

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
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## INFORMATION REQUEST LETTER

February 13, 2018

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

**Re: Hazardous Waste Compliance Inspection**  
**Inspection Date: 1/12/2018**  
**Wood Treaters of Buffalo Co.**  
**Handler Address: 100 Botsford Place,**  
**Buffalo, New York 14216**  
**EPA ID Number: NYD067527515**

Dear Mr. Banks:

In order to determine compliance with the New York State Hazardous Waste Regulations (6 NYCRR Parts 370-374 and 376), the New York State Department of Environmental Conservation ("Department") conducted an inspection of your facility on the date indicated above. During that inspection, Department staff observed possible violations of these regulations.

Environmental Conservation Law Section 71-2705 provides for civil sanctions for violations of Article 27, Title 9 and the regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to Article 71, Title 27. Sanctions include penalties of up to \$37,500 per day per violation.

Before a final compliance determination is made, the Department needs to verify the compliance status of the facility. In particular, the following information is needed:

A closure report showing that the several process tanks and equipment contacting chromated copper arsenate were properly closed. The closure report should include at a minimum analysis for toxicity characteristics metals; arsenic and chromium. Other concerns include the indoor manufacturing and outside storage areas. These areas may also have been impacted by CCA between 1970 and 2003.



Department of  
Environmental  
Conservation

In the interim, the Department recommends that the site be properly secured to prevent human exposure to hazardous waste.

This information must be submitted to me by no later than February 28, 2018. Please reference the facility name and EPA identification number in your correspondence. If the Department determines that there has been a violation, you will receive a Notice of Violation (NOV) that specifies the nature of the violation, and any other violations that were observed during the inspection, along with information regarding your responsibilities for timely correcting the violations and resolving any associated penalties.

If you have any questions, please contact me at [nelson.schnabel@dec.ny.gov](mailto:nelson.schnabel@dec.ny.gov) or (716) 851-7220. Nothing herein constitutes a waiver by the Department of any rights it has under state and/or federal law, or a release from liability for any party pursuant to said laws.

Sincerely,



Nelson Schnabel  
Environmental Engineer 1  
NYSDEC Region 9

ec Peter Reuben, Regional Inspector, R9  
Kelly Lewandowski, Reviewer, Central Office  
Charles Fagerquist, Central Office  
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