



September 16, 2019

Mr. William Paladino
Manager
BAP Group, LLC
295 Main Street, Suite 210
Buffalo, New York 14203

**Re: 1395 Delaware Avenue Buffalo NY Site
NYSDEC PBS – 9-041602
Tank Removal Activities**

Dear Mr. Paladino:

TurnKey Environmental Restoration, LLC (TurnKey) completed oversight for the removal of three (3) underground storage tanks (USTs) at the 1395 Delaware Avenue, Buffalo, New York (Site; see Figure 1). The site was a vacant former retail gasoline service station. It is our understanding that 9187 Group, LLC acquired the property after retail operations had ceased at the Site.

Prior to on-site field activities, the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database was reviewed and a NYSDEC Pre-Work Notification for Bulk Storage (PBS) Closure form was submitted to the Department.

On September 9, 2019, the three (3) UST, identified as Tanks 1, 2, and 3, were uncovered and cleaned of residual contents by Environmental Service Group, Inc. (ESG). Tank cleaning residuals were transported off-site by ESG for disposal at American Recyclers, Inc., located in Tonawanda, New York.

After completion of tank cleaning activities, multiple attempts were made to remove the fiberglass reinforced plastic (FRP) tanks from the subsurface. Based on the condition of the tanks, the tanks were partially removed in pieces. Tanks were destroyed during the removal attempts, with some pieces of the FRP tanks remaining within the tank farm backfill.

The NYSDEC was notified of the tanks condition, and the tank removal information was added to the existing NYSDEC Spill File 1800334.

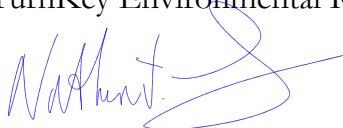
An updated NYSDEC PBS Closure Form detailing the closure of Tanks 1, 2, and 3 is provided in Attachment 1. Clean tank certificates and associated disposal documents are provided in Attachment 2.

Mr. William Paladino
1395 Delaware Avenue, Buffalo NY

September 16, 2019
Page 2 of 2

If you have any questions or would like to discuss our findings, please contact me.

Sincerely,
TurnKey Environmental Restoration, LLC



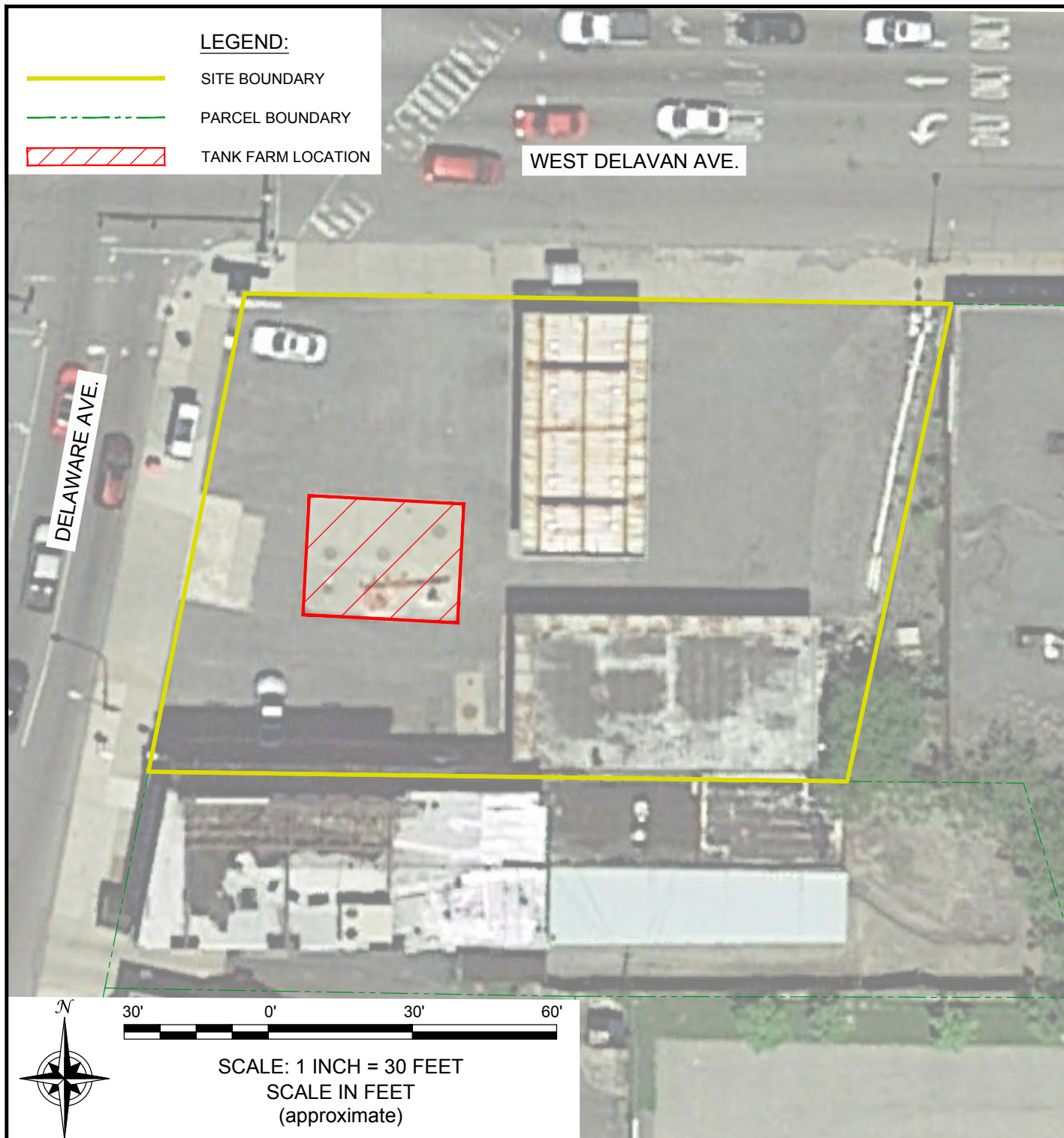
Nathan Munley
Project Manager

cc: L. Carbaugh, Esq

File: 0136-019-004

FIGURE

FIGURE 1



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 858-0635

PROJECT NO.: B0136-018-005

DATE: SEPTEMBER 2019

DRAFTED BY: CCB

SITE PLAN (AERIAL)

UST REMOVAL ACTIVITIES
1395 DELAWARE AVENUE SITE
BUFFALO, NEW YORK

PREPARED FOR
BAP GROUP, INC.

DISCLAIMER:
PROPERTY OF TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF TURNKEY ENVIRONMENTAL RESTORATION, LLC.

ATTACHMENT 1

NYSDEC PBS CLOSURE FORM

Return Completed Form & Fees To:

PBS Number:

9-041602

Petroleum Bulk Storage Application

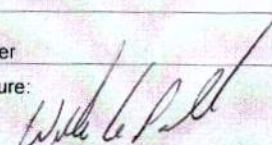
Pursuant to the Environmental Conservation Law: Article 17, Title 10; and

Regulations 6 NYCRR Part 613 and 6 NYCRR Subpart 374-2

(Please Type or Print Clearly and Complete All Items for Sections A, B & C)

Section A - Facility/Property Owner/Contact Information

Expiration Date:

Transaction		Facility Name: BAP GROUP, INC.		Tax Map Info: Borough/Section:		TYPE OF PETROLEUM FACILITY (Check only one) <input type="checkbox"/> 01=Storage Terminal/Petrol, Distributor <input checked="" type="checkbox"/> 02=Retail Gasoline Sales <input type="checkbox"/> 03=Other Retail Sales <input type="checkbox"/> 04=Manufacturing <input type="checkbox"/> 05=Utility <input type="checkbox"/> 06=Trucking/Transportation/Fleet <input type="checkbox"/> 07=Apartment/Office Building <input type="checkbox"/> 08=School <input type="checkbox"/> 09=Farm <input type="checkbox"/> 10=Private Residence <input type="checkbox"/> 11=Airline/Air Taxi/Airport <input type="checkbox"/> 12=Chemical Distributor <input type="checkbox"/> 13=Municipality <input type="checkbox"/> 15=Railroad <input type="checkbox"/> 25=Auto Service/Repair (No Gasoline Sales) <input type="checkbox"/> 28=Cemetery / Memorial <input type="checkbox"/> 26=Religious (Church, Synagogue, Mosque, Temple, etc.) <input type="checkbox"/> 27=Hospital/Nursing Home/Health Care <input type="checkbox"/> 52=Marina <input type="checkbox"/> 53=Nuclear Power Plant <input type="checkbox"/> 99=Other (Specify): _____		
Type: 3	1) Initial/New Facility	Facility Address (Physical Address, No P.O. Boxes): 1395 DELAWARE AVE.		Block:				
	2) Change of Ownership	Facility Address (cont.):		Lot:				
	3) Tank Installation, Closing, or Repair	City: BUFFALO	State: NY	ZIP Code: 14209				
	4) Information Correction	County: Erie	Township/City: Buffalo	Facility Phone Number: 716-854-0060				
5) Renewal	Name of Class B (Daily On-Site) Operator: NA	Operator Authorization No.: NA						
	Name of Class A (Primary) Operator: NA	Operator Authorization No.: NA						
NOTE:		Facility (Property) Owner (from Deed): 9187 GROUP, LLC				Emergency Contact Name:		Emergency Telephone Number:
Fill in Property Owner information here.....>>>		Facility Owner Address (Street and/or P.O. Box): 295 MAIN STREET, SUITE 210				I hereby certify, under penalty of law, that all of the information provided on this form is true and correct. False statements made herein may be punishable as a criminal offense and/or a civil violation in accordance with applicable state and federal law.		
Indicate Tank Owner in Section C.		City: BUFFALO	State: NY	ZIP Code: 14203				
		Federal Tax ID Number:	Owner Telephone Number: 716-854-0060			Name of Property Owner or Authorized Representative: William Paladino		Amount Enclosed: 0 \$
		Type of Owner: (check only one)		3 <input type="checkbox"/> Local Government		Title: Manager		Date: 9/17/19
		1 <input type="checkbox"/> Private Resident		4 <input type="checkbox"/> Federal Government		Signature: 		
		2 <input type="checkbox"/> State Government		5 <input checked="" type="checkbox"/> Corporate/Commercial/Other				
Official Use Only		(Please keep this information up to date)						
Date Received: ___/___/___		Facility Contact Person Name: LORI CARBAUGH, ESQ.						
Date Processed: ___/___/___		Contact Person Company Name: ELLICOTT DEVELOPMENT CO						
Amount Received: \$		Address: 295 MAIN STREET SUTE 210						
Reviewed By:		Address (cont.):						
Rev12/22/2016		City/State/ZIP Code: BUFFALO, NY 14203						
		Tel. Number: 716-854-0060			eMail Address: LCARBAUGH@ELLICOTTDEVELOPMENT.COM			

PBS Number:
9-041602

(Please use the key located on the last page to complete each item/column)

Registration Expiration Date:

[illegible]

Note: If you need to add tanks to your registration, write them in using blank lines above. Attach additional sheets as needed. Blank Section B is available at http://www.dec.ny.gov/docs/remediation_hudson_pdf/pbsrenewal.pdf

ATTACHMENT 2

CLEAN TANK CERTIFICATES AND DISPOSAL DOCUMENTS



THE
ENVIRONMENTAL
SERVICE GROUP (NY), INC.

VISIT US ON THE WEB:
www.esgenv.com

Phone: 716/695-6720 ♦ Fax: 716/695-0161

"The total service approach to waste management"

EMPTY TANK CERTIFICATION

I hereby certify that this tank is "empty" as that term is defined in the national Environmental Protection Agency regulations, 40 CFR 261.7*, and that they have been properly prepared for transportation under the regulations of the U.S. Department of Transportation, 49 CFR 173.29**.

9/9/19
Date

Justin Rainville
Name

ESG / Elliott Development
Company

6000gal
Size

Gasoline
Previous Contents

*With regard to most regulated residues, EPA's 40 CFR 261.7 says:

"A containeris empty if:

- (i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping and aspirating, and
- (ii) No more than 2.5 centimeters (1 inch) of residue remain on the bottom of the container...."

EPA has explained this rule, saying that "one inch of waste material is an overriding constraint and may remain in an empty container only if it cannot be removed by normal means. The rationale for this provision is that there are certain tars and other extremely viscous materials that will remain in the container even after the container is emptied by normal means.

For residues of products specifically listed by name in 40 CFR 261.33 (e), EPA says the container is empty only "if the container...has been tripled rinsed using a solvent capable of removing" the product, or has been cleaned by another method shown to achieve equivalent removal.

**DOT's 49 CFR 173.29 says that all openings on the empty container must be closed, and that all markings and labels must be in place as if the tank was full of its original contents. A DOT shipping paper is not required for transportation of a tank for reconditioning via contract or private motor carrier. DOT placarding is not required for vehicles carrying empty containers.



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GENERATOR

INT'L

TRANSPORTER

DESIGNATED FACILITY

NON-HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of 1	3. Emergency Response Phone 800-535-5053	4. Waste Tracking Number 31892	
5. Generator's Name and Mailing Address 9187 Group, LLC 295 Main St., Suite 210 Buffalo, NY 14203			Generator's Site Address (If different than mailing address) 9187 Group, LLC 1395 Delaware Avenue Buffalo, NY 14208			
6. Transporter 1 Company Name Environmental Service Group, Inc			716.693.6720		U.S. EPA ID Number NYD986903904	
7. Transporter 2 Company Name					U.S. EPA ID Number	
8. Designated Facility Name and Site Address American Recyclers Company 177 Wales Avenue Tonawanda, NY 14150			716.693.6720		U.S. EPA ID Number NYR000030809	
9. Waste Shipping Name and Description			10. Containers		11. Total Quantity	12. Unit Wt./Vol.
			No.	Type		
1. UN1203, Gasoline, 3, II, (Water)				TT		G
13. Special Handling Instructions and Additional Information						
ERG:		Approval:		Handling Codes:		
1- 128		1- M-15650R		24 Hour Emergency Contact:		
2-		2-		1- None		
3-		3-		INFOTRAC (Caller must ID		
4-		4-		ESG)		
14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.						
Generator's/Offor's Printed/Typed Name			Signature		Month	Day Year
15. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit:						
Transporter Signature (for exports only): Date leaving U.S.:						
16. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name			Signature		Month	Day Year
Michael W. Brisson					07	09 19
Transporter 2 Printed/Typed Name			Signature		Month	Day Year
17. Discrepancy						
17a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
Manifest Reference Number:						
17b. Alternate Facility (or Generator)					U.S. EPA ID Number	
Facility's Phone:						
17c. Signature of Alternate Facility (or Generator)					Month	Day Year
18. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 17a						
Printed/Typed Name			Signature		Month	Day Year

GENERATOR'S/SHIPPER'S INITIAL COPY