



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/07

Section I. Existing Application Information		
BCP SITE NAME: 1132-1146 Seneca Street		BCP SITE NUMBER: #C915228
NAME OF CURRENT APPLICANT(S): Flexo Transparent, Inc.		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable): #B9-0787-08-06		
Section II. Requestor Information		
NAME RSB Enterprises, LLC		
ADDRESS P.O. Box 128 28 Wasson Street		
CITY/TOWN Buffalo		ZIP CODE 14240-0128
PHONE 716-825-7710	FAX 716-825-0139	E-MAIL rmabry@Flexotransparent.com
NAME OF REQUESTOR'S REPRESENTATIVE Ron Mabry		
ADDRESS 28 Wasson Street		
CITY/TOWN Buffalo		ZIP CODE 14240
PHONE 716-825-7710	FAX 716-825-0139	E-MAIL rmabry@Flexotransparent.com
NAME OF REQUESTOR'S CONSULTANT Malcolm Pirnie, Inc.		
ADDRESS 50 Fountain Plaza, Suite 600		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE 716-667-0900	FAX 716-667-0279	E-MAIL kmcmanus@pirnie.com
NAME OF REQUESTOR'S ATTORNEY Robert G. Murray, Esq.		
ADDRESS Harris Beach PLLC, 726 Exchange Street, Suite 1000		
CITY/TOWN Buffalo		ZIP CODE 14210
PHONE 716-200-5180	FAX 716-200-5224	E-MAIL bmurray@harrisbeach.com
<p>THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <p><input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.</p> <p><input checked="" type="checkbox"/> 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 contamination.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination .</p>		

Section II: Requestor Information (Continued)

Requestor's Relationship to Property (check one):
 Prior Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
 (Note: proof of site access must be submitted for non-owners)

Describe Requestor's Relationship to Existing Applicant:
 FlexoTransparent, Inc. is the parent company of RSB Enterprises, LLC. Flexo owns 100% of RSB.

Briefly Describe Basis for Submitting this Amendment Application:
 RSB will be purchasing the building and land subject to this Brownfield application.

Section III: Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor) Harrison Industrial Park, Inc.

ADDRESS P.O. Box 1011

CITY/TOWN Buffalo ZIP CODE 14240

PHONE FAX E-MAIL

OPERATOR'S NAME (if different from requestor or owner) Not Applicable - the site (and building) are currently vacant.

ADDRESS

CITY/TOWN ZIP CODE

PHONE FAX E-MAIL

Section IV: Eligibility Information for Requestor (Please refer to ECL § 27-1407 for more details)

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 relating to 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Statement of Certification and Signatures Requestor

(Individual)

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: _____

(Entity)

Flexo Transparent, Inc. which is the Managing Member of Applicant RSB Enterprises, LLC

I hereby affirm that I am President (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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: 11/2/09 Signature: R. D. Mabry Print Name: Ronald D. Mabry, President

Flexo Transparent, Inc.

Statement of Certification and Signatures Existing Applicant

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity)

Flexo Transparent, Inc.

I hereby affirm that I am President (title) of _____ (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, Flexo Transparent, Inc. will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 11/2/09 Signature: R. D. Mabry Print Name: Ronald D. Mabry, President

Flexo Transparent, Inc.

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, 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

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

PROJECT MANAGER: _____