

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7220 | F: (716) 851-7226
www.dec.ny.gov

Notice of Violation

January 12, 2018

Rob Banks
Ellicott Development, 5001 Group, LLC
295 Main Street, Suite 210
Buffalo, New York 14203

Dear Mr. Banks:

Re: Chemical Bulk Storage (CBS) Program
Facility Inspection - 6 NYCRR Parts 595-599
CBS # 9-000229, Insp # 65577
5001 Group, LLC
Wood Treaters of Buffalo Co.
100 Botsford Place
Buffalo, New York 14216

On January 12, 2018, I visited the above facility to determine compliance with New York State's Chemical Bulk Storage regulations. The following violations were identified during that inspection and need immediate attention to bring this facility into compliance. Citations to the applicable regulations are noted in brackets and pertain to the tanks listed.

The law requires that you comply fully with the CBS regulations. You must correct all of violations noted below within the stated time frame and submit required documentation.

Violations

Existing Facilities - Unregistered Facility
[596.2(a)]

This CBS facility is not registered with NYSDEC. Enclosed is a CBS application form and instructions.

During the inspection, several tanks were observed in the main building and the CBS registration is expired. The current property owner has not submitted a completed registration form, indicating "Transfer of Ownership", to the NYSDEC Central Office with the appropriate fees.



Corrective Actions

By February 16, 2018 you must submit the following documentation to this office:

1. A completed CBS application along with the appropriate fee and documentation to transfer the registration for this facility or documentation that all regulated chemical bulk storage tanks at this facility have been properly closed in accordance with 6 NYCRR Part 598.10 (c).

The above documents and photographs may be submitted via email to [<peter.reuben@dec.ny.gov>](mailto:peter.reuben@dec.ny.gov)

As a result of these violations you are subject to enforcement by this Department. Pursuant to Environmental Conservation Law Section 71-1929, you may be liable for a civil penalty of up to \$37,500 per day for each of the above noted violations. The violations identified in this letter require immediate attention. Delays in correcting the violations noted above will affect the amount of penalties for which you will be liable. In addition, under Environmental Conservation Law Section 71-1933, a person may be held criminally liable if any of the foregoing violations was the result of intentional, knowing or criminally negligent conduct.

Note that the inspection may not have disclosed all violations that exist at this site. You are responsible for ensuring that the entire facility is in compliance with applicable requirements.

If you have any questions please contact me at (716) 851-7220 or [<peter.reuben@dec.ny.gov>](mailto:peter.reuben@dec.ny.gov)

Sincerely,



Peter A. Reuben
Environmental Chemist 1
NYSDEC, R9