedances/Standards for Anticipated Use - Groundwater July 10, 2020		
Scale:	Graphic	Drawn By:	O.T.
		BCP#:	C353017



Summary of Soil Laboratory Analysis for Volatile Organic Compounds (VOCs) - Concentrations/Standards

Remedial Action - Performed July 2020

Site: LL Fuel Storage, LLC – South Fallsburg Terminal  
 Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)  
 South Fallsburg, Sullivan County, New York

Client Name: LL Fuel Storage, LLC  
 Address: Post Office Box 454  
 Hurley, New York 12443  
 Contact Name: Kenneth Davenport

NYSDEC PBS NO. 3-123226/BCP# C353017

Sample Location			SP-1	SP-2	SP-3	SP-4	SP-5	SP-6	SP-7	SP-8	SP-9	Groundwater Excavation		
Sample Number			1	2	3	4	5	6	7	8	9	10		
Date Collected			7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020		
Matrix			Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Groundwater		
Analytical Method			8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51		
Compound	Soils	Projected Soils										Groundwater	Projected Groundwater	Sample Con
	Guidance	Guidance	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Guidance	
1,2,4-Trimethylbenzene	3,600	190,000	<b><u>61,000</u></b>	<b><u>36,000</u></b>	40	<b><u>22,000</u></b>	<b><u>36,000</u></b>	<b><u>150,000</u></b>	<b><u>140,000</u></b>	<b><u>250,000</u></b>	<b><u>160,000</u></b>	5	5	<b><u>47</u></b>
1,3,5-Trimethylbenzene	8,400	190,000	<b><u>9,700</u></b>	5,000	790	1,300	<b><u>9,800</u></b>	<b><u>44,000</u></b>	6,900	<b><u>14,000</u></b>	ND	5	5	<b><u>62</u></b>
Benzene	60	89,000	ND	ND	ND	<b><u>1,200</u></b>	<b><u>3,600</u></b>	<b><u>4,200</u></b>	ND	<b><u>2,700</u></b>	ND	0.7	1	<b><u>510</u></b>
Ethylbenzene	1,000	390,000	<b><u>41,000</u></b>	<b><u>13,000</u></b>	4	<b><u>5,900</u></b>	<b><u>17,000</u></b>	<b><u>48,000</u></b>	<b><u>34,000</u></b>	<b><u>68,000</u></b>	<b><u>41,000</u></b>	5	5	<b><u>330</u></b>
Isopropylbenzene	2,300	NS	<b><u>7,300</u></b>	<b><u>3,600</u></b>	ND	820	2,300	<b><u>6,100</u></b>	<b><u>4,900</u></b>	<b><u>8,400</u></b>	ND	5	5	<b><u>37</u></b>
MTBE	930	500,000	ND	ND	3.4	ND	ND	ND	ND	ND	ND	10	10	<b><u>55</u></b>
Naphthalene	12,000	500,000	<b><u>31,000</u></b>	<b><u>20,000</u></b>	32	5,100	<b><u>15,000</u></b>	<b><u>29,000</u></b>	<b><u>28,000</u></b>	<b><u>36,000</u></b>	<b><u>28,000</u></b>	10	10	<b><u>270</u></b>
n-Butylbenzene	12,000	500,000	11,000	6,000	ND	1,600	4,200	11,000	9,200	<b><u>15,000</u></b>	ND	5	5	<b><u>23</u></b>
n-Propylbenzene	3,900	500,000	<b><u>24,000</u></b>	<b><u>13,000</u></b>	ND	3,100	<b><u>7,400</u></b>	<b><u>20,000</u></b>	<b><u>18,000</u></b>	<b><u>30,000</u></b>	<b><u>22,000</u></b>	5	5	<b><u>130</u></b>
o-Xylene	260	500,000	ND	ND	4.4	540	<b><u>1,200</u></b>	<b><u>47,000</u></b>	ND	<b><u>1,900</u></b>	ND	5	5	<b><u>13</u></b>
p-&m-Xylenes	260	500,000	<b><u>3,500</u></b>	<b><u>7800</u></b>	17	<b><u>5,900</u></b>	<b><u>7,800</u></b>	<b><u>160,000</u></b>	<b><u>15,000</u></b>	<b><u>46,000</u></b>	ND	5	5	<b><u>140</u></b>
p-Isopropyltoluene	10,000	NS	3,900	2,300	ND	520	1,600	ND	2,900	4,200	ND	5	5	<b><u>13</u></b>
sec-Butylbenzene	11,000	500,000	5,500	3,200	ND	710	1,800	3,100	4,100	6,200	ND	5	5	<b><u>16</u></b>
tert-Butylbenzene	5,900	500,000	<b><u>7,700</u></b>	ND	ND	ND	ND	ND	ND	ND	ND	5	5	ND
Toluene	700	500,000	ND	ND	ND	ND	ND	<b><u>4,700</u></b>	ND	ND	ND	5	5	<b><u>12</u></b>

Notes:

- Soil results are recorded in micrograms-per-kilogram (µg/Kg) or ppb. Groundwater results are recorded in micrograms-per-liter (µg/L) or ppb.
- ND = Undetected. J = Detected below reporting limit but greater than or equal to MDL; therefore, the result is an estimated concentration.
- The presented soil quality guidance values were adopted from the NYSDEC CP-51/Soil Cleanup Guidance, October, 21, 2010 .  
 Projected soil standard for anticipated use adopted from NYSDEC 6 NYCRR Part 375, Table 375-6.8(b): Commercial Use Soil Cleanup Objectives, December 2006
- The presented groundwater guidance values were adopted by the NYSDEC Groundwater Quality Standards, Division of Water Technical & Operational Guidance Series (TOGS 1.1.1).  
 Projected groundwater standard for anticipated use adopted from 6 NYCRR Parts 700-706, Class GA.
- Analytical measurements exceeding CP-51/TOGS 1.1.1 guidance values are in bold type and underlined as such **100**.

Summary of Soil Laboratory Analysis for Volatile Organic Compounds (VOCs) - Concentrations/Standards

Remedial Action - Performed July 2020

Page 2 of 4

Site: LL Fuel Storage, LLC – South Fallsburg Terminal  
 Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)  
 South Fallsburg, Sullivan County, New York

Client Name: LL Fuel Storage, LLC  
 Address: Post Office Box 454  
 Hurley, New York 12443  
 Contact Name: Kenneth Davenport

NYSDEC PBS NO. 3-123226/BCP# C353017

Sample Location			SP-10	SP-11	SP-12	SP-13
Sample Number			1	2	3	4
Date Collected			7/13/2020	7/13/2020	7/13/2020	7/13/2020
Matrix			Soil	Soil	Soil	Soil
Analytical Method			8260C - CP-51	8260C - CP-51	8260C - CP-51	8260C - CP-51
Compound	Soils	Projected Soils	Sample Con	Sample Con	Sample Con	Sample Con
	Guidance	Guidance				
1,2,4-Trimethylbenzene	3,600	190,000	130	<b><u>220,000</u></b>	<b><u>4,100</u></b>	ND
1,3,5-Trimethylbenzene	8,400	190,000	130	<b><u>8,900</u></b>	470J	570
Benzene	60	89,000	ND	<b><u>1,200J</u></b>	ND	ND
Ethylbenzene	1,000	390,000	8.2	<b><u>15,000</u></b>	720	<b><u>2,600</u></b>
Isopropylbenzene	2,300	NS	ND	<b><u>2,800</u></b>	ND	<b><u>4,000</u></b>
MTBE	930	500,000	ND	ND	ND	ND
Naphthalene	12,000	500,000	27	<b><u>25,000</u></b>	1,500	2,900
n-Butylbenzene	12,000	500,000	3.3J	6,000	400J	5,800
n-Propylbenzene	3,900	500,000	2.8J	<b><u>7,800</u></b>	480J	<b><u>13,000</u></b>
o-Xylene	260	500,000	5.2J	<b><u>1,500J</u></b>	ND	ND
p-&m-Xylenes	260	500,000	25	<b><u>16,000</u></b>	<b><u>420J</u></b>	ND
p-Isopropyltoluene	10,000	NS	12	4,300	ND	1,600
sec-Butylbenzene	11,000	500,000	2.9J	4,000	ND	3,300
tert-Butylbenzene	5,900	500,000	ND	ND	ND	ND
Toluene	700	500,000	ND	ND	ND	ND

- Notes:
- Soil results are recorded in micrograms-per-kilogram (µg/Kg) or ppb.
  - ND = Undetected. J = Detected below reporting limit but greater than or equal to MDL; therefore, the result is an estimated concentration.
  - The presented soil quality guidance values were adopted from the NYSDEC CP-51/Soil Cleanup Guidance, October, 21, 2010 .  
 Projected soil standard for anticipated use adopted from NYSDEC 6 NYCRR Part 375, Table 375-6.8(b): Commercial Use Soil Cleanup Objectives, December 2006
  - Analytical measurements exceeding CP-51 guidance values are in bold type and underlined as such **100**.

Summary of Soil Laboratory Analysis for Semi-Volatile Organic Compounds (SVOCs) - Concentrations/Standards

Remedial Action - Performed July 2020

Page 3 of 4

Site: LL Fuel Storage, LLC – South Fallsburg Terminal  
 Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)  
 South Fallsburg, Sullivan County, New York

Client Name: LL Fuel Storage, LLC  
 Address: Post Office Box 454  
 Hurley, New York 12443  
 Contact Name: Kenneth Davenport

NYSDEC PBS NO. 3-123226/BCP# C353017

Sample Location			SP-1	SP-2	SP-3	SP-4	SP-5	SP-6	SP-7	SP-8	SP-9	Groundwater Excavation		
Sample Number			1	2	3	4	5	6	7	8	9	10		
Date Collected			7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020	7/10/2020		
Matrix			Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Groundwater		
Analytical Method			8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51		
Compound	Soils	Projected Soils	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Sample Con	Groundwater	Projected Groundwater	Sample Con
	Guidance	Guidance										Guidance	Guidance	
Acenaphthene	20,000	500,000	1,500	1,000	95	150	910	200	1,400	1,100	1,700	20	20	<b>44</b>
Acenaphthylene	100,000	500,000	490	340	ND	ND	320	79	380	390	550	NS	NS	ND
Anthracene	100,000	500,000	810	570	62	80	500	100	620	640	940	50	50	29
Benzo(a)anthracene	1,000	5,600	ND	66	ND	ND	ND	59	ND	ND	48	0.002	NS	ND
Benzo(a)pyrene	1,000	1,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.002	ND	ND
Benzo(b)fluoranthene	1,000	5,600	ND	49	ND	ND	ND	63	ND	ND	ND	0.002	0.002	ND
Benzo(g,h,i)perylene	100,000	500,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	NS	NS	ND
Benzo(k)fluoranthene	800	56,000	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.002	0.002	ND
Chrysene	1,000	56,000	47	71	ND	ND	55	80	57	50	68	0.002	0.002	ND
Dibenz(a,h)anthracene	330	560	ND	ND	ND	ND	ND	ND	ND	ND	ND	NS	NS	ND
Fluoranthene	100,000	500,000	180	180	ND	ND	180	170	150	150	230	50	50	ND
Fluorene	30,000	500,000	2,700	1,800	210	290	1,600	350	2,100	2,100	3,200	50	50	<b>99</b>
Indeno(1,2,3-cd)pyrene	500	5,600	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.002	0.002	ND
Naphthalene	12,000	500,000	<b>13,000</b>	650	89	780	8,100	<b>16,000</b>	6,800	6,600	<b>17,000</b>	10	10	<b>960</b>
Phenanthrene	100,000	500,000	5,700	4,300	410	570	3,300	620	4,300	4,400	6,900	50	50	<b>210</b>
Pyrene	100,000	500,000	540	450	52	73	400	180	420	480	670	50	50	ND

Notes:

- Soil results are recorded in micrograms-per-kilogram (µg/Kg) or ppb. Groundwater results are recorded in micrograms-per-liter (µg/L) or ppb.
- ND = Undetected. J = Detected below reporting limit but greater than or equal to MDL; therefore, the result is an estimated concentration.
- The presented soil quality guidance values were adopted from the NYSDEC CP-51/Soil Cleanup Guidance, October, 21, 2010 .  
 Projected soil standard for anticipated use adopted from NYSDEC 6 NYCRR Part 375, Table 375-6.8(b): Commercial Use Soil Cleanup Objectives, December 2006
- The presented groundwater guidance values were adopted by the NYSDEC Groundwater Quality Standards, Division of Water Technical & Operational Guidance Series (TOGS 1.1.1).  
 Projected groundwater standard for anticipated use adopted from 6 NYCRR Parts 700-706, Class GA.
- Analytical measurements exceeding CP-51/TOGS 1.1.1 guidance values are in bold type and underlined as such **100**.

Summary of Soil Laboratory Analysis for Semi-Volatile Organic Compounds (SVOCs) - Concentrations/Standards

Remedial Action - Performed July 2020

Page 4 of 4

Site: LL Fuel Storage, LLC – South Fallsburg Terminal  
 Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)  
 South Fallsburg, Sullivan County, New York

Client Name: LL Fuel Storage, LLC  
 Address: Post Office Box 454  
 Hurley, New York 12443  
 Contact Name: Kenneth Davenport

NYSDEC PBS NO. 3-123226/BCP# C353017

Sample Location			SP-10	SP-11	SP-12	SP-13
Sample Number			1	2	3	4
Date Collected			7/13/2020	7/13/2020	7/13/2020	7/13/2020
Matrix			Soil	Soil	Soil	Soil
Analytical Method			8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51	8270 B/N - CP-51
	<b>Soils</b>	<b>Projected Soils</b>				
<b>Compound</b>	<b>Guidance</b>	<b>Guidance</b>	<b>Sample Con</b>	<b>Sample Con</b>	<b>Sample Con</b>	<b>Sample Con</b>
Acenaphthene	20,000	500,000	770	2,200	150	1,000
Acenaphthylene	100,000	500,000	300	650	50	290
Anthracene	100,000	500,000	1,000	1,100	100	500
Benzo(a)anthracene	1,000	5,600	<b><u>2,200</u></b>	110	ND	ND
Benzo(a)pyrene	1,000	1,000	<b><u>2,000</u></b>	54	ND	ND
Benzo(b)fluoranthene	1,000	5,600	<b><u>1,800</u></b>	79	ND	ND
Benzo(g,h,i)perylene	100,000	500,000	1,000	49	ND	ND
Benzo(k)fluoranthene	800	56,000	<b><u>1,600</u></b>	56	ND	ND
Chrysene	1,000	56,000	<b><u>2,000</u></b>	140	ND	ND
Dibenz(a,h)anthracene	330	560	<b><u>480</u></b>	ND	ND	ND
Fluoranthene	100,000	500,000	4,600	400	ND	100
Fluorene	30,000	500,000	1,400	4,300	270	1,600
Indeno(1,2,3-cd)pyrene	500	5,600	<b><u>1,100</u></b>	ND	ND	ND
Naphthalene	12,000	500,000	230	9,700	53	1,600
Phenanthrene	100,000	500,000	4,900	8,900	520	3,700
Pyrene	100,000	500,000	3,600	950	95	270

Notes:

1. Soil results are recorded in micrograms-per-kilogram (µg/Kg) or ppb.
2. ND = Undetected. J = Detected below reporting limit but greater than or equal to MDL; therefore, the result is an estimated concentration.
3. The presented soil quality guidance values were adopted from the NYSDEC CP-51/Soil Cleanup Guidance, October, 21, 2010 .  
 Projected soil standard for anticipated use adopted from NYSDEC 6 NYCRR Part 375, Table 375-6.8(b): Commercial Use Soil Cleanup Objectives, December 2006
4. Analytical measurements exceeding CP-51 guidance values are in bold type and underlined as such **100**.

**DT CONSULTING SERVICES, INC.**

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP# C353017

**SECTION IV – PROPERTY INFORMATION**

Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

## **Section IV: Project Description and Environmental Assessment Narratives**

### **Site Name/Location:**

LL Fuel Storage, LLC

Laurel Avenue & Griff Court, South Fallsburg, Sullivan County, New York.

The Site is located at the intersection of Laurel Avenue & Griff Court, South Fallsburg, New York.

### **Note:**

The property subject to this application is located at the intersection of Laurel Avenue and Griff Court, South Fallsburg, New York. On account of this intersection and 911 address changes, the property has also been referenced as 25 Laurel Avenue, 74 Griff Court and Laurel Ave Tr 34. For the purposes of this BCP application and the generation of documents herein the Site Location has been and will be referenced as Laurel Avenue & Griff Court.

### **Site Features:**

The subject 1.4-acre parcel is presently improved with ten aboveground storage tanks (ASTs), a fuel truck loading rack and an oil-water separator utilized to treat storm water run-off within the secondary containment area surrounding the ASTs prior to discharge. The property contains no Site structures other than an operating booth and is unmanned. The Site is planned to maintain its current footprint and land use.

### **Current Zoning and Land Use:**

The Site is currently active, and maintains a 441 – Fuel Storage & Distribution property class by the Town of Fallsburg. The Subject Property maintains ten aboveground storage tanks (ASTs), a fuel truck loading rack and an oil-water separator utilized to treat storm water run-off within the secondary containment area surrounding the ASTs prior to discharge.

Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

#### **Section IV: Project Description Narrative (continued)**

The property contains no Site structures other than an operating booth and is unmanned. The Site is bounded by commercial property to the north, south and west; while residential Site use is present to the east along Laurel Avenue. The Town of Fallsburg is reported to provide potable water and wastewater disposal services via municipal water and sewer to surrounding properties.

##### **Past Use of Site:**

Historic uses of the Site have been centered on commercial, petroleum bulk storage (PBS) enterprises dating back to the 1920s. Prior uses which have led to Site contamination include PBS for the purposes of operating a petroleum storage and distribution facility. Previous investigations and evaluations conducted on the Subject Property included (each report is included as an attachment for Section III):

##### **1. Phase I/II Environmental Site Assessment/Continental Placer, Inc./April 15, 2019**

Pending potential sale of the Site, Continental Placer, Inc. (CPI), on behalf of the potential purchaser, performed a Phase I & II Environmental Site Assessment (ESA) on the Subject Property. The purpose of the assessments was to identify any recognized environmental conditions (RECs) and to characterize any contamination that may exist in soil and/or groundwater because of historical Site use as a PBS facility.

##### **Findings**

RECs identified for the Subject Property as identified by CPI were the PBS aboveground storage tanks (ASTs), the presence of an oil-water separator, and the observation of petroleum-impacted soil and groundwater identified during the limited Phase II ESA. For the limited Phase II ESA, four soil borings were advanced for the collection and analysis of soil and groundwater samples on March 27, 2019. Petroleum-impacted soil and groundwater (odors and photoionization detector screening) were noted in the field in three of the four borings. The laboratory analytical

Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

## **Section IV: Project Description Narrative (continued)**

results demonstrated the presence of volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) in soil and groundwater at those three locations. While conducting the Phase II ESA, petroleum contamination (i.e., soil and groundwater impacts) was encountered above applicable state standards, and thus Spill Number 19-00538 was generated for the Site on April 16, 2019.

### **2. Subsurface Investigative Work Plan/DT Consulting Services, Inc./July 19, 2019**

Based upon the findings of a Limited Phase II ESA performed by CPI in March 2019, DT Consulting Services, Inc. (DTCS) was subsequently retained by LL Fuel Storage, LLC to generate a Subsurface Investigative Work Plan to delineate the extent of petroleum impacts on-Site as per the request of the Department. The Subsurface Investigative Work Plan (SIWP) outlined proposed investigative sampling locations, sample collection procedures, laboratory analysis and outlined the contents of the Remedial Investigative Report to be generated upon executing the plan.

### **3. Remedial Investigative Report/DT Consulting Services, Inc./December 23, 2019**

DTCS received approval on the SIWP from the Department on August 13, 2019. The purpose of this investigation is to further delineate the extent of subsurface impacts identified during a recent Limited Phase II ESA performed on the Subject Facility. The investigation was concentrated in locations surrounding the AST operational areas, the historical soil boring which displayed petroleum impacts, and select background locations so as to quantify subsurface conditions within the area(s) of study. A total of eight soil borings and one groundwater monitoring location were utilized during the survey to characterize Site conditions.



Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

## **Section IV: Project Description Narrative (continued)**

### **Findings**

Upon review of analytical testing, DTCS concluded that most all soil boring locations (with the exception of Soil Boring SB-6) were returned with VOC concentrations above NYSDEC CP-51 soil cleanup objectives or SCOs. The remaining testing parameters, namely the SVOCs, were recorded as either non-detect or with contaminant concentrations below state SCOs. Analysis of the temporary Site well installed during this investigation revealed concentrations of laboratory detectable dissolved phase VOCs and SVOCs. When compared to guidance, numerous VOCs were found to exceed their respective regulatory standards, while the reported SVOCs fell below standards. DTCS recommended excavation and proper disposal of source material from within the identified source areas. The NYSDEC concurred with the recommendation and requested a Remedial Action Work Plan (RIWP) to be generated and approved prior to proceeding with the remedial measure.

#### **4. Remedial Action Work Plan/DT Consulting Services, Inc./February 19, 2020**

A Remedial Action Work Plan (RAWP) was generated by DTCS and submitted to NYSDEC Region III, Environmental Remediation Division for review and comment on February 19, 2020. The purpose of the RAWP was to detail procedures to excavate residual source materials identified during recent investigative activities and dewatering of the remedial area (as necessary) to execute the chosen method of Site remediation.

Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

## **Section IV: Project Description Narrative (continued)**

### **5. Remedial Action Summary Report/DT Consulting Services, Inc./September 11, 2020**

Upon receipt of approval on the RAWP by the Department and the pause due to pandemic work restrictions, DTCS conducted remedial efforts (i.e., source removal) on the Subject Property between July 7 & 14, 2020. Soil excavation was performed with the use of heavy equipment to scoop overburden materials onto 6-mil polyethylene sheeting for temporary staging, which was covered with another layer of 6-mil sheeting at the conclusion of each work day. During the course of source removal, approximately 900 yards of petroleum impacted soils were staged on-Site for future disposal. DTCS documented more extensive soil and groundwater impacts during excavation procedures which appeared to warrant excavation and/or remediation. As such, field work was temporarily postponed, pending the discussion and acceptance of the Subject Property into the NYSDEC Brownfield Cleanup Program (BCP).

#### **Site Geology and Hydrogeology:**

Based upon historical investigations of the Site, subsurface characteristics at the facility consist mixed fill (0 – 6' below grade surface or bgs), silty sand (6 – 10' bgs) underlain by native till (10 – 13' bgs). Slabs of concrete were also found within the southwestern quadrant of the excavation and are believed to be remnants of historical tank cradles which were employed during a former PBS event. Bedrock was not encountered during source removal procedures on-Site. Groundwater was documented at approximately 10' bgs and contained free phase product and petroleum sheen while conducting initial remedial procedures in July 2020.

#### **Environmental Assessment:**

Based upon soil sampling and analysis conducted to date, the primary contaminants of concern for the Site include petroleum based (VOCs/SVOCs).

Brownfield Cleanup Application

LL Fuel Storage, LLC

BCP #C353017

#### **Section IV: Project Description Narrative (continued)**

SOIL: Elevated sample concentrations for VOCs and to a lesser extent SVOCs were reported in post excavation soil samples collected during the initial remedial action event in July 2020. Petroleum impacted soils were found in the unsaturated and smear zones with the soil profile along the south, southwestern quadrant of the facility. DTCS also documented remnants of historical tank cradles within the remedial area which were employed during a former PBS event (reportedly gasoline PBS and distribution was historically performed within this quadrant of the Site by Griff Petroleum).

GROUNDWATER: Petroleum based hydrocarbons, within the south, southwestern quadrant of the Site, exceeding groundwater standards (typically 5 parts-per billion or ppb), with a maximum concentration of 10 ppb. The primary contaminants of concern are Benzene, Ethylbenzene, Naphthalene, Xylenes and n-Propylbenzene, which were reported within Site groundwater at concentrations of 510, 330, 270, 140 and 130ppb respectively.



# BCP Property Boundaries - Aerial - 2016

Address: LL Fuel Storage, LLC, Laurel Avenue & Griff Court (Tax ID 51.-1-8.2), South Fallsburg, NY

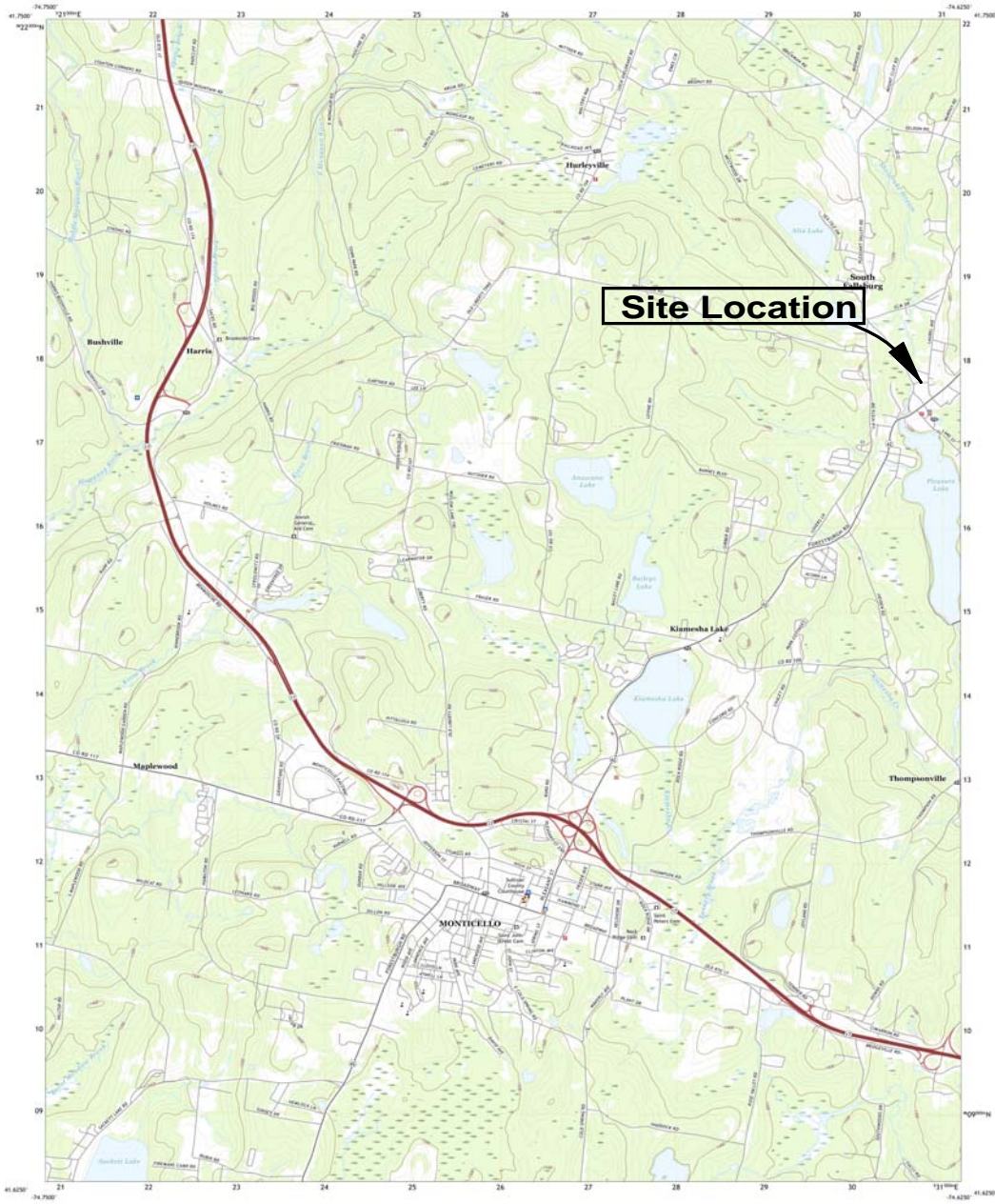
Source: ESRI World Imagery



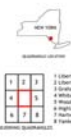
U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



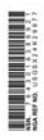
MONTICELLO QUADRANGLE  
NEW YORK - SULLIVAN COUNTY  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
National Geographic Society of 1860 (2004). Projection: UTM and  
8000 meters of contour interval. Projection: UTM and  
8000 meters of contour interval. National Geographic Society of 1860 (2004).  
This map is a digital product. It is not a physical map. It is not a physical map.  
It is a digital product. It is not a physical map. It is not a physical map.  
It is a digital product. It is not a physical map. It is not a physical map.



MONTICELLO, NY  
2019



DT Consulting Services, Inc.  
1291 Old Post Road  
Ulster Park, New York 12487  
(845) 658-3484

Client: LL Fuel Storage, LLC

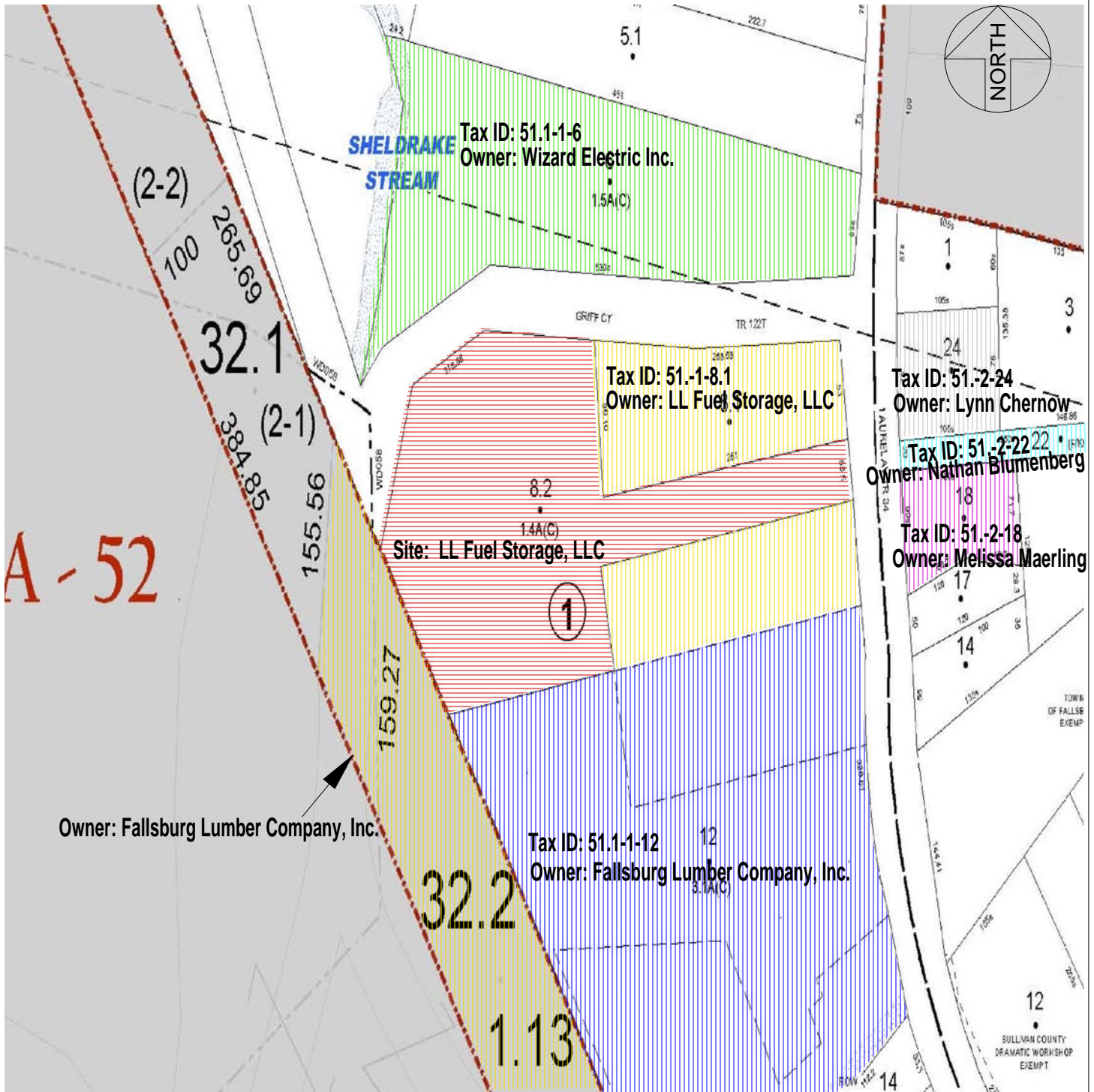
Location: Laurel Avenue & Griff Court, South Fallsburg, New York

Title: Topographic Map

BCP# C353017

Scale: Graphic

Drawn By: O.T.

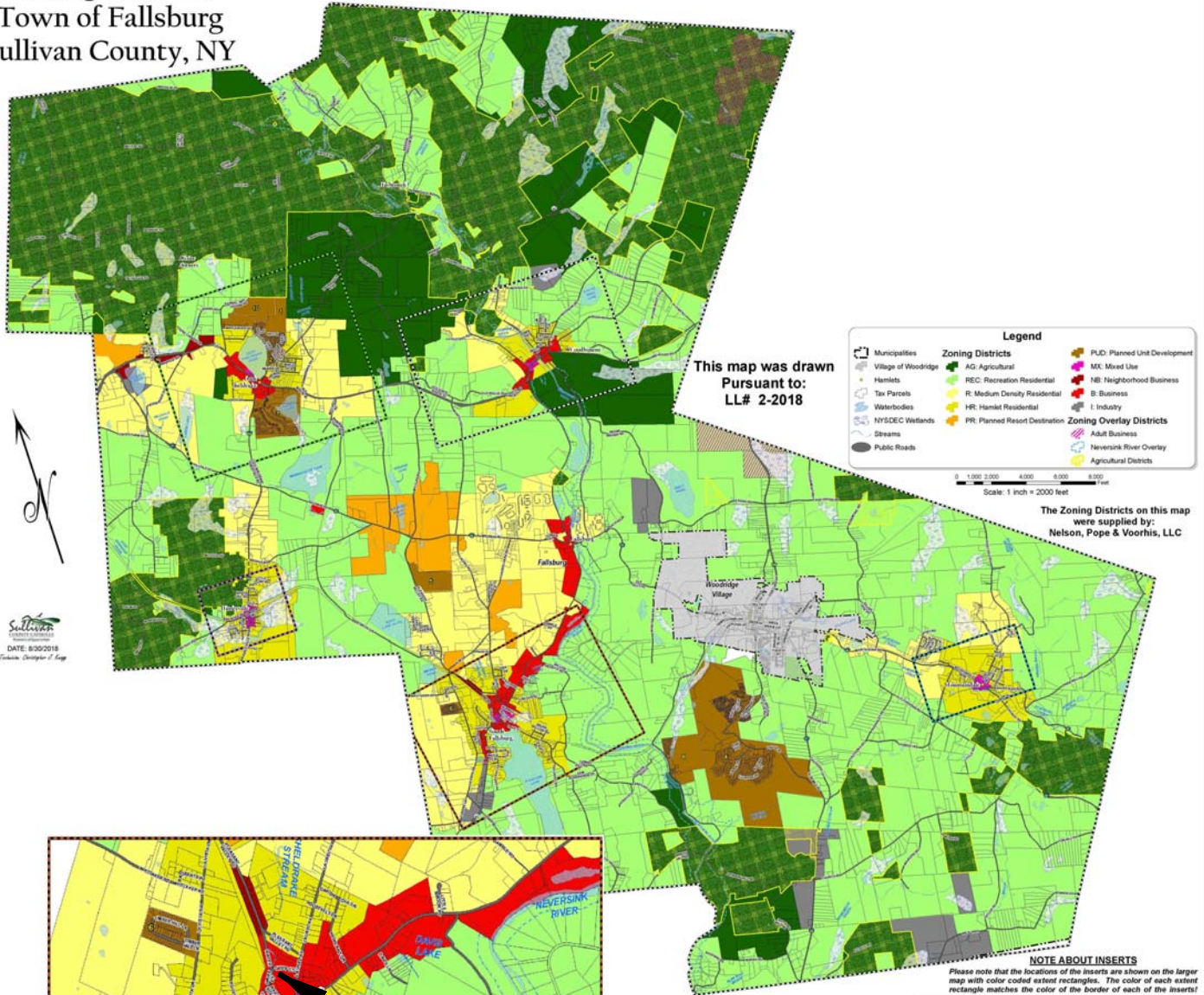


**A-52**

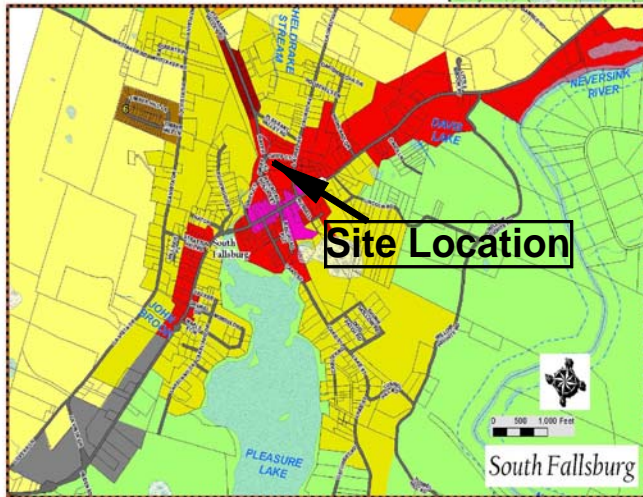
Map origination: Town of Fallsburg Tax Map, Sullivan County, New York. Current to 10/3/2016

DT Consulting Services, Inc. 1291 Old Post Road Ulster Park, New York 12487 (845) 658-3484	Client: LL Fuel Storage, LLC	
	Location: Laurel Avenue & Griff Court, South Fallsburg, Sullivan County, New York	
	Title: BCP Property Boundaries & Adjacent Property Owners	BCP No: C353017
	Scale: Graphic	Drawn By: DT

**Zoning Districts  
Town of Fallsburg  
Sullivan County, NY**



Sullivan County  
DATE: 8/30/2018  
Technician: Christopher J. Kay



**NOTE ABOUT INSERTS**  
Please note that the locations of the inserts are shown on the larger map with color coded extent rectangles. The color of each extent rectangle matches the color of the border of each of the inserts!

DISCLAIMER: SULLIVAN COUNTY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE INFORMATION IN THE MAPPING DATA. SULLIVAN COUNTY SPECIFICALLY PROVIDES THIS INFORMATION AS IS. SULLIVAN COUNTY EXPRESSLY DISCLAIMS RESPONSIBILITY FOR DAMAGES OR LIABILITY WHATSOEVER THAT MAY ARISE FROM THE USE OF THIS MAP.

**Sullivan County Real Property Tax Services**  
100 North Street, Monticello, NY 12701  
(845) 807-0221 - Fax: (845) 807-0232

DT Consulting Services, Inc. 1291 Old Post Road Ulster Park, New York 12487 (845) 658-3484	Client: LL Fuel Storage, LLC	
	Location: Laurel Avenue & Griff Court, South Fallsburg, New York	
	Title: Zoning Map	BCP No: C353017
	Scale: Graphic	Drawn By: DJT

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

**Section V: Requestor Information**

<b>Business Entity</b>	<b>Name</b>
LL Fuel Storage, LLC	Kenneth Davenport LL Fuel Storage, LLC PO Box 454 Hurley, New York 12443
	Patrick Garraghan LL Fuel Storage, LLC PO Box 454 Hurley, New York 12443



**DT CONSULTING SERVICES, INC.**

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP No#C353017

**Section VI: Current Property Owner Information**

**Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)**

<b>Date</b>	<b>Property Owner</b>	<b>Last Known Addresses</b>	<b>Relationship to Previous Owner</b>
<b>10/04/2007</b>	<b>JimKat Enterprises LLC to  LL Fuel Storage, LLC</b>	<b>81 Pleasant Pond Road Contoocook, New Hampshire 03229  Post Office Box 454 Hurley, New York 12443 845-336-2000</b>	<b>None  Requestor</b>
<b>03/18/2005</b>	<b>Griff Petroleum Corporation to  JimKat Enterprises LLC</b>	<b>Unknown  81 Pleasant Pond Road Contoocook, New Hampshire 03229</b>	<b>None  None</b>
<b>05/25/1990</b>	<b>GOC Inc. to  Griff Petroleum Corporation</b>	<b>Unknown  Unknown</b>	<b>None  None</b>

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

**Section VI: Current Property Owner/Operator Information**

**Operators on-Site under the ownership of LL Fuel Storage, LLC**

<b>Operator/Lessee Last known contact information</b>	<b>Dates of Operation</b>	<b>Relationship to Requestor</b>
HOP Energy 4 West Red Oak Lane, Suite 310 White Plains, New York 10604	October 2019	None
KoscoHeritage Post Office Box 797 Lake Katrine, New York 12449	September 2018 – October 2019	None
Heritagenergy Post Office Box 797 Lake Katrine, New York 12449	October 2007 - September 2018	None

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP#C353017

## **Section VII: Requestor Eligibility Information**

The BCP Applicant, LL Fuel Storage, LLC purchased the Site in October 2007 from JimKat Enterprises LLC. At the time of purchase, there were no open New York State Department of Environmental Conservation (NYSDEC or Department) spill cases associated with the Site and no other indication of environmental impacts at the Subject Property.

During the BCP Applicant's ownership of the Site, it was leased to others (under triple-net leases) for the above-ground bulk storage and distribution of petroleum products. Review of NYSDEC PBS Registration data shows that the Subject Property is currently registered under PBS No. 3-123226. Between 2007 and the present time, there were nine minor spills reported at the Site, all of which were related to the filling of fuel oil delivery trucks, were within the on-Site secondary containment and were closed by the NYSDEC on the day of or shortly after the spill was reported.<sup>1</sup> None of these spills resulted in releases of petroleum to the subsurface environment.

In 2019, due to a pending potential sale of the Site, the potential purchaser performed a Phase I & II Environmental Site Assessment (ESA) at the Site (See, report prepared by Continental Placer, Inc., dated April 15, 2019, included as an attachment for Section III). While conducting the Phase II ESA, petroleum contamination (i.e., soil and groundwater impacts) was encountered, generating Spill Number 19-00538 on April 16, 2019. On April 30, 2019, the BCP Applicant's environmental consultant, DT Consulting Services, Inc. (DTCS), contacted the Department to inquire about work plan requirements to delineate the nature and extent of the detected subsurface contamination. On June 28, 2019, Brian Weeks of the NYSDEC Region 3 spills unit, notified DTCS that a Remedial Investigative Work Plan (RIWP) needed to be submitted for review prior to the performance of any field activities. DTCS submitted the RIWP

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<sup>1</sup> Spill Nos: 06-12303, 07-04295, 07-10754, 08-06-06797, 11-10865, 12-66134, 15-08481, 16-06164 and 16-07850.

to the NYSDEC on July 19, 2019 and received approval to proceed on August 13, 2019. Subsurface investigative activities were conducted by DTCS in September 2019. Upon completion of field and laboratory analysis, DTCS subsequently submitted a Remedial Investigative Report (RIR) to the Department, dated December 23, 2019. The RIR identified petroleum impacted subsurface materials which exceeded NYSDEC CP-51 standards within the south and southwest quadrants of the Site. Based upon these results, DTCS recommended source (i.e., petroleum contaminated soil) removal as the preferred remedial measure. The NYSDEC concurred with DTCS's assessment and requested a work plan detailing the proposed remedial action. DTCS generated and submitted a Remedial Action Work Plan (RAWP), dated February 19, 2020, for the review and approval of the Department. The RAWP was approved by the Department on February 24, 2020. Remedial activities commenced at the Site in early July 2020. It should be noted that the pause in the start of the remediation was caused by the need to keep the roadway (which crossed over the proposed remedial area) clear during the heating season, as delivery trucks needed access to the on-Site storage tanks for refueling/delivery purposes. The Department was informed of and approved of this need for delay. Further delay resulted from Covid-19 "New York Pause" restrictions.

During the course of the excavation of petroleum contaminated soil at the Site, the BCP Applicant determined that the amount of petroleum contaminated soil was so significant, that it was prudent to apply for entry into the BCP to complete the remedial program under a Brownfield Cleanup Agreement. Based on this, the BCP Applicant temporarily stopped its excavation activities in order to submit this application for entry into the BCP. DTSC informed the Department of this pause and the decision to apply to the BCP.

While conducting remedial activities, remnants of historical concrete cradles and piping not utilized by the BCP Applicant or any of the tenants at the Site were found buried in the subsurface along with extensive petroleum contaminated soil and groundwater. Discussions with the current tenant revealed that the Site was the location of a fire involving a gasoline tank many years ago (circa 1980s) when the parcel was owned by Griff Petroleum. Griff Petroleum was reported to have historically stored gasoline and diesel on this section of the Subject Property. Due to the historical nature of the fire, no additional details could be recalled or obtained.

The BCP Applicant should be deemed a Volunteer under applicable regulations for the following reasons: 1) BCP Applicant did not cause or contribute to the release of petroleum substances into the subsurface environment at the Site; 2) The BCP Applicants had no knowledge of, nor were there indications of any subsurface contamination at the Site from the time of its purchase of the Site in 2007 until 2019, when it conducted a Phase I and Phase II investigation for the purpose of facilitating a potential sale of the Site; and 3) the BCP Applicant promptly performed all investigative/remedial actions requested by the Department. As such, it is clear that once subsurface petroleum contamination was discovered at the Site, the BCP Applicant exercised appropriate care to stop on-going releases, prevent future releases and limit human and environmental exposure to the contamination.

The BCP Applicant is prepared to commence a NYSDEC-approved remedial program upon acceptance into the BCP. Completion of remedial action and obtaining the COC for the project is projected to require 18 months.

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP #C353017

## **SECTION IX. : CONTACT LIST INFORMATION**

### **Sullivan County**

#### **1. Sullivan County Manager**

- Joshua Potosek  
County Government Center  
100 North Street, PO Box 5012  
Monticello, New York 12701

#### **2. Planning, Community Development and Real Property Commissioner**

- Freda Eisenberg  
County Government Center  
100 North Street, PO Box 5012  
Monticello, New York 12701

### **Town of Fallsburg**

#### **1. Chief executive officer and planning board chairperson**

- **Supervisor –**  
Steven Vegliante  
PO Box 2019  
19 Railroad Plaza  
South Fallsburg, New York 12779
- **Planning Board Chairperson –**  
Arthur Rosenshein  
PO Box 2019  
19 Railroad Plaza  
South Fallsburg, New York 12779

## 2. Owners/Occupants of the property & Adjacent Parcels

➤ Subject Property: Laurel Avenue & Griff Court (Tax ID 51.-1-8.2)

Owner: LL Fuel Storage, LLC

Operator: HOP Energy

Contact/Mailing Address: Jim Stoothoff, 625 Sawkill Rd, Kingston, NY 12401

➤ North:

*Laurel Ave Tr34, South Fallsburg, NY (Tax ID 51.1-1-6)*

Owner: Wizard Electric Inc.

Occupant: Vac w/imprv

Mailing address: PO Box 370, South Fallsburg, NY 12779

➤ South:

*13 Laurel Ave, South Fallsburg, NY (Tax ID 51.-1-12)*

Owner: Fallsburg Lumber Company, Inc.

Occupant: Fallsburg Lumber Company, Inc.

Mailing address: PO Box 649, South Fallsburg, NY 12779

➤ East:

*22 Laurel Ave, South Fallsburg, NY (Tax ID 51.-2-18)*

Owner: Melissa Maerling

Occupant: 1 Family Residence

Mailing address: PO Box 293, South Fallsburg, NY 12779

*Prospect Ln, South Fallsburg, NY (Tax ID 51.-2-22)*

Owner: Nathan Blumenberg

Occupant: Res Vac Land

Mailing address: 1457 58<sup>th</sup> St, Brooklyn, NY 11219

*1 Prospect Ln, South Fallsburg, NY (Tax ID 51.-2-24 – 51.-2-19 & 51.-2-21)*

Owner: Lynn Chernow

Occupant: Apartment

Mailing address: PO Box 293, South Fallsburg, NY 12779

➤ West: NWS Griff Court, South Fallsburg, NY (Tax ID 47.-1-32.2)

Owner: Fallsburg Lumber Company, Inc.

Occupant: Fallsburg Lumber Company, Inc.

Mailing address: PO Box 649, South Fallsburg, NY 12779

**3. Local news media from which the community typically obtains information**

- The Times Herald Record, 40 Mulberry Street, Middletown, NY 10940
- Facebook.com
- Cable television, Spectrum News, 142 Schwenk Drive, Kingston, NY 12401

**4. Public Water Supplier**

- Town of South Fallsburg Water Department  
PO Box 2019  
5410 State Route 42  
South Fallsburg, NY 12779

**5. Document Repository**

- The Town of Fallsburg Public Library, located at 12 Railroad Plaza, Fallsburg, New York has agreed to act as a document repository for the duration of the project. Confirmation obtained from the library is attached.



**From:** [Kelly Wells -- FBR](#)  
**To:** [Deborah Thompson](#)  
**Subject:** Re: Brownfield Cleanup Program (BCP) Repository  
**Date:** Tuesday, September 08, 2020 2:40:37 PM

---

Hi Debbie,

Yes, the Fallsburg Library has agreed to act as a repository for New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program or BCP documents for the site located at 74 Griff Court, South Fallsburg, NY, as it is our understanding these documents will be mostly given to us on a flash drive (s).

Thank you,  
Kelly

Kelly Wells M.L.I.S.  
Director  
Fallsburg Library  
12 Railroad Plaza  
PO Box 730  
South Fallsburg, NY 12779  
(845) 436-6067 ext. 103

---

**From:** "Deborah Thompson" <dtconsulting@hvc.rr.com>  
**Sent:** 9/8/20 2:09 PM  
**To:** <kwells@rcls.org>  
**Subject:** Brownfield Cleanup Program (BCP) Repository

Greetings Ms. Wells.

Based upon our phone conversation, the Town of Fallsburg Public Library has approved the request to act as a repository for New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program or BCP documents for the Site located at 74 Griff Court, South Fallsburg, New York. If you could please reply to this email verifying this information, your response would be appreciated.

Thank you in advance for your assistance.

Best,

Debbie

**Deborah J. Thompson, Senior Geologist/Project Manager**

DT Consulting Services, Inc.

1291 Old Post Road

Ulster Park, New York 12487

Brownfield Cleanup Application  
LL Fuel Storage, LLC  
BCP#C353017

## **Section X: Land Use Factors**

The Subject Property is currently utilized as an unmanned, petroleum bulk storage (PBS) terminal. The Site is improved with ten aboveground storage tanks (ASTs), a fuel truck loading rack and an oil-water separator utilized to treat storm water run-off within the secondary containment area surrounding the ASTs prior to discharge. There are no Site structures, with the exception of a driver's booth. Based on information obtained to date from investigation and excavation of a portion of contaminated soil, petroleum contaminated soil surrounds the historical locations of former PBS tanks located in the western quadrant of the Site. Petroleum bulk storage on the Subject Facility dates back to the 1920s to present.

Proposed use of the Site will remain consistent with current use or commercial.

Proposed use is consistent with applicable zoning laws which are denoted as commercial by the Town of Fallsburg.

Proposed use is consistent with comprehensive master plans to provide locally owned businesses within the township.