UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

August 23, 2012

By Pouch Mail

Honorable M. Lisa Buschmann
Administrative Law Judge
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900L
Washington, D.C. 20460-2001

Re: Valvo's Convenience & Gas, Inc. and Stephen M. Valvo, Individually
Docket Number: RCRA-02-2011-7507

Dear Judge Buschmann:

Enclosed for your consideration is Complainant's "Motion to Supplement Prehearing Exchange" and the attached proposed Exhibits.

Respectfully submitted,

Beverly Kolenberg

Beverly Kolenberg
Assistant Regional Counsel

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
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Paul A. Chiaravallotti, Esq.
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Williamsville, New York 14221

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of Valvo's Convenience & Gas, Inc. And Stephen M. Valvo, Individually	**MOTION TO SUPPLEMENT PREHEARING EXCHANGE**
Proceeding under Section 9006 the Solid Waste Disposal Act, as amended	Docket No. RCRA-02-2011-7507

MOTION TO SUPPLEMENT COMPLAINANT'S PREHEARING EXCHANGE

Pursuant to 40 C.F.R. §§ 22.16(a) and 22.19, Complainant respectfully moves the Court in this proceeding for an order to permit Complainant to supplement its Prehearing Exchange, filed November 23, 2011, to add two proposed witnesses and seventeen proposed exhibits. As discussed herein, Complainant submits that good cause exists for granting this motion, *i.e.* Respondents will not suffer prejudice or be unfairly disadvantaged or unfairly surprised by the additional testimony, which is summarized below, or the exhibits, which are attached to this motion.

Background

Complainant commenced this administrative action pursuant to Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6991e (referred to collectively as the "Act"). The Complaint, Compliance Order and Notice of Opportunity for Hearing (the "Complaint"), issued on June 3, 2011, alleged that Respondents Valvo Convenience and Gas, Inc. and Stephen M. Valvo, individually, violated the underground storage tank ("UST") regulations at three facilities in Silver Creek, New York. The Complaint alleged that Respondents failed to maintain release detection for temporarily closed USTs that contained more than one inch of petroleum residue,

failed to comply with permanent closure requirements for temporarily closed USTs, failed to test cathodic corrosion protection systems every three years, failed to monitor for releases at least every 30 days, and failed to perform annual line tightness tests or monthly monitoring for pressurized piping in violation of the UST regulations at 40 C.F.R. Part 280. The Complaint proposed penalties of $59,366 for continuing violations at the facilities after July 30, 2009, the date that Valvo's Convenience & Gas filed a petition for relief under Chapter 11 of the Bankruptcy Code.

Respondents filed an Answer with Affirmative Defenses on July 12, 2011. After the Answer was filed, Complainant was informed that the correct name of the corporate Respondent was Valvo's Convenience & Gas, Inc. Complainant filed a Motion for Change in Name of Corporate Respondent, and was granted permission to file an Amended Complaint. Complainant served the Amended Complaint on March 28, 2012, and Respondents filed their Amended Answer on April 19, 2012. On July 11, Complainant filed a Motion to File a Second Amended Complaint, and shortly thereafter filed an Addendum with a copy of the proposed Second Amended Complaint. The Second Amended Complaint updates the compliance measures taken by Respondents and adds Count 8 to reflect new information recently learned by Complainant.

By Order, dated August 17, 2012, the Court granted the Motion to Amend, set a hearing date for the week of October 23, 2012, and set the schedule for the prehearing filings. Pursuant to the Order, Complainant was directed to file, on or before August 24, 2012, a supplement to its Prehearing Exchange to submit additional names and summaries of testimony of proposed witnesses, additional proposed exhibits, and an amended calculation of the proposed penalty for the Second Amended Complaint. Complainant used its discretion and did not increase the proposed penalty in the Second Amended Complaint, despite adding a new Count 8.

Complainant attached a copy of the proposed penalty to the Second Amended Complaint, and it is attached hereto as Complainant's Exhibit 79.

Complainant's Supplementary Witnesses

In its Prehearing Exchange, Complainant initially identified three witnesses that it stated it may call to testify in this case. At this time, Complainant has identified the following additional witnesses from the New York State Department of Environmental Conservation ("NYSDEC") that it may call to testify at the hearing in this case:

4. Andrea Skalski, P.E., is an Environmental Engineer in the Bulk Storage Unit, NYSDEC Region 9, located at 270 Michigan Avenue, Buffalo, New York 14203. Ms. Skalski received a Bachelor of Science degree in chemical engineering from the State University of New York at Buffalo, New York. She has been employed by NYSDEC since September 1998 and has worked in the Bulk Storage Unit for all of her tenure at NYSDEC. Ms. Skalski runs the NYSDEC Region 9 petroleum bulk storage, chemical storage and major petroleum facilities programs. Her duties include scheduling inspections, performing inspections, and following-up on inspection reports, past due testing reports and registrations for facilities in the areas of her responsibility. In addition, Ms. Skalski deals with the public and performs outreach to inform the public and the regulated community about the underground and above-ground storage tank requirements for chemicals and petroleum. As part of her enforcement responsibilities, she prepares referrals for attorneys who are developing enforcement cases. Through the years, Ms. Skalski has worked with EPA's inspectors to select facilities for inspections and to share information in the event EPA is considering an enforcement case.

Ms. Skalski inspected the former Hanover Convenience facility at 351 Central Avenue in Silver Creek, New York on January 28, 2002, and she is familiar with the operations at that

facility. Through the years she has also developed a familiarity with the Valvo's Convenience & Gas and Valvo Transport facilities through the inspection reports prepared by NYSDEC inspectors and her discussions with Paul Sacker at EPA. Ms. Skalski will provide background information on the violations of the underground storage tank regulations at the three facilities referenced above. She will discuss the reports and evidence she provided to Mr. Sacker and also share her analysis and conclusions about the alleged underground storage tank violations at these three facilities. In addition, Ms. Skalski is expected to provide background and explanatory information on the documents Complainant will seek to introduce at the hearing.

5. Thomas J. Walker is an Environmental Technician in the Petroleum Bulk Storage Unit, NYSDEC Region 9, located at 270 Michigan Avenue, Buffalo, New York 14203. Mr. Walker received a degree in Environmental Studies from the State University of New York at Brockport, New York. He has been employed by NYSDEC since June 2010 and has worked in the Bulk Storage Unit, under the supervision of Ms. Skalski, during his tenure at NYSDEC. In the course of his duties, Mr. Walker performs inspections, prepares initial notices of violation and follows up with the subjects of his inspections to ensure compliance with the storage tank regulations. Mr. Walker will testify about a) what he observed and otherwise learned during his inspections of the three facilities that are the subject of this case; b) the inspection reports that he wrote, including his findings and conclusions; c) his recommendations for follow-up work needed at the facilities, and d) his conclusions about the scope of the violations.

Mr. Walker will testify that on March 27, 2012, he inspected Valvo's Convenience & Gas, Valvo Transport and the former Hanover Convenience facility at 351 Central Avenue, Silver Creek, NY, which is now called Valvo Convenience & Gas. He prepared written reports; *see* Complainant's Exhibits 72, 73 and 74 in Complainant's Proposed Supplementary Exhibits.

Mr. Walker will testify about his observations, and he is expected to provide background and explanatory information on the reports and photographs that Complainant will seek to introduce at the hearing. Mr. Walker's testimony about his March 27 inspection of the diesel UST (also known as the 1,000-gallon Tank #3) at 351 Central Avenue will confirm Mr. Sacker's observations and support the allegations in the new Count 8 in the Second Amended Complaint. Mr. Walker will also testify that he visited the facility at 351 Central Avenue after his inspection on March 27, 2012, and he took photographs of Tank # 3. The photographs show that the interstitial port is now exposed and no longer under the dispenser so that it can be viewed.

Complainant respectfully reserves the right to call or decline to call any of the witnesses identified in its prehearing exchanges, and to expand or otherwise modify the scope, extent, or areas of testimony of any of the witnesses cited, where appropriate. In addition, Complainant respectfully reserves the right to call additional witnesses to address issues or materials which may be placed in issue by Respondents. The listing of the expected scope of the testimony of each witness is not intended to limit EPA's right to modify or otherwise expand upon the scope and extent of the testimony of each witness, where appropriate, including in response to matters set forth in Respondents' prehearing exchange. If EPA deems it necessary, it may move again to list additional witnesses. Similarly, if EPA identifies additional exhibits that it deems necessary to present its case, it may move to add additional exhibits. If the Agency needs to supplement its witness list or add additional exhibits, it will provide the requisite notice to the Court and Respondents.

Complainant's Supplementary Exhibits

Attached to this Motion are seventeen exhibits that have been numbered consecutively starting with the first number following Complainant's Exhibits list in its initial Prehearing

Exchange. In the Prehearing Exchange, Complainant had included Petroleum Bulk Storage ("PBS") Certifications from NYSDEC. To supplement the history leading to the granting of the PBS Certifications, four proposed new exhibits document the multiple applications for the Valvo's Convenience & Gas, Valvo Transport and the former Hanover Convenience facilities in the PBS Applications that Mr. Valvo filed in accordance with NYDEC's requirements for owners and operators to provide information about their underground storage tanks. The information listed on the PBS Applications reflects facts provided by Mr. Valvo. Two additional proposed exhibits include a PBS Database Report and a PBS Database Search. Five other proposed exhibits, prepared by Mr. Valvo or his attorney Mr. Paul Chiaravalloti, relate to the measures that Respondents have taken to come into compliance with the UST regulations following the commencement of this enforcement action. In addition, the proposed exhibits include three inspection reports and an email log from NYSDEC. In their testimony, the proposed witnesses from NYSDEC will discuss their reports which are reproduced in the proposed exhibits. After the March 27, 2012 inspections by NYSDEC, Mr. Valvo was briefed on the things that needed to be corrected at his facilities, so he should be aware of the matters addressed in the reports.

The following is the proposed list of Complainant's Exhibits which are attached hereto:

63. Letter, dated April 11, 2010, from Melissa Elwell, operator of 351 Central Avenue, Silver Creek, NY, plus two attachments from K & T Pump and Tank and JEMKO.

64. PBS Application, dated April 10, 1997, for Valvo Convenience & Gas, Inc., located at Routes 5 and 20, Silver Creek, NY.

65. PBS Applications for Valvo Transport, located at Routes and 20, Silver Creek, NY, dated May 12, 1993, (Complainant's 65A), November 8, 1993 (Complainant's 65B), November 1, 1993 Attachment (Complainant's 65 C), March 13, 1998 (Complainant's 65 D), and March 13, 1998 (Complainant's 65 E).

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(Complainant's 66 A) and April 9, 2012 (Complainant's 66 B).

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68. PBS Report for Valvo Convenience & Gas, Inc., dated April 6, 2006.

69. NYSDEC Bulk Storage Database Search Details for Valvo's Convenience & Gas.

70. Letter, dated March 4, 2012, from Paul Chiaravalloti to Beverly Kolenberg related to the removal of the waste oil tank, with photographs and sampling results.

71. Email from Andrea Skalski with phone log regarding sampling requirements.

72. NYSDEC Compliance Inspection, dated March 27, 2012, for Valvo Convenience & Gas, Inc. located at 351 Central Avenue, Silver Creek, NY.

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76. Letter, dated July 13, 2012, from Paul Chiaravalloti to Beverly Kolenberg with photographs and documentation on work performed.

77. Information Request Letter, dated July 23, 2012, from EPA to Stephen Valvo and Valvo Convenience & Gas, Inc.

78. Response to Information Request Letter, dated August 3, 2012, from Stephen Valvo to EPA.

79. Unchanged Proposed Penalty Calculation for Second Amended Complaint.

Legal Basis for Granting Motion

The rules of procedure governing this proceeding are set forth in 40 C.F.R. Part 22; *see* 40 C.F.R. § 22.1(authorizing this action) and 22.16(a) (authorizing a party to submit a motion). Pursuant to 40 C.F.R. § 22.19(f):

> A party who has made an information exchange under paragraph (a) of this section . . . shall promptly supplement or correct the exchange when the party learns that the information exchanged is incomplete, inaccurate or outdated, and the additional or corrective information has not otherwise been disclosed to the other party pursuant to this section.

The only Part 22 provision implicating a time requirement for supplementing a prehearing exchange is found in 40 C.F.R. § 22.22(a), which provides, in relevant part:

> The Presiding Officer shall admit all evidence which is not irrelevant, immaterial, unduly repetitious, unreliable, or of little probative value . . . . If, however, a party fails to provide any document, exhibit, witness name or summary of expected testimony required to be exchanged under §22.19 (a), (c) or (f) to all parties at least 15 days before the hearing date, the Presiding Officer shall not admit the document, exhibit or testimony into evidence, unless the non-exchanging party had good cause for failing to exchange the required information and provided the required information to all other parties as soon as it had control of the information, or had good cause for not doing so.

The case law under Part 22, among other things, looks at the issues of delay, timing of the hearing, and possible prejudice to the Respondents. None of those factors would apply to the facts underlying this Motion. Where, as in this proceeding, a motion to supplement a prehearing exchange is submitted "more than fifteen days prior to the hearing, [Complainant] does not need to show good cause for failing to supply the documents or the proposed witnesses' names and testimony sooner under the Rules, 40 C.F.R. § 22.22(a)." *In re Service Oil, Inc.*, Docket Number CWA-08-2005-0010 (Biro, C.J., April 12, 2006) at 4 (footnote omitted). *See also In re 99 Cents Only Stores*, Docket Number FIFRA -9-2008-0027 (Biro, C.J., June 18, 2009), at 6 (because EPA's motions to supplement its prehearing exchange were "within the 15 day time frame referenced in Rule 22.22(a)(1), [they were] not required to meet the standards of that Rule").

Accordingly, because the hearing in this case is set to commence on October 23, 2012, two months away, EPA need not demonstrate good cause for not having supplied the exhibits or the proposed witnesses' names and a summary of their testimony sooner. The operative

principle governing the disposition of this motion is whether allowing Complainant to supplement its prehearing exchange would result in Respondents being unfairly disadvantaged or unduly prejudiced. Complainant submits that, in deciding this motion, this Court should be guided by the principle articulated by the Environmental Appeals Board in *In re CDT Landfill Corporation*, CAA Appeal No. 02-02 (E.A.B. 2003), 11 EAD 88, 109, that "[a]dministrative hearings are such that rules allowing evidence into the record tend to be more liberal than in proceedings in other courts, and normally err towards over-inclusion rather than under-inclusion" (citations omitted).[1]

Conclusion

For the reasons set forth herein, Complainant respectfully moves this Court to grant an Order allowing Complainant leave to supplement its Prehearing Exchange with the names of two new proposed witnesses and a summary of their testimony and seventeen new exhibits.

Dated: August 23, 2012
New York, New York

Respectfully submitted,

Beverly Kolenberg

Beverly Kolenberg
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Fax: 212-637-3104

[1] This decision and others of the Environmental Appeals Board are available on the Internet at www.epa.gov/eab.

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed copies of the foregoing Motion to Supplement Complainant's Prehearing Exchange, bearing the Docket Number RCRA-02-2011-7507 by pouch mail to Honorable M. Lisa Buschmann, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Mail Code 1900L, Washington, D.C. 20460-2001 and by regular mail to Respondents Valvo's Convenience & Gas, Inc. and Stephen M. Valvo at 1271 Routes 5 and 20, Silver Creek, N.Y. 14136, and to Paul A. Chiaravalloti, Esq., counsel for the Respondents, 1967 Wehrle Drive, Suite 1, Williamsville, N.Y. 14221.

I hand-carried the original and a copy of the foregoing Motion to the Office of Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Dated: August 23, 2012
New York, New York

Beverly Kalenberg

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

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79. Unchanged Proposed Penalty Calculation for Second Amended Complaint.

Legal Basis for Granting Motion

The rules of procedure governing this proceeding are set forth in 40 C.F.R. Part 22; *see* 40 C.F.R. § 22.1(authorizing this action) and 22.16(a) (authorizing a party to submit a motion). Pursuant to 40 C.F.R. § 22.19(f):

> A party who has made an information exchange under paragraph (a) of this section . . . shall promptly supplement or correct the exchange when the party learns that the information exchanged is incomplete, inaccurate or outdated, and the additional or corrective information has not otherwise been disclosed to the other party pursuant to this section.

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The case law under Part 22, among other things, looks at the issues of delay, timing of the hearing, and possible prejudice to the Respondents. None of those factors would apply to the facts underlying this Motion. Where, as in this proceeding, a motion to supplement a prehearing exchange is submitted "more than fifteen days prior to the hearing, [Complainant] does not need to show good cause for failing to supply the documents or the proposed witnesses' names and testimony sooner under the Rules, 40 C.F.R. § 22.22(a)." *In re Service Oil, Inc.*, Docket Number CWA-08-2005-0010 (Biro, C.J., April 12, 2006) at 4 (footnote omitted). *See also In re 99 Cents Only Stores*, Docket Number FIFRA -9-2008-0027 (Biro, C.J., June 18, 2009), at 6 (because EPA's motions to supplement its prehearing exchange were "within the 15 day time frame referenced in Rule 22.22(a)(1), [they were] not required to meet the standards of that Rule").

Accordingly, because the hearing in this case is set to commence on October 23, 2012, two months away, EPA need not demonstrate good cause for not having supplied the exhibits or the proposed witnesses' names and a summary of their testimony sooner. The operative

principle governing the disposition of this motion is whether allowing Complainant to supplement its prehearing exchange would result in Respondents being unfairly disadvantaged or unduly prejudiced. Complainant submits that, in deciding this motion, this Court should be guided by the principle articulated by the Environmental Appeals Board in *In re CDT Landfill Corporation*, CAA Appeal No. 02-02 (E.A.B. 2003), 11 EAD 88, 109, that "[a]dministrative hearings are such that rules allowing evidence into the record tend to be more liberal than in proceedings in other courts, and normally err towards over-inclusion rather than under-inclusion" (citations omitted).[1]

Conclusion

For the reasons set forth herein, Complainant respectfully moves this Court to grant an Order allowing Complainant leave to supplement its Prehearing Exchange with the names of two new proposed witnesses and a summary of their testimony and seventeen new exhibits.

Dated: August 23, 2012
New York, New York

Respectfully submitted,

Beverly Kolenberg
Assistant Regional Counsel
Waste and Toxic Substances Branch
U.S. Environmental Protection Agency
290 Broadway, 17th floor
New York, New York 10007-1866
Kolenberg.beverly@epa.gov
212-637-3167
Fax: 212-637-3104

[1] This decision and others of the Environmental Appeals Board are available on the Internet at www.epa.gov/eab.

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed copies of the foregoing Motion to Supplement Complainant's Prehearing Exchange, bearing the Docket Number RCRA-02-2011-7507 by pouch mail to Honorable M. Lisa Buschmann, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Mail Code 1900L, Washington, D.C. 20460-2001 and by regular mail to Respondents Valvo's Convenience & Gas, Inc. and Stephen M. Valvo at 1271 Routes 5 and 20, Silver Creek, N.Y. 14136, and to Paul A. Chiaravalloti, Esq., counsel for the Respondents, 1967 Wehrle Drive, Suite 1, Williamsville, N.Y. 14221.

I hand-carried the original and a copy of the foregoing Motion to the Office of Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Dated: August 23, 2012
New York, New York

Beverly Kaufberg

COMPLAINANT'S PROPOSED SUPPLEMENTARY EXHIBITS

Complainant's Exhibit 63

Hanover Convenience
351 Central Ave
Silver Creek, NY 14136

4/11/10

Polu Kai Services
Jeffrey K. Blair
EPA UST/UIC Region II Field Inspector
Fax #814-887-4138

Dear Jeff:

Enclosed are the test results we had performed on our tanks and lines. I have also enclosed the cathodic test results from 2007. We have pumped out the 12,000 gallon unleaded tank into the 8,000 gallon tank. We are no longer using the 12,000 gallon tank. We also have pumped out the 1,000 gallon diesel tank and it is no longer in use.

Sincerely,

Melissa

Melissa Elwell

7 pages

K & T PUMP & TANK INC.
370 Sawyer Avenue
Tonawanda, NY 14150-7719
(716)877-0226 Fax: (716)877-0034

March 13, 2007

CATHODIC PROTECTION VOLTMETER READINGS

STATION LOCATION: Hanover Convenience
351 Central Avenue
Silver Creek, NY 14136

OWNERS NAME: Hanover Convenience

TANK	TANK SIZE	TANK PRODUCT	METER READING	DATE TEST PERFORMED
#1	12,000	87-Regular	- .85	3-8-07
#2	8,000	93-Premium	-1.04	3-8-07
#3	1,000	Diesel	- .89	3-8-07
#4				
#5				
#6				

Testing done by K & T PUMP & TANK INC.

JEMKO
PETROLEUM EQUIPMENT, INC.

4895 EAST LAKE ROAD
ERIE, PENNSYLVANIA 16511
TELEPHONE (814) 899-7575
FAX (814) 899-6880

March 30, 2010

Hanover Convenience
351 Central Ave.
Silvercreek, NY 14136

Attn: Dale

Re: Line testing, leak detector testing and cathodic protection testing at your facility

On March 30, 2010 JEMKO performed line testing on unleaded and premium, leak detector testing on unleaded only, and cathodic protection testing an all three products. at your facility.
Results are as follows.

Line Testing- Product was tested using the Estabrook EZY CHEK line testing unit manufactured by Estabrook EZY CHEK systems.
Both gasoline lines passed the leak test in accordance with EPA guidelines. See attachments.

Leak Detector Testing- Leak detector was tested using an Estabrook Precision Leak Detector testing unit engineered by Estabrook EZY CHEK systems.
Unlead leak detector passed. See attachment.

Cathodic protection- Readings for your tanks were taken March 30, 2010.
The readings are within the parameters to be considered corrosion protected on the 8,000 gallon gasoline tank. The 12,000 gas and 1,000 diesel failed..
See attachments for results

Sincerely,

Marty J Baginski
JEMKO Petroleum Equipment Inc.

Jemko Petroleum Equipment, Inc.

4895 East Lake Rd.
Erie, PA 16511-1477
814-899-7575

Invoice #: 00066978

Bill To:
Hanover Convenience
351 Central Avenue
Silver Creek, NY 14136

PAID
3/31/10 Check 5158

Ship To:
Hanover Convenience
351 Central Avenue
Silver Creek, NY 14136

Card	YOUR NO.	SHIP VIA	SHIP DATE	TERMS	DATE	PG.
20163.5	DALE			C.O.D.	3/31/2010	1

QTY	ITEM #	DESCRIPTION	PRICE	UNIT	DISC %	EXTENDED	TX.
		Needs a cathodic test done. 3/30/10: Did line & leak detector testing. The sub in the unleaded tank would not come up to speed. Could not do leak detector. Others all passed. All lines passed. Only the middle tank passed the cathodic protection.					
5.25	Labor	hours	$60.00			$315.00	X
118	Miles	traveled	$0.60			$70.80	X

Thank you!

SALE AMOUNT	$385.80	
FREIGHT	$0.00	X
SALES TAX	$29.90	
TOTAL	~~$415.70~~	
PAID TODAY	$415.70	
BALANCE DUE	$0.00	

EZY CHEK SYSTEMS
PRODUCT LINE TESTER
DATA SHEET

TEST DATE	3-30-2010

Testing Company Information

Name	JEMKO Petroleum Equipment, Inc.
Address	4895 East Lake Road
City	Erie, PA 16511
Phone	814-899-7575

Test Location Information

Name	HANOVER CONVIENCE
Address	351 Central Ave.
City	Silver Creek, NY
Phone	716-934-2282
Contact	DALE Erwell
Facility ID#	

Technican Information

Name	MATT RICHTER
Cert #	PA: 335

Piping	Fiberglass

Applied Pressure	50 PSI

#1 Product Type: GAS

TIME	DATA	-/+	GPL	RES	GPH
10:40	80	0	0.0037	0.0000	0.0000
10:55	80	0	0.0037	0	0
11:10	80	0	0.0037	0	0
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT: PASS

#2 Product Type: GAS

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
11:25	77	0	0.0037	0	0
11:40	77	0	0.0037	0	0
11:55	76	1	0.0037	.0037	.0148
			0.0037		
			0.0037		

FINAL RESULT: PASS

#3 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#4 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#5 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#6 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

JEMKO

PETROLEUM EQUIPMENT, INC.

ESTABROOK'S EZY CHEK LEAK DETECTOR TEST RESULTS

DATE: 3-30-2010

TESTING CO: JEMKO Petroleum Equipment Inc.
ADDRESS: 4895 East Lake Road
Erie, Pa 16511
PHONE: 814-899-7575

TEST SITE: HANOVER CONVENIENCE
ADDRESS: 357 CENTRAL AVE.
SILVER CREEK, NY 14136

FACILITY ID #: N/A

TECH NAME & CERT #: MATT RICHTER

TEST REPORT INDICATES

TYPE OF LEAK DETECTOR TESTED

PUMP #	MAKE	MODEL	SERIAL #
1	RedJacket	EXIV	31102-7678
2			
3			
4			
5			
6			
7			
8			

PUMP #	PRODUCT TYPE	METERING PRESSURE	FUNCTIONAL ELEMENT HOLDING PSI	RESILIENCY	TEST LEAK RATE ML/MIN	OPENING TIME	PASS FAIL
1	GAS	26	1.2	N/A	189 ml	2SEC	PASS
2					189 ml		
3					189 ml		
4					189 ml		
5					189 ml		
6					189 ml		
7					189 ml		
8					189 ml		

Underground Storage Tank (UST)

Facility Name: HANOVER CONVIENCE
Address: 351 Central Ave.
Silver Creek, NY 14136

Facility ID: 9 -

Test Date: 3/30/2010

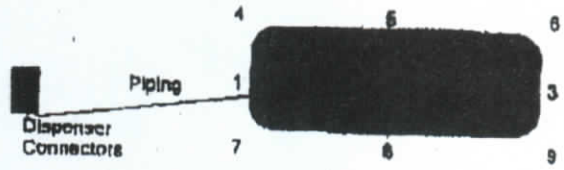
Telephone #: (716) 934-2292

Testing Company Name: JEMKO
Address: 4895 EAST LAKE Rd.
ERIE, PA 16511

Telephone #: (814) 899-7575

Equipment used to test: P3 TESTER

(Circle One) Sacrificial OR Impressed System



NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: 001 | Tank Size: 12,000 | Product: GAS

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)	-.298	-.310	-.291									
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 002 | Tank Size: 8,000 | Product: GAS

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)		-1.09	-1.08	-1.08								
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 003 | Tank Size: 1,000 | Product: DIESEL

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)		-.614	-.669				-.631					
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print):

NACE Certification #:

Signature: MATT RICHTER

Date: 3-3-2010

93-19-1 (10/93)—26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILLS MANAGEMENT • BUREAU OF SOURCE CONTROL

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

Please Type or Print Clearly and Complete All Items

(Continued on Reverse Side—Please Be Sure to Complete Section B)

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-600317

Indicate Other Existing DEC Numbers, if any, for this Facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 require a fee.

1. [x] Initial/New Facility
2. [ ] Change of Ownership
3. [ ] Substantial Tank Modification
4. [ ] Information Correction
5. [ ] Renewal

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

FACILITY

NAME: VALVO CONVENIENCE & GAS INC

LOCATION (Not P.O. Boxes): RT 5 & 20

LOCATION (Continued):

CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136

COUNTY: CHAUT | TOWNSHIP OR CITY: HANOVER ~~SILVER CREEK~~

NAME OF OPERATOR AT FACILITY: STEPHEN VALVO | FACILITY TELEPHONE NUMBER: (716) 934-2535

EMERGENCY CONTACT NAME: STEPHEN VALVO | EMERGENCY CONTACT PHONE NO.: (716) 934-2535

OWNER

NAME: VALVO CONVENIENCE & GAS INC

ADDRESS (Street and/or P.O. Box): RT 5 & 20

CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136

FEDERAL TAX ID NO.: | OWNER TELEPHONE NUMBER: (716) 934-2535

TYPE OF OWNER (Check only one)

1 [ ] Private Resident 2 [ ] State Government 3 [ ] Local Government
4 [ ] Federal Government 5 [x] Corporate/Commercial

MAILING CORRESPONDENCE

ATTENTION: STEPHEN M. VALVO

NAME OF COMPANY: VALVO CONVENIENCE & GAS INC

ADDRESS: RT 5 & 20

ADDRESS:

CITY/STATE/ZIP CODE: SILVER CREEK NY 14136

TELEPHONE NUMBER: (716) 934-2535

TYPE OF PETROLEUM FACILITY: (Check all that apply)

A. [ ] Storage Terminal/Petroleum Distributor
B. [x] Retail Gasoline Sales
C. [ ] Other Retail Sales
D. [ ] Manufacturing
E. [ ] Utility
F. [ ] Trucking/Transportation
G. [ ] Apartment Building
H. [ ] School
I. [ ] Farm
J. [ ] Private Residence
K. [ ] Airline (Air Taxi)
L. [ ] Other (Specify)

RECEIVED APR 10 1997 NYSDEC-REG. 9 FOIL REL UNREL

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: STEPHEN M VALVO | AMOUNT ENCLOSED: $ 250.00

TITLE: PRESIDENT

SIGNATURE: Stephen M Valvo | DATE: 4/8/97

OFFICIAL USE ONLY

Page 1 of 1

Date Received: 4/10/97

Date Processed: 4/16/97

Amount Received $ 250

Reviewed By: [illegible]

Complainant's Exhibit 64

PBS NUMBER:

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO)	(YR)
1	~~1308~~ C-1	4	1	03	97	10,000	2	1	0	5	2	9	9	5	2	1	1	1		
1	~~11528~~ C-2	4	1	03	97	12,000	2	1	0	5	2	9	9	5	2	1	1	1		
1	~~22311~~ C-3	4	1	03	97	2,000	6	1	0	5	2	9	9	5	2	1	1	2		

KEY FOR SECTION B

ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/ Reline Tank

TANK LOCATION
1 Aboveground
2 Aboveground on saddles legs, stilts, rack, or cradle
3 Aboveground: 10% or more below ground
4 Underground
5 Underground, vaulted, with access

STATUS
1 In-service
2 Temporarily out-of-service
3 Closed—Removed
4 Closed—In Place
5 Tank Converted to Non-Regulated Use

PRODUCT STORED
0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced Plastic (FRP)
6 Equivalent Technology
9 Other*

PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

INTERNAL PROTECTION: Tank/Piping
0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

EXTERNAL PROTECTION: Tank/Piping
0 None
1 Painted/Asphalt Coating
2 Sacrificial Anode
3 Impressed Current
4 Fiberglass
5 Jacketed
6 Wrapped (Piping)
9 Other*

PIPING LOCATION
0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

SECONDARY CONTAINMENT
0 None
1 Vault
2 Double-Walled Tank
3 Excavation Liner
4 Cut-off Walls
5 Impervious Underlayment
6 Earthen Dike
7 Prefabicated Steel Dike
8 Concrete Dike
A Synthetic Liner
B Natural Liner
9 Other*

LEAK DETECTION
0 None
1 Interstitial Monitoring
2 Vapor Well
3 Groundwater Well
4 In-tank System
5 Concrete Pad w/channels
6 Double Bottom
9 Other*

SPILL/OVERFILL PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*

DISPENSER
1 Submersible
2 Suction
3 Gravity

* If Other, please list on separate sheet including the Tank Number

INSP 11-93

93-1[illegible]: (12/90)—26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER • BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

(Continued on Reverse Side—Please Be Sure to Complete Section B)

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-600126

Indicate Other Existing DEC Numbers, if any, for this Facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 require a fee.

1. ☐ Initial/ New Facility
2. ☐ Change of Ownership
3. ☐ Substantial Tank Modification
4. ☐ Information Correction
5. ☐ Renewal

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

FACILITY

NAME: VALVO TRANSPORT INC

LOCATION (Not P.O. Boxes): RTS 5 & 20

LOCATION (Continued):

CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136

COUNTY: CHAUT. | TOWNSHIP OR CITY: HANOVER

NAME OF OPERATOR AT FACILITY: STEPHEN VALVO | FACILITY TELEPHONE NUMBER: (716 934-2535

EMERGENCY CONTACT NAME: STEPHEN VALVO | EMERGENCY CONTACT PHONE NO.: (716 934-4451

OWNER

NAME: VALVO TRANSPORT INC

ADDRESS (Street and/or P.O. Box): PO BOX 271

CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136

FEDERAL TAX ID NO.: 16-1355827 | OWNER TELEPHONE NUMBER: (716) 934-4451

TYPE OF OWNER (Check only one)
1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

MAILING CORRESPONDENCE

ATTENTION: STEPHEN M VALVO

NAME OF COMPANY: VALVO TRANSPORT INC

ADDRESS: PO BOX 271

ADDRESS:

CITY/STATE/ZIP CODE: SILVER CREEK NY 14136

TELEPHONE NUMBER: (716) 934-2535

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☒ Storage Terminal/Petroleum Distributor
B. ☐ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☒ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify)

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: STEPHEN M VALVO | AMOUNT ENCLOSED: $

TITLE: PRESIDENT

SIGNATURE: Stephen M Valvo | DATE: 5-12-93

OFFICIAL USE ONLY

Page 1 of 1

Date Received: 5/20/93

Date Processed: 5/20/93

Amount Received $ 250

Reviewed By: JES

Complainant's Exhibit 65A

PBS NUMBER:
9-600126

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot	Piping External Protection	Secondary Containment	Leak Detection	Spill/Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO)	(YR)
1	001	4	1	05	93	10,000	6	1	0	1	2	2	0	1	2	1	1	1		
1	002	2	1	05	93	20,000	3	1	0	1	1	2	0	1	1	5	4	2		
1	003	2	1	05	93	20,000	5	1	0	1	1	2	0	1	1	5	4	2		

KEY FOR SECTION B

ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/Reline Tank

TANK LOCATION
1 Aboveground
2 Aboveground on saddles legs, stilts, rack, or cradle
3 Aboveground: 10% or more below ground
4 Underground
5 Underground, vaulted, with access

STATUS
1 In-service
2 Temporarily out-of-service
3 Closed—Removed
4 Closed—In Place
5 Tank Converted to Non-Regulated Use

PRODUCT STORED
0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced Plastic (FRP)
6 Equivalent Technology
9 Other*

PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

INTERNAL PROTECTION: Tank/Piping
0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

EXTERNAL PROTECTION: Tank/Piping
0 None
1 Painted/Asphalt Coating
2 Sacrificial Anode
3 Impressed Current
4 Fiberglass
5 Jacketed
6 Wrapped (Piping)
9 Other*

PIPING LOCATION
0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

SECONDARY CONTAINMENT
0 None
1 Vault
2 Double-Walled Tank
3 Excavation Liner
4 Cut-off Walls
5 Impervious Underlayment
6 Earthen Dike
7 Prefabicated Steel Dike
8 Concrete Dike
A Synthetic Liner
B Natural Liner
9 Other*

LEAK DETECTION
0 None
1 Interstitial Monitoring
2 Vapor Well
3 Groundwater Well
4 In-tank System
5 Concrete Pad w/channels
6 Double Bottom
9 Other*

SPILL/OVERFILL PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*

DISPENSER
1 Submersible
2 Suction
3 Gravity

* If Other, please list on separate sheet including the Tank Number

93-19-1 (12/90)—26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER • BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

(Continued on Reverse Side—Please Be Sure to Complete Section B)

RECEIVED
NOV 08 1993
N.Y.S. DEPT. OF ENVIRONMENTAL CONSERVATION REGION 9

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-600126

Indicate Other Existing DEC Numbers, if any, for this Facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 require a fee.

1. ☐ Initial/ New Facility
2. ☐ Change of Ownership
3. ☐ Substantial Tank Modification
4. ☒ Information Correction
5. ☐ Renewal

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

FACILITY

NAME: VALVO TRANSPORT INC

LOCATION (Not P.O. Boxes): RTS 5 & 20

LOCATION (Continued):

CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136

COUNTY:

TOWNSHIP OR CITY: HANOVER

NAME OF OPERATOR AT FACILITY: STEPHEN M. VALVO

FACILITY TELEPHONE NUMBER: (716) 934-2535

EMERGENCY CONTACT NAME: STEPHEN M. VALVO

EMERGENCY CONTACT PHONE NO.: (716) 934-4451

OWNER

NAME: STEPHEN M. VALVO

ADDRESS (Street and/or P.O. Box):

CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136

FEDERAL TAX ID NO.: 16-1355827

OWNER TELEPHONE NUMBER: (716) 934-4451

TYPE OF OWNER (Check only one)

1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

MAILING CORRESPONDENCE

ATTENTION: STEPHEN M. VALVO

NAME OF COMPANY: VALVO TRANSPORT

ADDRESS: P.O. BOX 271

ADDRESS:

CITY/STATE/ZIP CODE: SILVER CREEK, NEW YORK 14136

TELEPHONE NUMBER: (716) 934-2535

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☐ Storage Terminal/Petroleum Distributor
B. ☐ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☒ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify)

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: STEPHEN M. VALVO

AMOUNT ENCLOSED: $ 150.00

TITLE: PRESIDENT

SIGNATURE: Stephen M Valvo

DATE: 11/1/93

OFFICIAL USE ONLY

Page ____ of ____

Date Received: ___/___/___

Date Processed: ___/___/___

Amount Received $ ____

Reviewed By: ____

Complainants Exhibit 65B

PBS NUMBER: 9-600120

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO)	(YR)
2	4	1	1	10	93	275	5	1	0	00	1	2		00	00	00	06	1	—	—
2	5	1	1	05	85	275	4	1	0	00	1	2		00	05	00	06	1	—	—
2	6	4	1	05	85	2,000	9	1	0	00	1	2	2	00	00	00	00	1		

KEY FOR SECTION B

ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/ Reline Tank

TANK LOCATION
1 Aboveground
2 Aboveground on saddles legs, stilts, rack, or cradle
3 Aboveground: 10% or more below ground
4 Underground
5 Underground, vaulted, with access

STATUS
1 In-service
2 Temporarily out-of-service
3 Closed—Removed
4 Closed—In Place
5 Tank Converted to Non-Regulated Use

PRODUCT STORED
0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced Plastic (FRP)
6 Equivalent Technology
9 Other*

PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

INTERNAL PROTECTION: Tank/Piping
0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

EXTERNAL PROTECTION: Tank/Piping
0 None
1 Painted/Asphalt Coating
2 Sacrificial Anode
3 Impressed Current
4 Fiberglass
5 Jacketed
6 Wrapped (Piping)
9 Other*

PIPING LOCATION
0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

SECONDARY CONTAINMENT
0 None
1 Vault
2 Double-Walled Tank
3 Excavation Liner
4 Cut-off Walls
5 Impervious Underlayment
6 Earthen Dike
7 Prefabicated Steel Dike
8 Concrete Dike
A Synthetic Liner
B Natural Liner
9 Other*

LEAK DETECTION
0 None
1 Interstitial Monitoring
2 Vapor Well
3 Groundwater Well
4 In-tank System
5 Concrete Pad w/channels
6 Double Bottom
9 Other*

SPILL/OVERFILL PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*

DISPENSER
1 Submersible
2 Suction
3 Gravity

* If Other, please list on separate sheet including the Tank Number

Complainant's Exhibit 65C

VALVO TRANSPORT, INC.
I.C.C. M.C. 199607
U.S. D.O.T. 265858

FAX (716) 934-4926
PHONE (716) 934-2535
DUNS # 118785377
RTS. 5 & 20 SILVER CREEK, N.Y. 14136

AMERICAN TRUCKING ASSOCIATIONS
Member

November 1, 1993

Attachment to Petroluem Bulk Storage Application
9-600126

Tank # 6, below ground waste oil storage tank from the trucks and tractors used by Valvo Transport. This tank is pumped out by Bison Waste Oil Services.

93-19-1 (1/97)—q

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14
(Continued on the Reverse Side—Please Be Sure to Complete Section B)

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-600126

Indicate other existing DEC Numbers, if any, for this facility:

CBS Number

SPDES Number

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee.

1 ☐ Initial/New Facility
2 ☐ Change of Ownership
3 ☒ Substantial Tank Modification
4 ☐ Information Correction
5 ☐ Renewal

FACILITY

FACILITY NAME: Valvo Transport Inc.
LOCATION (Not P.O. Boxes): Rtes. 5 & 20
LOCATION (Continued):
CITY/TOWN/VILLAGE: Silver Creek | STATE: NY | ZIP CODE: 14136
COUNTY: Chautaqua | TOWNSHIP OR CITY:
NAME OF OPERATOR AT FACILITY: Stephen M. Valvo | FACILITY TELEPHONE NUMBER: (716) 934-2535
EMERGENCY CONTACT NAME: Stephen M. Valvo | EMERGENCY TELEPHONE NO.: (716) 934-7763

OWNER

OWNER NAME: Valvo Transport Inc.
ADDRESS (Street and/or PO Box): Rtes. 5 & 20
CITY: Silver Creek | STATE: N.Y. | ZIP CODE: 14136
FEDERAL TAX ID NUMBER: 161355827 | OWNER TELEPHONE NUMBER: (716) 934-2535
TYPE OF OWNER (Check only one)
1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☒ Storage Terminal/Petroleum Distributor
B. ☐ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☐ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify Below)

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I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: Valvo Transport Inc. | AMOUNT ENCLOSED: $
TITLE: President
SIGNATURE: Stephen M Valvo | DATE: 11/13/97

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

CORRESPONDENCE

ATTENTION: Stephen M. Valvo
NAME OF COMPANY: Valvo Transport Inc.
ADDRESS: Rtes. 5 & 20
ADDRESS:
CITY/STATE/ZIP CODE: Silver Creek N.Y. 14136
TELEPHONE NUMBER: (716 934-2535

OFFICIAL USE ONLY

Page ____ of ____
Date Received: __/__/__
Date Processed: __/__/__
Amount Received $ ____
Reviewed By: ____

93-19-1 (1/97)—q

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14
(Continued on the Reverse Side—Please Be Sure to Complete Section B)

RETURN COMPLETED FORM & FEE TO:

NYS DEC - REGION 9
270 MICHIGAN AVE
BUFFALO, NY 14203-2999
(716) 851-7220

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-600126

Indicate other existing DEC Numbers, if any, for this facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee.

1 ☐ Initial/ New Facility
2 ☐ Change of Ownership
3 ☐ Substantial Tank Modification
4 ☐ Information Correction
5 ☒ Renewal

FACILITY

FACILITY NAME: VALVO TRANSPORT INC
LOCATION (Not P.O. Boxes): RTS 5 & 20
LOCATION (Continued):
CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136
COUNTY: CHAUTAUQUA | TOWNSHIP OR CITY: HANOVER
NAME OF OPERATOR AT FACILITY: STEPHEN M. VALV | FACILITY TELEPHONE NUMBER: (716) 934-2535
EMERGENCY CONTACT NAME: STEPHEN M. VALV | EMERGENCY TELEPHONE NO.: (716) 934-7763

OWNER

OWNER NAME: VALVO TRANSPORT INC
ADDRESS (Street and/or PO Box): PO BOX 271
CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136
FEDERAL TAX ID NUMBER: 16-1355827 | OWNER TELEPHONE NUMBER: (716) 934-2535
TYPE OF OWNER (Check only one)
1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☐ Storage Terminal/Petroleum Distributor
B. ☐ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☐ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify Below)

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MAR 13 1998
NYSDEC - REG. 9
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I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: Stephen M. Valvo | AMOUNT ENCLOSED: $250.-
TITLE: President
SIGNATURE: Stephen M. Valvo | DATE: 3/9/98

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC
LONGITUDE: DEG MIN SEC

CORRESPONDENCE

ATTENTION: STEVE M VALVO
NAME OF COMPANY: VALVO TRANSPORT INC
ADDRESS: PO BOX 271
ADDRESS:
CITY/STATE/ZIP CODE: SILVER CREEK, NY 14136
TELEPHONE NUMBER: (716) 934-2535

OFFICIAL USE ONLY

Page 1 of 1
Date Received: 3/13/98
Date Processed: 3/13/98
Amount Received $ 250.00
Reviewed By: MG

Complainants Exhibit 65D

PBS NUMBER:

9-600126

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Protection	Tank External Protection	Piping Location	Piping Type	Piping Internal Protection	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (Underground Tanks) (MO)	(YR)
2	006	1	1	1 1	8 7	20,000	6	1	0	1	1	2	0	1	8	5	1	1		
2	007	1	1	1 1	8 7	20,000	2	1	0	1	1	2	0	1	8	5	4	1		
2	008	1	1	1 1	9 7	1,000	3	1	0	1	0	0	0	0	0	0	0	2		
2	009	4	1	1 1	9 7	2,000	C	1	0	1	0	0	0	0	0	0	0	2		

KEY FOR SECTION B

ACTION
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

TANK LOCATION
1. Aboveground
2. Aboveground on saddles, legs, stilts, rack, or cradle
3. Aboveground: 10% or more below ground
4. Underground
5. Underground, vaulted, with access

STATUS
1. In-service
2. Temporarily out-of-service
3. Closed—Removed
4. Closed—In Place
5. Tank Converted to Non-Regulated Use

PRODUCT STORED
0. Empty
1. Leaded Gasoline
2. Unleaded Gasoline
3. Nos. 1, 2, or 4 Fuel Oil
4. Nos. 5 or 6 Fuel Oil
5. Kerosene
6. Diesel
A. Lube Oil
B. ~~Lube Oil (fuel~~ xxxxxxxxxUsed Oil(fuel)
C Used Oil
9. Other*

TANK TYPE
1. Steel/Carbon Steel
2. Stainless Steel Alloy
3. Concrete
4. Fiberglass Coated Steel
5. Fiberglass Reinforced Plastic (FRP)
6. Equivalent Technology
9. Other*

PIPING TYPE
0. None
1. Steel/Iron
2. Galvanized Steel
3. Fiberglass (FRP)
4. Copper
9. Other*

INTERNAL PROTECTION: Tank/Piping
0. None
1. Epoxy Liner
2. Rubber Liner
3. Fiberglass Liner (FRP)
4. Glass Liner
9. Other*

EXTERNAL PROTECTION: Tank/Piping
0. None
1. Painted/Asphalt Coating
2. Sacrifical Anode
3. Impressed Current
4. Fiberglass
5. Jacketed
6. Wrapped (Piping)
9. Other*

* If other, please list on separate sheet including Tank Number

PIPING LOCATION
0. None
1. Aboveground
2. Underground
3. Aboveground/ Underground Combination

SECONDARY CONTAINMENT
0. None
1. Vault
2. Double-Walled Tank
3. Excavation Liner
4. Cut-off Walls
5. Impervious Underlayment
6. Earthen Dike
7. Prefobicated Steel Dike
8. Concrete Dike
A. Synthetic Liner
B. Natural Liner
9. Other*

LEAK DETECTION
0. None
1. Interstitial Monitoring
2. Vapor Well
3. Groundwater Well
4. In-Tank System
5. Concrete Pad w/channels
6. Double Bottom
9. Other*

SPILL/OVERFILL PREVENTION
0. None
1. Float Vent Valve
2. High Level Alarm
3. Automatic Shut-off
4. Product Level Gauge
5. Catch Basin
6. Vent Whistle
9. Other*

DISPENSER
1. Submersible
2. Suction
3. Gravity

PBS NUMBER: 9-600126

Tank Information for Petroleum Bulk Storage Facility
SECTION B—See Instructions on Cover Sheet

EXPIRATION DATE: 05/20/98

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Protection	Tank External Protection	Piping Location	Piping Type	Piping Internal Protection	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (Underground Tanks) (MO) (YR)
1	1	4	1	0 5	9 3	10,000	6	1	0	0 1	2	2	0	0 1	0 2	0 1	0 1	1	
1	2	2	1	0 5	9 3	20,000	3	1	0	0 1	1	2	0	0 1	0 1	0 5	0 4	2	
1	3	2	1	0 5	9 3	20,000	5	1	0	0 1	1	2	0	0 1	0 1	0 5	0 4	2	
1	4	1	1	1 0	9 3	275	5	1	0	0 0	1	2		0 0	0 0	0 0	0 6	1	
1	5	1	1	0 5	8 5	275	A	1	0	0 0	1	2		0 0	0 5	0 0	0 6	1	
1	6	1	1	1 1	9 7	20,000	6	1	0	1 0	1	2	0	1 0	8	5	1	1	
1	7	1	1	1 1	9 7	20,000	2	1	0	1 0	1	2	1	1 0	8 0	5 0	1 0	1	

KEY FOR SECTION B

ACTION
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

TANK LOCATION
1. Aboveground
2. Aboveground on saddles, legs, stilts, rack, or cradle
3. Aboveground: 10% or more below ground
4. Underground
5. Underground, vaulted, with access

STATUS
1. In-service
2. Temporarily out-of-service
3. Closed—Removed
4. Closed—In Place
5. Tank Converted to Non-Regulated Use

PRODUCT STORED
0. Empty
1. Leaded Gasoline
2. Unleaded Gasoline
3. Nos. 1, 2, or 4 Fuel Oil
4. Nos. 5 or 6 Fuel Oil
5. Kerosene
6. Diesel
A. Lube Oil
B. ~~Lube Oil/fuel~~ Used Oil(fuel)
C Used Oil
9. Other*

TANK TYPE
1. Steel/Carbon Steel
2. Stainless Steel Alloy
3. Concrete
4. Fiberglass Coated Steel
5. Fiberglass Reinforced Plastic (FRP)
6. Equivalent Technology
9. Other*

PIPING TYPE
0. None
1. Steel/Iron
2. Galvanized Steel
3. Fiberglass (FRP)
4. Copper
9. Other*

INTERNAL PROTECTION: Tank/Piping
0. None
1. Epoxy Liner
2. Rubber Liner
3. Fiberglass Liner (FRP)
4. Glass Liner
9. Other*

EXTERNAL PROTECTION: Tank/Piping
0. None
1. Painted/Asphalt Coating
2. Sacrifical Anode
3. Impressed Current
4. Fiberglass
5. Jacketed
6. Wrapped (Piping)
9. Other*

* If other, please list on separate sheet including Tank Number

PIPING LOCATION
0. None
1. Aboveground
2. Underground
3. Aboveground/ Underground Combination

SECONDARY CONTAINMENT
0. None
1. Vault
2. Double-Walled Tank
3. Excavation Liner
4. Cut-off Walls
5. Impervious Underlayment
6. Earthen Dike
7. Prefabicated Steel Dike
8. Concrete Dike
A. Synthetic Liner
B. Natural Liner
9. Other*

LEAK DETECTION
0. None
1. Interstitial Monitoring
2. Vapor Well
3. Groundwater Well
4. In-Tank System
5. Concrete Pad w/channels
6. Double Bottom
9. Other*

SPILL/OVERFILL PREVENTION
0. None
1. Float Vent Valve
2. High Level Alarm
3. Automatic Shut-off
4. Product Level Gauge
5. Catch Basin
6. Vent Whistle
9. Other*

DISPENSER
1. Submersible
2. Suction
3. Gravity

Complainants Exhibit 65E

PBS NUMBER: 9-600126

EXPIRATION DATE: 05/20/98

Tank Information for Petroleum Bulk Storage Facility
SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Protection	Tank External Protection	Piping Location	Piping Type	Piping Internal Protection	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (Underground Tanks) (MO) (YR)
1	8	2	1	11	97	1,000	3	1	0	1 0	0	0	0	0 0	0 0	0 0	0 0	2	
1	9	4	1	11	97	2,000	C	1	0	1 0	0	0	0	0 0	0 0	0 0	0 0	2	

KEY FOR SECTION B

ACTION
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

TANK LOCATION
1. Aboveground
2. Aboveground on saddles, legs, stilts, rack, or cradle
3. Aboveground: 10% or more below ground
4. Underground
5. Underground, vaulted, with access

STATUS
1. In-service
2. Temporarily out-of-service
3. Closed—Removed
4. Closed—In Place
5. Tank Converted to Non-Regulated Use

PRODUCT STORED
0. Empty
1. Leaded Gasoline
2. Unleaded Gasoline
3. Nos. 1, 2, or 4 Fuel Oil
4. Nos. 5 or 6 Fuel Oil
5. Kerosene
6. Diesel
A. Lube Oil
B. Lube Oil/Used Oil(fuel)
C. Used Oil
9. Other*

TANK TYPE
1. Steel/Carbon Steel
2. Stainless Steel Alloy
3. Concrete
4. Fiberglass Coated Steel
5. Fiberglass Reinforced Plastic (FRP)
6. Equivalent Technology
9. Other*

PIPING TYPE
0. None
1. Steel/Iron
2. Galvanized Steel
3. Fiberglass (FRP)
4. Copper
9. Other*

INTERNAL PROTECTION: Tank/Piping
0. None
1. Epoxy Liner
2. Rubber Liner
3. Fiberglass Liner (FRP)
4. Glass Liner
9. Other*

EXTERNAL PROTECTION: Tank/Piping
0. None
1. Painted/Asphalt Coating
2. Sacrifical Anode
3. Impressed Current
4. Fiberglass
5. Jacketed
6. Wrapped (Piping)
9. Other*

* If other, please list on separate sheet including Tank Number

PIPING LOCATION
0. None
1. Aboveground
2. Underground
3. Aboveground/ Underground Combination

SECONDARY CONTAINMENT
0. None
1. Vault
2. Double-Walled Tank
3. Excavation Liner
4. Cut-off Walls
5. Impervious Underlayment
6. Earthen Dike
7. Prefabicated Steel Dike
8. Concrete Dike
A. Synthetic Liner
B. Natural Liner
9. Other*

LEAK DETECTION
0. None
1. Interstitial Monitoring
2. Vapor Well
3. Groundwater Well
4. In-Tank System
5. Concrete Pad w/channels
6. Double Bottom
9. Other*

SPILL/OVERFILL PREVENTION
0. None
1. Float Vent Valve
2. High Level Alarm
3. Automatic Shut-off
4. Product Level Gauge
5. Catch Basin
6. Vent Whistle
9. Other*

DISPENSER
1. Submersible
2. Suction
3. Gravity

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 374-2

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

PBS Number: 9-600126

Return Completed Form & Fees To:
Region 9
NYSDEC - PBS Unit
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7220

Expiration Date: 05/20/2003

Section A - Facility/Owner/Contact Information

Transaction Type: 5

1)Initial/ New Facility
2)Change of Ownership
3)Tank Installation, Closing, Repair or Reconditioning
4)Information Correction
5) Renewal

FACILITY

Facility Name: VALVO ~~TRANSPORT INC~~
Location (Not P.O. Boxes): RTS 5 & 20
Location (cont.):
City: SILVER CREEK State: NY Zip Code: 14136
County: Chautauqua Township or City: Hanover
Name of Daily On-Site Operator: STEPHEN M. VALVO Training: ☐ Facility Phone Number: (716) 934-2535
Name of Primary Operator: Training: ☐ Primary Operator Phone Number:

TYPE OF PETROLEUM FACILITY (Check only one)

- [X] 01=Storage Terminal/Petroleum Distributor
- [ ] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [ ] 04=Manufacturing
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment/Office Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi/Airport
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 15=Railroad
- [ ] 25=Auto Service/Repair (No Gasoline Sales)
- [ ] 26=Religious (Church, Synagogue, Mosque, Temple, etc.)
- [ ] 27=Hospital/Nursing Home/Health Care
- [ ] 28=Cemetery / Memorial
- [X] 99=Other (Specify): Temporary out of Service

Emergency Contact Name: STEPHEN M. VALVO
Emergency Telephone Number: (716) 934-2535

NOTE: A change of ownership and/or federal tax ID submission must include the first page of the deed.

OWNER

Owner Name: VALVO TRANSPORT INC
Address (Street and/or P.O.): PO BOX 271
City: SILVER CREEK State: NY Zip Code: 14136
Federal Tax ID Number: 16-1355827
Owner Telephone Number: (716) 934-2535
Check If Multiple Tank Owners: ☐
Type of Owner (check only one):
1 ☐ Private Resident
2 ☐ State Government
3 ☐ Local Government
4 ☐ Federal Government
5 [X] Corporate/Commercial

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: Steph Va *** Amount Enclosed: $ 100.00
Title: Owner
Signature: Steph Va *** Date: 3/29/12

*****The Application will be returned if these items are blank**

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact puposes)

Attention: STEVE M VALVO
Name of Company: VALVO TRANSPORT INC
Address: PO BOX 271
Address:
City/State/Zip Code: SILVER CREEK, NY 14136
Telephone Number: (716) 934-2535
E-Mail Address:

RECEIVED NYSDEC REGION 9 APR 03 2012 FOR: ☐ RE ☐ UNRE

OFFICIAL USE ONLY
Date Received / /
Date Processed / /
Amount Received $
Reviewed by

(pbsapplication2009.rpt)

Complainant's Exhibit 66A

PBS Number:
9-600126

Section B - Tank Information

(Please use the key located on the other side of this page to complete each item/column)

Registration Expiration Date:
5/20/2003

(1) Action	(2) Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent ClosureDate (M/D/Year) **application will be returned if blank or 00/00/0000**	(6) Capacity (Gallons)	(7) Product Stored (If Gasoline w/ethanol or Biodiesel, list % additive) %	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Pumping/Dispensing Method	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Secondary Containment	(20) Piping Leak Detection	(21) Under Dispenser Containment (UDC) (Check box if present)	(22) Tank Owned By Party Other Than Listed In Section A (Check box if applicable)
	1	5	2	5/1/1993	10,000	0008	01	00	02	04	01	01		01	02	02	01		07	☐	☐
	2	3	2	5/1/1993	20,000	0001	01	00	01	03	06	04		02	01	02	01		09	☐	☐
	3	3	2	5/1/1993	20,000	0012	01	00	01	03	06	04		02	01	02	01		09	☐	☐
	4	3	1	10/1/1993	275	0012	01	00	00	00	00	05		01	01	02	00			☐	☐
	5	3	1	5/1/1985	275	0013	01	00	00	10	00	05		01	01	02	00			☐	☐
	6	3	2	11/1/1997	20,000	0008	01	00	01	01	06	01		01	01	02	01			☐	☐
	7	3	2	11/1/1997	20,000	0009	01	00	01	01	06	01		01	01	02	01			☐	☐
	8	3	1	11/1/1997	1,000	0001	01	00	01	00	00	00		02	00	00	00		09	☐	☐

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law.
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 374-2

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

PBS Number: 9-600126

Return Completed Form & Fees To:
Region 9
NYSDEC - PBS Unit
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7220

TW

Expiration Date: 05/20/2013

Section A - Facility/Owner/Contact Information

Transaction Type: 3

1)Initial/ New Facility
2)Change of Ownership
3)Tank Installation, Closing, Repair or Reconditioning
4)Information Correction
5) Renewal

FACILITY

Facility Name: VALVO
Location (Not P.O. Boxes): RTS 5 & 20
Location (cont.):
City: SILVER CREEK | State: NY | Zip Code: 14136
County: Chautauqua | Township or City: Hanover
Name of Daily On-Site Operator: STEPHEN M. VALVO | Training: ☐ | Facility Phone Number: (716) 934-2535
Name of Primary Operator: | Training: ☐ | Primary Operator Phone Number:

TYPE OF PETROLEUM FACILITY (Check only one)

- [X] 01=Storage Terminal/Petroleum Distributor
- [ ] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [ ] 04=Manufacturing
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment/Office Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi/Airport
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 15=Railroad
- [ ] 25=Auto Service/Repair (No Gasoline Sales)
- [ ] 26=Religious (Church, Synagogue, Mosque, Temple, etc.)
- [ ] 27=Hospital/Nursing Home/Health Care
- [ ] 28=Cemetery / Memorial
- [ ] 99=Other (Specify):

NOTE: A change of ownership and/or federal tax ID submission must include the first page of the deed.

OWNER

Owner Name: VALVO TRANSPORT INC
Address (Street and/or P.O.): PO BOX 271
City: SILVER CREEK | State: NY | Zip Code: 14136
Federal Tax ID Number: 16-1355827 | Owner Telephone Number: (716) 934-2535
Check If Multiple Tank Owners: ☐
Type of Owner: (check only one)
1 ☐ Private Resident
2 ☐ State Government
3 ☐ Local Government
4 ☐ Federal Government
5 [X] Corporate/Commercial

Emergency Contact Name: STEPHEN M. VALVO | Emergency Telephone Number: (716) 934-2535

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: STEPHEN M. VALVO | Amount Enclosed: $
Title: OWNER
Signature: ** | Date: 4/9/12

*****The Application will be returned if these items are blank**

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact puposes)

Attention: STEVE M VALVO
Name of Company: VALVO TRANSPORT INC
Address: PO BOX 271
Address:
City/State/Zip Code: SILVER CREEK, NY 14136
Telephone Number: (716) 934-2535 | E-Mail Address:

RECEIVED NYSDEC - REGION 9 APR 13 2012 FOIL

OFFICIAL USE ONLY
Date Received 4/11/12
Date Processed 4/16/12
Amount Received $ —
Reviewed by TJW

(pbsapplication2009.rpt)

Complainant's Exhibit 66 B

PETROLEUM BULK STORAGE APPLICATION – SECTION B – TANK INFORMATION – CODE KEYS

Action (1)

1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

Tank Location (3)

1. Aboveground-contact w/soil
2. Aboveground-contact w/ impervious barrier
3. Aboveground on saddles, legs, stilts, rack, or cradle
4. Aboveground with 10% or more below ground
5. Underground
6. Aboveground in Subterranean Vault w/ access for inspections

Status (4)

1. In-service
2. Temporarily out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

Under Dispenser Containment (UDC) – sump/containment underneath a motor fuel dispenser (21)

Check If Present

Tank Owned by Party Other Than Listed in Section a (22)

Check If Applicable

Product Stored (7)

Heating Oils
0001. #2 Fuel Oil
0002. #4 Fuel Oil
0259. #5 Fuel Oil
0003. #6 Fuel Oil
0012. Kerosene
0591. Clarified Oil
2711. Biodiesel (Heating)
2642. Used Oil (Heating)

Motor Fuels
0009. Gasoline
2712. Gasoline/Ethanol
0008. Diesel
2710. Biodiesel
0011. Jet Fuel
1044. Jet Fuel (Biofuel)
2641. Aviation Gasoline

Crude Oil
0006. Crude Oil
0701. Crude Oil Fractions

Lubricating/Cutting Oils
0013. Lube Oil
0015. Motor Oil
1045. Gear/Spindle Oil
0010. Hydraulic Oil
0007. Cutting Oil
0021. Transmission Fluid
1836. Turbine Oil
0308. Petroleum Grease

Oils Used As Building Materials
2626. Asphaltic Emulsions
0748. Form Oil

Petroleum Spirits
0014. White/Mineral Spirits
1731. Naphtha

Mineral/Insulating Oils
0020. Insulating Oil (e.g., Transformer, Cable Oil)
2630. Mineral Oil

Waste/Used/Other Oils
0022. Waste/Used Oil
9999. Other -please list :*

Tank Type (8)

01. Steel/Carbon Steel/Iron
02. Galvanized Steel Alloy
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Tank in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
10. Urethane Clad Steel
99. Other-please list:*

Internal Protection (9)

00. None
01. Epoxy Liner
02. Rubber Liner
03. Fiberglass Liner (FRP)
04. Glass Liner
99. Other-please list:*

External Protection (10/18)

00. None
01. Painted/Asphalt Coating
02. Original Sacrificial Anode
03. Original Impressed Current
04. Fiberglass
05. Jacketed
06. Wrapped (Piping)
07. Retrofitted Sacrificial Anode
08. Retrofitted Impressed Current
09. Urethane
99. Other-please list:*

Secondary Containment (11/19)

00. None

Aboveground Tanks/Piping
01. Diking
02. Vault (w/access)
05. Synthetic Liner
06. Remote Impounding Area
09. Modified Double-Walled
10. Impermeable Barrier ***
11. Double Bottom ***

*** Each of these codes must be combined with code 01 or 06 to meet compliance requirements

Underground Tanks/Piping
03. Vault (w/o access)
04. Double-Walled
05. Synthetic Liner
07. Excavation/Trench Liner System
08. Flexible Internal Liner (Bladder)
10. Impervious Underlayment

Tank Leak Detection (12)

00 None
01. Interstitial Electronic Monitoring
02. Interstitial Manual Monitoring
03. Vapor Well
04. Groundwater Well
05. In-Tank System (Auto Tank Gauge)
06. Impermeable Barrier (Aboveground Only)
99. Other-please list:*

Overfill Prevention (13)

00. None
01. Float Vent Valve
02. High Level Alarm
03. Automatic Shut-off
04. Product Level Gauge (Aboveground Only)
05. Vent Whistle
99. Other-please list:*

Spill Prevention (14)

00. None
01. Catch Basin
02. Transfer Station Containment
99. Other - Please list*

Pumping/Dispensing Method (15)

00. None
01. Submersible
02. Suction
03. Gravity

Piping Location (16)

00. No Piping
01. Aboveground
02. Underground/On-ground
03. Aboveground/Underground Combination

Piping Type (17)

00. None
01. Steel/Carbon Steel/Iron
02. Galvanized Steel
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Encased in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
10. Copper
11. Flexible Piping
99. Other-please list:*

Pipe Leak Detection (20)

00. None
01. Interstitial Electronic Monitoring
02. Interstitial Manual Monitoring
03. Vapor Well
04. Groundwater Well
07. Pressurized Piping Leak Detector
08. Tank Top Sump
09. Exempt Suction Piping
99. Other-please list:*

*** If other, please list on a separate sheet including Tank Number**

PBS Number:
9-600126

Section B - Tank Information

(Please use the key located on the other side of this page to complete each item/column)

Registration Expiration Date:
5/20/2013

(1) Action	(2) Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent ClosureDate (M/D/Year) **application will be returned if blank or 00/00/0000**	(6) Capacity (Gallons)	(7) Product Stored (If Gasoline w/ethanol or Biodiesel, list % additive) %	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Pumping/Dispensing Method	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Secondary Containment	(20) Piping Leak Detection	(21) Under Dispenser Containment (UDC) (Check box if present)	(22) Tank Owned By Party Other Than Listed In Section A (Check box if applicable)
	1	5	2	5/1/1993	10,000	0008	01	00	02	04	01	01		01	02	02	01		07	☐	☐
	2	3	3	5/1/1993 7/1/05	20,000	0001	01	00	01	03	06	04		02	01	02	01		09	☐	☐
	3	3	3	5/1/1993 7/1/05	20,000	0012	01	00	01	03	06	04		02	01	02	01		09	☐	☐
	4	3	3	10/1/1993 8-10/05	275	0012	01	00	00	00	00	05		01	01	02	00			☐	☐
	5	3	3	5/1/1985 8-10-05	275	0013	01	00	00	10	00	05		01	01	02	00			☐	☐
	6	3	3	11/1/1997 7/1/05	20,000	0008	01	00	01	01	06	01		01	01	02	01			☐	☐
	7	3	3	11/1/1997 7/1/05	20,000	0009	01	00	01	01	06	01		01	01	02	01			☐	☐
	8	3	3	11/1/1997 2/21/12	1,000	0001	01	00	01	00	00	00		02	00	00	00		09	☐	☐

4-25508

93-19-1 (12/90)—26c

CM: P 733 243 782

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER • BUREAU OF SPILL PREVENTION AND RESPONSE

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law, Article 17, Title 10 of ECL; and 6 NYCRR 612-614.

Please Type or Print Clearly and Complete All Items

(Continued on Reverse Side—Please Be Sure to Complete Section B)

SECTION A—See Instructions on Cover Sheet

J-25508

PBS NUMBER: 9-4-25508

Indicate Other Existing DEC Numbers, if any, for this Facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 require a fee.

1. [X] Initial/New Facility
2. [X] Change of Ownership
3. [ ] Substantial Tank Modification
4. [ ] Information Correction
5. [ ] Renewal

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

FACILITY

NAME: VALVO'S CONVENIENCE & GAS, INC.

LOCATION (Not P.O. Boxes): 351 CENTRAL AVENUE

LOCATION (Continued):

CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136

COUNTY: CHAUTAUQUA | TOWNSHIP OR CITY: HANOVER

NAME OF OPERATOR AT FACILITY: STEVE VALVO | FACILITY TELEPHONE NUMBER: (716) 934-9535

EMERGENCY CONTACT NAME: STEVE VALVO | EMERGENCY CONTACT PHONE NO.: (716) 934-2535

OWNER

NAME: STEVE VALVO

ADDRESS (Street and/or P.O. Box): RTS. 5 & 20 C/O P.O. BOX 271

CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136

FEDERAL TAX ID NO.: | OWNER TELEPHONE NUMBER: (716) 934-2535

TYPE OF OWNER (Check only one)
1 [ ] Private Resident 2 [ ] State Government 3 [ ] Local Government
4 [ ] Federal Government 5 [X] Corporate/Commercial

MAILING CORRESPONDENCE

ATTENTION: STEVE VALVO

NAME OF COMPANY: VALVO TRANSPORT, INC.

ADDRESS: RTS. 5 & 20 C/O P.O. BOX 271

ADDRESS:

CITY/STATE/ZIP CODE: SILVER CREEK, NY 14136

TELEPHONE NUMBER: (716) 934-2535

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. [ ] Storage Terminal/Petroleum Distributor
B. [X] Retail Gasoline Sales
C. [ ] Other Retail Sales
D. [ ] Manufacturing
E. [ ] Utility
F. [ ] Trucking/Transportation
G. [ ] Apartment Building
H. [ ] School
I. [ ] Farm
J. [ ] Private Residence
K. [ ] Airline (Air Taxi)
L. [ ] Other (Specify)

RECEIVED
SEP 16 1991
N.Y.S. DEPT. OF ENVIRONMENTAL CONSERVATION REGION 9

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: Stephen Valvo | AMOUNT ENCLOSED: $250.00

TITLE: President

SIGNATURE: Stephen Valvo | DATE: 9/11/91

OFFICIAL USE ONLY

Page 1 of 1

Date Received: 9/17/91

Date Processed: 9/17/91

Amount Received $ 250.00

Reviewed By: J.F.Q.

Complainants Exhibit 67A

93-09-001 (4/85)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PETROLEUM BULK STORAGE APPLICATION

SECTION A—Instructions on Back

APPLICATION NUMBER: 144279

TRANSACTION TYPE (Check one)
1 ☒ Registration
2 ☐ Transfer
If Transfer, Existing PBS Number
3 ☐ Substantial Facility Modification
4 ☐ Information Correction

PBS Number: 425508

OFFICIAL USE ONLY
Page 1 of 1
SWIS Code: 06 1003
Date Received: 10/21/87
Amount Received: $250.00
Received By: [illegible]

1. NAME OF FACILITY: HILLCREST SUNOCO
2. ADDRESS (Number and Street): 351 CENTRAL AVE
3. CITY, TOWN, VILLAGE: SILVER CREEK | 4. STATE: N.Y. | 5. ZIP CODE + 4: 14136
6. COUNTY: ERIE | 7. TELEPHONE: (716) 934-3800

1. NAME OF OWNER: W.W. GRIFFITH OIL CO. INC.
2. ADDRESS (Number and Street): P.O. BOX 1068
3. CITY, TOWN, VILLAGE: OLEAN | 4. STATE: N.Y. | 5. ZIP CODE + 4: 14760
7. TELEPHONE: (716) 372-2171

1. NAME OF OPERATOR: RAYMOND P. BEACH
2. ADDRESS (Number and Street): 351 CENTRAL AVE.
3. CITY, TOWN, VILLAGE: SILVER CREEK | 4. STATE: N.Y. | 5. ZIP CODE + 4: 14136
7. TELEPHONE: (716) 934-3500

1. NAME OF EMERGENCY CONTACT: SAME AS OPERATOR
2. ADDRESS (Number and Street):
3. CITY, TOWN, VILLAGE | 4. STATE | 5. ZIP CODE + 4
7. TELEPHONE: ( )

I hereby affirm under penalty of perjury, that information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

8 NAME/TITLE OF REPRESENTATIVE: JOHN W. CAMPBELL MGR.

9 SIGNATURE: John W. Campbell | DATE: 9/25/87

SECTION B—Instructions on Back

Action	Tank Number	Location	Capacity	Tank Type	Product Stored	Status	Installation Date	Leak Detection	Secondary Containment	Product Gauge	Piping Type	Dispenser	Tax Certificate Enclosed	Official Use Only
4	1	1	4000	1	1	1	0672	6	6	0	2	2		
4	2	1	4000	1	2	1	0672	6	6	0	2	2		
1	3	1	4000	1	2	1	0672	6	6	0	2	2		
1	4	1	4000	1	2	1	0672	6	6	0	2	2		

KEY FOR SECTION B (Instructions on back)

ACTION
1 Register existing tank
2 Add Tank
3 Close/Remove Tank
4 Modify Tank

LOCATION
1 Underground
2 Underground vaulted, with access
3 Underground vaulted, no access
4 Aboveground
5 Aboveground on crib, etc.
6 Aboveground—10% or more below ground

TANK TYPE
1 Bare steel or steel with black asphalt coating
2 Steel in vault
3 Steel with interior epoxy lining
4 Steel retrofitted with cathodic protection
5 Steel with cathodic protection
6 Fiberglass coated steel
7 Fiberglass reinforced plastic
8 Double walled

PRODUCT STORED
1 Leaded gasoline
2 Unleaded gasoline
3 Nos. 1, 2 or 4 fuel oil
4 Nos. 5 or 6 fuel oil
5 Kerosene
6 Diesel
7 Other

STATUS
1 In service
2 Temporarily out
3 Permanently out

INSTALLATION DATE
This location
Month/year (mm/yy)

LEAK DETECTION SYSTEM
1 Electronic
2 Vapor well
3 Sampling well
4 In-tank system
5 Other
6 None

SECONDARY CONTAINMENT
1 Diking
2 Vault
3 Double wall tank
4 Underground liner
5 Other
6 None

PRODUCT GAUGE
0 None
1 Gauge

PIPING TYPE
1 Steel/Iron
2 Galvanized Steel
3 Wrapped Steel
4 Fiberglass
5 Cathodically protected
6 Double walled
7 Unknown

DISPENSER METHOD
1 Submersible
2 Suction
3 Gravity
4 Loading rack

REGION

93-19-1 (8/95)—26c

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILLS MANAGEMENT • BUREAU OF SOURCE CONTROL

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14.
(Continued on Reverse Side—Please Be Sure to Complete Section B)

RETURN COMPLETED FORM & FEE TO:
NYS DEC - REGION 9
270 MICHIGAN AVENUE
BUFFALO, NY 14203-2999
(716) 851-7220

Please Type or Print Clearly and Complete All Items

RECEIVED

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-425508

Indicate Other Existing DEC Numbers, if any, for this Facility:

CBS Number:

SPDES Number:

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee.

1. ☐ Initial/ New Facility
2. ☐ Change of Ownership
3. ☐ Substantial Tank Modification
4. ☐ Information Correction
5. ☒ Renewal

Geographical Locator for this Facility: (If known)
LATITUDE: DEG MIN SEC
LONGITUDE: DEG MIN SEC

FACILITY

NAME: VALVO'S CONVENIENCE & GAS, INC
LOCATION (Not P.O. Boxes): 351 CENTRAL AVE
LOCATION (Continued):
CITY/TOWN/VILLAGE: SILVER CREEK | STATE: NY | ZIP CODE: 14136
COUNTY: CHAUTAUQUA | TOWNSHIP OR CITY: HANOVER
NAME OF OPERATOR AT FACILITY: STEVE VALVO | FACILITY TELEPHONE NUMBER: (716) 934-~~9535~~ 9534
EMERGENCY CONTACT NAME: STEVE VALVO | EMERGENCY CONTACT PHONE NO.: (716) 934-2535

OWNER

NAME: STEVE VALVO
ADDRESS (Street and/or P.O. Box): RTS. 5 & 20
CITY: C/O P O BOX 271 | STATE: NY | ZIP CODE: 14136
FEDERAL TAX ID NO.: 16-1397109 | OWNER TELEPHONE NUMBER: (716) 934-2535
TYPE OF OWNER (Check only one)
1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

MAILING CORRESPONDENCE

ATTENTION: STEVE VALVO
NAME OF COMPANY: VALVO TRANSPORT, INC
ADDRESS: RTS. 5 & 20
ADDRESS: C/O P O BOX 271
CITY/STATE/ZIP CODE: SILVER CREEK, NY 14136
TELEPHONE NUMBER: (716) 934-2535

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☐ Storage Terminal/Petroleum Distributor
B. ☑ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☐ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify)

SEP 09 1996
NYSDEC-REG. 9 FOIL ___REL ___UNREL

RECEIVED
SEP 13 1996
NYSDEC-REG. 9 FOIL ___REL ___UNREL

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: STEPHEN M VALVO | AMOUNT ENCLOSED: $250.00
TITLE: PRESIDENT
SIGNATURE: Stephen M Valvo | DATE: 9/11/96

OFFICIAL USE ONLY
Page 1 of 1
Date Received: 9/13/96
Date Processed: 9/18/96
Amount Received $ 250
Reviewed By: pw

Complainant's Exhibit 67B

PBS NUMBER
9-4-5508

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO)	(YR)
1	001	4		6	91	8,000	2	1	0	2	2	3	3	3	2	1	1	1	6	91
1	002	4		6	91	12,000	2	1	0	2	2	3	3	3	2	1	1	1	6	91
1	003	4		6	91	1,000	3	1	0	2	2	3	3	3	2	1	1	2	6	91

KEY FOR SECTION B

ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/Reline Tank

TANK LOCATION
1 Aboveground
2 Aboveground on saddles legs, stilts, rack, or cradle
3 Aboveground: 10% or more below ground
4 Underground
5 Underground, vaulted, with access

STATUS
1 In-service
2 Temporarily out-of-service
3 Closed—Removed
4 Closed—In Place
5 Tank Converted to Non-Regulated Use

PRODUCT STORED
0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
9 Other*

TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced Plastic (FRP)
6 Equivalent Technology
9 Other*

PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

INTERNAL PROTECTION: Tank/Piping
0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

EXTERNAL PROTECTION: Tank/Piping
0 None
1 Painted/Asphalt Coating
2 Sacrificial Anode
3 Impressed Current
4 Fiberglass
5 Jackeled
6 Wrapped (Piping)
9 Other*

PIPING LOCATION
0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

SECONDARY CONTAINMENT
0 None
1 Vault
2 Double-Walled Tank
3 Excavation Liner
4 Cut-off Walls
5 Impervious Underlayment
6 Earthen Dike
7 Prefabicated Steel Dike
8 Concrete Dike
A Synthetic Liner
B Natural Liner
9 Other*

LEAK DETECTION
0 None
1 Interstitial Monitoring
2 Vapor Well
3 Groundwater Well
4 In-tank System
5 Concrete Pad w/channels
6 Double Bottom
9 Other*

SPILL/OVERFILL PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*

DISPENSER
1 Submersible
2 Suction
3 Gravity

* If Other, please list on separate sheet including the Tank Number

Complainants Exhibit 67C

93-19-1 (1/97)—9

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION

PETROLEUM BULK STORAGE APPLICATION

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14
(Continued on the Reverse Side—Please Be Sure to Complete Section B)

Please Type or Print Clearly and Complete All Items

SECTION A—See Instructions on Cover Sheet

PBS NUMBER: 9-425508

Indicate other existing DEC Numbers, if any, for this facility:

CBS Number

SPDES Number

TRANSACTION TYPE (Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee.

1 ☐ Initial/ New Facility
2 ☐ Change of Ownership
3 ☐ Substantial Tank Modification
4 ☐ Information Correction
5 ☒ Renewal

FACILITY

FACILITY NAME: HANOVER CENTRAL CONV. STORE

LOCATION (Not P.O. Boxes): 351 Central Ave.

LOCATION (Continued): Silver Creek

CITY/TOWN/VILLAGE | STATE: NY | ZIP CODE: 14136

COUNTY: Chautauqua | TOWNSHIP OR CITY

NAME OF OPERATOR AT FACILITY: Brian Slocum | FACILITY TELEPHONE NUMBER: (716) 934-4497

EMERGENCY CONTACT NAME: SAME | EMERGENCY TELEPHONE NO.: (716) 913-6029

OWNER

OWNER NAME: VALVO CONVENIENCE + GAS INC

ADDRESS (Street and/or PO Box): RT 5+20

CITY: SILVER CREEK | STATE: NY | ZIP CODE: 14136

FEDERAL TAX ID NUMBER: 16-1397109 | OWNER TELEPHONE NUMBER: (716) 934-2535

TYPE OF OWNER (Check only one)
1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government
4 ☐ Federal Government 5 ☒ Corporate/Commercial

TYPE OF PETROLEUM FACILITY:
(Check all that apply)

A. ☐ Storage Terminal/Petroleum Distributor
B. ☒ Retail Gasoline Sales
C. ☐ Other Retail Sales
D. ☐ Manufacturing
E. ☐ Utility
F. ☐ Trucking/Transportation
G. ☐ Apartment Building
H. ☐ School
I. ☐ Farm
J. ☐ Private Residence
K. ☐ Airline (Air Taxi)
L. ☐ Other (Specify Below)

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: X Brian Slocum | AMOUNT ENCLOSED: $ 250.00

TITLE: X Lessee

SIGNATURE: X Brian Slocum | DATE: 3/8/02

Geographical Locator for this Facility: (If known)

LATITUDE: DEG MIN SEC

LONGITUDE: DEG MIN SEC

CORRESPONDENCE

ATTENTION

NAME OF COMPANY

ADDRESS

ADDRESS

CITY/STATE/ZIP CODE

TELEPHONE NUMBER ( )

OFFICIAL USE ONLY

Page 1 of 2

Date Received: 3/11/02

Date Processed: 3/11/02

Amount Received $ 250.00

Reviewed By: [illegible]

PBS NUMBER:
9-425508

Tank Information for Petroleum Bulk Storage Facility

EXPIRATION DATE: 09/17/96

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO)	(YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO)	(YR)
1	1	4	1	06	91	8,000	2	1	0	2	2	3	3	3	2	1	1	1		
1	2	4	1	06	91	12,000	2	1	0	2	2	3	3	3	2	1	1	1		
1	3	4	1	06	91	1,000	35	1	0	2	2	3	3	3	2	1	1	1		

KEY FOR SECTION B

ACTION
1 Initial Listing
2 Add Tank
3 Close/Remove Tank
4 Information Correction
5 Recondition/Repair/ Reline Tank

TANK LOCATION
1 Aboveground
2 Aboveground on saddles legs, stilts, rack, or cradle
3 Aboveground: 10% or more below ground
4 Underground
5 Underground, vaulted, with access

STATUS
1 In-service
2 Temporarily out-of-service
3 Closed—Removed
4 Closed—In Place
5 Tank Converted to Non-Regulated Use

PRODUCT STORED
0 Empty
1 Leaded Gasoline
2 Unleaded Gasoline
3 Nos. 1, 2, or 4 Fuel Oil
4 Nos. 5 or 6 Fuel Oil
5 Kerosene
6 Diesel
A Lube Oil
B Used Oil (fuel)
C Used Oil
9 Other*

TANK TYPE
1 Steel/Carbon Steel
2 Stainless Steel Alloy
3 Concrete
4 Fiberglass Coated Steel
5 Fiberglass Reinforced Plastic (FRP)
6 Equivalent Technology
9 Other*

PIPING TYPE
0 None
1 Steel/Iron
2 Galvanized Steel
3 Fiberglass (FRP)
4 Copper
9 Other*

INTERNAL PROTECTION: Tank/Piping
0 None
1 Epoxy Liner
2 Rubber Liner
3 Fiberglass Liner (FRP)
4 Glass Liner
9 Other*

EXTERNAL PROTECTION: Tank/Piping
0 None
1 Painted/Asphalt Coating
2 Sacrificial Anode
3 Impressed Current
4 Fiberglass
5 Jacketed
6 Wrapped (Piping)
9 Other*

PIPING LOCATION
0 None
1 Aboveground
2 Underground
3 Aboveground/Underground Combination

SECONDARY CONTAINMENT
0 None
1 Vault
2 Double-Walled Tank
3 Excavation Liner
4 Cut-off Walls
5 Impervious Underlayment
6 Earthen Dike
7 Prefabricated Steel Dike
8 Concrete Dike
A Synthetic Liner
B Natural Liner
9 Other*

LEAK DETECTION
0 None
1 Interstitial Monitoring
2 Vapor Well
3 Groundwater Well
4 In-tank System
5 Concrete Pad w/channels
6 Double Bottom
9 Other*

SPILL/OVERFILL PREVENTION
0 None
1 Float Vent Valve
2 High Level Alarm
3 Automatic Shut-off
4 Product Level Gauge
5 Catch Basin
6 Vent Whistle
9 Other*

DISPENSER
1 Submersible
2 Suction
3 Gravity

* If Other, please list on separate sheet including the Tank Number

Complainants Exhibit 67D

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Section A
(See enclosed instructions and please be sure to complete Sections A & B)

Return Completed Form & Fees To:
Region 9 — 270 Michigan Avenue, Buffalo, NY 14203-2999, (716) 851-7220

Expiration Date:

lease Type or Print Clearly
nd Complete All Items

PBS Number 9-425508

DEC CBS Number: (If applicable)

DEC SPDES Number: (If applicable)

Transaction Type
Check all that apply)
NOTE: Transaction Types , 2 and 5 may require a fee

- [ ] 1)Initial/ New Facility
- [x] 2)Change of Ownership
- [ ] 3)Substantial Tank Modification
- [x] 4)Information Correction
- [ ] 5)Renewal

FACILITY

Facility Name: Hanover Convenience
Location (Not P.O. Boxes): 351 Central Ave
Location (cont.):
City: Silver Creek | State: NY | Zip Code: 14136
County: Chautauqua | Township or City: Hanover
Name of Operator at Facility: Melissa Elwell | Facility Telephone Number: 716-679-8900
Emergency Contact Name: Dale Elwell | Emergency Telephone Number: 716-679-8060

OWNER

Owner Name: Steve Valvo
Address (Street and/or P.O.): Rts 5+20, c/o PO Box 271
City: Silver Creek | State: NY | Zip Code: 14136
Federal Tax ID Number: 16-1397109 as | Owner Telephone Number: 716-934-2535
Type of Owner: (check only one)
1 [ ] Private Residence 2 [ ] State Government 3 [ ] Local Government 4 [ ] Federal Government 5 [x] Corporate/Commercial

TYPE OF PETROLEUM FACILITY (Check only one)

- [ ] 01=Storage Terminal/Petroleum Distributor
- [x] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [ ] 04=Manufacturing
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 14=Refinery
- [ ] 15=Railroad
- [ ] 16=Vessel/Barge
- [ ] 99=Other (Specify):

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: Melissa B. Elwell
Amount Enclosed: $500.00 check enclosed
Title: Owner
Signature: Melissa B Elwell
Date: 5-23-04

Geographical Locator for this Facility: (If known)
Latitude: [ ][ ][ ] (Degrees/Minutes/Seconds)
Longitude: [ ][ ][ ] (Degrees/Minutes/Seconds)

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact puposes)
Attention: Melissa B. Elwell
Name of Company: Hanover Convenience
Address: 351 Central Ave.
Address:
City/State/Zip Code: Silver Creek NY 14136
Telephone Number: 716-679-8900

RECEIVED
MAY 26 2004
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Page 1 of 2
Date Received 6/3/04
Date Processed 6/7/04
Amount Received $ [illegible]
Reviewed by [illegible]

PBS NUMBER:

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Page _____ of _____

Action	Tank Number	Tank Location	Status	MM/DD/YYYY Installation or Permanent Closure Date (MO) (YR) XXXXXXXX	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Protection	Tank External Protection	Piping Location	Piping Type	Piping Internal Protection	Piping External Protection	Secondary Containment	Leak Detection	Spill/ Overfill Prevention	Dispenser	MM/DD/YYYY Last Test Date (Underground Tanks) (MO) (YR) XXXXXXXX
	1	4	1	91	8,000	2	1	0	2	2	3	3	4	2	1	5	1	
	2	4	1	91	12,000	2	1	0	2	2	3	3	4	2	1	5	1	
	3	4	1	91	1,000	5	1	0	2	2	3	3	4	2	1	5	1	

KEY FOR SECTION B

ACTION
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

TANK LOCATION
1. Aboveground
2. Aboveground on saddles, legs, stilts, rack, or cradle
3. Aboveground: 10% or more below ground
4. Underground
5. Underground, vaulted, with access

STATUS
1. In-service
2. Temporarily out-of-service
3. Closed—Removed
4. Closed—In Place
5. Tank Converted to Non-Regulated Use

PRODUCT STORED
0. Empty
1. Leaded Gasoline
2. Unleaded Gasoline
3. Nos. 1, 2, or 4 Fuel Oil
4. Nos. 5 or 6 Fuel Oil
5. Kerosene
6. Diesel
A. Lube Oil
B. ~~Lube Oil(fuel)~~ XXXXXXXX Used Oil(fuel)
C. Used Oil
9. Other*

TANK TYPE
1. Steel/Carbon Steel
2. Stainless Steel Alloy
3. Concrete
4. Fiberglass Coated Steel
5. Fiberglass Reinforced Plastic (FRP)
6. Equivalent Technology
9. Other*

PIPING TYPE
0. None
1. Steel/Iron
2. Galvanized Steel
3. Fiberglass (FRP)
4. Copper
9. Other*

INTERNAL PROTECTION: Tank/Piping
0. None
1. Epoxy Liner
2. Rubber Liner
3. Fiberglass Liner (FRP)
4. Glass Liner
9. Other*

EXTERNAL PROTECTION: Tank/Piping
0. None
1. Painted/Asphalt Coating
2. Sacrifical Anode
3. Impressed Current
4. Fiberglass
5. Jacketed
6. Wrapped (Piping)
9. Other*

PIPING LOCATION
0. None
1. Aboveground
2. Underground
3. Aboveground/ Underground Combination

SECONDARY CONTAINMENT
0. None
1. Vault
2. Double-Walled Tank
3. Excavation Liner
4. Cut-off Walls
5. Impervious Underlayment
6. Earthen Dike
7. Prefabicated Steel Dike
8. Concrete Dike
A. Synthetic Liner
B. Natural Liner
9. Other*

LEAK DETECTION
0. None
1. Interstitial Monitoring
2. Vapor Well
3. Groundwater Well
4. In-Tank System
5. Concrete Pad w/channels
6. Double Bottom
9. Other*

SPILL/OVERFILL PREVENTION
0. None
1. Float Vent Valve
2. High Level Alarm
3. Automatic Shut-off
4. Product Level Gauge
5. Catch Basin
6. Vent Whistle
9. Other*

DISPENSER
1. Submersible
2. Suction
3. Gravity

* If other, please list on separate sheet including Tank Number

Complainants Exhibit 67E

(pbsrenew_sgn03)

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Section A
(See enclosed instructions and please be sure to complete Sections A & B)

Return Completed Form & Fees To:
NYSDEC - PBS Unit
Region 9 270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7220

Expiration Date: 09/17/2006

Please Type or Print Clearly and Complete All Items

PBS Number
9-425508

DEC CBS Number: (If applicable)

DEC SPDES Number: (If applicable)

Transaction Type
(Check all that apply)
NOTE: Transaction Types 1, 2 and 5 may require a fee

- [ ] 1)Initial/ New Facility
- [ ] 2)Change of Ownership
- [ ] 3)Substantial Tank Modification
- [ ] 4)Information Correction
- [X] 5) Renewal

FACILITY

Facility Name: HANOVER CONVENIENCE
Location (Not P.O. Boxes): 351 CENTRAL AVE
Location (cont.):
City: SILVER CREEK | State: NY | Zip Code: 14136
County: Chautauqua | Township or City: Hanover
Name of Operator at Facility: MELISSA ELLWELL | Facility Telephone Number: (716) 679-8900
Emergency Contact Name: DALE ELWELL | Emergency Telephone Number: (716) 679-8060

OWNER

Owner Name: STEVE VALVO
Address (Street and/or P.O.): RTS. 5 & 20 C/O PO BOX 271
City: SILVER CREEK | State: NY *** | Zip Code: 14136
Federal Tax ID Number: 16-1397109 | Owner Telephone Number: (716) 934-2535
Type of Owner:
1 [ ] Private Resident
2 [ ] State Government
3 [ ] Local Government
4 [ ] Federal Government
5 [X] Corporate/Commercial

TYPE OF PETROLEUM FACILITY (Check only one)

- [ ] 01=Storage Terminal/Petroleum Distributor
- [X] 02=Retail Gasoline Sales
- [ ] 03=Other Retail Sales
- [ ] 04=Manufacturing
- [ ] 05=Utility
- [ ] 06=Trucking/Transportation
- [ ] 07=Apartment Building
- [ ] 08=School
- [ ] 09=Farm
- [ ] 10=Private Residence
- [ ] 11=Airline/Air Taxi
- [ ] 12=Chemical Distributor
- [ ] 13=Municipality
- [ ] 14=Refinery Residenc
- [ ] 15=Railroad
- [ ] 16=Vessel/Barge
- [ ] 99=Other (Specify):

RECEIVED
AUG 23 2006
NYSDEC REG 9
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I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: MELISSA B. ELWELL | Amount Enclosed: $500.00
Title: TENANT
Signature: *** Melissa B. Elwell | Date: 8-15-06

***** Application will be returned if these items are blank**

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact puposes)

Attention: MELISSA ELWELL
Name of Company: HANOVER CONVENIENCE
Address: 351 CENTRAL AVE
Address:
City/State/Zip Code: SILVER CREEK NY 14136
Telephone Number: (716) 679--8900
E-mail Address:

OFFICIAL USE ONLY
Page 1 of 2
Date Received 8/23/06
Date Processed 8/24/06
Amount Received $ 500.00
Reviewed by

PBS Number:

Section B - Tank Information

(See enclosed instructions and *use the key located on the bottom of this sheet to complete each item/column)*

Page ___ of ___

Registration Expiration Date:

(1) Action	(2) IMPORTANT: Tank number is required. If tank and piping models are entered then the shaded columns DO NOT have to be supplied. Tank and piping model codes are on the PBS instruction sheet provided. Tank Model	Piping Model	Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent Closure Date (Month/Day/Year)	(6) Capacity (Gallons)	(7) Product Stored	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Tank Dispenser	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Sec. Containment	(20) Piping Leak Detection	(21) Last Test Date (Underground Tanks) (Month/Day/Year)
			1	5	1	6/1/91	8,000	0009	01	00	02	04	01	01		01	02	06	03		77	
			2	5	1	6/1/91	12000	0009	01	00	02	04	01	01		01	02	06	03		77	
			3	5	1	6/1/91	1000	0012	01	00	02	04	01	01		01	02	06	03		77	

Action (1)
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/Reline Tank

Status (4)
1. In-service
2. Temporarily out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

Tank Location (3)
1. Aboveground-contact w/soil
2. Aboveground-contact w/ impervious barrier
3. Aboveground on saddles, legs, stilts, rack, or cradle
4. Aboveground with 10% or more below ground
5. Underground
6. Underground, vaulted, with access

Product Stored (7)
0000. Empty
0001. #2 Fuel Oil
0002. #4 Fuel Oil
0003. #6 Fuel Oil
0004. Asphalt
0006. Crude Oil
0008. Diesel
0009. Gasoline
0012. Kerosene
0013. Lube Oil
0022. Waste/Used Oil
0061. Other Petroleum
0259. #5 Fuel Oil
2642. Used Oil (Fuel)
0099. Other -please list

Tank Type (8)
01. Steel/Carbon Steel/Iron
02. Galvanized Steel Alloy
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Tank Enclosed in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
99. Other-please list:*

Internal Protection (9)
00. None
01. Epoxy Liner
02. Rubber Liner
03. Fiberglass Liner (FRP)
04. Glass Liner
99. Other-please list:*

External Protection (10/18)
00. None
01. Painted/Asphalt Coating
02. Original Sacrificial Anode
03. Original Impressed Current
04. Fiberglass
05. Jacketed
06. Wrapped (Piping)
07. Retrofitted Sacrificial Anode
08. Retrofitted Impressed Current
99. Other-please list:*

Piping Location (16)
00. No Piping
01. Aboveground
02. Underground/On-ground
03. Aboveground/Underground Combination

Piping Type (17)
00. None
01. Steel/Carbon Steel/Iron
02. Galvanized Steel
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Encased in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
10. Copper
11. Flexible Piping
99. Other-please list:*

Spill Prevention (14)
00. None
01. Catch Basin
02. Transfer Station Containment
99. Other - Please list*

Secondary Containment (11/19)
00. None
01. Diking (Aboveground)
02. Vault (w/access)
03. Vault (w/o access)
04. Double-Walled (Underground)
05. Synthetic Liner
06. Remote Impounding Area
07. Excavation/Trench Liner System
08. Flexible Internal Liner (Bladder)
09. Modified Double-Walled (Aboveground)
99. Other-please list:*

Dispenser (15)
00. None
01. Submersible
02. Suction
03. Gravity

Leak Detection (12/20)
00. None
01. Interstitial Electronic Monitoring
02. Interstitial Manual Monitoring
03. Vapor Well
04. Groundwater Well
05. In-Tank System (ATG)
06. Concrete Pad (A/G)
07. Pressurized Piping Leak Detector
08. Tank Top Sump (Piping)
09. Exempt Suction Piping
99. Other-please list:*

Overfill Prevention(13)
00. None
01. Float Vent Valve
02. High Level Alarm
03. Automatic Shut-off
04. Product Level Gauge(A/G)
05. Vent Whistle
99. Other-please list:*

* If other, please list on a separate sheet including Tank Number

Complainants Exhibit 67F

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 374-2

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

PBS Number: 9-425576

Return Completed Form & Fees To:

Expiration Date:

Section A - Facility/Owner/Contact Information

Transaction Type: 5
1) Initial/ New Facility
2) Change of Ownership
3) Tank Installation, Closing, Repair or Reconditioning
4) Information Correction
5) Renewal

FACILITY

Facility Name: Valvo Convenience & Gas Inc.
Location (Not P.O. Boxes): 351 Central Avenue
City: Silver Creek State: NY Zip Code: 14136
County: Chaut. Township or City: Hanover
Name of Daily On-Site Operator: Steve Valvo Training: ☐ Facility Phone Number: 716-818-2994
Name of Primary Operator: Steve Valvo Training: ☐ Primary Operator Phone Number: 716-8182994

TYPE OF PETROLEUM FACILITY (Check only one)
☐ 01=Storage Terminal/Petroleum Distributor ☒ 02=Retail Gasoline Sales
☐ 03=Other Retail Sales ☐ 04=Manufacturing ☐ 05=Utility
☐ 06=Trucking/Transportation ☐ 07=Apartment/Office Building ☐ 08=School
☐ 09=Farm ☐ 10=Private Residence ☐ 11=Airline/Air Taxi/Airport
☐ 12=Chemical Distributor ☐ 13=Municipality ☐ 14=Railroad
☐ 25=Auto Service/Repair (No Gasoline Sales)
☐ 26=Religious (Church, Synagogue, Mosque, Temple, etc.)
☐ 27=Hospital/Nursing Home/Health Care ☐ 28=Cemetery / Memorial
☐ 99=Other (Specify):

Emergency Contact Name: Steve Valvo
Emergency Telephone Number: 716-818-2994

NOTE: A change of ownership and/or federal tax ID submission must include the first page of the deed.

OWNER

Owner Name: Steve Valvo
Address (Street and/or P.O.): Rt 5 & 20 , P.O. Box 225
City: Silver Creek State: NY Zip Code: 14136
Federal Tax ID Number: Owner Telephone Number: 716-818-2994
Check if Multiple Tank Owners: ☐
Type of Owner (check only one): 1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government 4 ☐ Federal Government 5 ☒ Corporate/Commercial

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative: Steve Valvo
Amount Enclosed: $ 500
Title: President
Signature: Stephen Valvo ***
Date: 1/5/11

***The Application will be returned if these items are blank

CORRESPONDENCE

(Please keep up to date - this information is used for mailing and contact purposes)

Attention: Steve Valvo
Name of Company: Valvo Convenience & Gas Inc.
Address: 351 Central Avenue
Address: P.O. Box 225
City/State/Zip Code: Silver Creek , New York, 14136
Telephone Number: 716-818-2994
E-Mail Address: NONE

OFFICIAL USE ONLY
Date Received 1/6/11
Date Processed 1/6/11
Amount Received $ 500.
Reviewed by ____

(pbsapplication2009.rpt)

PBS Number:
9-425508

Section B - Tank Information

(See enclosed instructions and *use the key located on the bottom of this sheet to complete each item/column)*

Registration Expiration Date:
9/17/2006

(1) Action	(2) IMPORTANT: Tank number is required. If tank and piping models are entered then the shaded columns DO NOT have to be supplied. Tank and piping model codes are on the PBS instruction sheet provided. Tank Model	Piping Model	Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent Closure Date (Month/Day/Year)	(6) Capacity (Gallons)	(7) Product Stored	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Tank Dispenser	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Sec. Containment	(20) Piping Leak Detection	(21) Last Test Date/ Testing Due Date (Underground Tanks) Last Test	Next Test
			1	5	1	6/1/1991	8,000	0009	01	00	02	04	01	01		01	02	06	03		ZZ		
			2	5	1	6/1/1991	12,000	0009	01	00	02	04	01	01		01	02	06	03		ZZ		
			3	5	1	6/1/1991	1,000	0012	01	00	02	04	01	01		01	02	06	03		ZZ		

Action (1)
1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Recondition/Repair/ Reline Tank

Tank Location (3)
1. Aboveground-contact w/soil
2. Aboveground-contact w/ impervious barrier
3. Aboveground on saddles, legs, stilts, rack, or cradle
4. Aboveground with 10% or more below ground
5. Underground
6. Underground, vaulted, with access

Status (4)
1. In-service
2. Temporarily out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

Product Stored (7)
0001. #2 Fuel Oil
0002. #4 Fuel Oil
0003. #6 Fuel Oil
0011. Jet Fuel
0008. Diesel
0009. Gasoline
0012. Kerosene
0013. Lube Oil
0022. Waste/Used Oil
0259. #5 Fuel Oil
2642. Used Oil (Fuel)
9999. Other -please list :*

Tank Type (8)
01. Steel/Carbon Steel/Iron
02. Galvanized Steel Alloy
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Tank in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
10. Urethane Clad Steel
99. Other-please list:*

Internal Protection (9)
00. None
01. Epoxy Liner
02. Rubber Liner
03. Fiberglass Liner (FRP)
04. Glass Liner
99. Other-please list:*

External Protection (10/18)
00. None
01. Painted/Asphalt Coating
02. Original Sacrificial Anode
03. Original Impressed Current
04. Fiberglass
05. Jacketed
06. Wrapped (Piping)
07. Retrofitted Sacrificial Anode
08. Retrofitted Impressed Current
09. Urethane
99. Other-please list:*

Tank Leak Detection (12)
00 None
01. Interstitial Electronic Monitoring
02. Interstitial Manual Monitoring
03. Vapor Well
04. Groundwater Well
05. In-Tank System (ATG)
06. Impervious Barrier/Concrete Pad (A/G)
99. Other-please list:*

*** If other, please list on a separate sheet including Tank Number**

Piping Type (17)
00. None
01. Steel/Carbon Steel/Iron
02. Galvanized Steel
03. Stainless Steel Alloy
04. Fiberglass Coated Steel
05. Steel Encased in Concrete
06. Fiberglass Reinforced Plastic (FRP)
07. Plastic
08. Equivalent Technology
09. Concrete
10. Copper
11. Flexible Piping
99. Other-please list:*

Overfill Prevention(13)
00. None
01. Float Vent Valve
02. High Level Alarm
03. Automatic Shut-off
04. Product Level Gauge(A/G)
05. Vent Whistle
99. Other-please list:*

Secondary Containment (11/19)
00. None
01. Diking (A/G)
02. Vault (w/access)
03. Vault (w/o access)
04. Double-Walled (U/G)
05. Synthetic Liner
06. Remote Impounding Area
07. Excavation/Trench Liner System
08. Flexible Internal Liner (Bladder)
09. Modified Double-Walled (A/G)
10. Impervious Underlayment
11. Double Bottom (A/G)
99. Other-please list:*

Spill Prevention (14)
00. None
01. Catch Basin
02. Transfer Station Containment
99. Other - Please list*

Piping Location (16)
00. No Piping
01. Aboveground
02. Underground/On-ground
03. Aboveground/Undergroun Combination

Pipe Leak Detection (20)
00. None
01. Interstitial Electronic Monitoring
02. Interstitial Manual Monitorin
03. Vapor Well
04. Groundwater Well
07. Pressurized Piping Leak Detector
08. Tank Top Sump (Piping)
09. Exempt Suction Piping
99. Other-please list:*

Dispenser (15)
00. None
01. Submersible
02. Suction
03. Gravity

PBS Number:

Section B - Tank Information

(Please use the key located on the other side of this page to complete each item/column)

Registration Expiration Date:

(1) Action	(2) Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent ClosureDate (M/D/Year) application will be returned if blank or 00/00/0000	(6) Capacity (Gallons)	(7) Product Stored (If Gasoline w/ethanol or Biodiesel, list % additive) 10 %	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Pumping/Dispensing Method	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Secondary Containment	(20) Piping Leak Detection	(21) Under Dispenser Containment (UDC) (Check box if present)	(22) Tank Owned By Party Other Than Listed In Section A (Check box if applicable)
4	1	5	1	6/1/91	8000	2712	01	00	07	04	02	01	01	01	02	06	04	04	02	☒	☐
4	2	5	1	6/1/91	12000	2712	01	00	07	04	02	01	01	01	02	06	04	04	02	X	
4	3	5	1	6/1/91	1000	2712	01	00	07	04	02	01	01	02	02	06	04	04	02	☒	☐
																				☐	☐
																				☐	☐
																				☐	☐

Additional Tanks:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
																				☐	☐
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PBS # 9-600317

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Petroleum Bulk Storage Program
Facility Information Report

Printed : 4/6/2006

Site: VALVO CONVENIENCE & GAS INC
RTE 5 & 20
SILVER CREEK, NY 14136

Owner: VALVO CONVENIENCE & GAS INC
RTE 5 & 20
SILVER CREEK, NY 14136
(716) 934-2535

Mail: VALVO CONVENIENCE & GAS INC
RTE 5 & 20
P.O. BOX 271
SILVER CREEK, NY 14136-0271

Town: Hanover
County: Chautauqua
Operator: STEPHEN VALVO (716) 934-2535
Emergency : STEPHEN VALVO (716) 934-2535

Owner Type : Corporate or Commercial
Fed Tax ID:
Auth Rep:

ATTN: STEPHEN M VALVO
(716) 934-2535

Site Status : Active
Site Type: Retail Gasoline Sales
Total Active Tanks : 3
Active Capacity : 24,000

Reg Expires : 4/18/02
Cert Printed: 2/1/02

SPDES #
CBS #

(2) Tank No	(3) Tank Loc	(4) Status	(5) Date Instal	(5) Date Close	(6) Capacity (gals)	(7) Produc	(8) Tank Type	(9) Tank IP	(10) Tank EP	(11) Tank SC	(12) Tank LD	(13) Tank OP	(14) Tank SP	(15) Tank Disp	(16) Pipe Loc	(17) Pipe Type	(18) Pipe EP	(19) Pipe SC	(20) Pipe LD	(21) Date Test	(21) Next Test
C1	5	Temporarily Out of	3/1/97		10,000	0009	01	00	02	04	01	01	01	01	02	08	05		ZZ		
C2	5	Temporarily Out of	3/1/97		12,000	0009	01	00	02	04	01	01	01	01	02	08	05		ZZ		
C3	5	Temporarily Out of	3/1/97		2,000	0008	01	00	02	04	01	01	01	02	02	08	05		ZZ		

Comments:

5/20/02 Letter sent for OD registration. Response due 6/19/02. AES

Complainant's Exhibit 68

Complainant's Exhibit 69

NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Bulk Storage Database Search Details

Facility Information

Site No.: 9-600317
Status: Active
Expiration Date: 04/18/2002
Site Type: PBS
Site Name: VALVO CONVENIENCE & GAS INC
Address: RTE 5 & 20
Locality: SILVER CREEK
State: NY
Zipcode: 14136
County: Chautauqua

Owner(s) Information

Owner: VALVO CONVENIENCE & GAS INC
RTE 5 & 20 . SILVER CREEK, NY. 14136
Mail Contact: VALVO CONVENIENCE & GAS INC
RTE 5 & 20 . SILVER CREEK , NY. 14136-0271

Tank Information

3 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
C1	Underground	Temporarily Out of Service	10000
C2	Underground	Temporarily Out of Service	12000
C3	Underground	Temporarily Out of Service	2000

A. f 12/9/2004

Complainant's Exhibit 70

PAUL A. CHIARAVALLOTI, ESQ.

1967 WEHRLE DRIVE, SUITE 1
WILLIAMSVILLE, NEW YORK 14221

March 4, 2012

Beverly Kolenberg, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Valvo's Convenience & Gas, Inc. and Stephen Valvo

Dear Ms. Kolenberg:

Enclosed herewith is additional documentation with regard to compliance with EPA regulations. Kindly pass these documents on to Paul Sacker for his review. Please be advised that my client has informed me he has been in touch with the DEC regarding the removal of the waste oil tank.

Please be further advised that today I filed an adversary proceeding in the Debtor's Chapter 11 case with regard to ascertaining whether the Court will treat any penalty obtained against the debtor as an unsecured, nonpriority liability or as an administrative expense. Once a summons is issued by the clerk's office I will provide a complete copy of the adversary proceeding to you as well as Jane B. Wolfe. Service of the summons and complaint in this matter will be made pursuant to Bankruptcy Rule 7004.

Please contact me at your convenience to further discuss these matters.

Very truly yours,

Paul A. Chiaravalloti

Paul A. Chiaravalloti, Esq.

PAC/mls
enc.

(716) 250-2764 Fax: (716) 250-2765

Date: Wednesday, February 29, 2012 1:58 PM

From: Dave Steiner <dsteiner@sjbempire.net>

To: precisiontran@roadrunner.com

Subject: Report

COPY

Steve,

Attached please find our environmental report for the UST removal. All soil tests were non-detect.

Please let me know if you need anything else.

FYI – thanks.

Dave

David R. Steiner, P.G.
Senior Engineering Geologist
Environmental Services Manager

716-649-8110 office
716-649-8051 fax
716-359-5613 cell
dsteiner@sjbempire.net

EMPIRE GEO SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

Environmental Rpt-Valvo UST Removal-Feb-2012.pdf

EMPIRE GEO SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES INC

February 29 2012
Empire Project Number BEV-12-006

Valvo Convenience
P O Box 225
Silver Creek New York 14136

CORPORATE/ BUFFALO OFFICE

Phone 716-934-3500
Fax 716-934-3531

Attention Steve Valvo

Reference Summary Report for Environmental Services
Site Located near 1277 Routes 5 & 20
Silver Creek New York

ALBANY OFFICE

Dear Steve

Empire GeoServices Inc (Empire) provided environmental services associated with the recent removal of an underground storage tank This report summarizes our work

Background

An underground storage tank (UST) with a capacity of approximately 1 000 gallons that was formerly used for waste oil storage was excavated and removed from the subsurface of the referenced site on February 20-21 2012 The UST was cut open and cleaned making it suitable for recycling as scrap metal

CORTLAND OFFICE

An Empire Environmental Geologist visited the UST removal site on February 21 2012 to observe the excavation collect verification soil samples and observe the condition of the UST The geologist also screened the excavated soils and soils on the floor and sidewalls of the excavation with a photoionization detector (PID) for the presence of volatile organic vapors

ROCHESTER OFFICE

Onsite Observations

The UST removal excavation contained water in the bottom that did not have a petroleum sheen or odor. The soils on the sides and floor of the excavation, as well as the excavated soils, did not have petroleum staining or odor and PID readings were at background levels. Photographs are attached.

The UST was found to be in good condition with no indications of holes or leakage, as indicated in the attached photos

Soil Sampling and Analysis

The Empire geologist collected two composite verification soil samples from the UST removal excavation for laboratory testing. One soil sample was collected as a composite of the four sidewalls and the second was collected as a composite of the excavation floor. The soil samples were analyzed for New York State Department of Environmental Conservation (NYSDEC) Spill Technology and Remediation Series (STARS) listed volatile organic compounds (VOCs; EPA Method 8260) and semi-volatile organic compounds (SVOCs; EPA Method 8270). The two soil samples were analyzed by Paradigm Environmental Services, Inc. (Paradigm) of Rochester, New York. Paradigm's lab is certified by the New York State Department of Health (NYSDOH)

Laboratory Results

The attached lab report indicates that no NYSDEC STARS listed VOCs or SVOCs were detected in either of the two soil samples

Closing

This report has been prepared for the use of Valvo Convenience for the specific application to the subject site in accordance with generally accepted environmental practices. If you have any questions or if we can provide further assistance, please contact our office at (716) 649-8110

Respectfully Submitted,
EMPIRE GEOSERVICES, INC.

David R. Steiner

David R. Steiner
Senior Engineering Geologist
Project Manager

Attachments: Photographs

Soil Lab Report from Paradigm Environmental Services, Inc

Photo 1 = Northeastward view of UST removal excavation.

Photo 2 = Southwestward view of UST removal excavation.

Photo 3 = Bottom of UST.

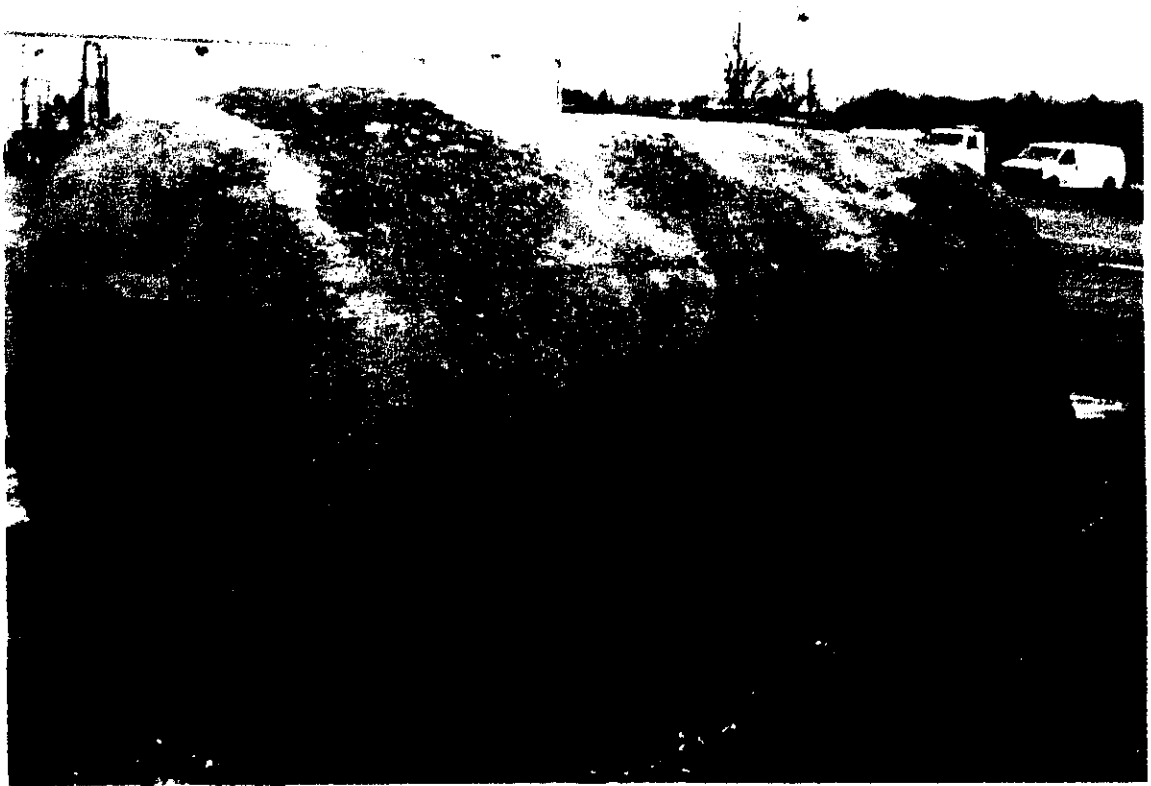

Photo 4 = Top of UST.

PARADIGM

Analytical Report Cover Page

Empire Geo

For Lab Project # 12:0758
Issued February 28, 2012
This report contains a total of 6 pages

The reported results relate only to the samples as they have been received by the laboratory.

Any noncompliant QC parameters having impact on the data are flagged or documented on the final report.

All soil/sludge samples have been reported on a dry weight basis, unless qualified "reported as received". Other solids are reported as received.

Each page of this document is part of a multipage report. This document may not be reproduced except in its entirety, without the prior consent of Paradigm Environmental Services, Inc.

The Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt. Sample condition requirements are defined under the 2003 NELAC Standard, sections 5.5.8.3.1 and 5.5.8.3.2.

NYSDOH ELAP does not certify for all parameters. Paradigm Environmental Services or the indicated subcontracted laboratory does hold certification for all analytes where certification is offered by ELAP unless otherwise specified.

Data qualifiers are used, when necessary, to provide additional information about the data. This information may be communicated as a flag or as text at the bottom of the report. Please refer to the following list of frequently used data flags and their meaning:

"<" = analyzed for but not detected at or above the reporting limit.
"E" = Result has been estimated, calibration limit exceeded.
"Z" = See case narrative.
"D" = Duplicate results outside QC limits. May indicate a non-homogenous matrix.
"M" = Matrix spike recoveries outside QC limits. Matrix bias indicated.
"B" = Method blank contained trace levels of analyte. Refer to included method blank report.

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Semi-Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo

Client Job Site:	Valvo UST	**Lab Project Number:**	12:0758
		Lab Sample Number:	12:0758-01
Client Job Number:	N/A		
Field Location:	Sidewall Composite	**Date Sampled:**	02/21/2012
Field ID Number:	N/A	**Date Received:**	02/22/2012
Sample Type:	Soil	**Date Analyzed:**	02/24/2012

Base / Neutrals	Results in ug / Kg
Acenaphthene	< 363
Acenaphthylene	< 363
Anthracene	< 363
Benzo (a) anthracene	< 363
Benzo (a) pyrene	< 363
Benzo (b) fluoranthene	< 363
Benzo (g,h,i) perylene	< 363
Benzo (k) fluoranthene	< 363
Chrysene	< 363
Dibenz (a,h) anthracene	< 363
Fluoranthene	< 363
Fluorene	< 363
Indeno (1,2,3-cd) pyrene	< 363
Naphthalene	< 363
Phenanthrene	< 363
Pyrene	< 363

ELAP Number 10958 Analytical Method: EPA 8270C Data File: S61578.D
Prep Method: EPA 3550C

Comments: ug / Kg = microgram per Kilogram

Signature: _____
Bruce Hoogesteger: Technical Director

This report is part of a multi-page document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Semi-Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo

Client Job Site:	Valvo UST	**Lab Project Number:**	12:0758
		Lab Sample Number:	12:0758-02
Client Job Number:	N/A		
Field Location:	Bottom Composite	**Date Sampled:**	02/21/2012
Field ID Number:	N/A	**Date Received:**	02/22/2012
Sample Type:	Soil	**Date Analyzed:**	02/24/2012

Base / Neutrals	Results in ug / Kg
Acenaphthene	< 382
Acenaphthylene	< 382
Anthracene	< 382
Benzo (a) anthracene	< 382
Benzo (a) pyrene	< 382
Benzo (b) fluoranthene	< 382
Benzo (g,h,i) perylene	< 382
Benzo (k) fluoranthene	< 382
Chrysene	< 382
Dibenz (a,h) anthracene	< 382
Fluoranthene	< 382
Fluorene	< 382
Indeno (1,2,3-cd) pyrene	< 382
Naphthalene	< 382
Phenanthrene	< 382
Pyrene	< 382

ELAP Number 10958 Analytical Method: EPA 8270C Data File: S61579.D

Prep Method: EPA 3550C

Comments: ug / Kg = microgram per Kilogram

Signature: _____

Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo

Client Job Site:	Valvo UST	**Lab Project Number:**	12:0758
		Lab Sample Number:	12:0758-01
Client Job Number:	N/A		
Field Location:	Sidewall Composite	**Date Sampled:**	02/21/2012
Field ID Number:	N/A	**Date Received:**	02/22/2012
Sample Type:	Soil	**Date Analyzed:**	02/27/2012

Aromatics	Results in ug / Kg
Benzene	< 8.80
n-Butylbenzene	< 8.80
sec-Butylbenzene	< 8.80
tert-Butylbenzene	< 8.80
Ethylbenzene	< 8.80
n-Propylbenzene	< 8.80
Isopropylbenzene	< 8.80
p-Isopropyltoluene	< 8.80
Naphthalene	< 22.0
Toluene	< 8.80
1,2,4-Trimethylbenzene	< 8.80
1,3,5-Trimethylbenzene	< 8.80
m,p-Xylene	< 8.80
o-Xylene	< 8.80
Miscellaneous	
Methyl tert-butyl Ether	< 8.80

ELAP Number 10958 Method: EPA 8260B Data File: V94887.D

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

120758V1 XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo

Client Job Site: Valvo UST

Client Job Number: N/A
Field Location: Bottom Composite
Field ID Number: N/A
Sample Type: Soil

Lab Project Number: 12:0758
Lab Sample Number: 12:0758-02

Date Sampled: 02/21/2012
Date Received: 02/22/2012
Date Analyzed: 02/27/2012

Aromatics	Results in ug / Kg
Benzene	< 9.52
n-Butylbenzene	< 9.52
sec-Butylbenzene	< 9.52
tert-Butylbenzene	< 9.52
Ethylbenzene	< 9.52
n-Propylbenzene	< 9.52
Isopropylbenzene	< 9.52
p-Isopropyltoluene	< 9.52
Naphthalene	< 23.8
Toluene	< 9.52
1,2,4-Trimethylbenzene	< 9.52
1,3,5-Trimethylbenzene	< 9.52
m,p-Xylene	< 9.52
o-Xylene	< 9.52
Miscellaneous	
Methyl tert-butyl Ether	< 9.52

ELAP Number 10958 Method: EPA 8260B Data File: V94888.D

Comments: ug / Kg = microgram per Kilogram

Signature:
Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

120758V2.XLS

PARADIGM ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue
Rochester, NY 14608
(716) 647-2530 * (800) 724-1997

CHAIN OF CUSTODY

REPORT TO:
COMPANY: EMPIRE GEO
ADDRESS:
CITY: HAMBURG STATE: ZIP:
PHONE: FAX:
ATTN: DAVE STEINER

INVOICE TO:
COMPANY: - SAME
ADDRESS:
CITY: STATE: ZIP:
PHONE: FAX:
ATTN:

LAB PROJECT #: 120758
CLIENT PROJECT #:

TURNAROUND TIME: (WORKING DAYS)
1 | 2 | 3 | STD X 5 | OTHER

PROJECT NAME/SITE NAME: VALVO UST

COMMENTS: PLEASE EMAIL

REQUESTED ANALYSIS

DATE	TIME	COMPOSITE	GRAB	SAMPLE LOCATION/FIELD ID	MATRIX	NUMBER CONTAINERS	8260 STARS	8270 STARS									REMARKS	PARADIGM LAB SAMPLE NUMBER
12-21-12	1120	X		SIDEWALL COMPOSITE	SOIL	1	X	X										01
22-21-12	1135	X		BOTTOM COMPOSITE	SOIL	1	X	X										02
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		

****LAB USE ONLY****

SAMPLE CONDITION: Check box if acceptable or note deviation:
CONTAINER TYPE: X
PRESERVATIONS: NA
HOLDING TIME: X
TEMPERATURE: X 2°C iced from temp blk

Sampled By: David R. Stein Date/Time: 2-21-12 / 1135
Relinquished By: David R. Stein Date/Time:
Received By: Date/Time: 2-21-12 14:00
Relinquished By: Date/Time:
Received By: Date/Time:
Received @ Lab By: Mikkipopen 2/22/12 1426
Date/Time:

Total Cost:

P.I.F.

COPY

EMPIRE SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

5167 SOUTH PARK AVENUE
HAMBURG, NY 14075

VOICE: 716-649-8110
FAX: 716-649-8051

INVOICE

PAYABLE UPON RECEIPT

INVOICE NO: 17315

PAGE 1

INVOICE DATE: Jan 31, 2012

Sold To: VALVO CONVENIENCE
PO BOX 225

SILVER CREEK, NY 14136
USA

STEVE VALVO

PURCHASE ORDER NO:

Customer ID: VALVO CONVENIENCE
716.818.2994

Item	Description	Quantity	Unit Price	Extension
	BEV-12-006 - ENVIRONMENTAL SOIL SAMPLING AND TESTING * CONTACT: STEVE VALVO ****			
	COLLECT SOIL SAMPLES, COORDINATE WITH LAB, PREPARE BRIEF REPORT	1.000	450.00	450.00
	* LAB TESTING - NYSDEC STARS LIST	2.000	300.00	600.00

CHECKS TO BE MADE PAYABLE TO:

SJB SERVICES, INC.
5167 SOUTH PARK
HAMBURG, NY 14075

TOTAL DUE 1,050.00

FINANCE CHARGES WILL APPLY AFTER 30 DAYS (1.5%)

COLLECTION FEES ADDED AFTER 75 DAYS

EMPIRE
SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

5167 SOUTH PARK AVENUE
HAMBURG, NY 14075

VOICE: 716-649-8110
FAX: 716-649-8051

COPY

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FINANCE CHARGES WILL APPLY AFTER 30 DAYS (1.5%)

COLLECTION FEES ADDED AFTER 75 DAYS

FEB. 21, 2012

RECEIVED $ 1,050.00
FROM VALVO CONVENIENCE
FOR SOIL SAMPLING,
LAB TESTING, AND
REPORTING RESULTS

DAVID R. STEINER
EMPIRE GEOSERVICES, INC.

David R. Steiner

COPY

EMPIRE GEO SERVICES, INC.

COPY

☒ CORPORATE/ BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

☐ ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
(518) 899-7496

☐ CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 756-7182
Fax: (607) 756-7188

☐ ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

FAX TRANSMITTAL DATE: DEC. 22, 2011

NUMBER OF PAGES TO FOLLOW: —

TO: STEVE VALVO

FIRM:

FAX: 934-3531

==========

FAX FROM:

DAVE STEINER
716-359-5613 CELL

NOTES: SOIL SAMPLING & TESTING

(1) COLLECT SOIL SAMPLES, COORDINATE W/ LAB, PREPARE BRIEF REPORT LUMP SUM $450-

(2) LAB TESTING 8260, 8270 } NYSDEC STARS LIST
LUMP SUM $300

TOTAL $750-

ORIGINAL WILL FOLLOW [ ]

ORIGINAL WILL NOT FOLLOW [ ]

If you do not receive all pages –or- if the quality is not suitable, please call (716) 649-8110.

PURCHASE RECEIPT

Metalico Buffalo, Inc.

127 Fillmore Avenue
Buffalo, NY 14210
Metalico Buffalo 716-823-3788
Metalico Niagara 716-284-8729
Metalico South Park 716-823-4930

COPY

TKT#: 979449
DATE: 02/28/2012
TIME: 11:29

STEPHEN M VALVO
1277 RT5A20 POB225

SILVER CREEK NY 14136 CSH

Commodity	Description	Gross	Tare	Ded.	Net	Price / UM	Amount
FE301	UNPREPARED P&S SHEARING	17,120	15,040	0	2,080	250.00 / NT	260.00
	Totals	17,120	15,040	0	2,080		260 00

Accepted: _____

OPEN MONDAY THROUGH FRIDAY 7:30-4 SATURDAYS 7:30 - 11:30

CERTIFIED SCALE TICKET

Metalico Buffalo, Inc.

127 Fillmore Avenue

Buffalo, NY 14210

COPY

Time In 09:51

Time Out 11:28

Account: PEDDLE

Recv Date: 02/28/2012

Receiver #: 979449

Control #: 979449

NY

Vehicle WHITE/RE

Commodity	Description	Gross	Tare	Deduct	Net
FE301	UNPREPARED P&S SHEARING	17,120	15,040	0	2,080
	Totals	17,120	15,040	0	2,080

OPEN SATURDAYS FROM 7:30 A.M. UNTIL 11:30 A.M.

Seller certifies that all refrigerants, including but not limited to, CFC's and HCPC's as defined in section 608 of the Clean Air Act have not leaked and have previously been recovered from appliances prior to delivery.
Seller certifies that the material delivered does not contain PCB capacitors, mercury, fluids and any other prohibited material.

The list of prohibited material is posted at the scale entrance.

Unsat. Oil Paint

COPY

FEB. 21, 2012

RECEIVED $ 1,050.00
FROM VALVO CONVENIENCE
FOR SOIL SAMPLING,
LAB TESTING, AND
REPORTING RESULTS

DAVID R. STEINER
EMPIRE GEOSERVICES, INC.

David R. Steiner

COPY

2/20/12 T/W Dave Stevens to get for
employee as per quote we have more for
mild morning too take sample
2/20/12 17:10 Dave Stevens Old Book
will be here by 9AM tomorrow he
is coming kind off
SL

COPY

2/28/12 8:00 Mark Eggen and Blind Tom approx - 1 hr and began uncovering top of steel tank & found no water or oil in tank. 11:00 AM Tank Top & sides removed, began removing tank from 13:00 Tank on ground & began cutting holes in both sides 2" x 2" SW

3/01/12 9:45 AM Andrew Fielder scaled tank pertinent of tank & excavation, have Engineering lot 8060, 8070 MS DEC Steve Lijet. She has no one to come out today or weekend. SW

10:00 Called, Engineer Gene Pace notified tank is cut & ready for sampling he will be in 30 minutes SW

COPY

MSB
Gravel Products
P.O. BOX 348
FREDONIA, NEW YORK 14063
Scalehouse (716) 287-2009

JOB NO	PHONE	DATE

NAME

ADDRESS

CASH	C.O.D	CHARGE	ON ACCT	YARDS	TONS
	BANK RUN				
	SCREENED				
	OVERSIZE				
	2 & 3 STONE				
	#2 CRUSHED				
	#1 CRUSHED				
	SCREENED TOPSOIL				
	SAND				
	OTHER				
TRK NO	RECEIVED BY				
			TOTAL		

Thank You

WHITE - ORIGINAL YELLOW - TRUCKER COPY PINK - CUSTOMER COPY

MSB
Gravel Products
P.O. BOX 348
FREDONIA, NEW YORK 14063
Scalehouse (716) 287-2009

JOB NO	PHONE	DATE

NAME

ADDRESS

CASH	C.O.D	CHARGE	ON ACCT	YARDS	TONS
	BANK RUN				
	SCREENED				
	OVERSIZE				
	2 & 3 STONE				
	#2 CRUSHED				
	#1 CRUSHED				
	SCREENED TOPSOIL				
	SAND				
	OTHER				
TRK NO	RECEIVED BY				
			TOTAL		

Thank You

WHITE - ORIGINAL YELLOW - TRUCKER COPY PINK - CUSTOMER COPY

COPY

MSB
Gravel Products

P.O. BOX 348
FREDONIA, NEW YORK 14063
Scalehouse (716) 287-2009

JOB NO	PHONE	DATE

NAME

ADDRESS

CASH	C.O.D	CHARGE	ON ACCT	YARDS	TONS
	BANK RUN				
	SCREENED				
	OVERSIZE				
	2 & 3 STONE				
	#2 CRUSHED				
	#1 CRUSHED				
	SCREENED TOPSOIL				
	SAND				
	OTHER				
TRK NO	RECEIVED BY		TOTAL		

Thank You

WHITE - ORIGINAL YELLOW - TRUCKER COPY PINK - CUSTOMER COPY

Complainant's Exhibit 71

Re: Your conversation with Valvo Counsel
Andrea Skalski
to:
Paul Sacker
03/07/2012 01:37 PM
Cc:
Beverly Kolenberg, Dennis McChesney, William Sawyer
Hide Details
From: "Andrea Skalski" <aeskalsk@gw.dec.state.ny.us>

To: Paul Sacker/R2/USEPA/US@EPA

Cc: Beverly Kolenberg/R2/USEPA/US@EPA, Dennis McChesney/R2/USEPA/US@EPA, William Sawyer/R2/USEPA/US@EPA

I went back through my phone log to mid-December found the following:

December 20, 2011: I spoke to Mr. Valvo. He indicated that he wanted to remove a 1000 gallon UST in the spring and asked about our sampling and notification requirements.

December 22, 2011: I spoke with Mr. Chiaravalloti. He wanted to verify the information I had given Mr. Valvo regarding sampling requirements. I requested at least 1 week notice before tank removal was done so I could arrange to have an employee present. No date for the removal had been set at that point. Mr. Chiaravalloti stated that the scheduling would be weather dependent.

February 21, 2012: Mr. Valvo called our office. No one from the Bulk Storage Unit was available when he called. His message stated that the tank was out and the excavation was being backfilled soon.

February 22, 2012: I returned Mr. Valvo's call. He said the hole was backfilled and that samples had been taken. He indicated that sample results would be sent to this office as soon as they were available. (Paul - sorry I completely forgot I had this conversation with Mr. Valvo when I spoke to you yesterday. I had planned to send you an email that day but I got sidetracked with something else before that happened and then never got back to it. That is why I keep a phone log...)

So the bottom line is although we were notified of the tank removal it was after the work was already completed and was verbal only. We require prior notification in writing for tank closures. We haven't received any paperwork as of today. Tom Walker will be inspecting all three of the facilities in Silver Creek next week. Please let me know if you need anything else from me.

Andrea

Andrea Skalski, P.E.
Environmental Engineer
Bulk Storage Unit
NYSDEC Region 9
270 Michigan Ave
Buffalo, NY 14203

(716) 851-7220>>> Paul Sacker <Sacker.Paul@epamail.epa.gov> 3/7/2012 11:51 AM >>>

Andrea,

Could put in writing when you spoke to Paul Chiavorlotti - Valvo's Counsel about tank closure and as exactly as you can recall what he may have said to you.

We need to determine if they gave proper 30 day notice to DEC or not.

Thanks

Complainant's Exhibit 72

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • **Fax:** (716) 851-7226
Website: www.dec.ny.gov

Joe Martens
Commissioner

March 27, 2012

Mr. Stephen Valvo
Valvo Convenience & Gas, Inc.
Routes 5 & 20
P.O. Box 271
Silver Creek, New York 14136

Dear Mr. Valvo:

Petroleum Bulk Storage (PBS) Program Facility
Inspection - 6 NYCRR Parts 612-614
PBS #9-425508
Inspection #29315
Valvo Convenience & Gas, Inc.
351 Central Avenue
Silver Creek, New York 14136

On March 21, 2012, I visited the above facility to determine compliance with New York State's Petroleum 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. A copy of the inspection checklist is enclosed for your reference.

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

Violations

Dispensers **#1/2 and #3/4**
Shear valves - Not anchored
[Paragraph 613.3(c)(1)] and [NFPA No. 30A Section 4-3.6]

The shear valves at the above dispensers are not properly installed. Shear valves must be rigidly anchored to the island.

Underground tanks **#1 and #2**
Maintenance of Spill Prevention Equipment - tank top sumps
[Subdivision 613.3(d)]

All equipment for spill prevention must be maintained in good working order. Tank top sumps must be kept clear of all liquids (water and product) and other debris. At the time of the inspection, there was a small amount of water in each of the sumps.

Underground tank **#3**
Leak Monitoring for New Underground Tanks
[Section 614.5]

This tank was installed after December 27, 1986 and does not have a leak monitoring system. All new underground tanks installed after December 27, 1986 must have one of the following leak monitoring systems:

(1) a double walled tank with monitoring of the interstitial (annular) space;

(2) an in-tank monitoring system; or

(3) an observation well or wells.

If the tank is double walled, only interstitial monitoring is acceptable. At the time of the inspection, interstitial monitoring was not being performed on this tank because the location of the interstitial port was not known.

Underground tanks **#1, #2 and #3**
Labeling at New Underground Tanks
[Subdivision 614.3(a)]

The above tanks were installed after December 27, 1986 and do not have the appropriate labeling at the fill port. All new underground tanks installed after December 27, 1986 must bear a permanent label, stencil or plate which contains all of the information listed in Subparagraphs 614.3(a)(1)(i-vii). In addition, the label must contain the date of installation as per Paragraph 614.3(a)(2). The label must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

Underground tanks **#1, #2 and #3**
Interstitial Monitoring of Double Walled Tanks
[Subdivision 614.5(b)]

The above tanks are double walled and the interstitial space is not being monitored as required. If a double walled tank is used, the interstitial space must be monitored for tightness using pressure monitoring, vacuum monitoring, electronic monitoring or manual monitoring at least once per week. At the time of the inspection, interstitial monitoring records showed tanks #1 and #2 are being monitored monthly instead of weekly, and tank #3 is not being monitored at all.

Underground tanks **#1, #2 and #3**
Reconciliation of Inventory Records
[ECL 17-1007] and [Subdivision 613.4(d)]

Inventory records for the above tank have not been properly reconciled every ten (10) days. Every ten (10) days the cumulative losses or gains must be compared to 3/4 of 1% of the total ten day throughput, 3/4 of 1% of the total ten day deliveries or 3/4 of 1% of the total tank volume, whichever is largest. This is the allowable variance. The absolute value of the cumulative losses or gains should be less than the allowable variance calculated above.

Federal Violations

The following violations of EPA's Underground Storage Tank regulations (40 CFR Part 280) were identified during this inspection:

Undergound tanks **#1, #2 and #3**
Cathodic Protection System Testing
[Part 280.31(b)(1)]

The cathodic protection systems for the above tanks have not been tested at least annually as required.

Pressurized piping associated with tanks **#1 and #2**
Pressurized Line Tightness Testing - Time period
[Part 280.41(b)(1)(ii)]

The pressurized piping associated with the above tanks has not been tightness tested annually as required.

Underground tanks **#1 and #2**
Automatic Line Leak Detector - Testing
[Part 280.44(a)]

The automatic line leak detectors at the above tanks have not been tested annually as required.

Underground tanks **#3**
Release Detection Records - No monitoring
[Part 280.45]

No release detection is being performed for the above tank.

Corrective Actions

By **April 30, 2012**, you must submit the following documentation to this office:

1. Photographs showing that the shear valves at dispensers **#1/2 and #3/4** have been properly anchored.

2. Photographs showing that the tank top sumps for tanks **#1 and #2** have been cleaned out.

3. A work plan which includes a schedule for the installation of a leak monitoring system for tank **#3 or** a schedule for the removal of this tank.

4. Photographs showing that the appropriate labels have been installed at the fill ports for tanks **#1, #2 and #3**.

5. Copies of at least three weeks worth of records showing that the interstitial spaces for tanks **#1, #2 and #3** have been monitored at least weekly.

6. Copies of at least thirty (30) days worth of properly reconciled inventory records for tanks **#1, #2 and #3**.

7. The results of cathodic protection monitoring performed on tanks **#1, #2 and #3** within the last twelve (12) months.

8. Results of pressurized line tightness testing performed on the piping for tanks **#1 and #2** within the last year.

9. A copy of line leak detector test results for tanks **#1 and #2** performed within the last twelve (12) months.

10. Documentation that an acceptable method of release detection has been performed on tank **#3** at least weekly for the period starting **April 2, 2012**.

The above documents and photographs may be submitted via email to tjwalker@gw.dec.state.ny.us.

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 email me at tjwalker@gw.dec.state.ny.us.

Sincerely,

Thomas J. Walker
Environmental Technician I

TJW:sz

Enclosure

NEW YORK STATE DEC PETROLEUM BULK STORAGE (PBS) REGULATIONS INSPECTION REPORT

Date: 3/21/2012 | **PBS#** 9-425508 | **Inspection #** 29315

FACILITY Representative, Name & Title: Steve Valvo

NYSDEC Representative, Name & Title: Thomas Walker

Facility Name:	VALVO CONVENIENCE and GAS INC.	Owner:	STEVE VALVO
Facilty Address:	351 CENTRAL AVENUE	Owner Address:	RTS. 5 and 20, PO BOX 225
City:	SILVER CREEK	City:	SILVER CREEK
Operator:	STEVE VALVO	Emergency Cont:	STEVE VALVO
Phone:	(716) 818-2994	Phone:	(716) 818-2994

Facility-level information (indicate dispenser-specific)

1. Is the registration certificate posted at the facility?	Y
2. Is the registration information current and correct?	Y
3. Are monitoring/observation wells marked and secured? Y/N/X	Y
4. Have dispenser sumps been maintained? Y/N(accumulation product) / 1(accumulation of water/debris) / X (no sump)	X
5. For a motor fuel tank with pressurized piping , is a shear valve installed? Y/N(no shear valve) 1 (inoperative valve) / 2 (improperly installed) X (not pressurized piping)	N False True

Tank Registration Identification Number	1	2	3		
Underground or Aboveground Tank	Underground	Underground	Underground		
Product Stored / Tank Volume if different from registered	2712 Gasoline/ Ethanol	2712 Gasoline/ Ethanol	0008 Diesel		
Date Installed	6/91	6/91	6/91		
6. Is the tank properly permanently closed?	X	X	X		
7. Is the tank properly temporarily closed?	X	X	X		
8. Were any spills observed during the inspection (also include suspected releases from leak detection equipment and uninvestigated inventory descrepancies)? Y / N	N	N	N		
9. Have tank top sumps properlyly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (no sump)	1	1	X		
10. Have fill port catch basins (spill buckets) been properly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (catch basin)	Y	Y	Y		
11. Is the fillport color coded to identify the product in the tank? Y / N / 1 (incorrectly coded) / X (used oil tank or day tank) For products not explicitly listed in Part 613.3(b), is the tank properly marked?	Y	Y	Y		

Underground Storage Tanks

12. For UST systems installed after Dec. 27, 1986, does the tank system meet standards? Y / X (system installed prior to Dec. 27, 1986) If not, how is the tank system deficient? 1 (tank not corrosion resistant) / 2 (no tank secondary containment) / 3 (not tank leak monitoring) / 4 (no overfill prevention) / 5 (piping not corrosion resistant) / 6 (no piping leak monitoring) / 7 (more than one check valve in suction piping system) / 8 (no tank label) / 9 (no as-built plans or drawings)	N ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ■8 ☐9	N ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ■8 ☐9	N ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ■8 ☐9	☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9	☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7 ☐8 ☐9

Underground Storage Tanks (continued)

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

	1		2		3					
	T	P	T	P	T	P	T	P	T	P
13. Is leak monitoring being done? Y / N / 1 (inoperative system) / 2 (weekly leak detection records not maintained) / 3 (monthly operability records not maintained) / 4 (interstitial space on double-walled tanks and / or piping not monitored) / X (Category A or B tank system or exempt suction piping)	☐Y ■N ☐X ☐1 ■2 ☐3 ☐4	■Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ■N ☐X ☐1 ■2 ☐3 ☐4	■Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ■N ☐X ☐1 ☐2 ☐3 ■4	☐Y ☐N ■X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4
14. Is cathodic protection for steel tank and piping systems monitored annually? Y / N (no monitoring on either) / 1 (no monitoring on tank) / 2 (no monitoring on line) / 3 (records not maintained) / 4 (minimum protection not provided) / 5 (inadequate monitoring,i.e., not enough readings) / X (Category A or B steel tank system or not steel tank system)	1 ☐4 ☐5		1 ☐4 ☐5		1 ☐4 ☐5		☐4 ☐5		☐4 ☐5	
15. Does the facility have adequate inventory records for metered tanks? Y / N / X (unmetered tank) If not, which items are deficient? 1 (no records) / 2 (no tank bottom water measurements) / 3 (equipment not capable of 1/8" measurement) / 4 (meter not callibrated) / 5 (no reconciliation of records) / 6 (improper reconciliation) / 7 (no investigation of discrepancy)	N ☐1 ☐2 ☐3 ☐4 ■5 ☐6 ☐7		N ☐1 ☐2 ☐3 ☐4 ■5 ☐6 ☐7		N ☐1 ☐2 ☐3 ☐4 ■5 ☐6 ☐7		☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7		☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7	
16. Do unmetered tanks have annual standpipe analysis or tank test, or other acceptable leak detection method? Y / N / X (metered tank)	X		X		X					
17. Has tightness testing been conducted on the tank and piping system within the last 5 years? Y / N (no test on either tank or line) / 1(no tank test)/ 2(no line test) / 3 (test report not submitted) / X (exempt from tightness testing)	X		X		X					

Aboveground Storage Tanks

18. For AST systems installed after Dec.27, 1986, does the tank system meet standards? Y / X (tanksystem installed prior to Dec. 27, 1986) If not, which items are deficient? 1 (tank not welded steel) / 2 (no surface coating) / 3 (tank resting on soil; no cathodic protection) / 4 (tank on grade; no impermeable barrier) / 5 (no leak monitoring between tank and barrier)	☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5	
19. Does the facility conduct monthly inspections for all ASTs? Y / N / 1 (records not maintained)										
20. Does the facility conduct ten-year inspections for ASTs? Y / N / 1 (records not maintained) / X (not required per Part 613.6(b))										
21. For ASTs >= 10,000 gallons (or for ASTs < 10k gal. where 2andary containment is req'd), Is the secondary containment adequately designed and in good condition? Y / N / 1 (secondary containment not maintained) / 2 (poor design)										
For ASTs < 10,000 gallons if using alternatives to secondary containment, Y / N / 1(secondary containment not maintained)/ 2(poor design) are SPOTS #17 issues addressed?Y / N / 3 (equipment not maintained) / X (not req'd)										
22. Are dike drain valves locked in a closed position? Y / N (unlocked) / 1 (no valve on discharge pipe) / X (no dike)										
23. Does the AST have a gauge, high level alarm or other equivalent device? Y / N / 1 (inoperative)										
24. Is the design / working capacity, and ID number marked on the tankand at the gauge? Y / N / 1(tank not labeled) / 2 (not marked at gauge)										
25. Is a solenoid or equivalent valve in place for gravity-fed motor fuel dispensers? Y / N / 1 (inoperative) / X (not motor fuel/gravity-fed)										
26. Is a check valve in place for pump-filled tanks with remote fills? Y / N / 1(inoperative) / X (not remote fill)										
27. Is an operative valve in place on every line with gravity head? Y / N / 1 (operative) / X (no gravity head on line)										

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Prevention	1	2	3		
28. Is the spill prevention device (catch basin) present and functional?Y / N (not present) / 1 (not functional - holes or cracks present) /X (tank receives <25 gal. at one time)	Y	Y	Y		
29. Is the overfill prevention device (i.e., automatic shut-off, high-levelalarm, ball float valve) present?Y / N / X (tank receives <25 gal. at one time)	Y	Y	Y		
30. Is the overfill prevention device operational?Y / X (tank receives <25 gal. at one time)If not operational: 1) Automatic shut-off is not operational (i.e., devicetampered with or inoperable; gauging stick in drop tube). 2) High-levelalarm is not operational. 3) Alarm is not audible or visible to the deliverydriver.Ball float is not operational because: 4) Stage I vapor recovery is present.5) Piping system is suction. 6) Drain valve on spill catch basin is broken oris impaired by debris, causing drain valve to act as an emergency vent.	Y	Y	Y		
	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2
	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4
	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6
31. Were structurally repaired tanks and piping tightness tested within 30days repair completion (not required w/ internal inspections after repair or ifrelease detection equipment is in use)?Y / N / X (no structural repair)	X	X	X		
32. If cathodically protected tank or piping was structurally repaired, wereCP systems tested/inspected within 6 months of repair?Y / N / X (no CP system/structural repair)	X	X	X		
33. Is buried metal tank and piping (including fittings, connections, etc.)protected from corrosion? Y / X (no buried metal components)If not: 1) Buried metal piping components (such as swing joints, flex-connectors, etc.) are not isolated from the ground or cathodically protected.For new USTs (tanks and piping installed after 12/22/1988): 2) Tank or piping does not meet new tank/piping standards for corrosion.For existing USTs (tanks and piping installed on or before 12/22/1988): 3) Steel tank is not internally lined OR retrofitted with cathodic protection. 4) Metal piping is not retrofitted with cathodic protection.	Y	Y	Y		
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
	☐ 4	☐ 4	☐ 4	☐ 4	☐ 4
34.Was corrosion protection system tested within required time frame and does itprovide continuous protection? Y / X (no CP system)If system does not provide continuous protection: 1) CP system was not tested 2) CPsystem is not performing adequately based on results of testing. 3) Operator is notconducting or has not completed appropriate repair in response to test results.	N	N	N		
	☒ 1	☒ 1	☒ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
35.If an impressed current system is in use, has system been operatedcontinuously? Y / X (no impressed current system)If system has not been operated continuously: 1) Rectifier is not operational.2) Rectifier does not have electrical power 24/7.3) Clock shows that power has been turned off.	X	X	X		
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
36. Is impressed current system inspected every 60 days? (Operator is onlyrequired to keep 6 months of readings; at least 2 of last 3 readings arerequired if system is operational at time of inspection.)Y / N / X (no impressed current system)	X	X	X		
37. Do reports indicate that lined tanks are inspected periodically (within 10years of installation and every 5 years thereafter) and that lining is incompliance? Y / N (no report) / 1 (lining was inspected and failed) / 2 (inspection procedure not acceptable) / X (tank not lined)	X	X	X		

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (only complete applicable sections)

	1	2	3		
Specify method(s) of tank release detection used: (NOTE: Methods B&C and C&D can only be used for 10 years after a tankhas been installed or upgraded) A. Automatic Tank Gauging (ATG) - answer questions 38-40, 56 B. Manual Tank Gauging (MTG) for tanks <=1000 gal. - answer questions41 -43, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	☐A ☐B ☐E ■F ☐H	☐A ☐B ☐E ■F ☐H	☐A ☐B ☐E ■F ☐H	☐A ☐B ☐E ☐F ☐H	☐A ☐B ☐E ☐F ☐H
Specify second method of pressurized piping release detection used: (NOTE: "G. Automatic Line Leak Detector [ALLD]" is always required forpressurized piping) - answer questions 53-54, 56 C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	■C ☐E ☐F ■G ☐H	■C ☐E ☐F ■G ☐H	☐C ☐E ☐F ☐G ☐H	☐C ☐E ☐F ☐G ☐H	☐C ☐E ☐F ☐G ☐H
Specify method of suction piping release detection used: (NOTE: safe [European] suction piping does not require RD - mark box "X") C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56 X. Exempt Suction Piping, 56	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ■X	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X

A. Automatic Tank Gauging (ATG)

38.Is ATG on National Work Group on Leak Detection Evaluations(NWGLDE) list? Y / N					
39.Is ATG set up properly? Y / N / X (unable to confirm)					
40.Did ATG conduct test while tank contained routinely highest level ofproduct? Y / N					

B. Manual Tank Gauging (MTG)

41.Is tank size appropriate for using MTG? (<= 1000 gal. only) Y / N					
42.Do records indicate that MTG method is being conducted correctly?Y/N					
43.Is MTG equipment capable of 1/8" measurement? Y / N					

C. Tightness Testing	T	P	T	P	T	P	T	P	T	P
44.Is tightness testing method on National Work Group on Leak Detection Evaluations (NWGLDE) list? Y / N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N
45.Is tightness testing conducted per manufacturer's instructions? (Compare test report with NWGLDE specifications for test method.) Y / N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N
46.Is tightness testing conducted within the specified time frames for the following equipment? Y / 1 (tanks - not tested every 5 years) / 2(pressurized piping - not tested annually) / 3 (non-exempt suction piping -not tested every 3 years)		☐Y ☐1 ☑2 ☐3		☐Y ☐1 ☑2 ☐3		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (continued)

D. Inventory Control - not valid as release detection for EPA as of 12/22/2008										
E. Groundwater or Vapor Monitoring	T	P	T	P	T	P	T	P	T	P
47. Does owner have the site assessment report indicating location andnumber of vapor or groundwater monitoring wells? Y / N (answer '1' forquestions 48-50)	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
48. According to site assessment report, is groundwater always detectable inthe monitoring well (i.e., never more than 20 feet from the ground surface)?Y / N / 1 (no report) / X (no groundwater monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐Y ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
49. Is vapor monitoring well not affected by high groundwater?Y / N / 1 (no report) / X (no vapor monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
50. Are wells properly designed and positioned? Y / N / 1 (no report)	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1
F. Interstitial Monitoring	T	P	T	P	T	P	T	P	T	P
51. Does secondary containment have integrity? Y / N	■Y ☐N	☐Y ☐N	■Y ☐N	☐Y ☐N	■Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
52. Is the sensor properly positioned (piping only)?Y / N / X (manual monitoring)		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X
G. Automatic Line Leak Detector (ALLD)										
53. Is automatic line leak detector (ALLD) present and operational? Y / N (not present) / 1 (not operational)	Y		Y		X					
54. Has annual functionality test of the ALLD been conducted, and are records available? Y / N (no test conducted) / 1 (no records)	1		1		X					
H. Statistical Inventory Reconciliation (SIR)	T	P	T	P	T	P	T	P	T	P
55. Is SIR method on National Work Group on Leak Detection Evaluations(NWGLDE) list of release detection methods? Y / N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Federal UST Questions - Release Detection Monitoring										
56. Are tanks and piping monitored monthly for releases, and are records available (must have records for the two most recent consecutive months and for 8 of the last 12 months)?Y / N (no release detection present) / 1 (no monthly monitoring) /2 (no records) / 3 (inadequate records) / X (exempt suction piping)	T ■Y ☐N ☐1 ☐2 ☐3	P Y ☐N ☐1 ☑2 ☐3	T ■Y ☐N ☐1 ☐2 ☐3	P Y ☐N ☐1 ☑2 ☐3	T ☐Y ■N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3
Federal UST Questions - Closure										
57. For tanks permanently closed within the last 3 years, was site assessment performed? Y / N / 1 (inadequate) / X (not applicable)	X		X		X					

COMMENTS (continue on separate paper if needed): Regional notes or forms attached: 0 pages

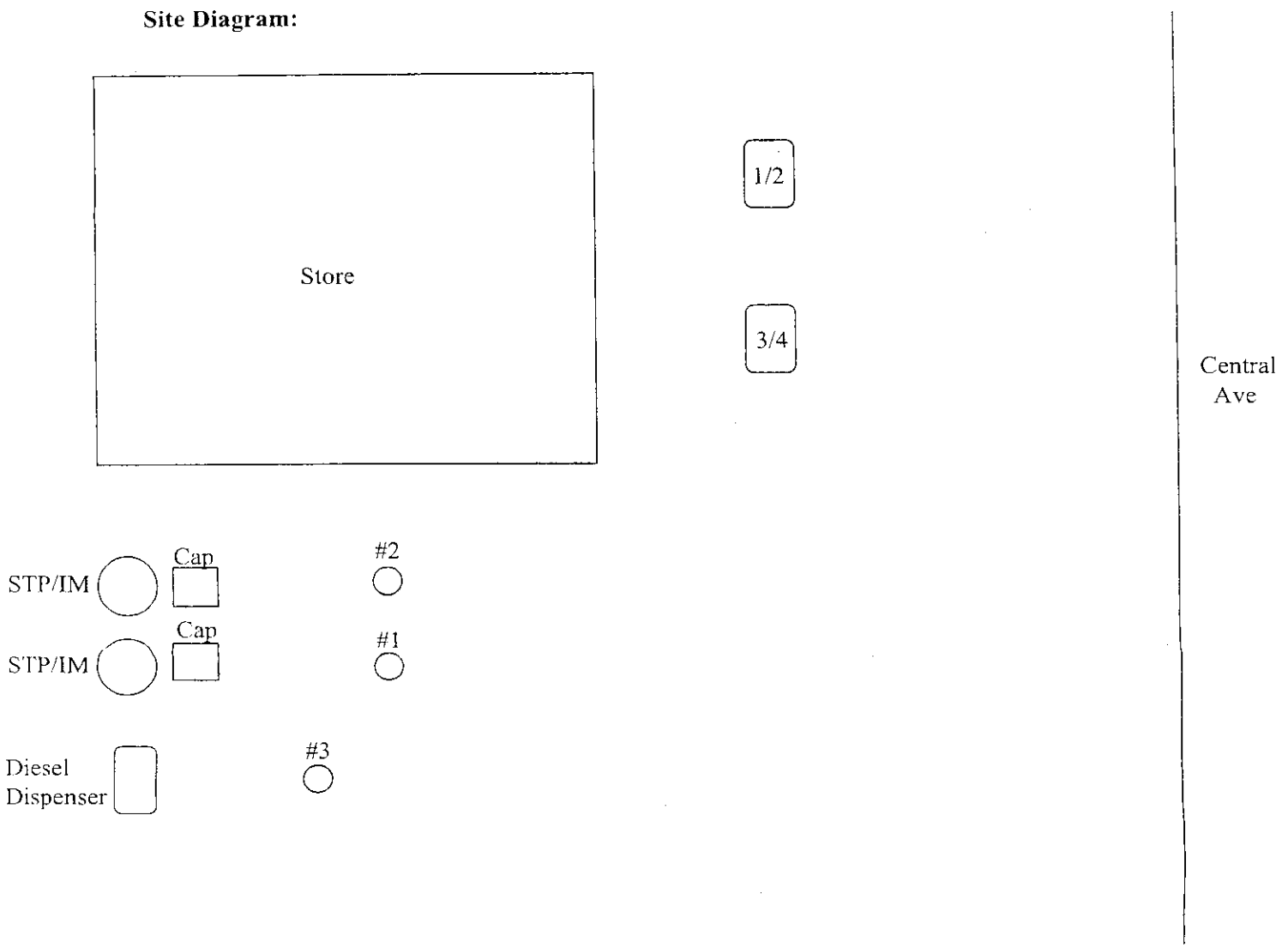
COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

PBS # 9-425508
Valvo Convenience & Gas Inc.
351 Central Avenue
Silver Creek, New York 14136

Inspection Notes:

- Interstitial monitoring on tanks # 1 and 2 is done monthly, not weekly
- No interstitial monitoring is being done on tank # 3. Owner cannot find the interstitial port, may have paved over it
- 10-day inventory reconciliation is not being done on tanks # 1, 2 and 3
- Tanks # 1, 2 and 3 are missing 614 tags
- Small amount of water in tanks #1 and 2 tank top sumps
- Shear valves at dispensers # 1/2 and 3/4 are not anchored to the island
- No annual Line Tightness Testing and Line Leak Detector Testing records were on site
- Most recent Cathodic protection records at the site were from 10/28/2010. No records from within the last year

Site Diagram:



Complainant's Exhibit 73

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • **Fax:** (716) 851-7226
Website: www.dec.ny.gov

Joe Martens
Commissioner

March 27, 2012

Mr. Stephen Valvo
Valvo Convenience & Gas, Inc.
Routes 5 & 20
P.O. Box 271
Silver Creek, New York 14136

Dear Mr. Valvo:

Petroleum Bulk Storage (PBS) Program Facility
Inspection - 6 NYCRR Parts 612-614
PBS #9-600317
Inspection #29318
Valvo Convenience & Gas, Inc.
Routes 5 & 20
Silver Creek, New York 14136

On March 21, 2012, I visited the above facility to determine compliance with New York State's Petroleum 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. A copy of the inspection checklist is enclosed for your reference.

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

Violations

PBS Registration Certificate - Accuracy
[Subdivision 612.2(e)]

The registration certificate posted at the facility is not current and valid. The registration expired on April 14, 2002. The following is required:

- The registration certificate must be signed and dated (lower right corner).

- $500.00 in overdue registration fees is due for the period from April 18, 2002 - April 18, 2007. $500.00 in overdue registration fees is due for the period from April 18, 2007- April 18, 2012. A final $500.00 registration fee will make your registration current and valid until 2017. In total, $1500.00 is due at this time. The check can be made payable to NYS DEC and should be sent in with the renewal application.

- The Federal Tax Identification Number for this facility must be listed in the appropriate box in the ownership section on the first page of the application. In addition, the piping leak detection must be updated in column 20 of the application. The code for tanks #C1 and #C2 is 07 (Pressurized Piping Leak Detector). The code for tank #C3 is 09 (Exempt Suction Piping).

- Any other corrections must be made to the registration information to reflect current facility information. Please be sure to sign and date the first page of the application or it cannot be processed.

Underground tanks **#C1 and #C2**
Maintenance of Spill Prevention Equipment - tank top sumps
[Subdivision 613.3(d)]

All equipment for spill prevention must be maintained in good working order. Tank top sumps must be kept clear of all liquids (water and product) and other debris.

Tanks **#C1 and #C3**
Maintenance of Spill Prevention Equipment
[Subdivision 613.3(d)]

All equipment for spill prevention must be maintained in proper working order. Fill port catch basins must be kept clear of all liquids (water and product) and other debris.

Underground tanks **#C1, #C2 and #C3**
Labeling at New Underground Tanks
[Subdivision 614.3(a)]

The above tanks were installed after December 27, 1986 and do not have the appropriate labeling at the fill port. All new underground tanks installed after December 27, 1986 must bear a permanent label, stencil or plate which contains all of the information listed in Subparagraphs 614.3(a)(1)(i-vii). In addition, the label must contain the date of installation as per Paragraph 614.3(a)(2). The label must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

Underground tanks **#C1, #C2 and #C3**
Interstitial Monitoring of Double Walled Tanks
[Subdivision 614.5(b)]

The above tanks are double walled and the interstitial spaces are not being monitored as required. If a double walled tank is used, the interstitial space must be monitored for tightness using pressure monitoring, vacuum monitoring, electronic monitoring or manual monitoring at least once per week.

Federal Violations

The following violations of EPA's Underground Storage Tank regulations (40 CFR Part 280) were identified during this inspection:

Underground tank **#C3**
Overfill Prevention Equipment - Operability
[Parts 280.20(c)(ii) and 280.21(d)]

The ball float valve used for overfill prevention at tank **#C3** is not functional. Ball float valves do not function properly when installed on a tank that uses a suction dispenser.

Undergound tank **#C3**
Cathodic Protection System Testing - Repairs needed based on test results
[Part 280.31(a)]

The results of the most recent cathodic protection testing for the above tank indicate that the system is not functioning adequately to protect the tank from corrosion. All corrosion protection systems must be operated and maintained to continuously provide corrosion to metal components of the tank system that routinely contain product.

Underground tanks **#C1, #C2 and #C3**
Release Detection Records - No monitoring
[Part 280.45]

No release detection is being performed for the above tank.

Corrective Actions

By **April 30, 2012**, you must submit the following documentation to this office:

1. A completed Petroleum Bulk Storage Application to make any necessary changes to the registration. A new certificate will be issued upon receipt of this application. The new certificate must be signed and posted at the facility.

2. Photographs showing that the tank top sumps for tanks **#C1 and #C2** have been cleaned out.

3. Photographs showing that the fill port catch basins for tanks **#C1 and #C3** have been cleaned out.

4. Photographs showing that the appropriate labels have been installed at the fill ports for tanks **#C1, #C2 and #C3**.

5. Copies of at least three weeks worth of records showing that the interstitial spaces for tanks **#C1, #C2 and #C3** have been monitored at least weekly.

6. Since tank **#C3** is not in service the ball float valve does not need to be replaced. If tank **#C3** is put back into service, the ball float valve used for overfill prevention needs to be replaced with an automatic shut-off valve in the fill line or a high level alarm that is visible or audible at the fill port.

7. A work plan including a schedule to repair or replace the cathodic protection system for tank **#C3 or** a schedule for the removal of this tank.

The above documents and photographs may be submitted via email to tjwalker@gw.dec.state.ny.us.

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 email me at tjwalker@gw.dec.state.ny.us.

Sincerely,

Thomas J. Walker

Thomas J. Walker
Environmental Technician I

TJW:sz

Enclosure

NEW YORK STATE DEC PETROLEUM BULK STORAGE (PBS) REGULATIONS INSPECTION REPORT

Date: 3/21/2012 | **PBS#** 9-600126 | **Inspection #** 29341

FACILITY Representative, Name & Title: Steve Valvo

NYSDEC Representative, Name & Title: Thomas Walker

Facility Name:	VALVO TRANSPORT INC	Owner:	Valvo Transport Inc.
Facilty Address:	RTS 5 and 20	Owner Address:	PO BOX 271
City:	SILVER CREEK	City:	SILVER CREEK
Operator:	STEPHEN M. VALVO	Emergency Cont:	STEPHEN M. VALVO
Phone:	(716) 934-2535	Phone:	(716) 934-2535

Facility-level information (indicate dispenser-specific)

1. Is the registration certificate posted at the facility?	Y
2. Is the registration information current and correct?	N
3. Are monitoring/observation wells marked and secured? Y/N/X	Y
4. Have dispenser sumps been maintained? Y/N(accumulation product) / 1(accumulation of water/debris) / X (no sump)	X
5. For a motor fuel tank with pressurized piping , is a shear valve installed? Y/N(no shear valve) 1 (inoperative valve) / 2 (improperly installed) X (not pressurized piping)	X

Tank Registration Identification Number	1	2	3	4	5
Underground or Aboveground Tank	Underground	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	Aboveground - No Contact (on saddles, legs, rack, cradle, etc.)	Aboveground - in contact with soil	Aboveground - in contact with soil
Product Stored / Tank Volume if different from registered	0008 Diesel	0001 #2 Fuel Oil	0012 Kerosene	0012 Kerosene	0013 Lube Oil
Date Installed	5/93	5/93	5/93	10/93	5/85
6. Is the tank properly permanently closed?	X	Y	Y	Y	Y
7. Is the tank properly temporarily closed?	Y				
8. Were any spills observed during the inspection (also include suspected releases from leak detection equipment and uninvestigated inventory descrepancies)? Y / N	N				
9. Have tank top sumps properlyly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (no sump)	?				
10. Have fill port catch basins (spill buckets) been properly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (catch basin)	Y				
11. Is the fillport color coded to identify the product in the tank? Y / N / 1 (incorrectly coded) / X (used oil tank or day tank) For products not explicitly listed in Part 613.3(b), is the tank properly marked?	Y				

Underground Storage Tanks

12. For UST systems installed after Dec. 27, 1986, does the tank system meet standards? Y / X (system installed prior to Dec. 27, 1986) If not, how is the tank system deficient? 1 (tank not corrosion resistant) / 2 (no tank secondary containment) / 3 (not tank leak monitoring) / 4 (no overfill prevention) / 5 (piping not corrosion resistant) / 6 (no piping leak monitoring) / 7 (more than one check valve in suction piping system) / 8 (no tank label) / 9 (no as-built plans or drawings)	N				
	☐1 ☐2	☐1 ☐2	☐1 ☐2	☐1 ☐2	☐1 ☐2
	☐3 ☐4	☐3 ☐4	☐3 ☐4	☐3 ☐4	☐3 ☐4
	☐5 ☐6	☐5 ☐6	☐5 ☐6	☐5 ☐6	☐5 ☐6
	☐7 ■8	☐7 ☐8	☐7 ☐8	☐7 ☐8	☐7 ☐8
	☐9	☐9	☐9	☐9	☐9

Underground Storage Tanks (continued)

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

	T	P	T	P	T	P	T	P	T	P
13. Is leak monitoring being done? Y / N / 1 (inoperative system) / 2 (weekly leak detection records not maintained) / 3 (monthly operability records not maintained) / 4 (interstitial space on double-walled tanks and / or piping not monitored) / X (Category A or B tank system or exempt suction piping)	☐Y ■N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ■X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4
14. Is cathodic protection for steel tank and piping systems monitored annually? Y / N (no monitoring on either) / 1 (no monitoring on tank) / 2 (no monitoring on line) / 3 (records not maintained) / 4 (minimum protection not provided) / 5 (inadequate monitoring,i.e., not enough readings) / X (Category A or B steel tank system or not steel tank system)	Y									
	☐4	☐5	☐4	☐5	☐4	☐5	☐4	☐5	☐4	☐5
15. Does the facility have adequate inventory records for metered tanks? Y / X (unmetered tank) If not, which items are deficient? 1 (no records) / 2 (no tank bottom water measurements) / 3 (equipment not capable of 1/8" measurement) / 4 (meter not callibrated) / 5 (no reconciliation of records) / 6 (improper reconciliation) / 7 (no investigation of discrepancy)	X		X		X		X		X	
	☐1	☐2	☐1	☐2	☐1	☐2	☐1	☐2	☐1	☐2
	☐3	☐4	☐3	☐4	☐3	☐4	☐3	☐4	☐3	☐4
	☐5	☐6	☐5	☐6	☐5	☐6	☐5	☐6	☐5	☐6
	☐7		☐7		☐7		☐7		☐7	
16. Do unmetered tanks have annual standpipe analysis or tank test, or other acceptable leak detection method? Y / N / X (metered tank)	Y		X		X		X		X	
17. Has tightness testing been conducted on the tank and piping system within the last 5 years? Y / N (no test on either tank or line) / 1(no tank test)/ 2(no line test) / 3 (test report not submitted) / X (exempt from tightness testing)	X									
Aboveground Storage Tanks										
18. For AST systems installed after Dec.27, 1986, does the tank system meet standards? Y / X (tanksystem installed prior to Dec. 27, 1986) If not, which items are deficient? 1 (tank not welded steel) / 2 (no surface coating) / 3 (tank resting on soil; no cathodic protection) / 4 (tank on grade; no impermeable barrier) / 5 (no leak monitoring between tank and barrier)									X	
	☐1	☐2	☐1	☐2	☐1	☐2	☐1	☐2	☐1	☐2
	☐3	☐4	☐3	☐4	☐3	☐4	☐3	☐4	☐3	☐4
	☐5		☐5		☐5		☐5		☐5	
19. Does the facility conduct monthly inspections for all ASTs? Y / N / 1 (records not maintained)										
20. Does the facility conduct ten-year inspections for ASTs? Y / N / 1 (records not maintained) / X (not required per Part 613.6(b))										
21. For ASTs >= 10,000 gallons (or for ASTs < 10k gal. where 2andary containment is req'd), Is the secondary containment adequately designed and in good condition? Y / N / 1 (secondary containment not maintained) / 2 (poor design)										
For ASTs < 10,000 gallons if using alternatives to secondary containment, Y / N / 1(secondary containment not maintained)/ 2(poor design) are SPOTS #17 issues addressed?Y / N / 3 (equipment not maintained) / X (not req'd)										
22. Are dike drain valves locked in a closed position? Y / N (unlocked) / 1 (no valve on discharge pipe) / X (no dike)										
23. Does the AST have a gauge, high level alarm or other equivalent device? Y / N / 1 (inoperative)										
24. Is the design / working capacity, and ID number marked on the tankand at the gauge? Y / N / 1(tank not labeled) / 2 (not marked at gauge)										
25. Is a solenoid or equivalent valve in place for gravity-fed motor fuel dispensers? Y / N / 1 (inoperative) / X (not motor fuel/gravity-fed)										
26. Is a check valve in place for pump-filled tanks with remote fills? Y / N / 1(inoperative) / X (not remote fill)										
27. Is an operative valve in place on every line with gravity head? Y / N / 1 (operative) / X (no gravity head on line)										

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS:
FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Prevention

28. Is the spill prevention device (catch basin) present and functional?Y / N (not present) / 1 (not functional - holes or cracks present) /X (tank receives <25 gal. at one time)	Y				
29. Is the overfill prevention device (i.e., automatic shut-off, high-levelalarm, ball float valve) present?Y / N / X (tank receives <25 gal. at one time)	Y				
30. Is the overfill prevention device operational?Y / X (tank receives <25 gal. at one time)If not operational: 1) Automatic shut-off is not operational (i.e., devicetampered with or inoperable; gauging stick in drop tube). 2) High-levelalarm is not operational. 3) Alarm is not audible or visible to the deliverydriver.Ball float is not operational because: 4) Stage I vapor recovery is present.5) Piping system is suction. 6) Drain valve on spill catch basin is broken oris impaired by debris, causing drain valve to act as an emergency vent.	Y				
	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2
	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4
	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6
31. Were structurally repaired tanks and piping tightness tested within 30days repair completion (not required w/ internal inspections after repair or ifrelease detection equipment is in use)?Y / N / X (no structural repair)	X				
32. If cathodically protected tank or piping was structurally repaired, wereCP systems tested/inspected within 6 months of repair?Y / N / X (no CP system/structural repair)	X				
33. Is buried metal tank and piping (including fittings, connections, etc.)protected from corrosion? Y / X (no buried metal components)If not: 1) Buried metal piping components (such as swing joints, flex-connectors, etc.) are not isolated from the ground or cathodically protected.For new USTs (tanks and piping installed after 12/22/1988): 2) Tank or piping does not meet new tank/piping standards for corrosion.For existing USTs (tanks and piping installed on or before 12/22/1988): 3) Steel tank is not internally lined OR retrofitted with cathodic protection. 4) Metal piping is not retrofitted with cathodic protection.	Y				
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
	☐ 4	☐ 4	☐ 4	☐ 4	☐ 4
34.Was corrosion protection system tested within required time frame and does itprovide continuous protection? Y / X (no CP system)If system does not provide continuous protection: 1) CP system was not tested 2) CPsystem is not performing adequately based on results of testing. 3) Operator is notconducting or has not completed appropriate repair in response to test results.	Y				
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
35.If an impressed current system is in use, has system been operatedcontinuously? Y / X (no impressed current system)If system has not been operated continuously: 1) Rectifier is not operational.2) Rectifier does not have electrical power 24/7.3) Clock shows that power has been turned off.	X				
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
36. Is impressed current system inspected every 60 days? (Operator is onlyrequired to keep 6 months of readings; at least 2 of last 3 readings arerequired if system is operational at time of inspection.)Y / N / X (no impressed current system)	X				
37. Do reports indicate that lined tanks are inspected periodically (within 10years of installation and every 5 years thereafter) and that lining is incompliance? Y / N (no report) / 1 (lining was inspected and failed) / 2 (inspection procedure not acceptable) / X (tank not lined)	X				

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (only complete applicable sections)

Specify method(s) of tank release detection used: (NOTE: Methods B&C and C&D can only be used for 10 years after a tankhas been installed or upgraded) A. Automatic Tank Gauging (ATG) - answer questions 38-40, 56 B. Manual Tank Gauging (MTG) for tanks <=1000 gal. - answer questions41 -43, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	☐A ☐B ☐E ■F ☐H	☐A ☐B ☐E ☐F ☐H	☐A ☐B ☐E ☐F ☐H	☐A ☐B ☐E ☐F ☐H	☐A ☐B ☐E ☐F ☐H
Specify second method of pressurized piping release detection used: (NOTE: "G. Automatic Line Leak Detector [ALLD]" is always required forpressurized piping) - answer questions 53-54, 56 C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	☐C ☐E ☐F ■G ☐H	☐C ☐E ☐F ☐G ☐H	☐C ☐E ☐F ☐G ☐H	☐C ☐E ☐F ☐G ☐H	☐C ☐E ☐F ☐G ☐H
Specify method of suction piping release detection used: (NOTE: safe [European] suction piping does not require RD - mark box "X") C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56 X. Exempt Suction Piping, 56	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X	☐C ☐E ☐F ☐H ☐X

A. Automatic Tank Gauging (ATG)

38.Is ATG on National Work Group on Leak Detection Evaluations(NWGLDE) list? Y / N					
39.Is ATG set up properly? Y / N / X (unable to confirm)					
40.Did ATG conduct test while tank contained routinely highest level ofproduct? Y / N					

B. Manual Tank Gauging (MTG)

41.Is tank size appropriate for using MTG? (<= 1000 gal. only) Y / N					
42.Do records indicate that MTG method is being conducted correctly?Y/N					
43.Is MTG equipment capable of 1/8" measurement? Y / N					

C. Tightness Testing	T	P	T	P	T	P	T	P	T	P
44.Is tightness testing method on National Work Group on Leak Detection Evaluations (NWGLDE) list? Y / N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N
45.Is tightness testing conducted per manufacturer's instructions? (Compare test report with NWGLDE specifications for test method.) Y / N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N		☐Y ☐N
46.Is tightness testing conducted within the specified time frames for the following equipment? Y / 1 (tanks - not tested every 5 years) / 2(pressurized piping - not tested annually) / 3 (non-exempt suction piping -not tested every 3 years)		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3		☐Y ☐1 ☐2 ☐3

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (continued)

D. Inventory Control - not valid as release detection for EPA as of 12/22/2008										
E. Groundwater or Vapor Monitoring	T	P	T	P	T	P	T	P	T	P
47. Does owner have the site assessment report indicating location andnumber of vapor or groundwater monitoring wells? Y / N (answer '1' forquestions 48-50)	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
48. According to site assessment report, is groundwater always detectable inthe monitoring well (i.e., never more than 20 feet from the ground surface)?Y / N / 1 (no report) / X (no groundwater monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐Y ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
49. Is vapor monitoring well not affected by high groundwater?Y / N / 1 (no report) / X (no vapor monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
50. Are wells properly designed and positioned? Y / N / 1 (no report)	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1
F. Interstitial Monitoring	T	P	T	P	T	P	T	P	T	P
51. Does secondary containment have integrity? Y / N	■Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
52. Is the sensor properly positioned (piping only)?Y / N / X (manual monitoring)		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X
G. Automatic Line Leak Detector (ALLD)										
53. Is automatic line leak detector (ALLD) present and operational? Y / N (not present) / 1 (not operational)	Need Photo									
54. Has annual functionality test of the ALLD been conducted, and are records available? Y / N (no test conducted) / 1 (no records)	X									
H. Statistical Inventory Reconciliation (SIR)	T	P	T	P	T	P	T	P	T	P
55. Is SIR method on National Work Group on Leak Detection Evaluations(NWGLDE) list of release detection methods? Y / N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Federal UST Questions - Release Detection Monitoring										
56. Are tanks and piping monitored monthly for releases, and are records available (must have records for the two most recent consecutive months and for 8 of the last 12 months)?Y / N (no release detection present) / 1 (no monthly monitoring) /2 (no records) / 3 (inadequate records) / X (exempt suction piping)	T ☐Y ■N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3	T ☐Y ☐N ☐1 ☐2 ☐3	P ☐Y ☐N ☐1 ☐2 ☐3
Federal UST Questions - Closure										
57. For tanks permanently closed within the last 3 years, was site assessment performed? Y / N / 1 (inadequate) / X (not applicable)	X		X		X		X		X	

COMMENTS (continue on separate paper if needed): Regional notes or forms attached: 0 pages

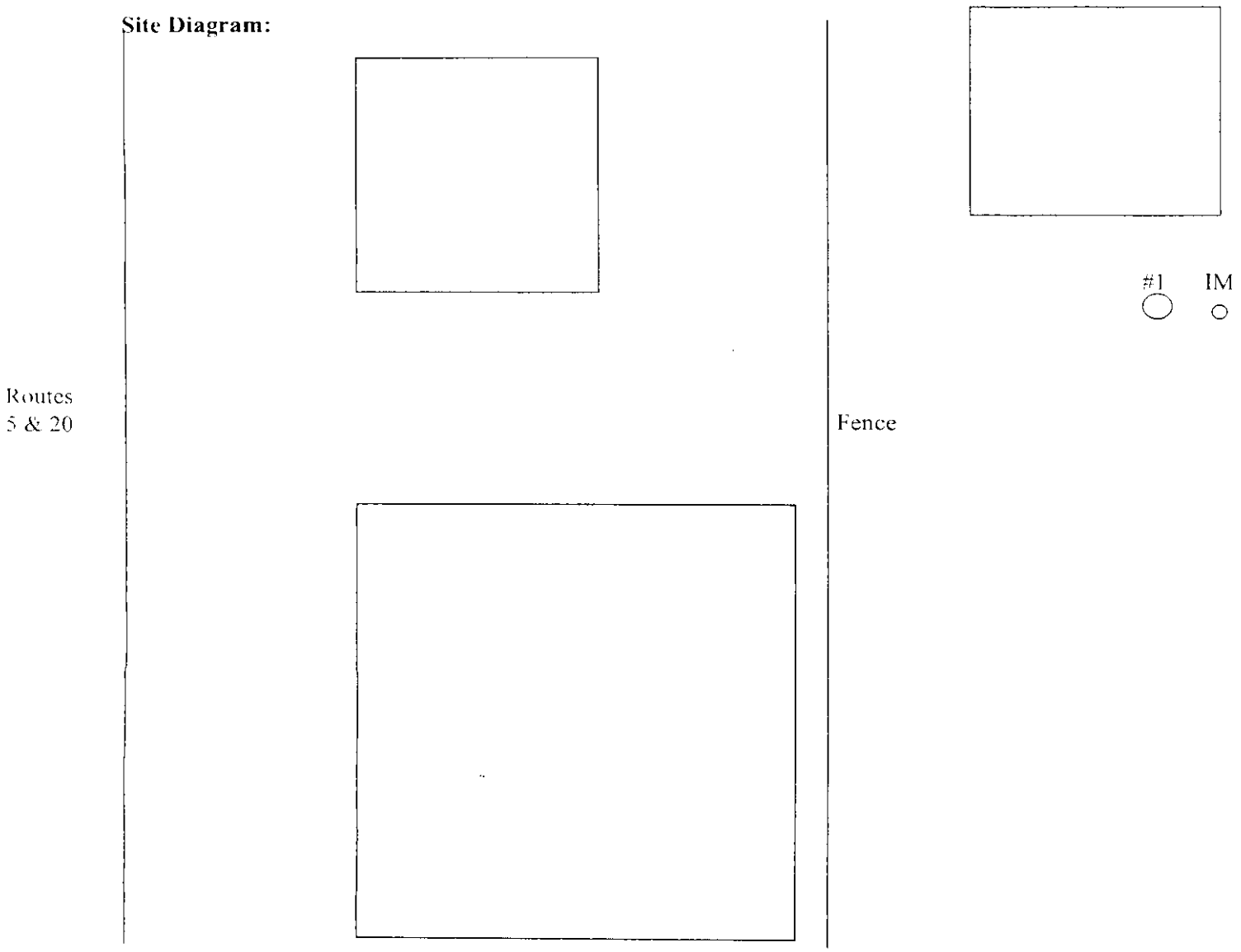
COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

PBS # 9-600126
Valvo Transport Inc
Routes 5 & 20
Silver Creek, New York 14136

Inspection Notes:

- Registration expired on May 20, 2003. Owner says all of the tanks have been removed except Tank # 1, 10,000 gallon diesel tank. This tank is empty and temporarily out of service. Piping leak detection needs to be changed to line leak detector, which will exclude the tank from being overdue for a tank tightness test.
- Interstitial monitoring is not being done on tank # 1
- Tank # 1 is missing a 614 tag
- Need a photo of submersible pump. Man hole was covered with stacks of railroad ties at the time of the inspection

Site Diagram:



Complainant's Exhibit 74

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • **Fax:** (716) 851-7226
Website: www.dec.ny.gov

Joe Martens
Commissioner

March 27, 2012

Mr. Stephen Valvo
Valvo Convenience & Gas, Inc.
Routes 5 & 20
P.O. Box 271
Silver Creek, New York 14136

Dear Mr. Valvo:

Petroleum Bulk Storage (PBS) Program Facility
Inspection - 6 NYCRR Parts 612-614
PBS #9-600126
Inspection #29341
Valvo Transport, Inc.
Routes 5 & 20
Silver Creek, New York 14136

On March 21, 2012, I visited the above facility to determine compliance with New York State's Petroleum 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. A copy of the inspection checklist is enclosed for your reference.

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

Violations

PBS Registration Certificate - Accuracy
[Subdivision 612.2(e)]

The registration certificate posted at the facility is not current and valid. The following is required:

- Tanks #2, #3, #4, #5, #6, #7 and #8 which have been removed from the facility must be taken off the registration. Please change the status of these tanks in column 4 to code 3 (closed and removed). In column 5, list the dates the tanks were removed.

- If a submersible pump with a line leak detector is present at tank #1 (10,000-gallon diesel tank), update the piping leak detection (column 20) to code 07 (pressurized piping leak detector).

- Corrections must be made to the registration information to reflect current facility information. Since the registration expired on May 20, 2003, $1000.00 in overdue registration fees is due at this time. Please be sure to sign and date the first page of the application or it cannot be processed.

Underground tank #1
Labeling at New Underground Tanks
[Subdivision 614.3(a)]

The above tank was installed after December 27, 1986 and does not have the appropriate labeling at the fill port. All new underground tanks installed after December 27, 1986 must bear a permanent label, stencil or plate which contains all of the information listed in Subparagraphs 614.3(a)(1)(i-vii). In addition, the label must contain the date of installation as per Paragraph 614.3(a)(2). The label must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

Underground tank #1
Interstitial Monitoring of Double Walled Tanks
[Subdivision 614.5(b)]

The above tank is double walled and the interstitial space is not being monitored as required. If a double walled tank is used, the interstitial space must be monitored for tightness using pressure monitoring, vacuum monitoring, electronic monitoring or manual monitoring at least once per week.

Federal Violations

The following violations of EPA's Underground Storage Tank regulations (40 CFR Part 280) were identified during this inspection:

Underground tank #1
Release Detection Records - No monitoring
[Part 280.45]

No release detection is being performed for the above tank.

Corrective Actions

By **April 30, 2012**, you must submit the following documentation to this office:

1. A completed Petroleum Bulk Storage Application to make any necessary changes to the registration. A new certificate will be issued upon receipt of this application. The new certificate must be signed and posted at the facility.

2. Photographs showing that the appropriate label has been installed at the fill port for tank **#1**.

3. Copies of at least three weeks worth of records showing that the interstitial space for tank #1 has been monitored at least weekly.

Additional information required to complete the inspection:

1. A photograph showing that a submersible pump and line leak detector are present at tank #1. The manhole cover for the submersible pump was covered with railroad ties at the time of the inspection.

The above documents and photographs may be submitted via email to tjwalker@gw.dec.state.ny.us.

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 tjwalker@gw.dec.state.ny.us.

Sincerely,

Thomas J. Walker

Thomas J. Walker
Environmental Technician I

TJW:sz

Enclosure

NEW YORK STATE DEC PETROLEUM BULK STORAGE (PBS) REGULATIONS INSPECTION REPORT

Date: 3/21/2012 | **PBS#** 9-600317 | **Inspection #** 29318

FACILITY Representative, Name & Title: Steve Valvo

NYSDEC Representative, Name & Title: Thomas Walker

Facility Name:	VALVO CONVENIENCE and GAS INC	Owner:	VALVO CONVENIENCE and GAS INC
Facilty Address:	RTE 5 and 20	Owner Address:	RTE 5 and 20
City:	SILVER CREEK	City:	SILVER CREEK
Operator:	STEPHEN VALVO	Emergency Cont:	STEPHEN VALVO
Phone:	(716) 934-2535	Phone:	(716) 934-2535

Facility-level information (indicate dispenser-specific)

1. Is the registration certificate posted at the facility?	Y
2. Is the registration information current and correct?	N
3. Are monitoring/observation wells marked and secured? Y/N/X	Y
4. Have dispenser sumps been maintained? Y/N(accumulation product) / 1(accumulation of water/debris) / X (no sump)	X
5. For a motor fuel tank with pressurized piping , is a shear valve installed? Y/N(no shear valve) 1 (inoperative valve) / 2 (improperly installed) X (not pressurized piping)	X

Tank Registration Identification Number	C1	C2	C3		
Underground or Aboveground Tank	Underground	Underground	Underground		
Product Stored / Tank Volume if different from registered	0009 Gasoline	0009 Gasoline	0008 Diesel		
Date Installed					
6. Is the tank properly permanently closed?	X	X	X		
7. Is the tank properly temporarily closed?	Y	Y	Y		
8. Were any spills observed during the inspection (also include suspected releases from leak detection equipment and uninvestigated inventory descrepancies)? Y / N	N	N	N		
9. Have tank top sumps properlyly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (no sump)	1	1	X		
10. Have fill port catch basins (spill buckets) been properly maintained? Y / N (accumulation of product) / 1 (accumulation of water/debris) / X (catch basin)	1	Y	1		
11. Is the fillport color coded to identify the product in the tank? Y / N / 1 (incorrectly coded) / X (used oil tank or day tank) For products not explicitly listed in Part 613.3(b), is the tank properly marked?	Y	Y	Y		

Underground Storage Tanks

12. For UST systems installed after Dec. 27, 1986, does the tank system meet standards? Y / X (system installed prior to Dec. 27, 1986) If not, how is the tank system deficient? 1 (tank not corrosion resistant) / 2 (no tank secondary containment) / 3 (not tank leak monitoring) / 4 (no overfill prevention) / 5 (piping not corrosion resistant) / 6 (no piping leak monitoring) / 7 (more than one check valve in suction piping system) / 8 (no tank label) / 9 (no as-built plans or drawings)	N	N	N		
	☐1 ☐2	☐1 ☐2	☐1 ☐2	☐1 ☐2	☐1 ☐2
	☐3 ☐4	☐3 ☐4	☐3 ☐4	☐3 ☐4	☐3 ☐4
	☐5 ☐6	☐5 ☐6	☐5 ☐6	☐5 ☐6	☐5 ☐6
	☐7 ■8	☐7 ■8	☐7 ■8	☐7 ☐8	☐7 ☐8
	☐9	☐9	☐9	☐9	☐9

Underground Storage Tanks (continued)

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

	C1		C2		C3					
	T	P	T	P	T	P	T	P	T	P
13. Is leak monitoring being done? Y / N / 1 (inoperative system) / 2 (weekly leak detection records not maintained) / 3 (monthly operability records not maintained) / 4 (interstitial space on double-walled tanks and / or piping not monitored) / X (Category A or B tank system or exempt suction piping)	☐Y ■N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ■X ☐1 ☐2 ☐3 ☐4	☐Y ■N ☐X ☐1 ☐2 ☐3 ■4	☐Y ☐N ■X ☐1 ☐2 ☐3 ☐4	☐Y ■N ☐X ☐1 ☐2 ☐3 ■4	☐Y ☐N ■X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4	☐Y ☐N ☐X ☐1 ☐2 ☐3 ☐4
14. Is cathodic protection for steel tank and piping systems monitored annually? Y / N (no monitoring on either) / 1 (no monitoring on tank) / 2 (no monitoring on line) / 3 (records not maintained) / 4 (minimum protection not provided) / 5 (inadequate monitoring,i.e., not enough readings) / X (Category A or B steel tank system or not steel tank system)	Y ☐4 ☐5		Y ☐4 ☐5		Y ■4 ☐5					
15. Does the facility have adequate inventory records for metered tanks? Y / X (unmetered tank) If not, which items are deficient? 1 (no records) / 2 (no tank bottom water measurements) / 3 (equipment not capable of 1/8" measurement) / 4 (meter not callibrated) / 5 (no reconciliation of records) / 6 (improper reconciliation) / 7 (no investigation of discrepancy)	X ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7		X ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7		X ☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7		☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7		☐1 ☐2 ☐3 ☐4 ☐5 ☐6 ☐7	
16. Do unmetered tanks have annual standpipe analysis or tank test, or other acceptable leak detection method? Y / N / X (metered tank)	Y		Y		Y					
17. Has tightness testing been conducted on the tank and piping system within the last 5 years? Y / N (no test on either tank or line) / 1(no tank test)/ 2(no line test) / 3 (test report not submitted) / X (exempt from tightness testing)	X		X		X					

Aboveground Storage Tanks

18. For AST systems installed after Dec.27, 1986, does the tank system meet standards? Y / X (tanksystem installed prior to Dec. 27, 1986) If not, which items are deficient? 1 (tank not welded steel) / 2 (no surface coating) / 3 (tank resting on soil; no cathodic protection) / 4 (tank on grade; no impermeable barrier) / 5 (no leak monitoring between tank and barrier)	☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5		☐1 ☐2 ☐3 ☐4 ☐5	
19. Does the facility conduct monthly inspections for all ASTs? Y / N / 1 (records not maintained)										
20. Does the facility conduct ten-year inspections for ASTs? Y / N / 1 (records not maintained) / X (not required per Part 613.6(b))										
21. For ASTs >= 10,000 gallons (or for ASTs < 10k gal. where 2andary containment is req'd). Is the secondary containment adequately designed and in good condition? Y / N / 1 (secondary containment not maintained) / 2 (poor design)										
For ASTs < 10,000 gallons if using alternatives to secondary containment, Y / N / 1(secondary containment not maintained)/ 2(poor design) are SPOTS #17 issues addressed?Y / N / 3 (equipment not maintained) / X (not req'd)										
22. Are dike drain valves locked in a closed position? Y / N (unlocked) / 1 (no valve on discharge pipe) / X (no dike)										
23. Does the AST have a gauge, high level alarm or other equivalent device? Y / N / 1 (inoperative)										
24. Is the design / working capacity, and ID number marked on the tankand at the gauge? Y / N / 1(tank not labeled) / 2 (not marked at gauge)										
25. Is a solenoid or equivalent valve in place for gravity-fed motor fuel dispensers? Y / N / 1 (inoperative) / X (not motor fuel/gravity-fed)										
26. Is a check valve in place for pump-filled tanks with remote fills? Y / N / 1(inoperative) / X (not remote fill)										
27. Is an operative valve in place on every line with gravity head? Y / N / 1 (operative) / X (no gravity head on line)										

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Prevention	C1	C2	C3		
28. Is the spill prevention device (catch basin) present and functional?Y / N (not present) / 1 (not functional - holes or cracks present) /X (tank receives <25 gal. at one time)	Y	Y	Y		
29. Is the overfill prevention device (i.e., automatic shut-off, high-levelalarm, ball float valve) present?Y / N / X (tank receives <25 gal. at one time)	Y	Y	Y		
30. Is the overfill prevention device operational?Y / X (tank receives <25 gal. at one time)If not operational: 1) Automatic shut-off is not operational (i.e., devicetampered with or inoperable; gauging stick in drop tube). 2) High-levelalarm is not operational. 3) Alarm is not audible or visible to the deliverydriver.Ball float is not operational because: 4) Stage I vapor recovery is present.5) Piping system is suction. 6) Drain valve on spill catch basin is broken oris impaired by debris, causing drain valve to act as an emergency vent.	Y	Y	(N)		
	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2	☐ 1 ☐ 2
	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4	☐ 3 ☐ 4
	☐ 5 ☐ 6	☐ 5 ☐ 6	■ 5 ☐ 6	☐ 5 ☐ 6	☐ 5 ☐ 6
31. Were structurally repaired tanks and piping tightness tested within 30days repair completion (not required w/ internal inspections after repair or ifrelease detection equipment is in use)?Y / N / X (no structural repair)	X	X	X		
32. If cathodically protected tank or piping was structurally repaired, wereCP systems tested/inspected within 6 months of repair?Y / N / X (no CP system/structural repair)	X	X	X		
33. Is buried metal tank and piping (including fittings, connections, etc.)protected from corrosion? Y / X (no buried metal components)If not: 1) Buried metal piping components (such as swing joints, flex-connectors, etc.) are not isolated from the ground or cathodically protected.For new USTs (tanks and piping installed after 12/22/1988): 2) Tank or piping does not meet new tank/piping standards for corrosion.For existing USTs (tanks and piping installed on or before 12/22/1988): 3) Steel tank is not internally lined OR retrofitted with cathodic protection. 4) Metal piping is not retrofitted with cathodic protection.	Y	Y	Y		
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
	☐ 4	☐ 4	☐ 4	☐ 4	☐ 4
34.Was corrosion protection system tested within required time frame and does itprovide continuous protection? Y / X (no CP system)If system does not provide continuous protection: 1) CP system was not tested 2) CPsystem is not performing adequately based on results of testing. 3) Operator is notconducting or has not completed appropriate repair in response to test results.	Y	Y	(N)		
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	■ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
35.If an impressed current system is in use, has system been operatedcontinuously? Y / X (no impressed current system)If system has not been operated continuously: 1) Rectifier is not operational.2) Rectifier does not have electrical power 24/7.3) Clock shows that power has been turned off.	X	X	X		
	☐ 1	☐ 1	☐ 1	☐ 1	☐ 1
	☐ 2	☐ 2	☐ 2	☐ 2	☐ 2
	☐ 3	☐ 3	☐ 3	☐ 3	☐ 3
36. Is impressed current system inspected every 60 days? (Operator is onlyrequired to keep 6 months of readings; at least 2 of last 3 readings arerequired if system is operational at time of inspection.)Y / N / X (no impressed current system)	X	X	X		
37. Do reports indicate that lined tanks are inspected periodically (within 10years of installation and every 5 years thereafter) and that lining is incompliance? Y / N (no report) / 1 (lining was inspected and failed) / 2 (inspection procedure not acceptable) / X (tank not lined)	X	X	X		

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (only complete applicable sections)

	C1	C2	C3		
Specify method(s) of tank release detection used: (NOTE: Methods B&C and C&D can only be used for 10 years after a tankhas been installed or upgraded) A. Automatic Tank Gauging (ATG) - answer questions 38-40, 56 B. Manual Tank Gauging (MTG) for tanks <=1000 gal. - answer questions41 -43, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	☐ A ☐ B ☐ E ■ F ☐ H	☐ A ☐ B ☐ E ■ F ☐ H	☐ A ☐ B ☐ E ■ F ☐ H	☐ A ☐ B ☐ E ☐ F ☐ H	☐ A ☐ B ☐ E ☐ F ☐ H
Specify second method of pressurized piping release detection used: (NOTE: "G. Automatic Line Leak Detector [ALLD]" is always required forpressurized piping) - answer questions 53-54, 56 C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56	☐ C ☐ E ☐ F ■ G ☐ H	☐ C ☐ E ☐ F ■ G ☐ H	☐ C ☐ E ☐ F ☐ G ☐ H	☐ C ☐ E ☐ F ☐ G ☐ H	☐ C ☐ E ☐ F ☐ G ☐ H
Specify method of suction piping release detection used: (NOTE: safe [European] suction piping does not require RD - mark box "X") C. Tightness Testing - answer questions 44-46, 56 E. Groundwater or Vapor Monitoring - answer questions 47-50, 56 F. Interstitial Monitoring - answer questions 51-52, 56 H. Statistical Inventory Reconciliation (SIR) - answer questions 55, 56 X. Exempt Suction Piping, 56	☐ C ☐ E ☐ F ☐ H ☐ X	☐ C ☐ E ☐ F ☐ H ☐ X	☐ C ☐ E ☐ F ☐ H ■ X	☐ C ☐ E ☐ F ☐ H ☐ X	☐ C ☐ E ☐ F ☐ H ☐ X

A. Automatic Tank Gauging (ATG)

38.Is ATG on National Work Group on Leak Detection Evaluations(NWGLDE) list? Y / N					
39.Is ATG set up properly? Y / N / X (unable to confirm)					
40.Did ATG conduct test while tank contained routinely highest level ofproduct? Y / N					

B. Manual Tank Gauging (MTG)

41.Is tank size appropriate for using MTG? (<= 1000 gal. only) Y / N					
42.Do records indicate that MTG method is being conducted correctly?Y/N					
43.Is MTG equipment capable of 1/8" measurement? Y / N					

C. Tightness Testing	T	P	T	P	T	P	T	P	T	P
44.Is tightness testing method on National Work Group on Leak Detection Evaluations (NWGLDE) list? Y / N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N
45.Is tightness testing conducted per manufacturer's instructions? (Compare test report with NWGLDE specifications for test method.) Y / N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N		☐ Y ☐ N
46.Is tightness testing conducted within the specified time frames for the following equipment? Y / 1 (tanks - not tested every 5 years) / 2(pressurized piping - not tested annually) / 3 (non-exempt suction piping -not tested every 3 years)		☐ Y ☐ 1 ☐ 2 ☐ 3		☐ Y ☐ 1 ☐ 2 ☐ 3		☐ Y ☐ 1 ☐ 2 ☐ 3		☐ Y ☐ 1 ☐ 2 ☐ 3		☐ Y ☐ 1 ☐ 2 ☐ 3

COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

Federal UST Questions - Release Detection (continued)

	C1		C2		C3					
D. Inventory Control - not valid as release detection for EPA as of 12/22/2008										
E. Groundwater or Vapor Monitoring	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**
47. Does owner have the site assessment report indicating location andnumber of vapor or groundwater monitoring wells? Y / N (answer '1' forquestions 48-50)	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
48. According to site assessment report, is groundwater always detectable inthe monitoring well (i.e., never more than 20 feet from the ground surface)?Y / N / 1 (no report) / X (no groundwater monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐Y ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
49. Is vapor monitoring well not affected by high groundwater?Y / N / 1 (no report) / X (no vapor monitoring wells)	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X	☐Y ☐N ☐1 ☐X
50. Are wells properly designed and positioned? Y / N / 1 (no report)	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1	☐Y ☐N ☐1
F. Interstitial Monitoring	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**
51. Does secondary containment have integrity? Y / N	■Y ☐N	☐Y ☐N	■Y ☐N	☐Y ☐N	■Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
52. Is the sensor properly positioned (piping only)?Y / N / X (manual monitoring)		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X		☐Y ☐N ☐X
G. Automatic Line Leak Detector (ALLD)										
53. Is automatic line leak detector (ALLD) present and operational? Y / N (not present) / 1 (not operational)										
54. Has annual functionality test of the ALLD been conducted, and are records available? Y / N (no test conducted) / 1 (no records)										
H. Statistical Inventory Reconciliation (SIR)	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**	**T**	**P**
55. Is SIR method on National Work Group on Leak Detection Evaluations(NWGLDE) list of release detection methods? Y / N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N	☐Y ☐N
Federal UST Questions - Release Detection Monitoring										
56. Are tanks and piping monitored monthly for releases, and are records available (must have records for the two most recent consecutive months and for 8 of the last 12 months)?Y / N (no release detection present) / 1 (no monthly monitoring) /2 (no records) / 3 (inadequate records) / X (exempt suction piping)	**T** ~~☐Y~~ ■N ☐1 ☐2 ☐3	**P** ~~☐Y~~ ☐N ☐1 ☐2 ☐3	**T** ~~☐Y~~ ■N ☐1 ☐2 ☐3	**P** ~~☐Y~~ ☐N ☐1 ☐2 ☐3	**T** ~~☐Y~~ ■N ☐1 ☐2 ☐3	**P** ~~☐Y~~ ☐N ☐1 ☐2 ☐3	**T** ☐Y ☐N ☐1 ☐2 ☐3	**P** ☐Y ☐N ☐1 ☐2 ☐3	**T** ☐Y ☐N ☐1 ☐2 ☐3	**P** ☐Y ☐N ☐1 ☐2 ☐3
Federal UST Questions - *Closure*										
57. For tanks permanently closed within the last 3 years, was site assessment performed? Y / N / 1 (inadequate) / X (not applicable)	X		X		X					

COMMENTS (continue on separate paper if needed): Regional notes or forms attached: 0 pages

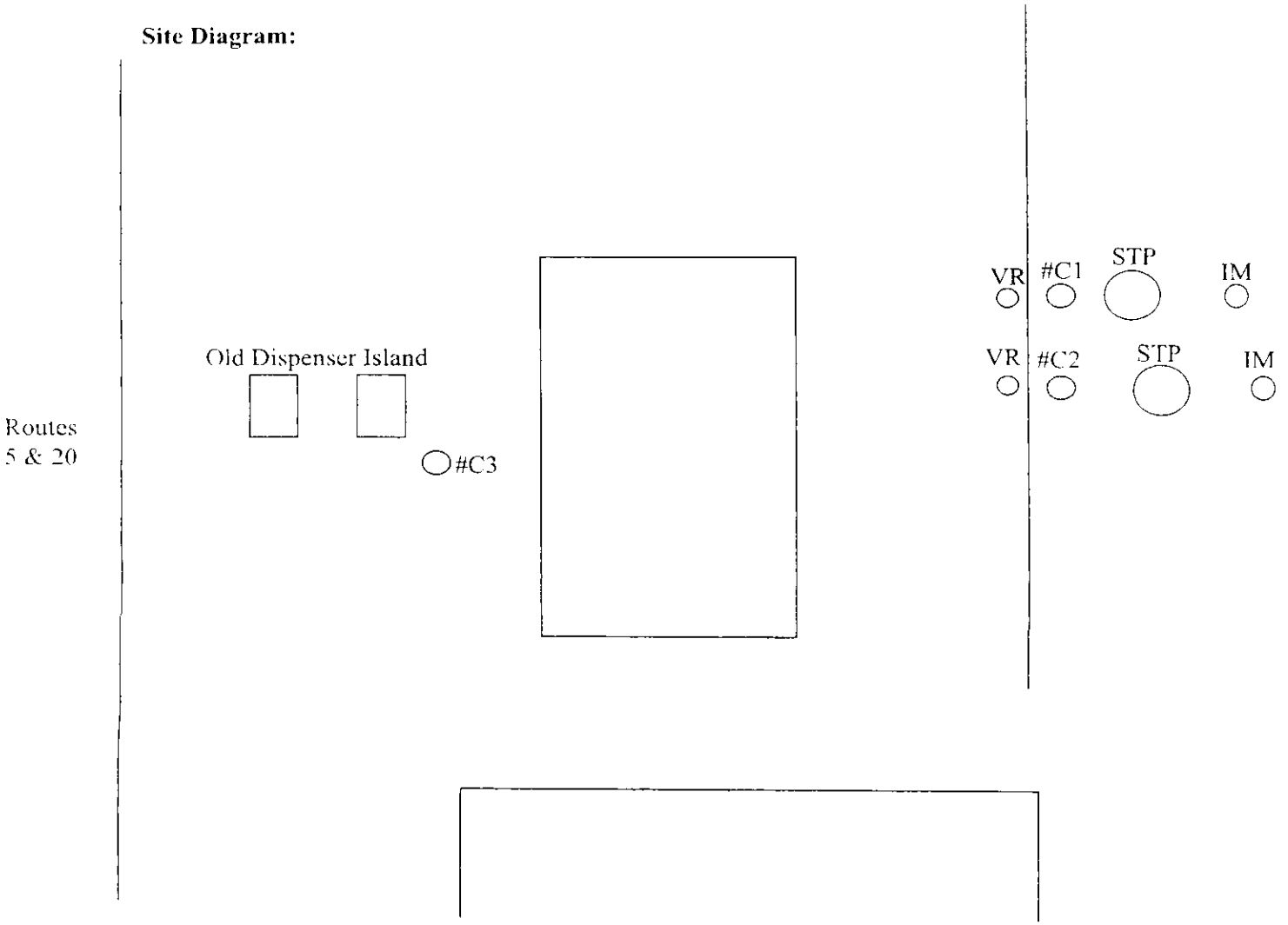
COMPLIANCE WITH REGULATORY REQUIREMENTS WAS ASSESSED VIA THE FOLLOWING METHODS: FIELDS OBSERVATION, RECORDS REVIEW, AND/OR INTERVIEW WITH FACILITY REPRESENTATIVE

PBS # 9-600317
Valvo Convenience & Gas Inc
Route 5 & 20
Silver Creek, NY 14136

Inspection Notes:

- All 3 tanks are temporarily out of service, have locks on the fills and are empty. All dispensers have been removed.
- Registration expired on April 18, 2012. Overdue registration fees are due. Piping leak detection needs to be listed on the application for tanks # C1, C2, and C3, which will exclude them from tank tightness testing
- Interstitial monitoring is not being done on any of the tanks
- Water in tanks # C1 and C2 tank top sumps
- Water in tanks # C1 and C3 fill port catch basins
- All 3 tanks need 614 tags
- Tank # C3 failed Cathodic protection testing on June 29, 2011. Anodes have yet to be replaced
- Tank # C3 has BFV with suction system. BFV needs to be replaced only if the tank is put back into service

Site Diagram:



Complainant's Exhibit 75

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 9
270 Michigan Avenue, Buffalo, New York 14203-2915
Phone: (716) 851-7220 • **Fax:** (716) 851-7226
Website: www.dec.ny.gov

Joe Martens
Commissioner

March 27, 2012

Mr. Stephen Valvo
Valvo Convenience & Gas, Inc.
Routes 5 & 20
P.O. Box 271
Silver Creek, New York 14136

Dear Mr. Valvo:

Petroleum Bulk Storage (PBS) Program Facility
Inspection - 6 NYCRR Parts 612-614
PBS #9-425508
Inspection #29315
Valvo Convenience & Gas, Inc.
351 Central Avenue
Silver Creek, New York 14136

On March 21, 2012, I visited the above facility to determine compliance with New York State's Petroleum 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. A copy of the inspection checklist is enclosed for your reference.

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

Violations

Dispensers **#1/2 and #3/4**
Shear valves - Not anchored
[Paragraph 613.3(c)(1)] and [NFPA No. 30A Section 4-3.6]

The shear valves at the above dispensers are not properly installed. Shear valves must be rigidly anchored to the island.

Underground tanks **#1 and #2**
Maintenance of Spill Prevention Equipment - tank top sumps
[Subdivision 613.3(d)]

All equipment for spill prevention must be maintained in good working order. Tank top sumps must be kept clear of all liquids (water and product) and other debris. At the time of the inspection, there was a small amount of water in each of the sumps.

Underground tank **#3**
Leak Monitoring for New Underground Tanks
[Section 614.5]

This tank was installed after December 27, 1986 and does not have a leak monitoring system. All new underground tanks installed after December 27, 1986 must have one of the following leak monitoring systems:

(1) a double walled tank with monitoring of the interstitial (annular) space;

(2) an in-tank monitoring system; or

(3) an observation well or wells.

If the tank is double walled, only interstitial monitoring is acceptable. At the time of the inspection, interstitial monitoring was not being performed on this tank because the location of the interstitial port was not known.

Underground tanks **#1, #2 and #3**
Labeling at New Underground Tanks
[Subdivision 614.3(a)]

The above tanks were installed after December 27, 1986 and do not have the appropriate labeling at the fill port. All new underground tanks installed after December 27, 1986 must bear a permanent label, stencil or plate which contains all of the information listed in Subparagraphs 614.3(a)(1)(i-vii). In addition, the label must contain the date of installation as per Paragraph 614.3(a)(2). The label must be readily visible to the carrier and may be imbedded in concrete, welded to the fill port, or otherwise permanently affixed.

Underground tanks **#1, #2 and #3**
Interstitial Monitoring of Double Walled Tanks
[Subdivision 614.5(b)]

The above tanks are double walled and the interstitial space is not being monitored as required. If a double walled tank is used, the interstitial space must be monitored for tightness using pressure monitoring, vacuum monitoring, electronic monitoring or manual monitoring at least once per week. At the time of the inspection, interstitial monitoring records showed tanks #1 and #2 are being monitored monthly instead of weekly, and tank #3 is not being monitored at all.

Underground tanks **#1, #2 and #3**
Reconciliation of Inventory Records
[ECL 17-1007] and [Subdivision 613.4(d)]

Inventory records for the above tank have not been properly reconciled every ten (10) days. Every ten (10) days the cumulative losses or gains must be compared to 3/4 of 1% of the total ten day throughput, 3/4 of 1% of the total ten day deliveries or 3/4 of 1% of the total tank volume, whichever is largest. This is the allowable variance. The absolute value of the cumulative losses or gains should be less than the allowable variance calculated above.

Federal Violations

The following violations of EPA's Underground Storage Tank regulations (40 CFR Part 280) were identified during this inspection:

Undergound tanks **#1, #2 and #3**
Cathodic Protection System Testing
[Part 280.31(b)(1)]

The cathodic protection systems for the above tanks have not been tested at least annually as required.

Pressurized piping associated with tanks **#1 and #2**
Pressurized Line Tightness Testing - Time period
[Part 280.41(b)(1)(ii)]

The pressurized piping associated with the above tanks has not been tightness tested annually as required.

Underground tanks **#1 and #2**
Automatic Line Leak Detector - Testing
[Part 280.44(a)]

The automatic line leak detectors at the above tanks have not been tested annually as required.

Underground tanks **#3**
Release Detection Records - No monitoring
[Part 280.45]

No release detection is being performed for the above tank.

Corrective Actions

By **April 30, 2012**, you must submit the following documentation to this office:

1. Photographs showing that the shear valves at dispensers **#1/2 and #3/4** have been properly anchored.

2. Photographs showing that the tank top sumps for tanks **#1 and #2** have been cleaned out.

3. A work plan which includes a schedule for the installation of a leak monitoring system for tank **#3 or** a schedule for the removal of this tank.

4. Photographs showing that the appropriate labels have been installed at the fill ports for tanks **#1, #2 and #3**.

5. Copies of at least three weeks worth of records showing that the interstitial spaces for tanks **#1, #2 and #3** have been monitored at least weekly.

6. Copies of at least thirty (30) days worth of properly reconciled inventory records for tanks **#1, #2 and #3**.

7. The results of cathodic protection monitoring performed on tanks **#1, #2 and #3** within the last twelve (12) months.

8. Results of pressurized line tightness testing performed on the piping for tanks **#1 and #2** within the last year.

9. A copy of line leak detector test results for tanks **#1 and #2** performed within the last twelve (12) months.

10. Documentation that an acceptable method of release detection has been performed on tank **#3** at least weekly for the period starting **April 2, 2012**.

The above documents and photographs may be submitted via email to tjwalker@gw.dec.state.ny.us.

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 email me at tjwalker@gw.dec.state.ny.us.

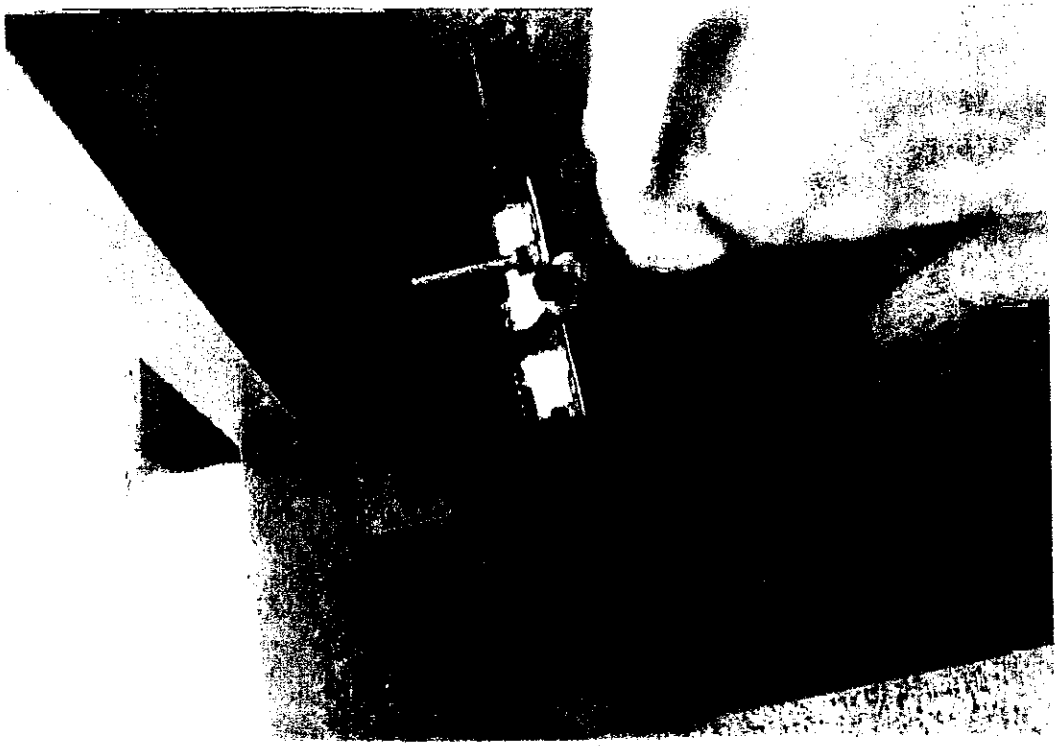
Sincerely,

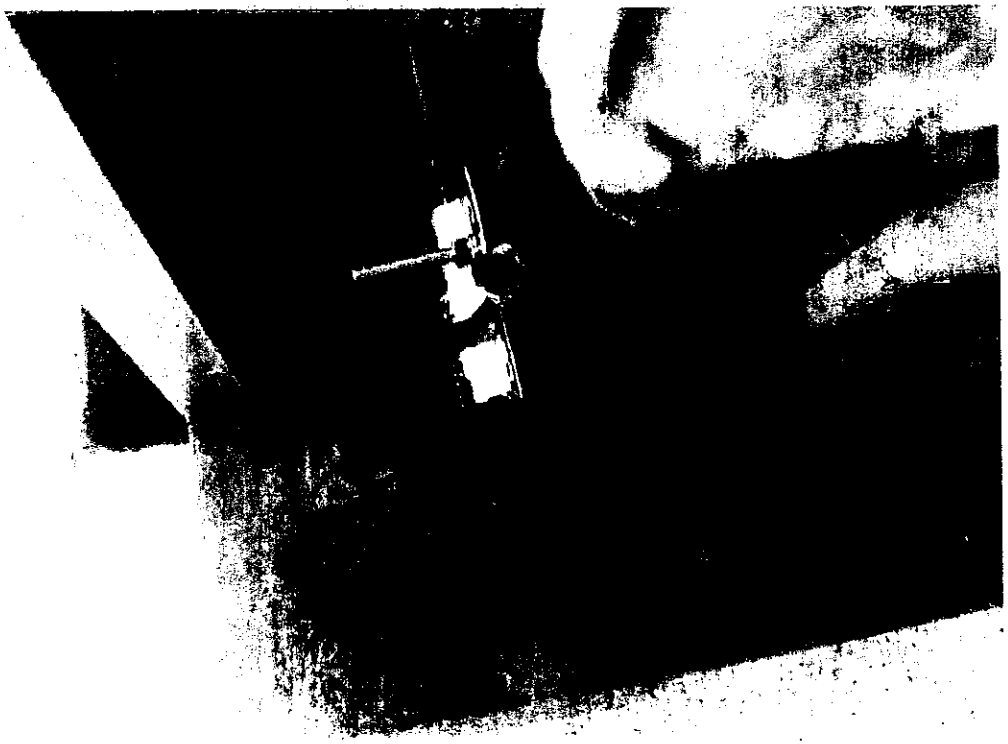
Thomas J. Walker
Environmental Technician I

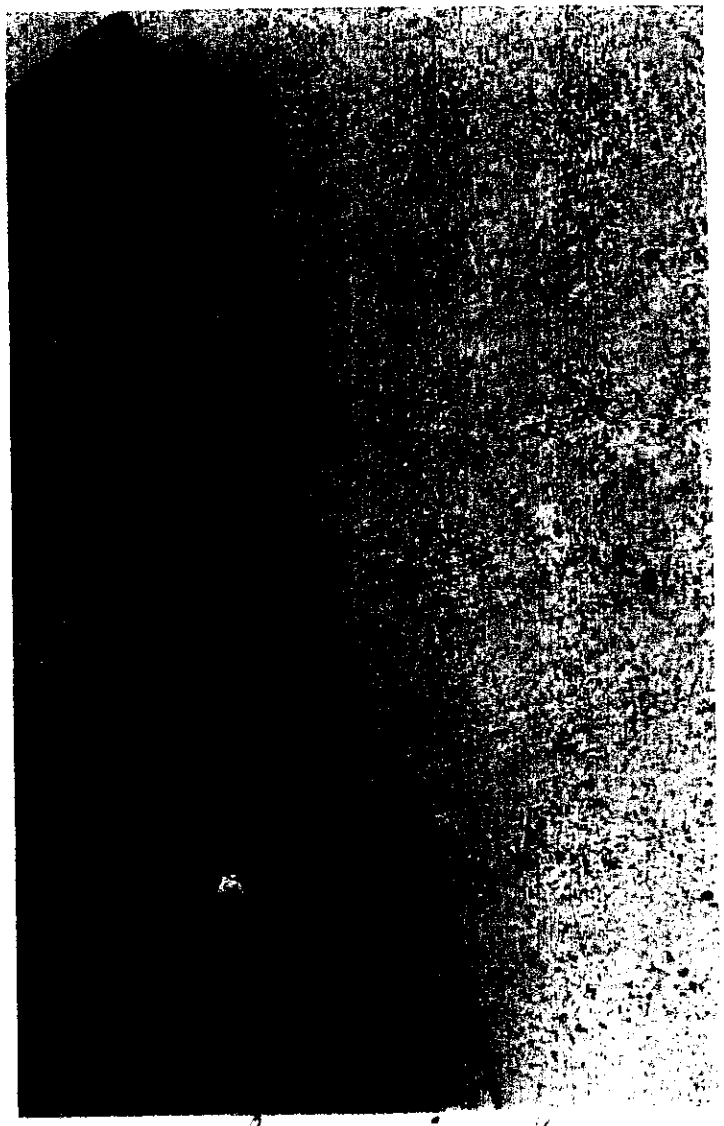
TJW:sz

Enclosure

Diagram # 1 A L
PBS 7-425-08



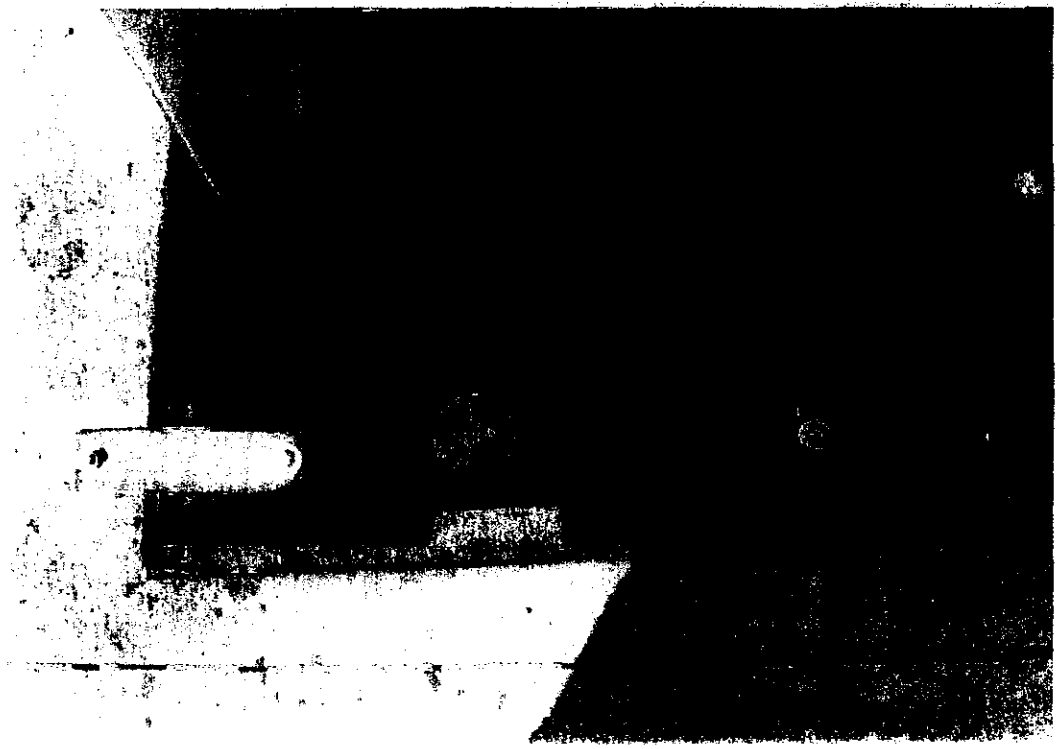


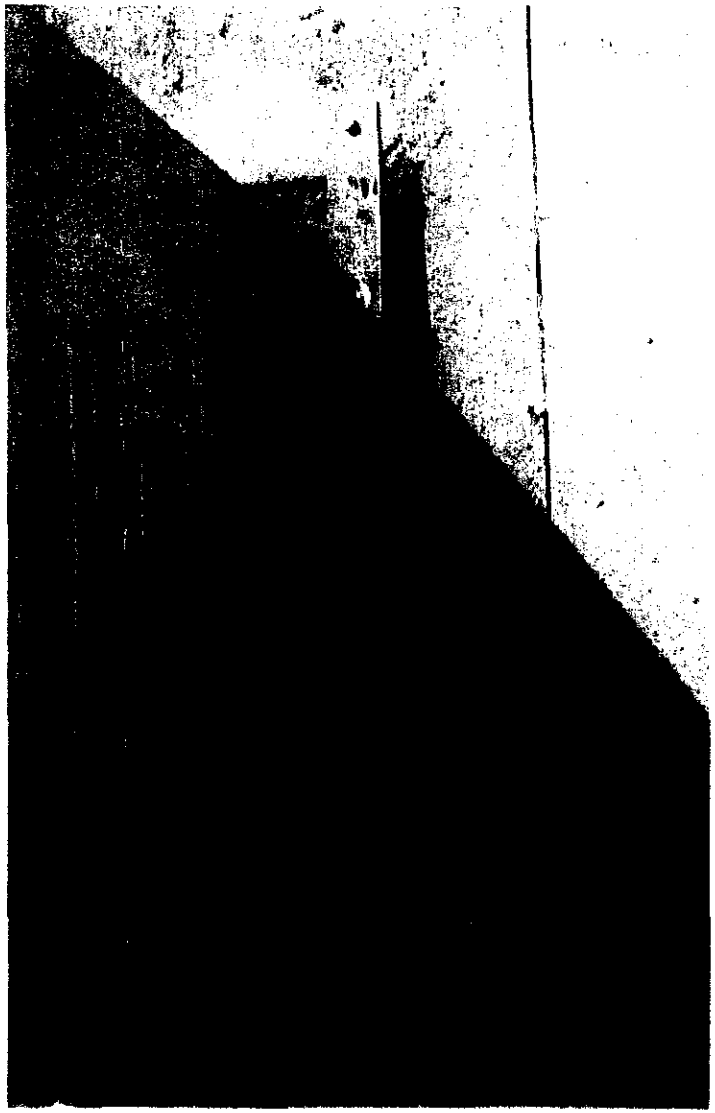


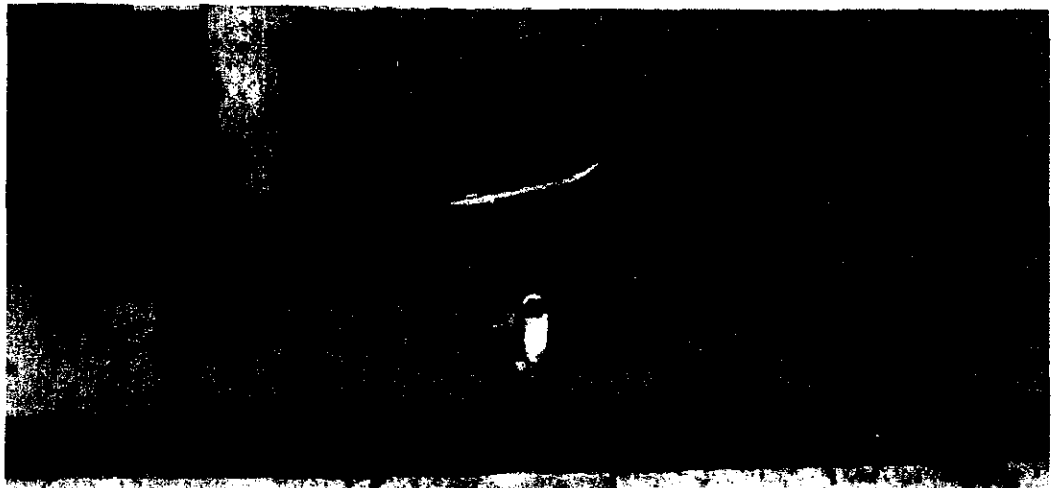
Cover Case Diagram # 1

Rig #4 - 425108 35 [illegible]
Sulphur Creek Mt

Tank #3







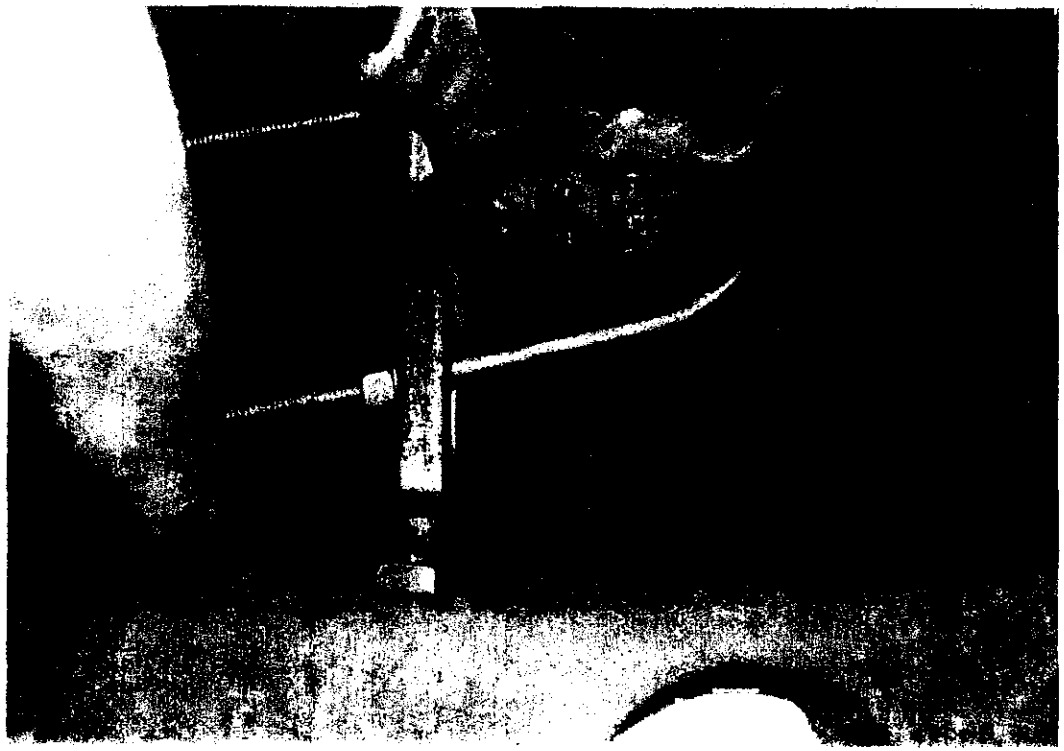


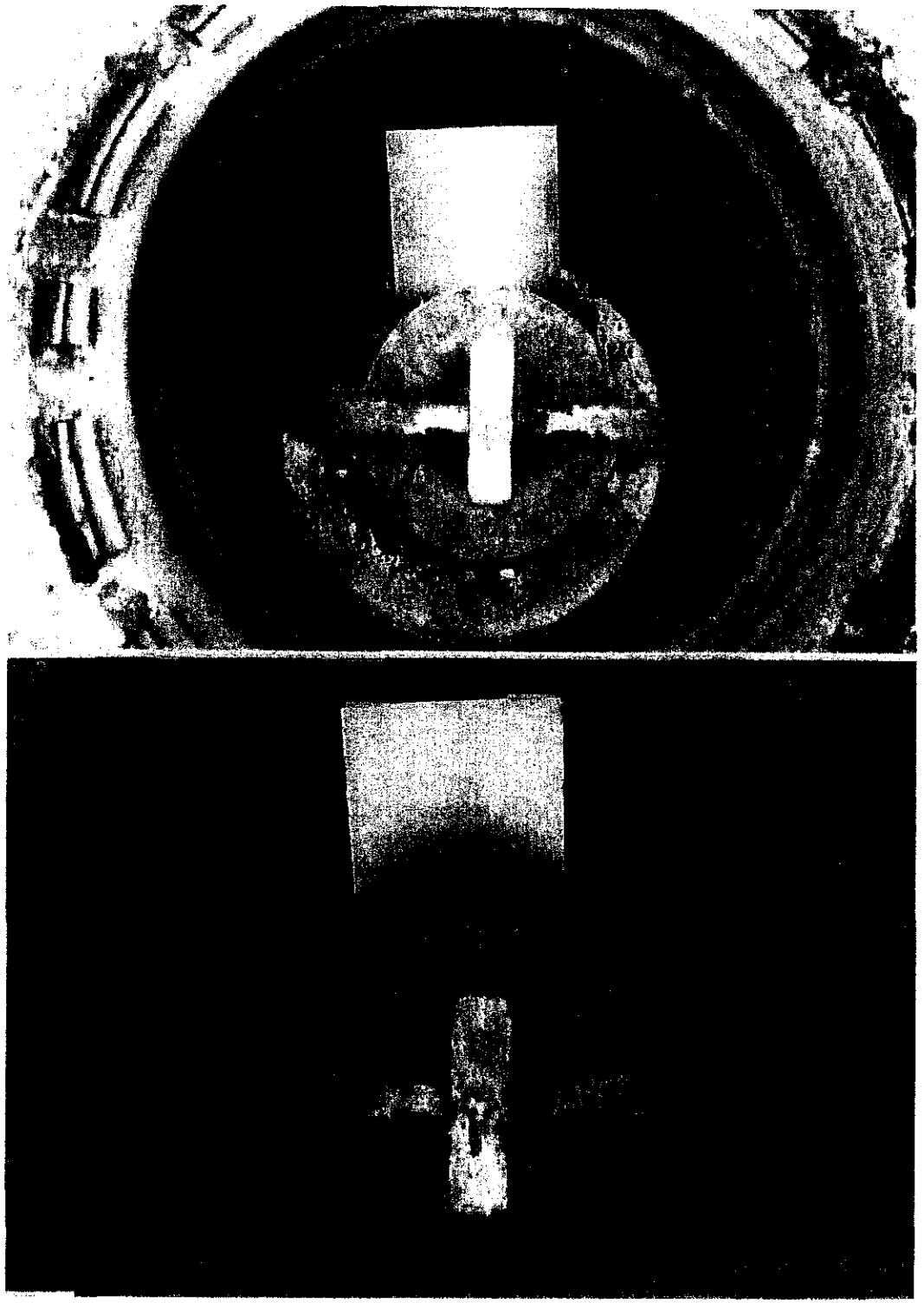
Diagram #

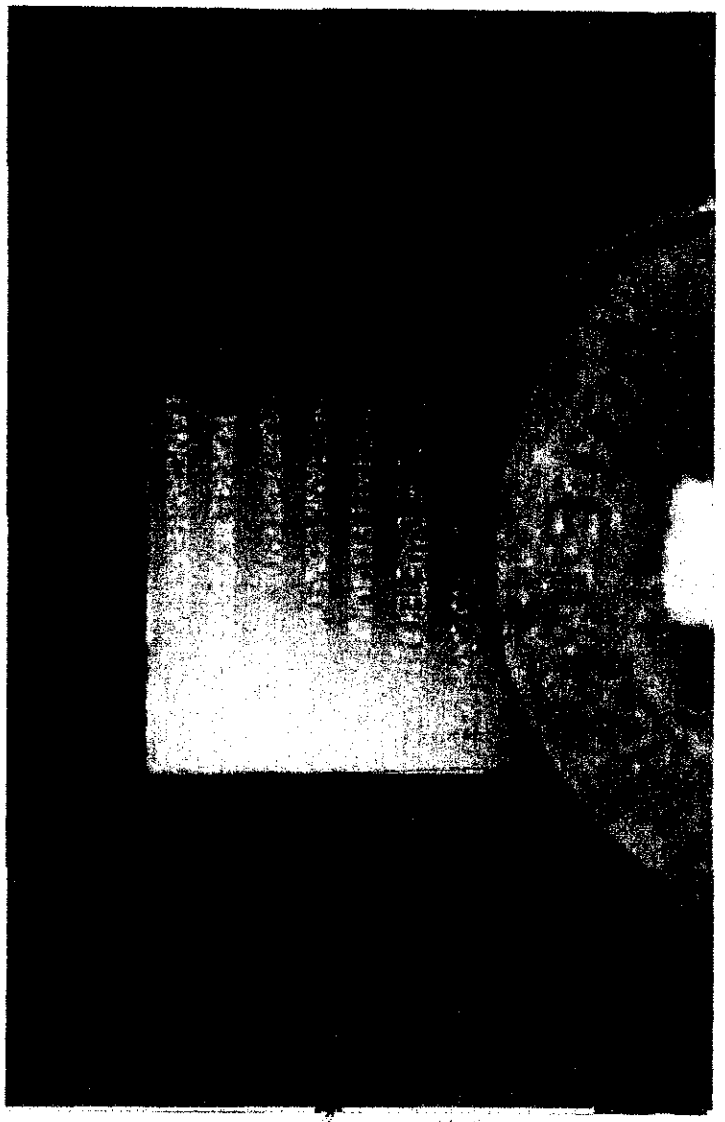
PB #9 42508

Diagram

#

Premium Nickel
357 Central Ave. Salem Co NJ
ABS # 9-425508





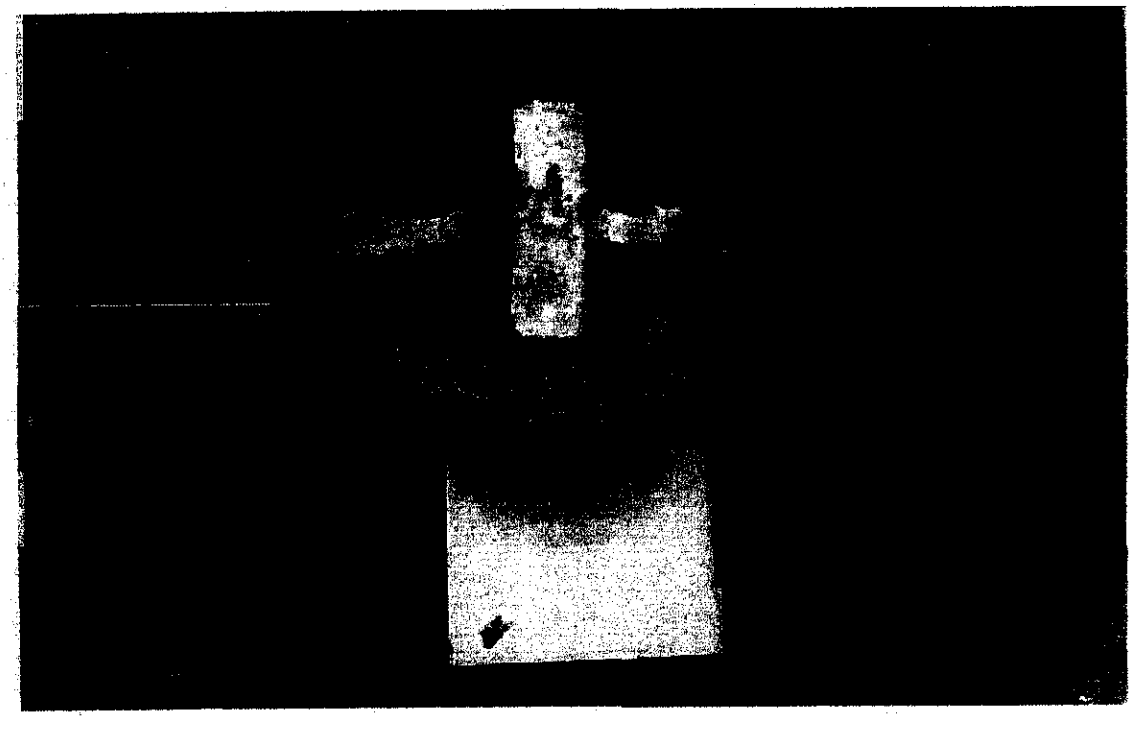
Premium Unloaded

351 Central Ave

Silver Creek, NY 14136

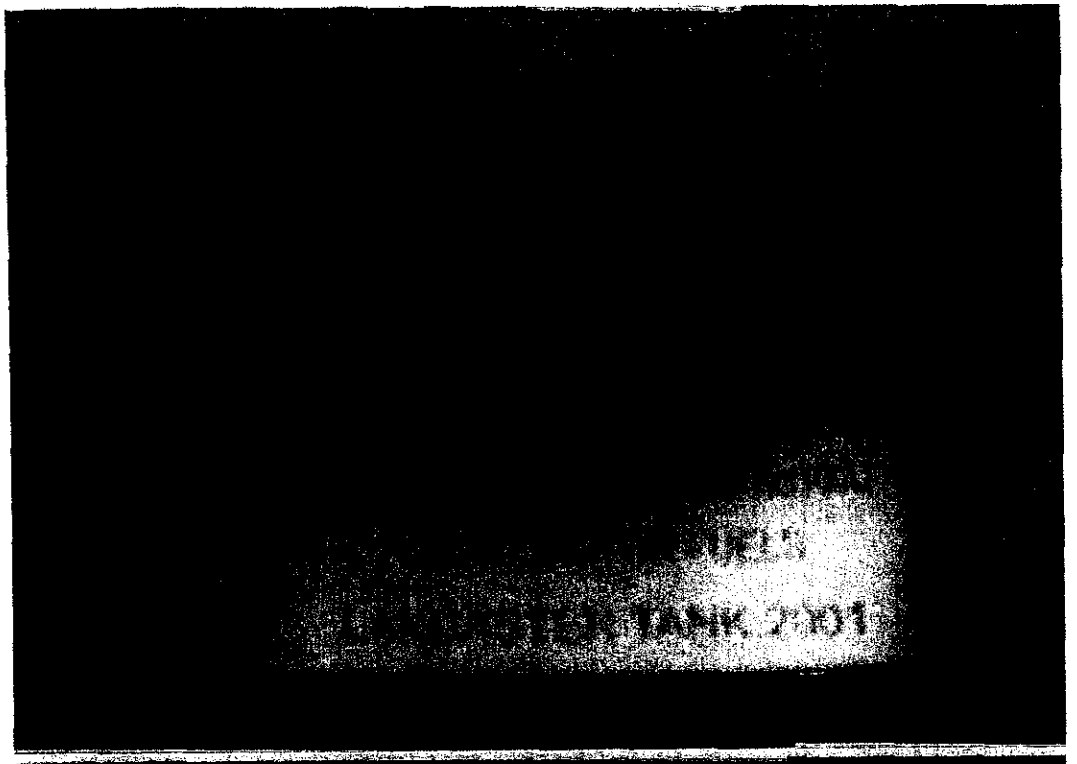
PBS #9-425508

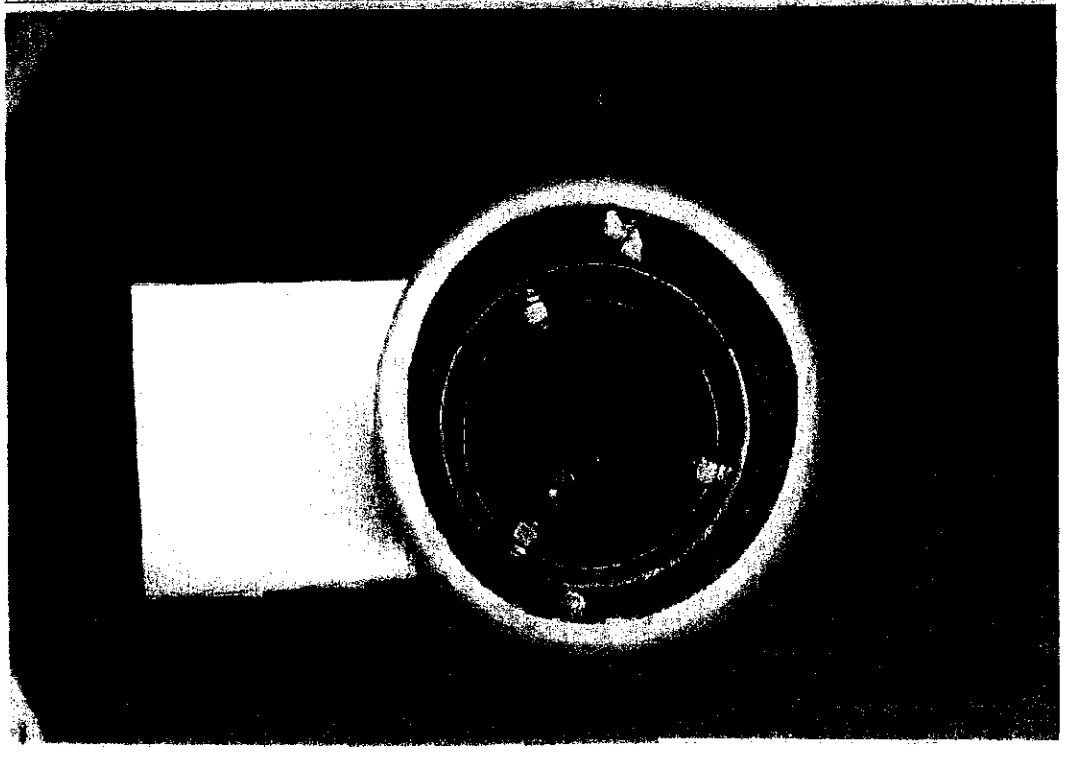
corrective action #4

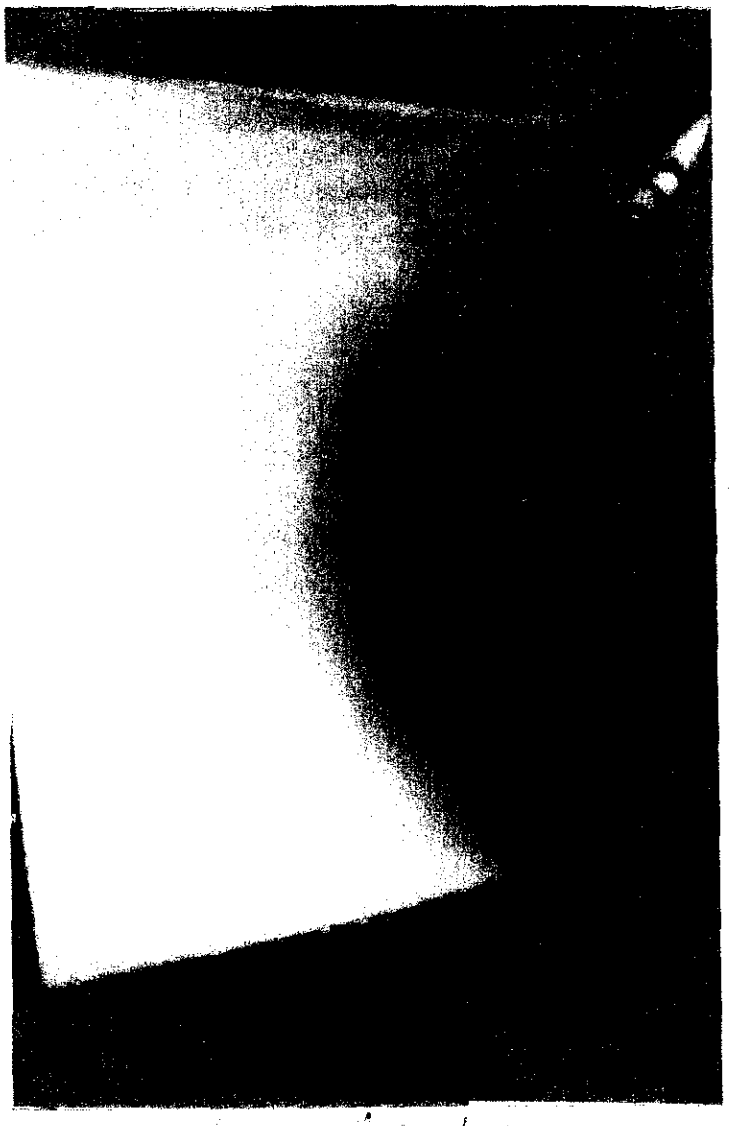


Unloaded 35' Concrete Pipe
Delhen Creek Mi
14156

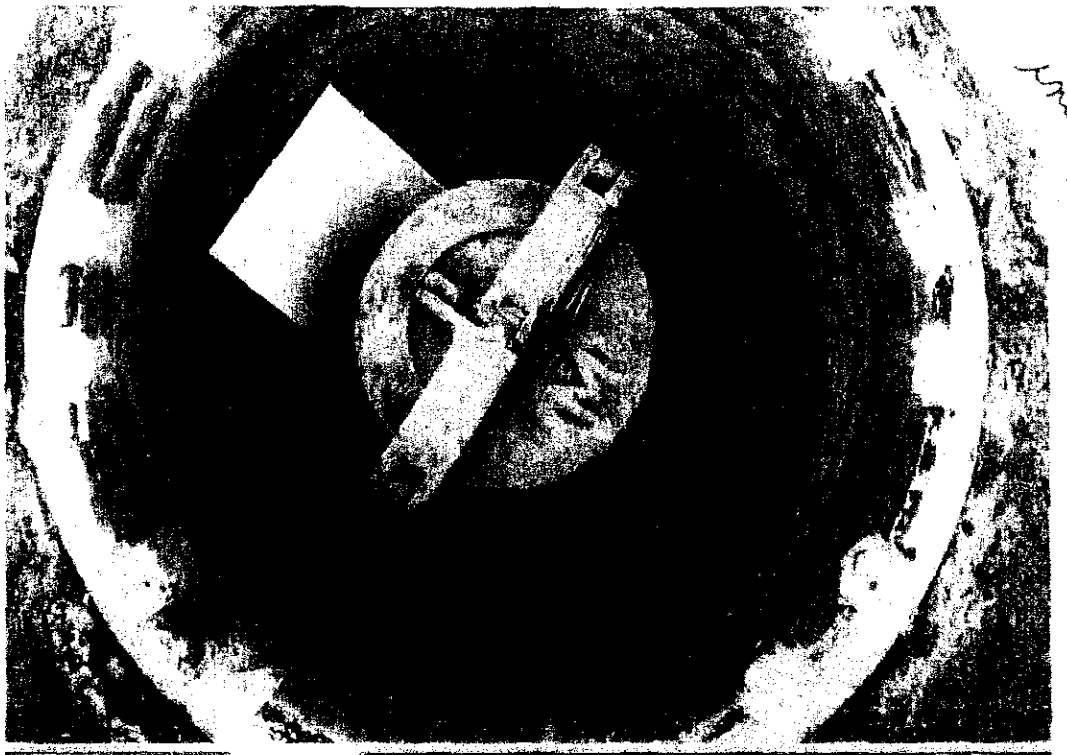
PBS # 425500



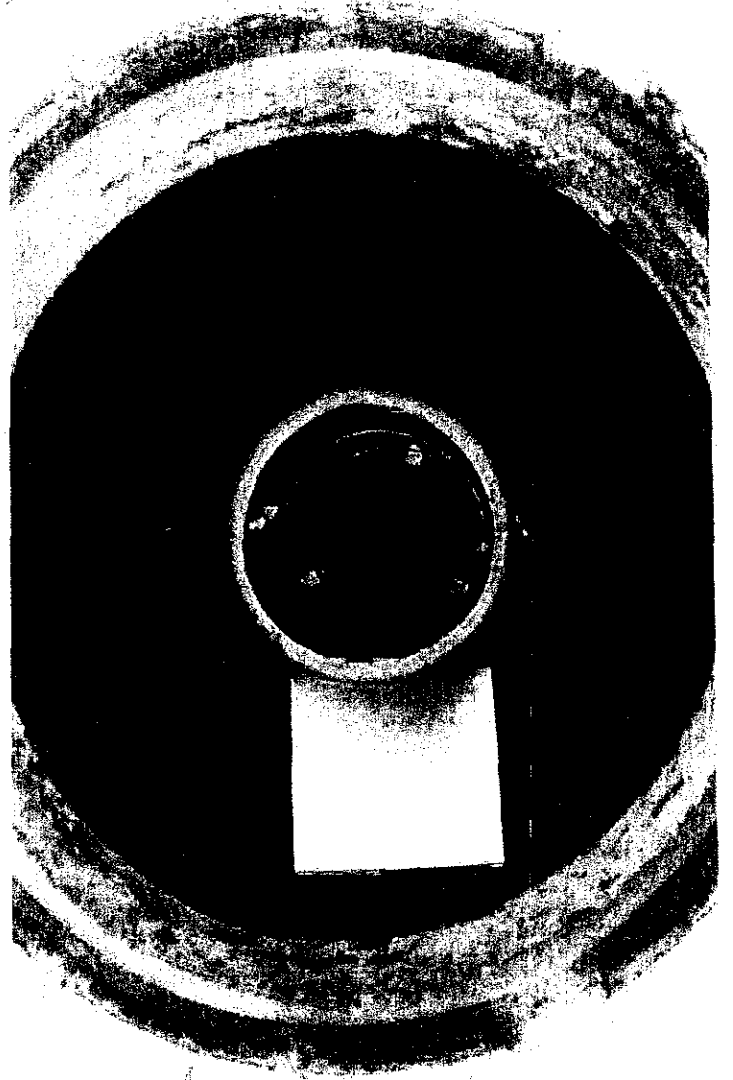




Concrete Cylinder #4



Diesel PB
4265 118



cavitation section #4

[illegible]

[illegible]	[illegible]	[illegible] Remove [illegible] monthly [illegible] readings [illegible] Replaced [illegible] interlock [illegible] modified [illegible]	[illegible]	[illegible]	[illegible]

[illegible]

[illegible] Equipment, Inc.

[illegible] Blvd. Suite [illegible]
[illegible]

[illegible]

[illegible]

[illegible]
[illegible] Equipment, Inc.
[illegible]
[illegible]

[illegible]
Valley Convenience & Sales [illegible]
561 Central Avenue
Silver Creek, [illegible]

[illegible]	[illegible]	[illegible]	SHIP DATE	TERMS	[illegible]	[illegible]
[illegible]				[illegible]	[illegible]	[illegible]

QTY	[illegible]	DESCRIPTION	PRICE	UNIT	DISC %	EXTENDED	[illegible]
		[illegible] Dailed down diesel [illegible] manhole cover and [illegible] pad. Starter [illegible] [illegible] due to impulse [illegible] pump. Found a [illegible] fitting. Need [illegible] separate and repair from [illegible] of pump.					
[illegible]	[illegible]	[illegible] x 12" x .125" steel plate	36.00			35.00	
[illegible]	[illegible]	[illegible]	20.75			[illegible]	
[illegible]	[illegible]	[illegible]	32.0[illegible]			[illegible]	
[illegible]	[illegible]	[illegible] x [illegible]	70.75			[illegible]	
[illegible]	[illegible]	[illegible]	30.00			[illegible]	
[illegible]	[illegible]	[illegible] - certified	350.00			[illegible]	
[illegible]	[illegible]	[illegible] - repair	385.00			385.00	
[illegible]	[illegible]	[illegible]	80.65			[illegible]	

[illegible] [illegible] your business

SUBTOTAL	[illegible]
FREIGHT	
SALES TAX	
TOTAL	[illegible]
PAID TODAY	
BALANCE DUE	

PETROLEUM EQUIPMENT, INC.

[illegible]

277 [illegible] 5 [illegible]

[illegible] 4156

[illegible]

RICHTER

Cathodic Protection Tank Test Form

Station Name: [illegible]
Address: [illegible]
Silver Creek, [illegible] 14136

Facility No.:
Test Date: [illegible]

Telephone No.: (716) [illegible] 8232

Tester Company Name: James Petroleum Equipment
Address: [illegible]

Tester's Name: [illegible]

Tester's Signature: James Sullivan [illegible]

Tank Size: [illegible] Material: [illegible] Impressed Current

NOTE: Maintain test locations on 1, 2, etc. 3

Tank No. 1 — Tank Size: — Product: [illegible]

Test Location Item	1	2	3	4	5	6	7	8	Pipe [illegible]	NYS Compliance	Operator Compliance
Structure Potential	[illegible]	[illegible]			[illegible]						
Cathodic Protection											
Rectifier [illegible]											
Rectifier [illegible]											

Corrosion Protection Results (pipe only): Pass Fail N/A

Corrosion Protection Results (tank only): Pass Fail N/A

Tank No. Tank 2 — Tank Size: — Product: [illegible]

Test Location Item	1	2	3	4	5	6	7	8	Pipe [illegible]	NYS Compliance	Operator Compliance
Structure Potential	[illegible]	[illegible]							[illegible]		
Cathodic Protection											
Rectifier [illegible]											
Rectifier [illegible]											

Corrosion Protection Results (pipe only): Pass Fail N/A

Corrosion Protection Results (tank only): Pass Fail N/A

Tank No. Tank 3 — Tank Size: — Product: [illegible]

Test Location Item	1	2	3	4	5	6	7	8	Pipe [illegible]	NYS Compliance	Operator Compliance
Structure Potential	[illegible]								[illegible]		
Cathodic Protection											
Rectifier [illegible]											
Rectifier [illegible]											

Corrosion Protection Results (pipe only): Pass Fail N/A

Corrosion Protection Results (tank only): Pass Fail N/A

I hereby certify that I have an understanding of the principles and practices of all common types of techniques used to prevent corrosion of underground surfaces by making use of the authority of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester Company: [illegible]

NACE Certification #:

Signature: [illegible]

Date: [illegible]

[illegible]

[illegible]

[illegible]

Test Date: [illegible]

Tenant Company Information

Name	JEMCO Petroleum Equipment Inc.
Address	4895 East Lake Road
City	Erie, PA 16510
Phone	[illegible]

[illegible]

[illegible]	[illegible]
Address	[illegible]
City	[illegible]
Phone	[illegible]
Contact	[illegible]

[illegible]

Contact	[illegible]
Phone	[illegible]
	[illegible]

Facility ID#: [illegible] Product Dispensed: [illegible]

[illegible]	Product Type: [illegible]		[illegible]		
[illegible]	[illegible]	[illegible]	0.0037	0.0000	0.0000
[illegible]	[illegible]	[illegible]	0.0037	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	0.0037	[illegible]	[illegible]
			[illegible]		
			[illegible]		
			[illegible]		
			0.0037		
			[illegible]		

[illegible]					
[illegible]	[illegible]	[illegible]	0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

[illegible]					
[illegible]	[illegible]	[illegible]	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

[illegible]					
[illegible]	[illegible]	[illegible]	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

[illegible]

[illegible]

Matt Richter 2F 3 [illegible]

[redacted]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	PASS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				189 ml		
				189 ml		
				189 ml		
				189 ml		
				189 ml		
				189 ml		
				189 ml		

9-13-2010

JEMKO Petroleum Equipment

TIME				PASS	GPH
[illegible]	[illegible]		[illegible]	0.0000	[illegible]
[illegible]	[illegible]		[illegible]	"	"
[illegible]	[illegible]		[illegible]	"	"
			[illegible]		
			[illegible]		
			[illegible]		

FINAL RESULT Pass

[illegible]

DICATES

[illegible]

[illegible]	[illegible]	[illegible]	n/a	[illegible]	[illegible]	[illegible]

Section 4-1-12 Hiway Construction #6

7am		1pm		1pm		1pm	
27½	420.41	27½	420.41	27½	420.41	27½	420.41
18.50	678.10	18.50	678.10	18.50	678.10	18.50	678.10
30½	1663.32	30½	1663.32	30½	1663.32	30½	1663.32
32½	1421.00	32½	1421.00	32½	1421.00	32½	1421.00
30½	3966.31	30½	3966.31	30½	3966.31	30½	3966.31
658		658		658		658	

(1) 0 (3) 15.59 (5) 0 (1) 10.88 (3) 21.30 (5) 0

(2) 9.64 (4) 14.36 (2) 0 (4) 55.09

Time Called		Cal Reading		Cal Reading		Cal Reading		Cal Reading	
Employee									
Dispatched									
Unloaded									
Cleared									

Time Called		Cal Reading		Cal Reading		Cal Reading		Cal Reading	
Employee									
Dispatched									
Unloaded									
Cleared									

4-2-12

27	4215.55	27	[illegible]			27		4221.[illegible]			
1550	1576.72	1850	[illegible]			850		6591.[illegible]			
30	[illegible]	[illegible]	[illegible]			27		8791.22			
3212	[illegible]	2919	[illegible]			2723		44460.70			
3612	3996.55	3674	21952.[illegible]			40		31972.83			
658		658				658					

[illegible] 1.0 [illegible] [illegible] 15.73 [illegible] 14.01 [illegible] 30.4[illegible] [illegible] 10.[illegible]

[illegible] [illegible] 2 [illegible] 7 [illegible] 72

		27	[illegible]	27	[illegible]		27	4254.99					
		18	[illegible]	[illegible]	[illegible]		[illegible]	299.27					
		27	[illegible]	[illegible]	[illegible]		[illegible]	2145.99					
		272	[illegible]	2672	[illegible]		28	6463.61					
		30	3552.00	[illegible]	[illegible]		[illegible]	32023.75					
		658		658			658						

	1	4.83	1	129.23	1	30.92							
	1	4.89	1	22.93									

Michelle
2-9

17	4254.97	29	4261.97		27		[illegible]
[illegible]	6899.27	[illegible]	6899.27		1850		[illegible]
[illegible]	2145.99	[illegible]	2296.[illegible]		21		[illegible]
[illegible]	6463.81	[illegible]	6473.75		1947		[illegible]
[illegible]	32023.75	[illegible]	32023.75		2812		[illegible]
[illegible]		[illegible]			606		

① 6.16 ③ 144.91 ⑤ ∅
⑦ ∅ ⑨ 991.37

1 - [illegible]
2 - [illegible]

3 [illegible]
4 - [illegible]

5 - [illegible]

Michelle
Sheila

4-5-12

Scott

		27	4[illegible]	27	4269	59	27	789.[illegible]					
		18507	6599.27	1851	6921	26	780	1921	44				
		21	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	70				
		1947	4806	04	[illegible]	[illegible]	1560	[illegible]	[illegible]				
		29 17	24023.	1550	5208	116	[illegible]	32056 10					
		606		606		6	606						

1- 210 3- 90.79 5- 11.71 7- 30.44 9- 94.45 11- 34.66
2- 21.99 4- 28.72 6- 6.17 8- 109.87

months

[illegible]	1019.82	27	4212.37	27	4324.44
1854	6927.44	1850	6927.99	[illegible]	6927.44
1873	3732.00	1772	2162.55	[illegible]	2705.02
[illegible]	6104.65	1458	6979.[illegible]	1.38	6503.96
2824	3110.10	24	2205.[illegible]	[illegible]	3211.04
bot		26		1526	

1 3.57 29.88 35.67

3467

1157 9940 4%

456

PRODUCT INFORMATION

GASOLINE

GROUND READINGS

WATER

GALLONS

	432494			276	[illegible]		7510	[illegible]		25	4357.10
	6927.44			708	[illegible]		708	[illegible]		661	1932.70
	2705.02			4672	[illegible]		4672	[illegible]		46	1513.61
	65633.90			[illegible]	[illegible]		[illegible]	[illegible]		5697	[illegible]
	32110.46			[illegible]	[illegible]		[illegible]	[illegible]		2216	32199.05
				[illegible]			512			461	

(1) 4261 (2) 3578 (3) 2492 (1) 2619 (2) 5291 (3) 5323

(2) [illegible] (1) [illegible] (1) [illegible] (2) [illegible] (4) 4223

	25	4356.16		25	4356.16		25	9372.58											
	1661	6932.21		1661	6932.21		1661	6932.21											
	46	1813.0		45	[illegible]		44	2910.[illegible]											
	2697	6749.60		2538	[illegible]		539	15233.[illegible]											
	22.42	32188.00		22	32188.40		22	32197.46											
	461			447			447												

(1) 6.72 (3) 76.36 (5) 9.41 (1) 9.52 (2) 21.25 (5) Ø

(2) Ø (4) 57.58 (3) Ø (4) 26.84

Scott / Sheila

			24½		24		
			1568		1568		
			44		42		
			5379		5041		
			22		21		
			447		420		

Ø

2.87

3 9772

4 9576

11.24

-10-12 Clear 7/10/12 Miracle

10 A.M. 2 P.M. 2 P.M. - 4 P.M.

24	775.30			2312	4375.20										4015.30
568	6157.49			1977	4911.44										824.06
42	2050.00			41½	3654.39										3177.71
5061	69396.14			4962	66423.	93									65470.15
21	3223.11			20	3262	59									3223.53
420				394											

(1) 8 (3) 4392 (5) 2788 (2) 0 (3) 4 07 (5) 1124

(2) 3.57 (4) 2782 (2) 0 (4) 4 02

23½	1195.50	[illegible]	[illegible]	23	4431.00
1477	6196.06	1477	6919	1477	6964.65
[illegible]	[illegible]	41	[illegible]	41	3210.38
[illegible]	[illegible]	[illegible]	[illegible]	4903	65494.67
[illegible]	[illegible]	19½	[illegible]	19½	32273.83
368		368		368	

1 15.25 3 32.97 5 ~~[illegible]~~

2 3.15 4 23.73

21.32 0 0

15.43 0

Shown 4-1-12 Marketable

	23	4431.88			2217	4454.51					2212		4418.8		
	1477	6764.65			387	6990.66					387		7026.18		
	41	3210.38	Out	OF	SERVICE						Out	OF	SERVICE		
	410	5494.67													
	41½	3223.83			19	3225.62					19		3225.62		
	368				368						368				

Size
Finish
Used on Stock

1-2163 3- 5-3179 3 4
2-2601 4- 3 4

Ring Called		Call Reading			Call Reading			Call Reading			Call Reading			Call Reading	
Equipment															
Unleaded 3,000															
Unleaded 15,000															

Size
Finish
Used on Stock

Ring Called		Call Reading			Call Reading			Call Reading			Call Reading			Call Reading	
Equipment															
Unleaded 3,000															
Unleaded 15,000															

		11699			4496	45					23	44 79	12
		7006 38			7636	01						7016	79
	11	3210 38			3218	74	11				3896		49
		5999			6553	81							
				19	32306	10		19			19	32306 18	
	365			365				365			365		

641 8 56 10 50 (1) 2 67 (3) 9 55 TD

2963 9 38 14 (2) 1 98 (4) 9 96

Employee

Employee

Scott 6.2

4/18/12

		23	4479.12		23	4480.52		22	4485.52		22	4485.75	
		1917	10145.79		1287	7046.77		1287	7144.19		1287	10145.79	
		39	3316.49		39	3360.52		39	3360.52		39	3419.43	
		4338	65210.21		4338	65516.19		4338	65517.19		4338	65705.28	
		19	32001.14		19	32361.14		19	32361.18		19	32361.18	
		368			368			368			365		

① 1.70 ③ 44.01 ⑤ Ø

② Ø ④ 59.47

① 2.93 ③ 51.11 ⑤ 4.5

② Ø ④ 15.37

Time Called		Call Received		Call Received		Call Received		Call Received		Call Received		Call Received	
Employee													
Calls Made 3.00													
Calls Made 12.00													
Calls Made 1.00													

Sat
Finish
Used on Shift

Time Called		Call Received		Call Received		Call Received		Call Received		Call Received		Call Received	
Employee													
Calls Made 3.00													
Calls Made 12.00													
Calls Made 1.00													

Sun
Finish
Used on Shift

22½	4423.15	22½	4483.15	22½	4483.15	22½	4483.15
1387	7046.99	1387	7046.99	1387	7046.99	1387	7046.99
55	3419.43	37.5	3419.43	37.5	3419.43	37.5	3419.43
4436	65706.56	4234	65722.05	4234	65722.05	4276	65755.00
19	2305.15	18	2323.36	19	2305.15	18	2345.05
368		312		342		342	

(1) 0 (3) 39.78 (5) 16.87

(2) (4) 16.87

(1) 0 (3) 85.60 (5) 0

(2) (4) 30.62

Michelle

Scott

		22 1/2	4433.26		22 1/2	4443.27			22 1/4	4443.27							
		13 87	2046.99		13 87	2046.99			13 87	2046.99							
		34	3760.08		36	3760.08			34 3/4	3760.08							
		47 76	65944.34		47 1	65944.34		17	38 14	65944.34							
		18	32361.70		16 1/4	32361.70		7	16 1/2	32361.70							
		342			291				291								

	1	3.59	3	138.19	5	58.66	1	5.95	2	106.30	3	Ø
	2	Ø	4	12.91			2	Ø	4	98.36		

Time Called																	
Employee																	
Unloaded																	

Time Called																	
Employee																	
Unloaded																	

4-17-12

Scott

22 1/4	4493.27	22	4498.04	22	4498.04
138 7	2046.99	138 7	2076.70	138 7	2079.02
34 3/4	3260.08	33	3361.82	31 3/4	3936.65
381 4	65944.34	362	66034.24	336 1	66674.32
16 1/2	32361.70	16 1/2	32361.70	16 1/2	32366.35
291		291		291	

1- 4.77 3- 101.72 5- Ø

2- 29.70 4- 79.90

1- Ø 3- 74.21 5- 468

2- 2.38 4- 50.07

4-18-12
scott

Michelle

22	4498.04		21	4498.04									
1387	7079.06		1218	7082.77									
31 3/4	5936.05		29	4058.46									
3761	66174.32		2013	66125.13									
16 1/2	32366.35		16	32469.47									
291			291										

1- 36.47 3- 60.58 5-
2- 8.39 4- 74.48

Sample 4-19-12

Tanger Distribution & Gas

Time Called / Employee		Shift Start	Gal Reading	End Shift	Gal Reading	Shift 2	Gal Reading	End Shift 2	Gal Reading	
Unleaded 8,000	In	[illegible]	[illegible]	22	4539.32	4539.32			4539.32	4597.76
	Gal	[illegible]	[illegible]	1387	7691.11	[illegible]			7691.11	7160.57
Unleaded 15,000	In	27	[illegible]	29	4230.28	[illegible]			4230.28	4303.14
	Gal	[illegible]	[illegible]	3065	66318.44	[illegible]			66318.44	66390.97
Diesel 5,000	In	16	32462.4	12	32492.90	[illegible]			32492.90	32526.14
	Gal	291		196						

Sales Given Deposit Slip

1 - 4.80 | 3 - 91.42 | 5 - 26.93 | (1) 8.44 | (3) 71.80 | (5) 33.73 | VOLUME?

2 - Ø | 4 - 118.32 | (2) 4.47 | (4) 72.52

Time Called / Employee			Gal Reading		Gal Reading		Gal Reading		Gal Reading	
Unleaded 8,000	In									
	Gal									
Unleaded 15,000	In									
	Gal									
Diesel 5,000	In									
	Gal									

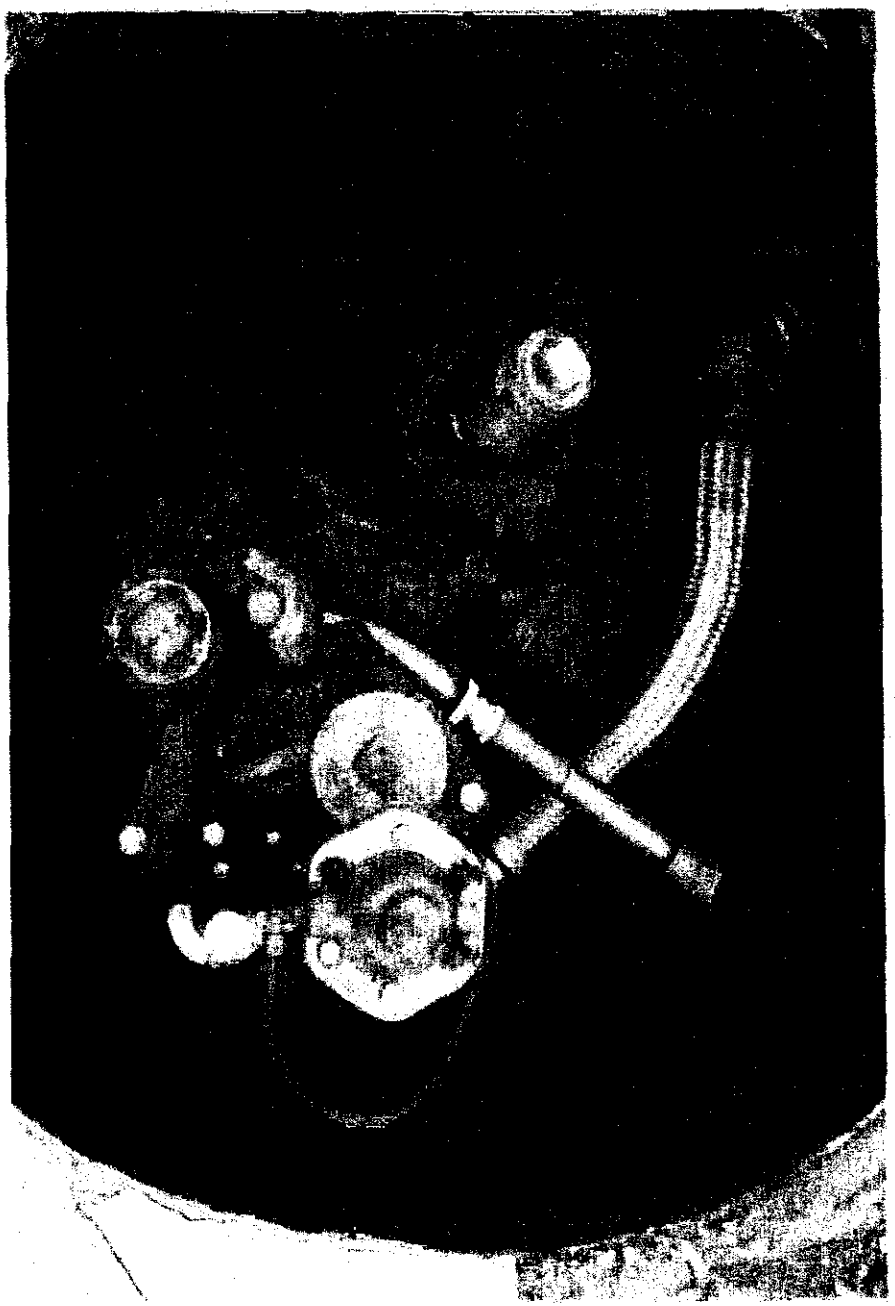
Sales Given Deposit Slip

Time Called / Employee			Gal Reading		Gal Reading		Gal Reading		Gal Reading	
Unleaded 8,000	In									
	Gal									
Unleaded 15,000	In									
	Gal									
Diesel 5,000	In									
	Gal									

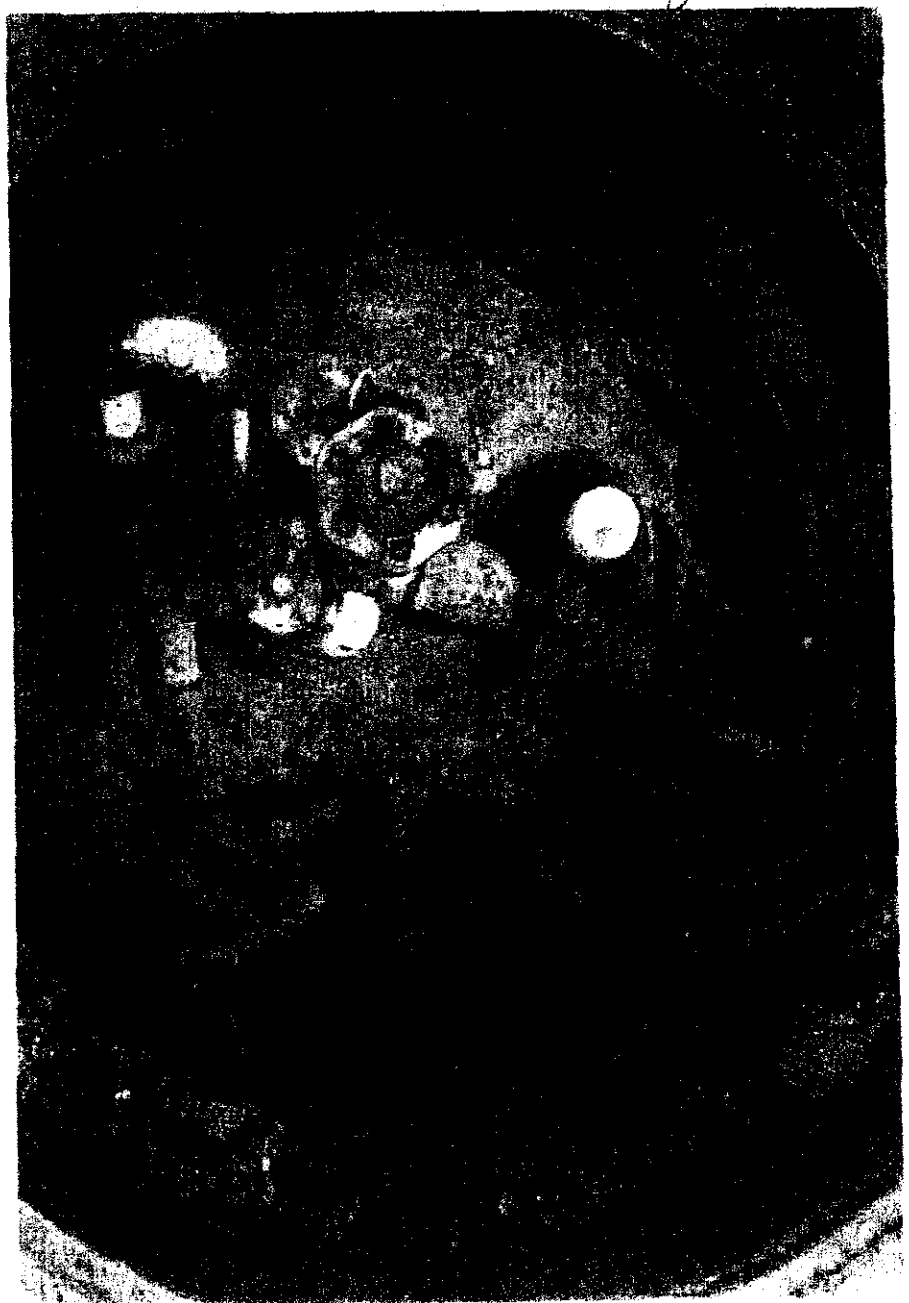
Sales Given Deposit Slip

14 29 27

p285 #J-4255 9/9 351 Central Ave Salem Cook Wy 14136



Unbended Scop



Premature Unbended Scop

Complainant's Exhibit 76

PAUL A. CHIARAVALLOTI, ESQ.

1967 WEHRLE DRIVE, SUITE 1
WILLIAMSVILLE, NEW YORK 14221

July 13, 2012

U.S. ENVIRONMENTAL PROTECTION AGENCY
2012 JUL 16 PM 3:44
DECA-RCB-UST

Paul Sacker, Inspector
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

Re: Valvo Case

Dear Mr. Sacker:

Per the request of Beverly Kolenberg, Esq., enclosed herewith are photos and written documentation regarding recent work performed on the Valvo property.

Your attention to this matter is appreciated.

Very truly yours,

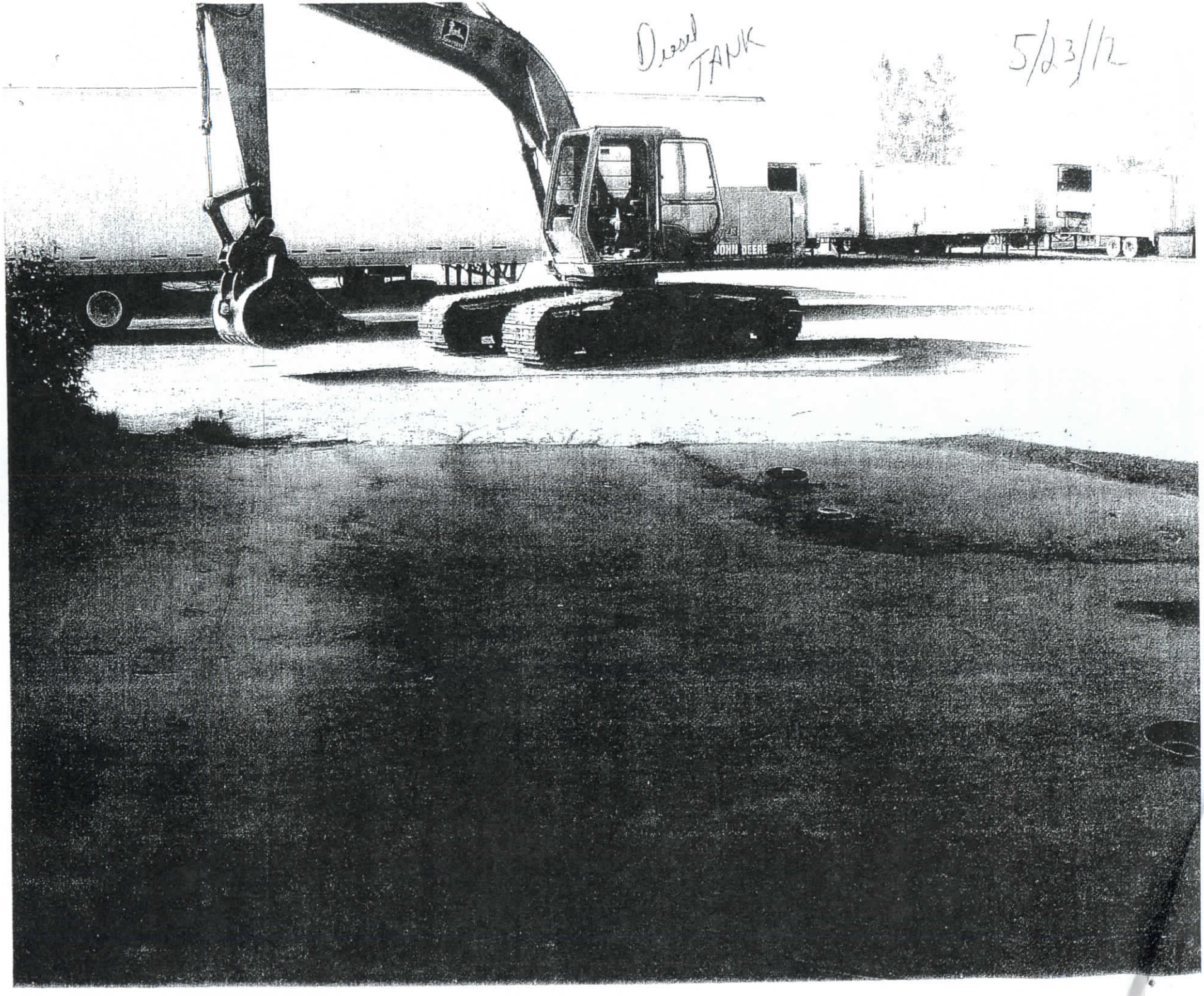
Paul A. Chiaravalloti

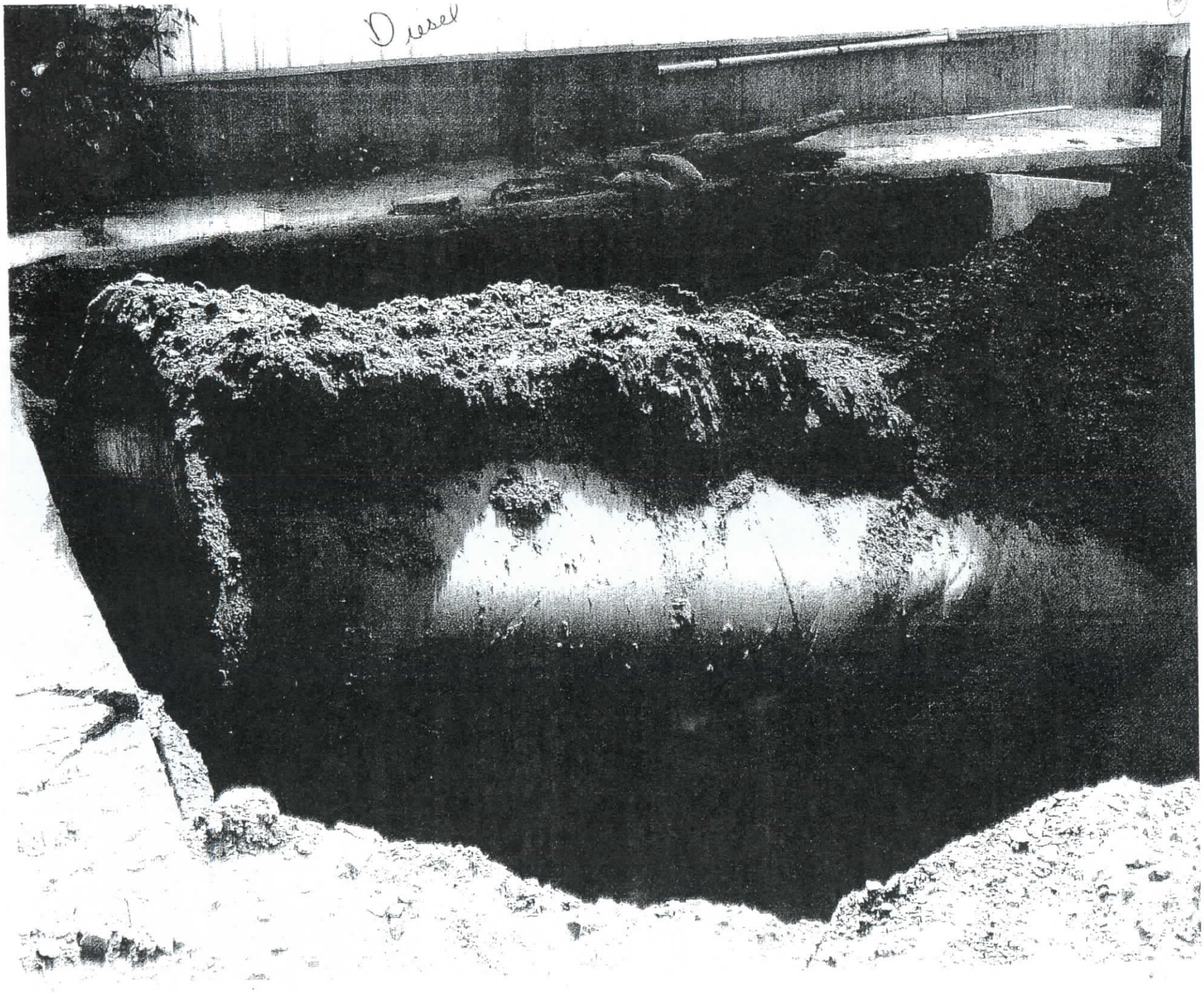
Paul A. Chiaravalloti, Esq.

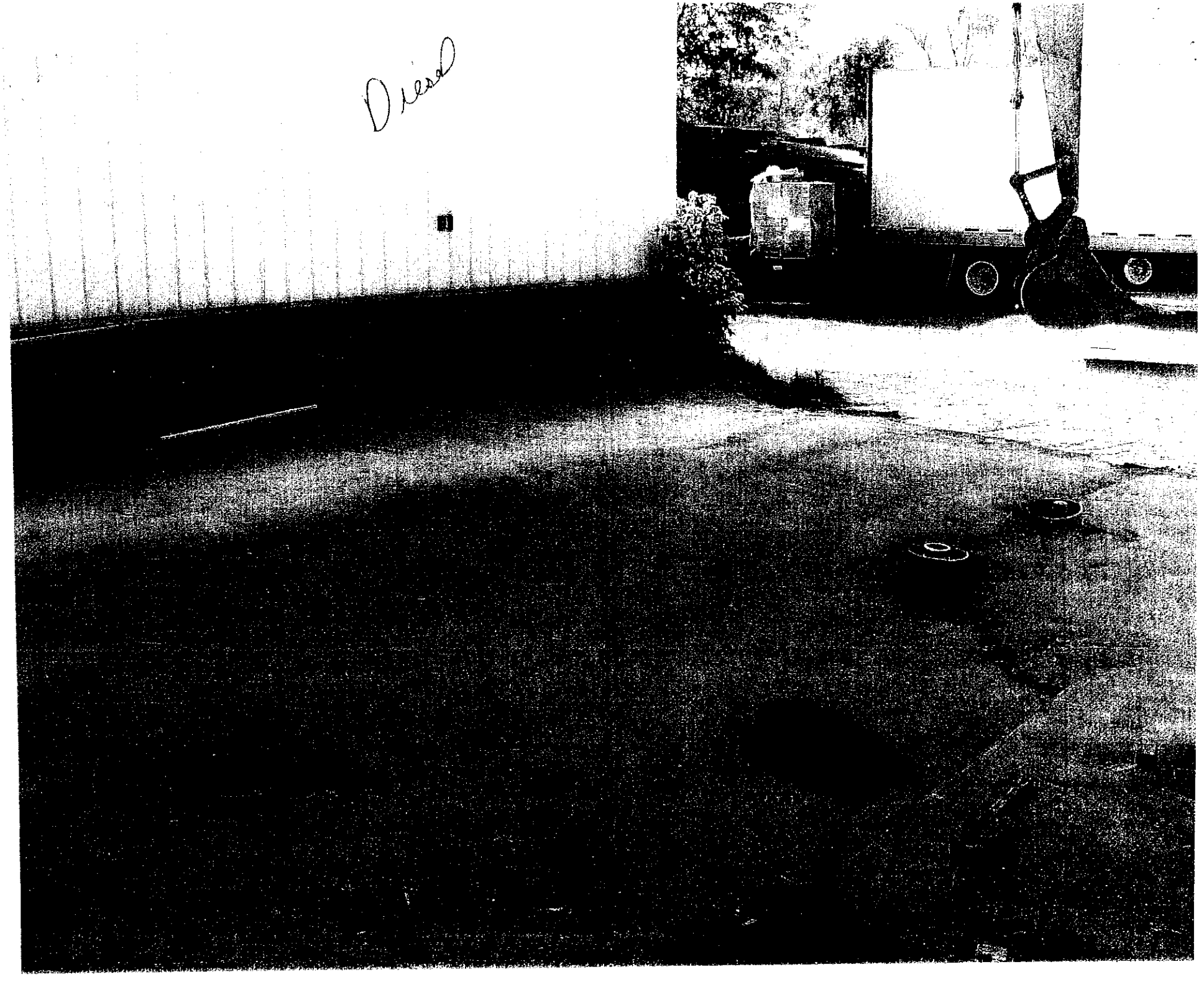
PAC/mls
enclosure
cc: Stephen M. Valvo

(716) 250-2764

Fax: (716) 250-2765

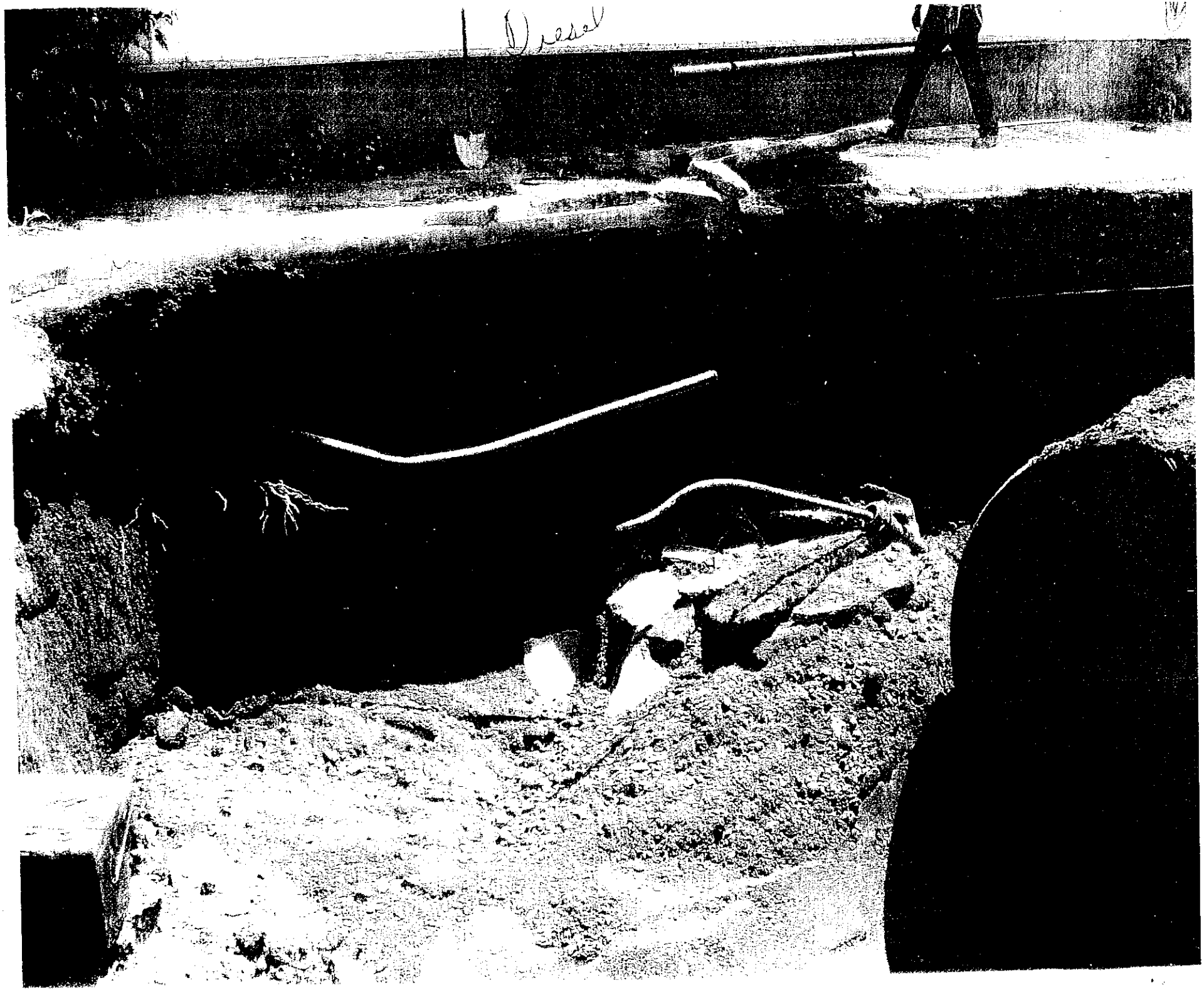

Diesel TANK
5/23/12
JOHN DEERE

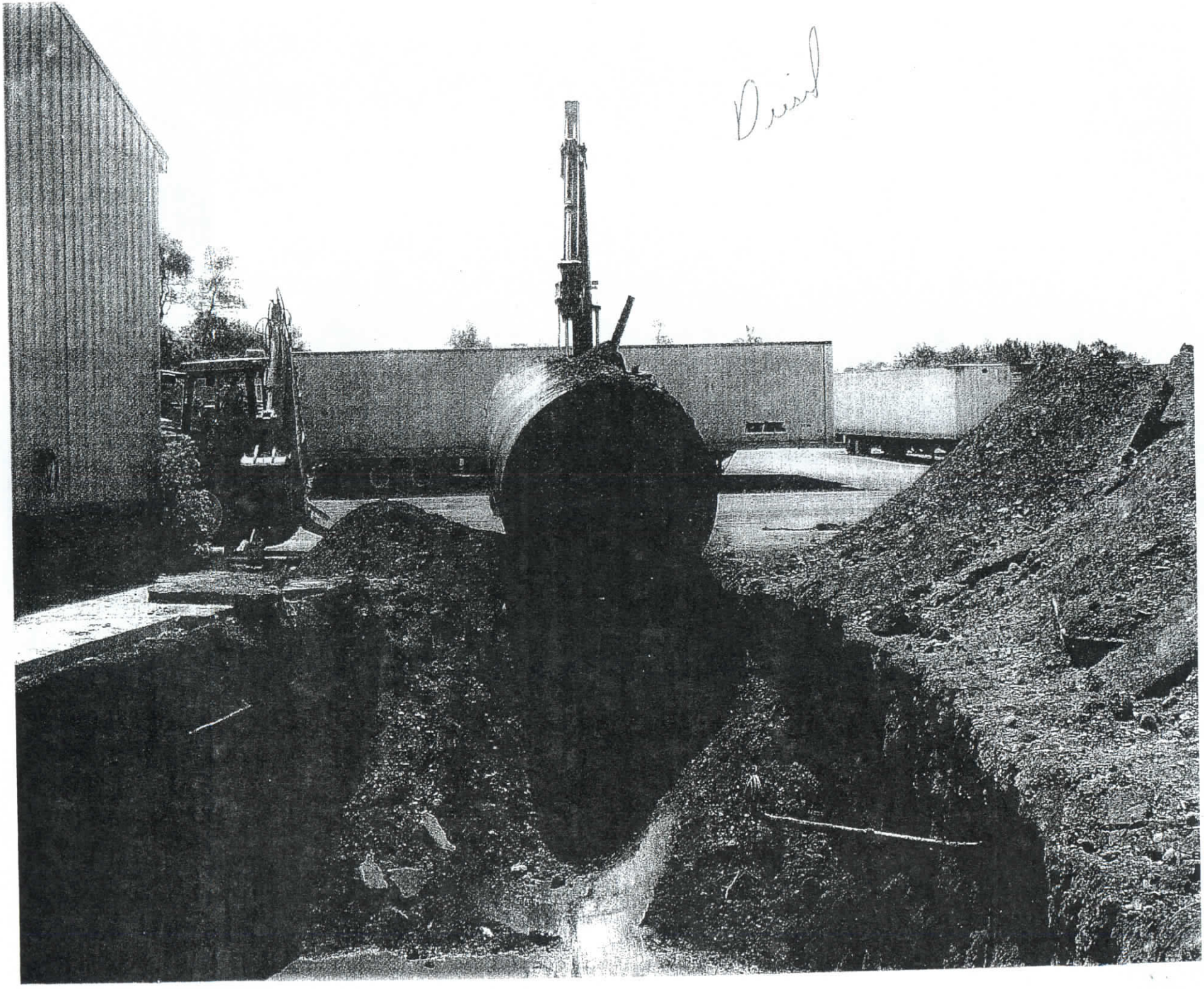

Diesel


Diesel


Diesel

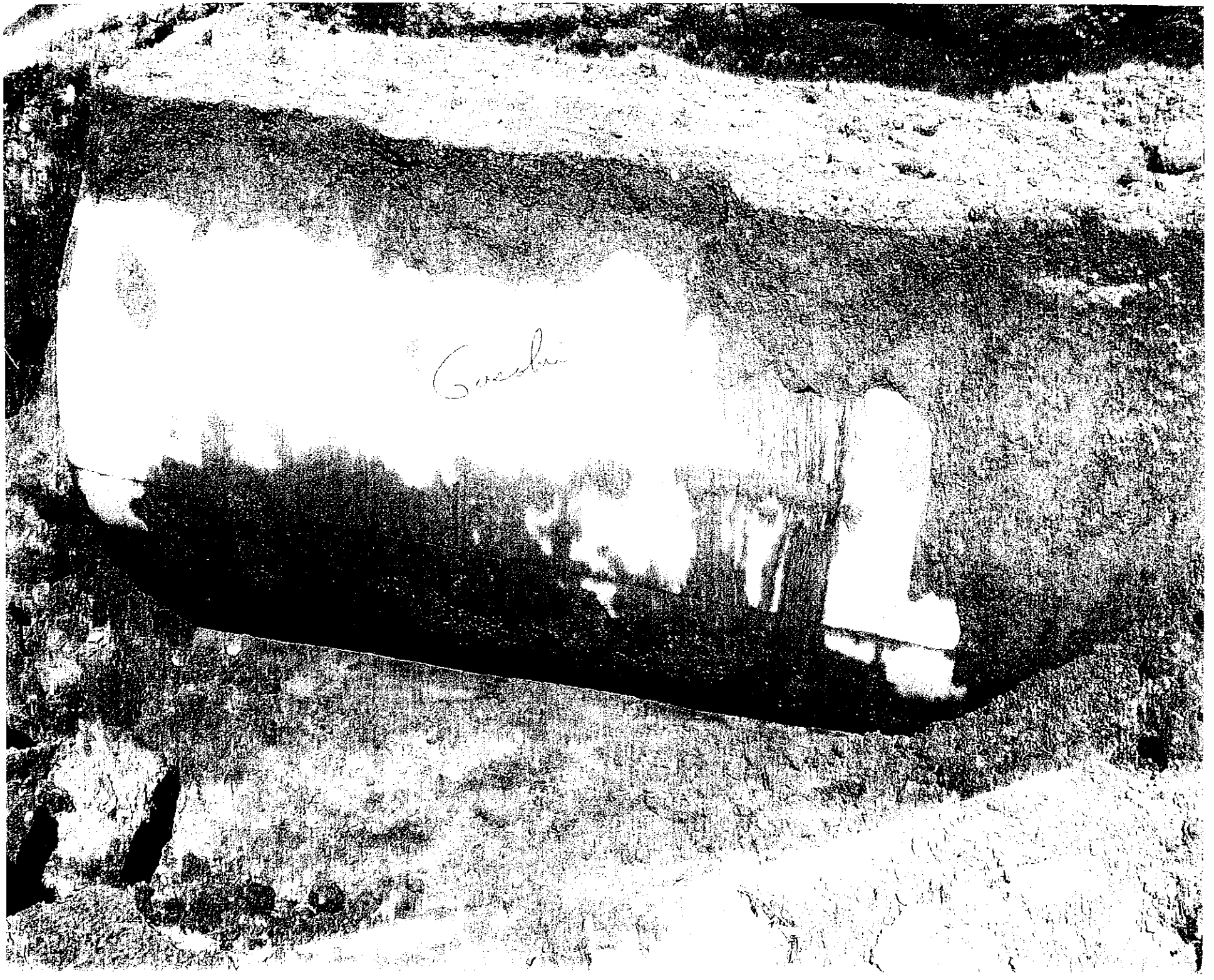
Diesel

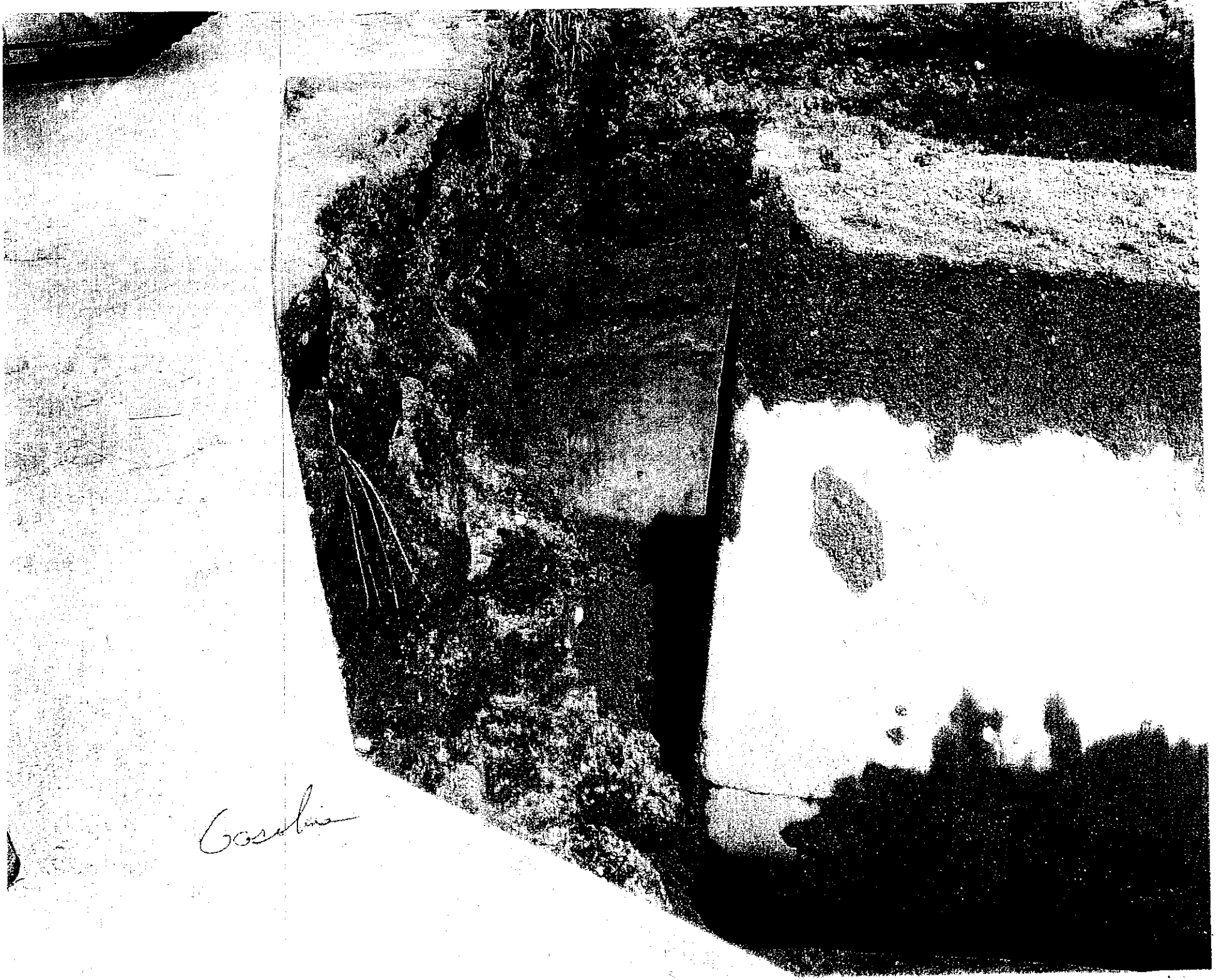

Diesel

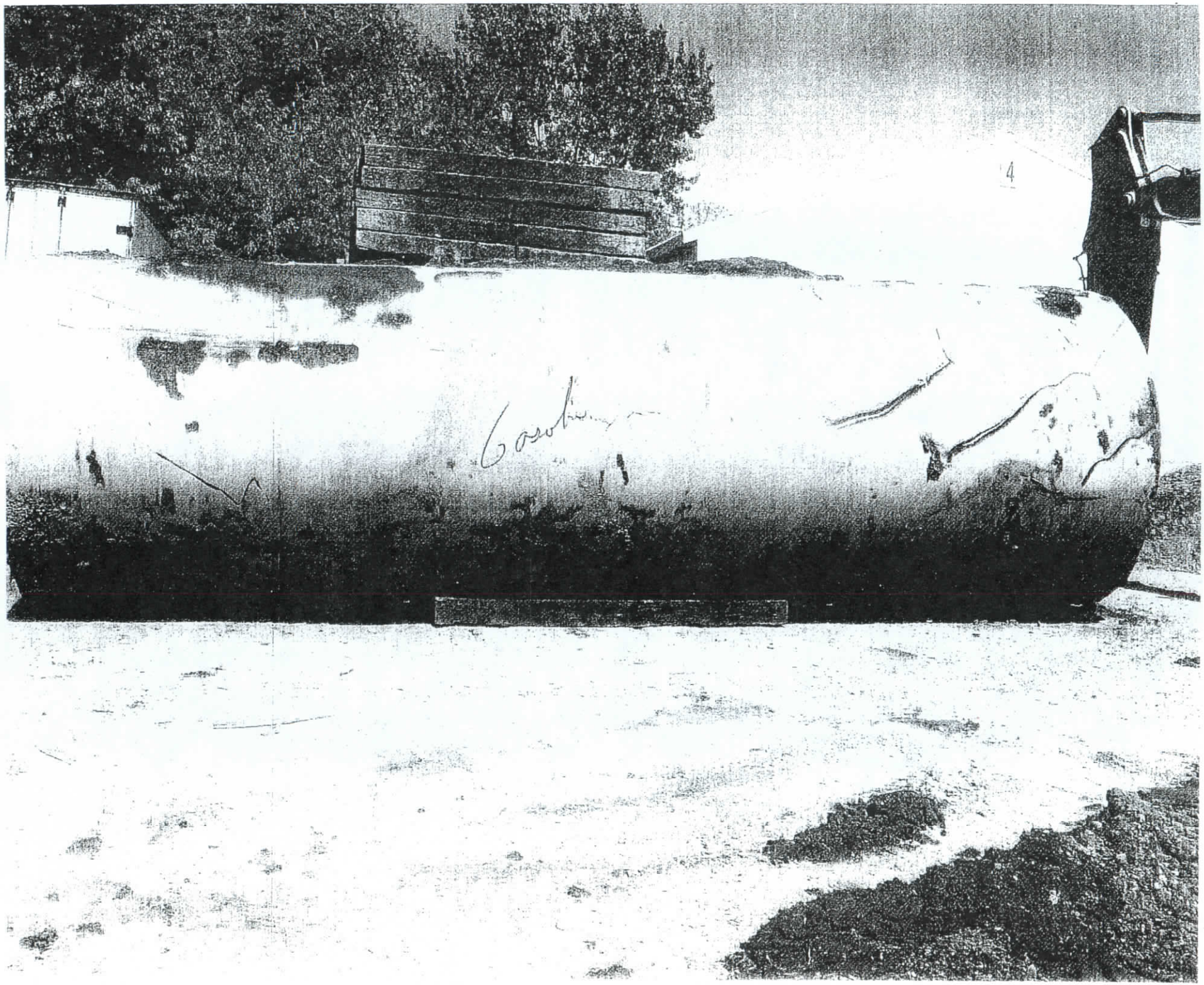

Diesel

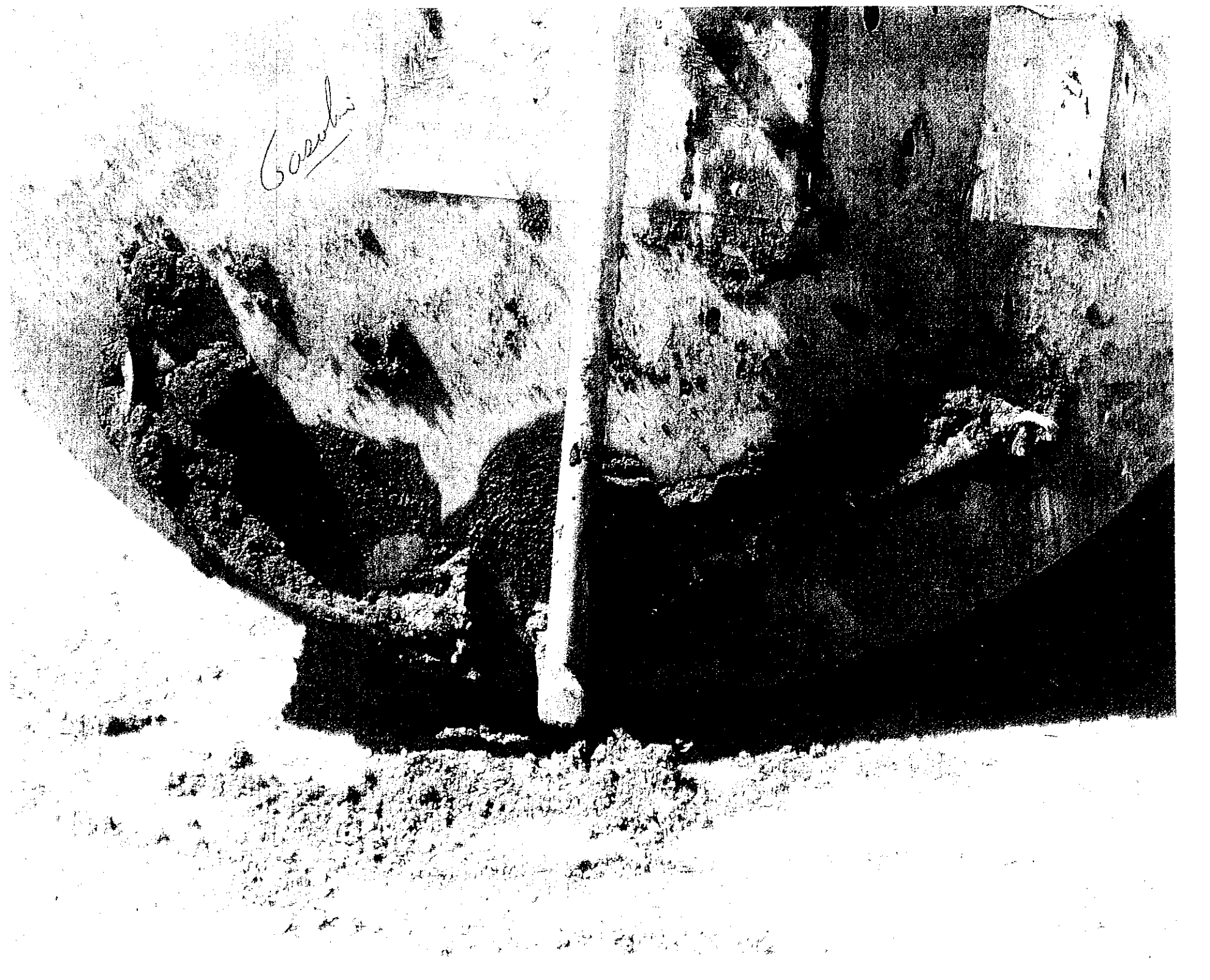

Dead

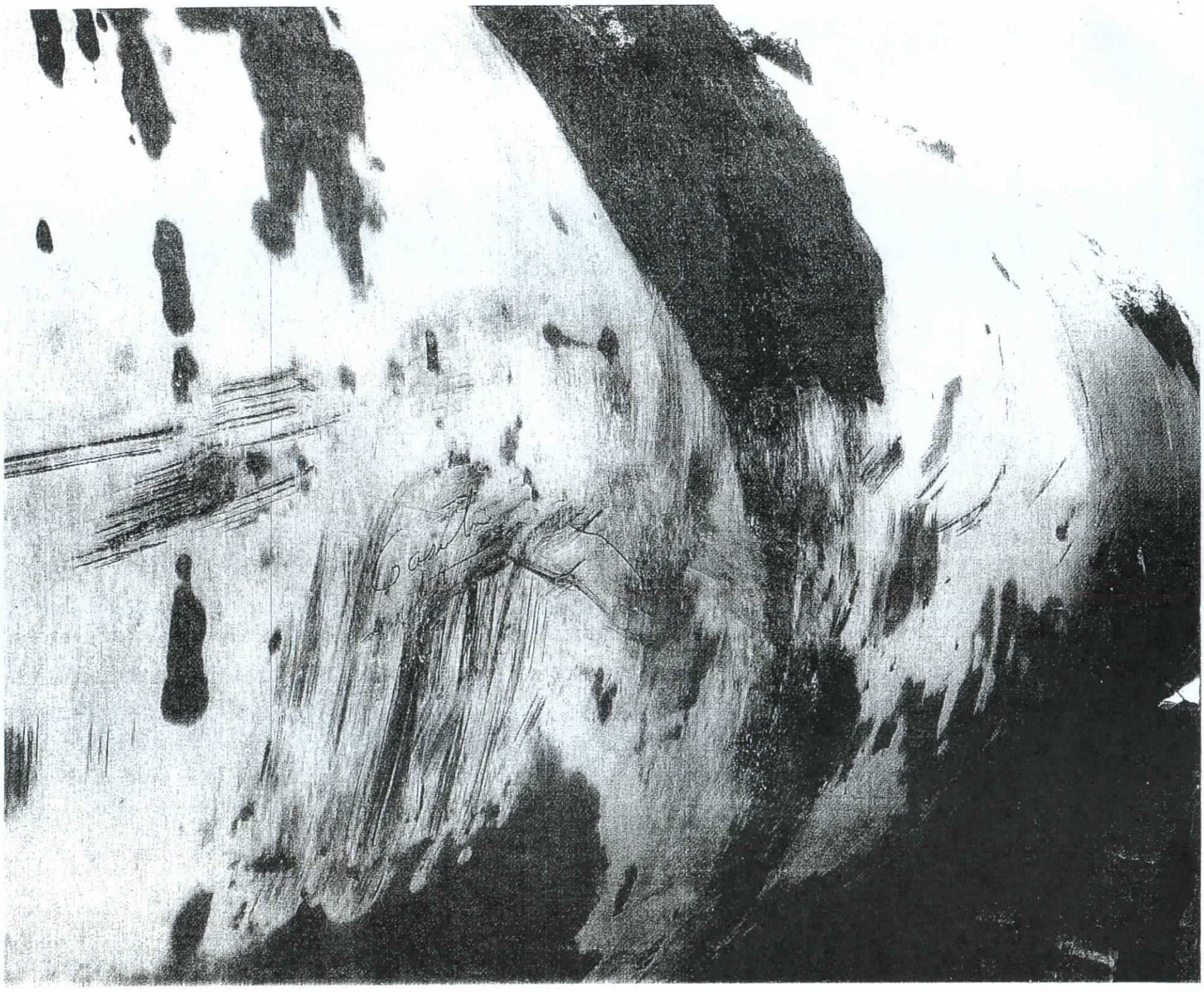
2 Gasoline Tank
5/23/12




Gosselin


4
Gasoline


Gasolin



EMPIRE GEO SERVICES, INC.

☒ CORPORATE/ BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

☐ ALBANY OFFICE
PO Box 2199
Ballston Spa, NY 12020

5 Knabner Road
Mechanicville, NY 12118
Phone: (518) 899-7491
(518) 899-7496

☐ CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7188

☐ ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

FAX TRANSMITTAL

DATE: JUNE 20, 2012

NUMBER OF PAGES TO FOLLOW: 13

TO: STEVE V.

FIRM:

FAX: 934-3531

==========

FAX FROM:

DAVE S.

NOTES: -REPORT-

ORIGINAL WILL FOLLOW [X] – EMAIL

ORIGINAL WILL NOT FOLLOW [ ]

If you do not receive all pages –or- if the quality is not suitable, please call (716) 649-8110.

EMPIRE GEO SERVICES, INC.
A SUBSIDIARY OF SJB SERVICES, INC.

June 19, 2012
Empire Project Number BEV-12-006

Valvo Convenience
P.O. Box 225
Silver Creek, New York 14136

Phone: 716-934-3500
Fax: 716-934-3531

Attention: Steve Valvo

Reference: Summary Report for Environmental Services on May 23, 2012
Site Located near 1277 Routes 5 & 20
Silver Creek, New York

CORPORATE/
BUFFALO OFFICE
5167 South Park Avenue
Hamburg, NY 14075
Phone: (716) 649-8110
Fax: (716) 649-8051

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PO Box 2199
Ballston Spa, NY 12020

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Fax: (518) 899-7496

CORTLAND OFFICE
60 Miller Street
Cortland, NY 13045
Phone: (607) 758-7182
Fax: (607) 758-7186

ROCHESTER OFFICE
535 Summit Point Drive
Henrietta, NY 14467
Phone: (585) 359-2730
Fax: (585) 359-9668

MEMBER
ACEC New York

Dear Steve:

Empire GeoServices, Inc. (Empire) provided environmental services associated with the recent removal of three underground storage tanks on May 23, 2012 at the referenced site. This report summarizes our work.

Background

An underground storage tank (UST) with a capacity of approximately 10,000 gallons that was formerly used for diesel fuel storage was excavated and removed from the subsurface of the referenced site on May 22-23, 2012. Two former gasoline USTs with capacities of approximately 10,000 and 12,000 gallons were also excavated and removed from a second excavation on these same dates. The USTs were cut open and cleaned, making them suitable for recycling as scrap metal.

An Empire Environmental Geologist visited the UST removal site on May 23, 2012 to observe the excavations, collect verification soil samples, and observe the condition of the USTs. The geologist also screened the excavated soils and soils on the floor and sidewalls of the excavation with a photoionization detector (PID) for the presence of volatile organic vapors

Onsite Observations

The dimensions of the diesel UST excavation were approximately 20 feet by 36 feet. The dimensions of the gasoline UST excavation were approximately 28 feet by 32 feet. The UST removal excavations contained water in the bottom that did not have a petroleum sheen or odor. The soils on the sides and floor of the excavation, as well as the excavated soils, did not have petroleum staining or odor and PID readings were at background levels.

All three USTs were found to be in good condition with no indications of holes or leakage, as indicated in the attached photos. Each of the three USTs were double-wall construction with interstitial monitoring.

Soil Sampling and Analysis

The Empire geologist collected two composite verification soil samples from each of the two UST removal excavations for laboratory testing. One soil sample was collected as a composite of the four sidewalls and the second was collected as a composite of the excavation floor. The soil samples from the diesel UST excavation were analyzed for New York State Department of Environmental Conservation (NYSDEC) Spill Technology and Remediation Series (STARS) listed volatile organic compounds (VOCs; EPA Method 8260) and semi-volatile organic compounds (SVOCs; EPA Method 8270). The soil samples from the gasoline UST excavation were analyzed for NYSDEC STARS listed VOCs. The soil samples were analyzed by Paradigm Environmental Services, Inc. (Paradigm) of Rochester, New York. Paradigm's lab is certified by the New York State Department of Health (NYSDOH).

Laboratory Results

The attached lab report indicates that no NYSDEC STARS listed VOCs or SVOCs were detected in any of the soil samples.

Closing

This report has been prepared for the use of Valvo Convenience for the specific application to the subject site in accordance with generally accepted environmental practices. If you have any questions or if we can provide further assistance, please contact our office at (716) 649-8110.

Respectfully Submitted,
EMPIRE GEOSERVICES, INC.

David R. Steiner

David R. Steiner
Senior Engineering Geologist
Project Manager

Attachments: Photographs

Soil Lab Report from Paradigm Environmental Services, Inc.

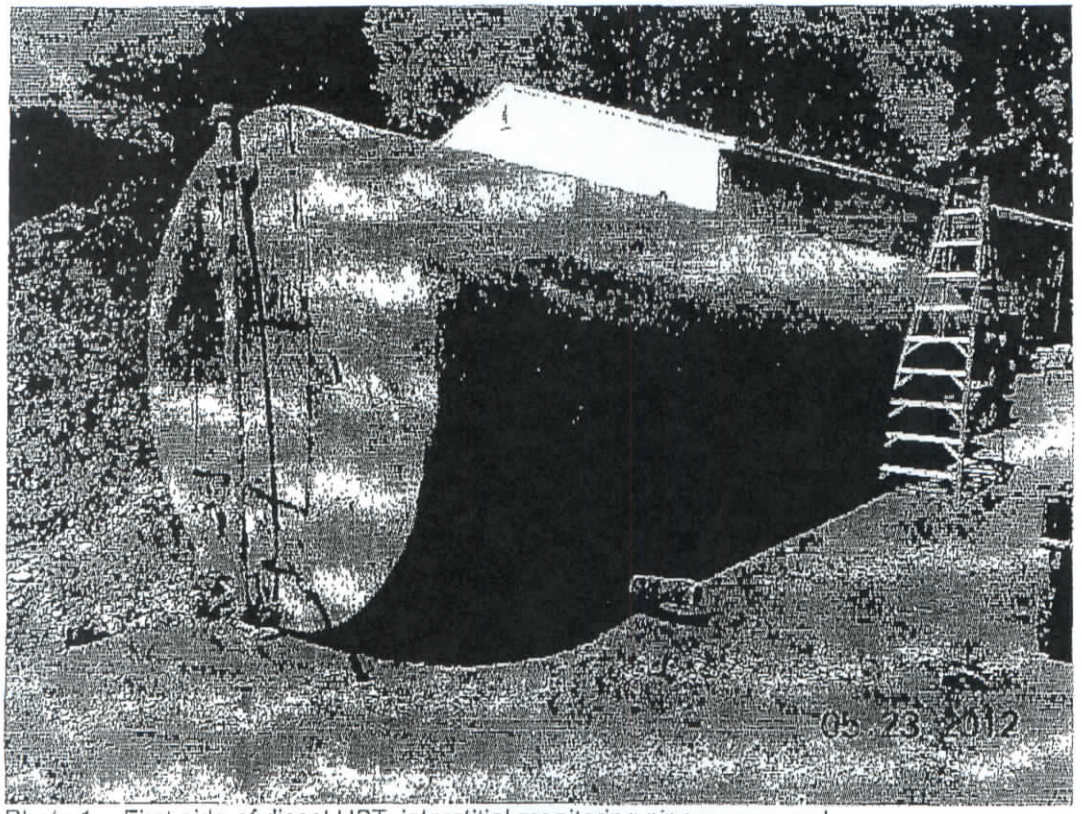


Photo 1 – First side of diesel UST; interstitial monitoring pipe on one end.

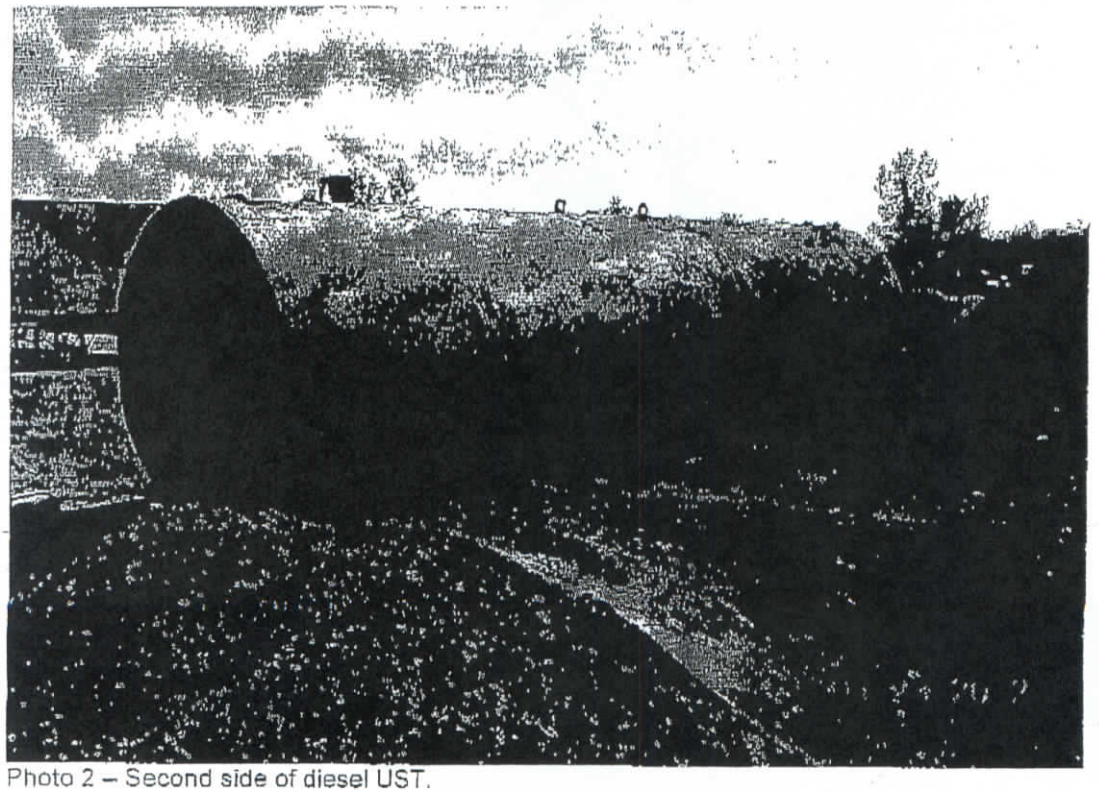


Photo 2 – Second side of diesel UST.

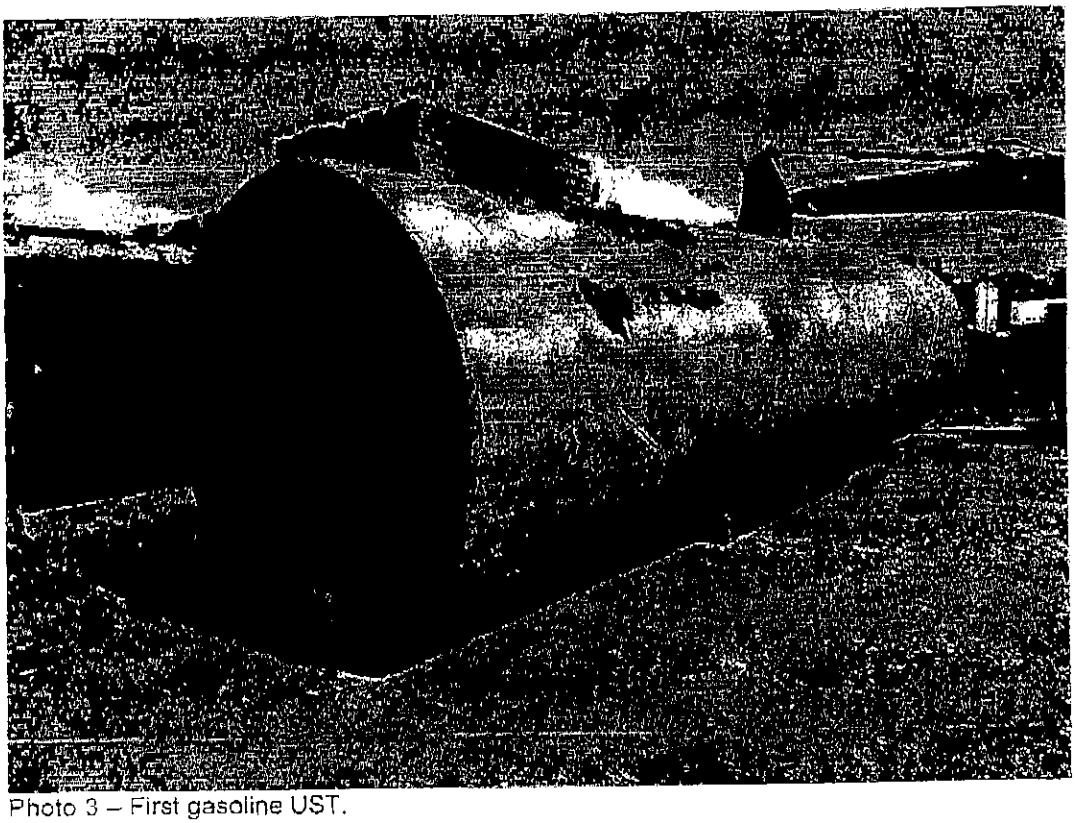


Photo 3 – First gasoline UST.

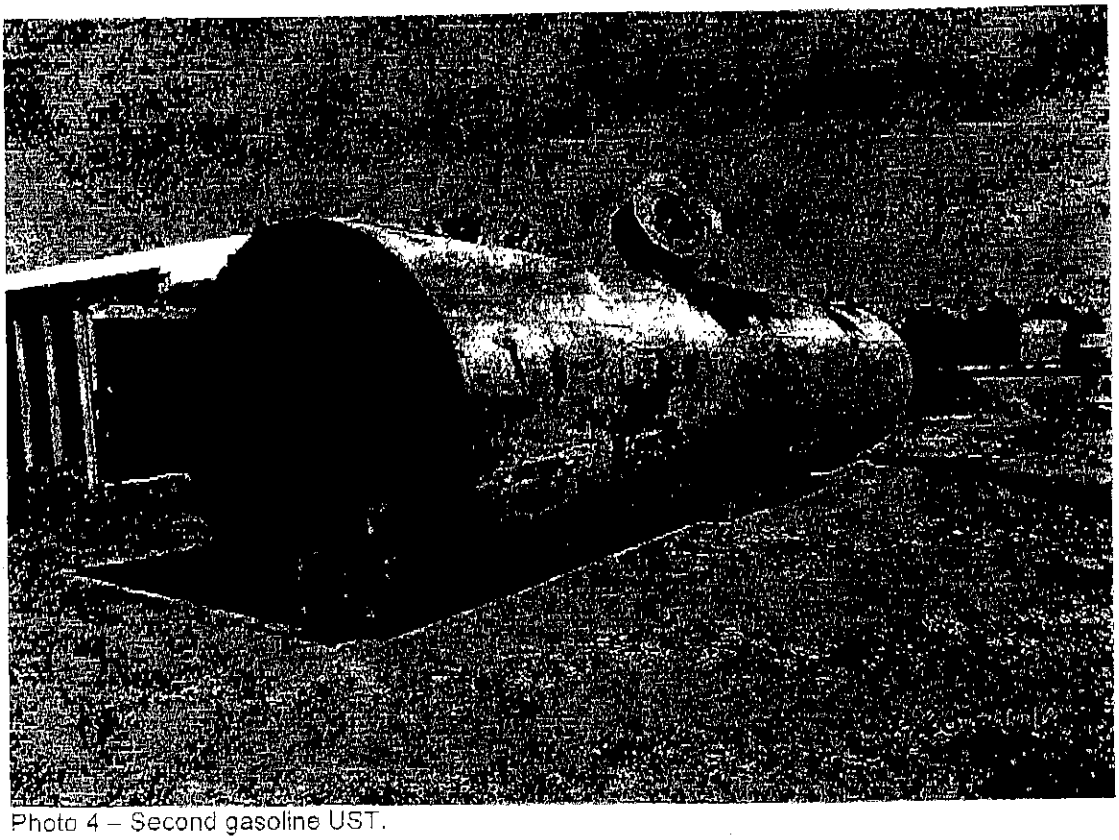


Photo 4 – Second gasoline UST.

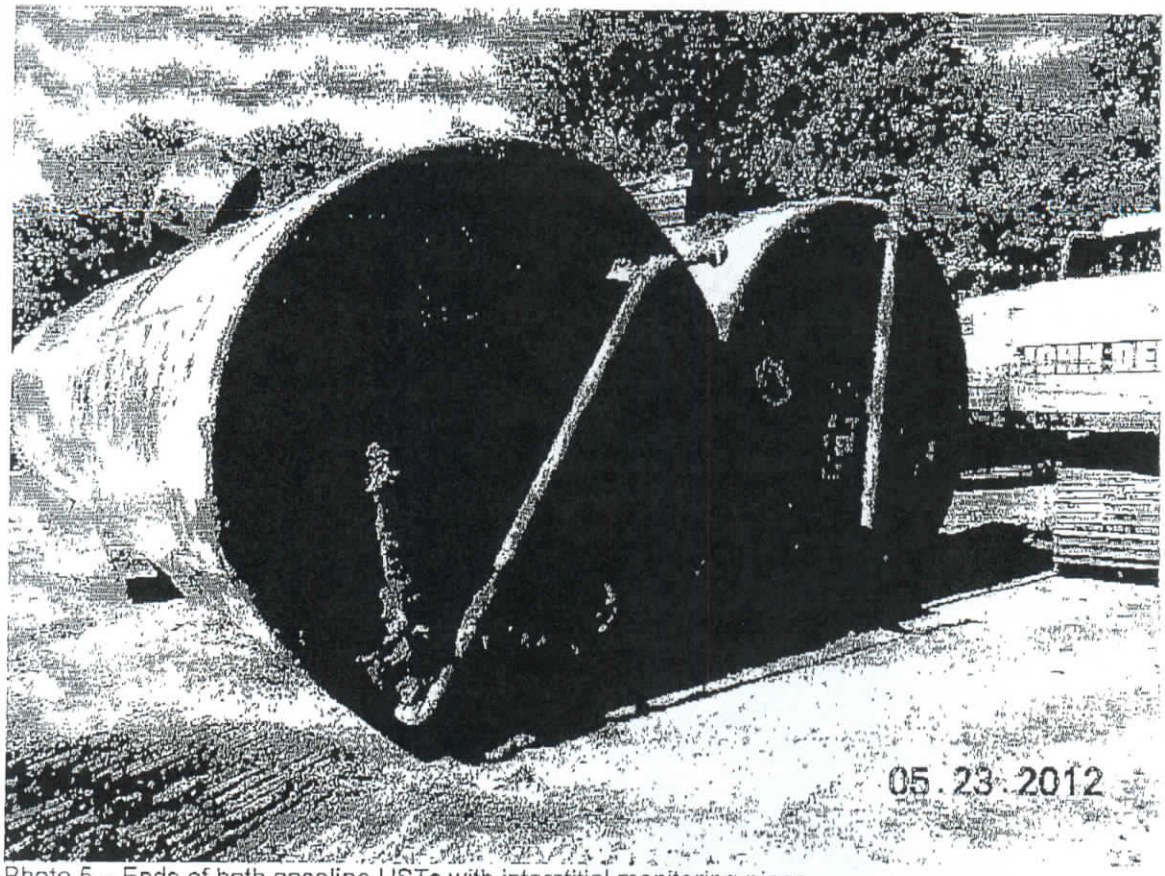


Photo 5 – Ends of both gasoline USTs with interstitial monitoring pipes.

PARADIGM
ENVIRONMENTAL SERVICES, INC.

Analytical Report Cover Page

Empire Geo Services, Inc.

For Lab Project # 12:2236
Issued June 1, 2012
This report contains a total of 8 pages

The reported results relate only to the samples as they have been received by the laboratory.

Any noncompliant QC parameters having impact on the data are flagged or documented on the final report.

All soil/sludge samples have been reported on a dry weight basis, unless qualified "reported as received". Other solids are reported as received.

Each page of this document is part of a multipage report. This document may not be reproduced except in its entirety, without the prior consent of Paradigm Environmental Services, Inc.

The Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt. Sample condition requirements are defined under the 2003 NELAC Standard, sections 5.5.8.3.1 and 5.5.8.3.2. Aliquots separated for certain tests, such as TCLP, are indicated on the Chain of Custody and final reports with an "A" suffix.

NYSDOH ELAP does not certify for all parameters. Paradigm Environmental Services or the indicated subcontracted laboratory does hold certification for all analytes where certification is offered by ELAP unless otherwise specified.

Data qualifiers are used, when necessary, to provide additional information about the data. This information may be communicated as a flag or as text at the bottom of the report. Please refer to the following list of frequently used data flags and their meaning:

"<" = analyzed for but not detected at or above the reporting limit.
"E" = Result has been estimated, calibration limit exceeded.
"Z" = See case narrative.
"D" = Duplicate results outside QC limits. May indicate a non-homogenous matrix.
"M" = Matrix spike recoveries outside QC limits. Matrix bias indicated.
"B" = Method blank contained trace levels of analyte. Refer to included method blank report.

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Semi-Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valvo UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-01
Client Job Number:	BEV-12-006		
Field Location:	Diesel UST - Sidewall Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	05/31/2012

Base / Neutrals	Results in ug / Kg
Acenaphthene	< 354
Acenaphthylene	< 354
Anthracene	< 354
Benzo (a) anthracene	< 354
Benzo (a) pyrene	< 354
Benzo (b) fluoranthene	< 354
Benzo (g,h,i) perylene	< 354
Benzo (k) fluoranthene	< 354
Chrysene	< 354
Dibenz (a,h) anthracene	< 354
Fluoranthene	< 354
Fluorene	< 354
Indeno (1,2,3-cd) pyrene	< 354
Naphthalene	< 354
Phenanthrene	< 354
Pyrene	< 354

ELAP Number 10959 Analytical Method: EPA 8270C Data File: S63333.D
Prep Method: EPA 3550C

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger, Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

12223651.XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Semi-Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valvo UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-02
Client Job Number:	BEV-12-006		
Field Location:	Diesel UST - Bottom Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	05/31/2012

Base / Neutrals	Results in ug / Kg
Acenaphthene	< 315
Acenaphthylene	< 315
Anthracene	< 315
Benzo (a) anthracene	< 315
Benzo (a) pyrene	< 315
Benzo (b) fluoranthene	< 315
Benzo (g,h,i) perylene	< 315
Benzo (k) fluoranthene	< 315
Chrysene	< 315
Dibenz (a,h) anthracene	< 315
Fluoranthene	< 315
Fluorene	< 315
Indeno (1,2,3-cd) pyrene	< 315
Naphthalene	< 315
Phenanthrene	< 315
Pyrene	< 315

ELAP Number 10956 Analytical Method: EPA 8270C Data File: S63334.D
Prep Method: EPA 3550C

Comments: ug / Kg = microgram per Kilogram
Surrogate outliers indicate probable matrix interference

Signature:
Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

12223052.XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valvo UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-01
Client Job Number:	BEV-12-006		
Field Location:	Diesel UST - Sidewall Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	06/01/2012

Aromatics	Results in ug / Kg
Benzene	< 8.02
n-Butylbenzene	< 8.02
sec-Butylbenzene	< 8.02
tert-Butylbenzene	< 8.02
Ethylbenzene	< 8.02
n-Propylbenzene	< 8.02
Isopropylbenzene	< 8.02
p-Isopropyltoluene	< 8.02
Naphthalene	< 20.1
Toluene	< 8.02
1,2,4-Trimethylbenzene	< 8.02
1,3,5-Trimethylbenzene	< 8.02
m,p-Xylene	< 8.02
o-Xylene	< 8.02
Miscellaneous	
Methyl tert-butyl Ether	< 8.02

ELAP Number 10958 Method: EPA 8260B Data File: V97576.D

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

12236V1.XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valvo UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-02
Client Job Number:	BEV-12-006		
Field Location:	Diesel UST - Bottom Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	06/01/2012

Aromatics	Results in ug / Kg
Benzene	< 8.86
n-Butylbenzene	< 8.86
sec-Butylbenzene	< 8.86
tert-Butylbenzene	< 8.86
Ethylbenzene	< 8.86
n-Propylbenzene	< 8.86
Isopropylbenzene	< 8.86
p-Isopropyltoluene	< 8.86
Naphthalene	< 22.1
Toluene	< 8.86
1,2,4-Trimethylbenzene	< 8.86
1,3,5-Trimethylbenzene	< 8.86
m,p-Xylene	< 8.86
o-Xylene	< 8.86
Miscellaneous	
Methyl tert-butyl Ether	< 8.86

ELAP Number 10958 Method: EPA 8260B Data File: V87577.D

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger, Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

12:2236V2.XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valve UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-03
Client Job Number:	BEV-12-006		
Field Location:	Gasoline UST - Bottom Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	06/01/2012

Aromatics	Results in ug / Kg
Benzene	< 8.82
n-Butylbenzene	< 8.82
sec-Butylbenzene	< 8.82
tert-Butylbenzene	< 8.82
Ethylbenzene	< 8.82
n-Propylbenzene	< 8.82
Isopropylbenzene	< 8.82
p-Isopropyltoluene	< 8.82
Naphthalene	< 22.1
Toluene	< 8.82
1,2,4-Trimethylbenzene	< 8.82
1,3,5-Trimethylbenzene	< 8.82
m,p-Xylene	< 8.82
o-Xylene	< 8.82
Miscellaneous	
Methyl tert-butyl Ether	< 8.82

ELAP Number 10958 Method: EPA 8260B Data File: V97578.D

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

122236V3.XLS

PARADIGM
179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile STARS Analysis Report for Soils/Solids/Sludges

Client: Empire Geo Services, Inc.

Client Job Site:	Valvo UST Excavations	Lab Project Number:	12:2236
		Lab Sample Number:	12:2236-04
Client Job Number:	BEV-12-006		
Field Location:	Gasoline UST - Sidewall Comp	Date Sampled:	05/23/2012
Field ID Number:	N/A	Date Received:	05/24/2012
Sample Type:	Soil	Date Analyzed:	06/01/2012

Aromatics	Results in ug / Kg
Benzene	< 8.22
n-Butylbenzene	< 8.22
sec-Butylbenzene	< 8.22
tert-Butylbenzene	< 8.22
Ethylbenzene	< 8.22
n-Propylbenzene	< 8.22
Isopropylbenzene	< 8.22
p-Isopropyltoluene	< 8.22
Naphthalene	< 20.6
Toluene	< 8.22
1,2,4-Trimethylbenzene	< 8.22
1,3,5-Trimethylbenzene	< 8.22
m,p-Xylene	< 8.22
o-Xylene	< 8.22
Miscellaneous	
Methyl tert-butyl Ether	< 8.22

ELAP Number 10958 Method: EPA 8260B Data File: V97579.D

Comments: ug / Kg = microgram per Kilogram

Signature:

Bruce Hoogesteger: Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

122236V4.XLS

PARADIGM ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue
Rochester, NY 14608
(585) 647-2530 • (800) 724-1997
FAX: (585) 647-3311

CHAIN OF CUSTODY

REPORT TO:
COMPANY: EMPIRE GEO
ADDRESS:
CITY: STATE: ZIP:
PHONE: FAX:
ATTN: DAVE STEINER
COMMENTS: PLEASE EMAIL

INVOICE TO:
COMPANY: — SAME —
ADDRESS:
CITY: STATE: ZIP:
PHONE: FAX:
ATTN:

LAB PROJECT #: 12-2236
CLIENT PROJECT #: BEV-12-006
TURNAROUND TIME: (WORKING DAYS): STD, PRICING
STD: [X] 5 — OTHER: [ ] 1 [ ] 2 [ ] 3
QUOTE #: STD, PRICING

PROJECT NAME/SITE NAME: VALVO UST EXCAVATIONS

REQUESTED ANALYSIS

DATE	TIME	COMPOSITE	GRAB	SAMPLE LOCATION/FIELD ID	MATRIX	CONTAINER NUMBER	8260 STARS	8270 STARS	REMARKS	PARADIGM LAB SAMPLE NUMBER
				DIESEL UST-SIDEWALL COMP						
15-23-12	1540	X		~~DIESEL UST EXCAV~~	SOIL	1	X	X		01
2	1550	X		DIESEL UST - BOTTOM COMP			X	X		02
3	1610	X		GASOLINE UST - BOTTOM COMP			X			03
4	1620	X		GASOLINE UST - SIDEWALL COMP			X			04
5										
6										
7										
8										
9										
10										

LAB USE ONLY BELOW THIS LINE

Sample Condition: Per NELAC/ELAP 210/241/242/243/244

Receipt Parameter	NELAC Compliance	
Container Type: Comments:	Y [X]	N [ ]
Preservation: Comments:	Y [X]	N [ ]
Holding Time: Comments:	Y [X]	N [ ]
Temperature: Comments: 4°C iced temp blk	Y [X]	N [ ]

David R. Steiner — May 23, 2012 / 1620
Sampled By — Date/Time

David R. Steiner
Relinquished By — Date/Time

5/24/12 8:50AM
Received By — Date/Time

Jane J. Dolcia — 5/24/12 1447
Received @ Lab By — Date/Time

Total Cost:

PLE

Complainant's Exhibit 77

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 23 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
Article Number: 7005 3110 0000 5951 1947 – 7005 3110 0000 5951 1930

Mr. Stephen Valvo
1271 Routes 5 and 20
Silver Creek, N.Y. 14136

Valvo Convenience & Gas, Inc.
1271 Routes 5 and 20
Silver Creek, N.Y. 14136

Re: Request for Additional Information Pursuant to Section 9005 of the Solid Waste Disposal Act, as amended
RCRA-UST-IR-2010-24

Valvo Convenience Gas, Inc. (Former Hanover Convenience)
351 Central Ave.
Silver Creek, NY 14136
NYSDEC PBS# 9-425508

Dear Mr. Valvo:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Solid Waste Disposal Act, as amended (often referred to as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.). Previously, EPA conducted several inspections of the above referenced facility in accordance with Section 9005(a) of RCRA, 42 U.S.C. §6991d(a), and 40 C.F.R. §280.34. These inspections revealed continuing potential violations of the federal underground storage tank (UST) regulations.

We have also been informed that the New York State Department of Environmental Conservation (NYS DEC) conducted a inspection of the facility on or about March 21, 2012. This inspection also found potential violations of the UST regulations.

Specifically, EPA needs to know the current compliance status of USTs at this facility and requires the specific data requested in Enclosure I.

You are hereby required, pursuant to Section 9005(a) of RCRA, 42 U.S.C. § 6991d(a), and 40 C.F.R. § 280.34 to submit all the information requested in the enclosed Request for Information (Enclosure I). Please provide a complete and detailed response to the Request for Information no later than **fifteen (15) calendar days** from the date of receipt of this letter. A request for additional time to respond must be justified, and must be requested in writing within ten (10) calendar days of your receipt of this letter. Violation of federal UST regulations may result in a formal enforcement action which may including penalties for each UST for each day of violation.

The response or request for additional time must be submitted to the following addressee:

Dennis McChesney, Ph.D., MBA, Team Leader
UST Team
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866
Attn: Paul Sacker

An officer of the company or an agent who is authorized to respond on behalf of the facilities must complete and sign the enclosed Certification of Answers to Request for Information (Enclosure II), and return the Certification along with the response to this Request for Information.

Subject to 40 C.F.R. Part 2, you may assert a business confidentiality claim covering all or part of the information requested herein. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA may, at its discretion, evaluate the confidentiality claim pursuant to procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This Information Request Letter is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. §§3501 et seq.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions concerning the information requested please contact Paul Sacker, of my staff, at (212) 637-4237 or by e-mail at sacker.paul@epa.gov.

I urge your prompt attention to this matter.

Sincerely yours,

George C. Meyer, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures

cc: Abby M. Snyder
Regional Director
DEC Region 9
270 Michigan Avenue, Buffalo 14203

Paul Chiaravalloti (by Certified Mail/Return Receipt) Article # : 7005 3110 0000 5951 5891
1967 Wehrle Drive, Suite 1
Williamsville, NY 14221

Stephen Valvo
P.O. Box 271
Route 5 & 20
Silver Creek, NY 14136

ENCLOSURE I

REQUEST FOR INFORMATION

1. What is the current operational status of each of the three tanks at this facility? If any of the tanks have been placed into a state of temporary closure in the last twelve months, **please state so, and provide the date of the closure and the length of time it continued**.

2. If any tanks were placed into temporary closure, **please provide evidence of continuing release detection for the period or evidence that the tanks were emptied to no more than one inch of product during the closure period**. If the tanks were closed for more than three months, **please also provide evidence that the tanks and dispensers have been capped and secured in accordance with 40 C.F.R. § 280.70(b)**.

3. If an interstitial monitoring port has been discovered or installed on the 1,000-gallon diesel tank, **please provide photographic evidence of the port and provide any invoice or receipt for its repair/installation, if applicable**.

4. The March 21, 2012 NYS DEC inspection revealed that Tank 1 (8,000 gallon gasoline tank) and Tank 3, (1,000 gallon diesel tank) both failed their most recent cathodic protection tests, dated March 11, 2012. Therefore, **please provide EPA with specific information about the steps you have taken to address these failures**. If the corrosion systems were repaired, **please provide evidence that repairs were conducted in accordance with 40 C.F.R. § 280.33 and that the corrosion system was retested within six months of the repairs**.

5. **Please provide all line tightness tests for the two pressurized lines of the gasoline tanks since March 30, 2010. If no line tightness tests can be provided, please state that fact and explain why such tests cannot be provided. Alternatively, you may provide evidence of monthly release detection monitoring for the pressurized lines for the requested period.**

6. **Please provide all annual automatic line leak detector tests for the two pressurized lines of the gasoline tanks at the facility since March 30, 2010. If no automatic line leak detector tests can be provided for the period specified, please state that fact and explain why such tests cannot be provided.**

ENCLOSURE II

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____ _____

NAME (PRINT OR TYPE) DATE

_____

SIGNATURE

_____

TITLE

_____

COMPANY

Complainant's Exhibit 78

PAUL A. CHIARAVALLOTI, ESQ.

1967 WEHRLE DRIVE, SUITE 1
WILLIAMSVILLE, NEW YORK 14221

August 3, 2012

George C. Meyer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Re: Valvo's Convenience & Gas, Inc.
RCRA-UST-IR-2010-24

Dear Mr. Meyer:

This will respond to your request for information dated July 23, 2012 and received at my office on July 25, 2012.

Please feel free to contact the undersigned if you have any questions regarding the enclosed responses.

Very truly yours,

Paul A. Chiaravalloti, Esq.

PAC/mls
enc.
cc: Beverly Kolenberg, Esq.
Stephen M. Valvo

(716) 250-2764 Fax: (716) 250-2765

In Re:

Valvo's Convenience & Gas, Inc.
RCRA-UST-IR-2010-24

REQUEST FOR INFORMATION DATED JULY 23, 2012

1/ All three (3) USTs at 351 Central Avenue, Silver Creek, New York 14136 are operational.

2. None of the aforesaid tanks are in temporary closure.

3. Photographic evidence has already been transmitted to Paul Sacker.

4. See enclosures.

5. See enclosures.

6. See enclosures.

ENCLOSURE II

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Stephen M. Valvo
NAME (PRINT OR TYPE)

8-2-2012
DATE

SIGNATURE

President
TITLE

Valvo's Convenience & Gas, Inc.
COMPANY

EZY 3 LOCATOR PLUS

PRESSURE CALCULATION & WATER SENSOR CALIBRIATION

DATE	6-29-12 1 PASS	PBS# (NEW YORK)	9-425508
TOTAL TANK VOL.	12,000	TANK #	1
PRODUCT VOL.	4289	LOCATION	VALERO CONVENIENCE & GAS
ULLAGE VOL.	7711		357 CENTRAL AVE
PRODUCT TYPE	REGULAR		SILVER CREEK, NY 14136

PRESSURE SENSOR CALCULATION

37 INCHES of PRODUCT	X	0.026 WEIGHT of PRODUCT	=	.962	0.00 PSI (1)
0.00 0 INCHES of WATER in TANK	X	0.04	=	0	0.00 PSI (2)
Line 1 + Line 2 = Total Positive Head Pressure In Tank			=	.962	0.00 PSI (3)
0 INCHES of WATER OUTSIDE TANK	X	0.04	=	0	0.00 PSI (4)
Total Head Pressure Minus Outside Water Pressure			=	.962	0.00 +/- PSI (5)
Always add .5 PSI			+	1.462	0.00 PSI (6)
TEST PRESSURE			=	1.5	0.5 +/- PSI (7)

NOTE: If Line 6 is Less than .5 PSI, Line 7 shall be .5 PSI

	TIME	PRESSURE	
Blower Started:	9.45 am	—	
Test Pressure Reached:	9:58 am	1.6 0.5	Depth of Groundwater Determined:
Blower Turned Off:	9:58 am	1.6 0.5	By: Interstitial is Dry
Test Began:	10:00 am	1.5 0.5	Where:
Test Ended:	10:03 am	1.5 0.5	

WATER SENSOR CALIBRATION

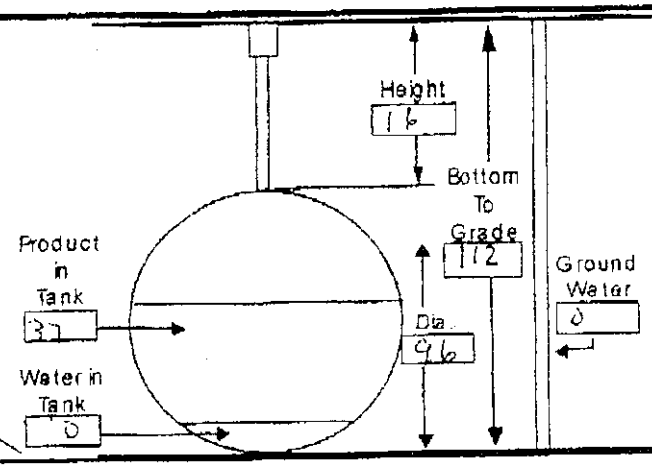
Added:	N/A Cal # 1	N/A Cal # 2	N/A Cal # 3
Average:			

Water Intrusion Test Period: Began: _____ Ended: _____

Calculation for Test Period:

_____ ÷ 3780 = _____ ÷ .05 _____ X 60 = _____

Ave. Cal. "A" Factor Min. Time of test



EZY 3 LOCATOR PLUS — FINAL REPORT

MANUFACTURED BY: ESTABROOK'S INC. (877) 368-7215

DATE	6-29-12	PBS# (NEW YORK)	9.425508
TOTAL TANK VOL.	12.000	TANK #	1
PRODUCT VOL.	4289	LOCATION	VALERO CONVENIENCE & GAS
ULLAGE VOL.	7711		351 CENTRAL AVE
PRODUCT TYPE	REGULAR		Silver Creek NY 14131

THE ACOUSTIC CHARACTERISTIC OF A LEAK REVEALS:

X TIGHT TANK
This underground storage tank **PASSES** the criteria set forth by the U.S. E.P.A.

____ ULLAGE (DRY) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

____ BELOW PRODUCT LEVEL (WET) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

WATER SENSOR INDICATES:
(CHECK ONLY ONE)

NO WATER INTRUSION: ____ WATER INTRUSION: ____ NOT APPLICABLE: X

OPERATOR INFORMATION:

I hearby certify that this test complies with the criterea for a tightness test in paragraph 613.5 (a)(6) of the NYSDEC regulatory code. I am trained and qualified to perform this test.

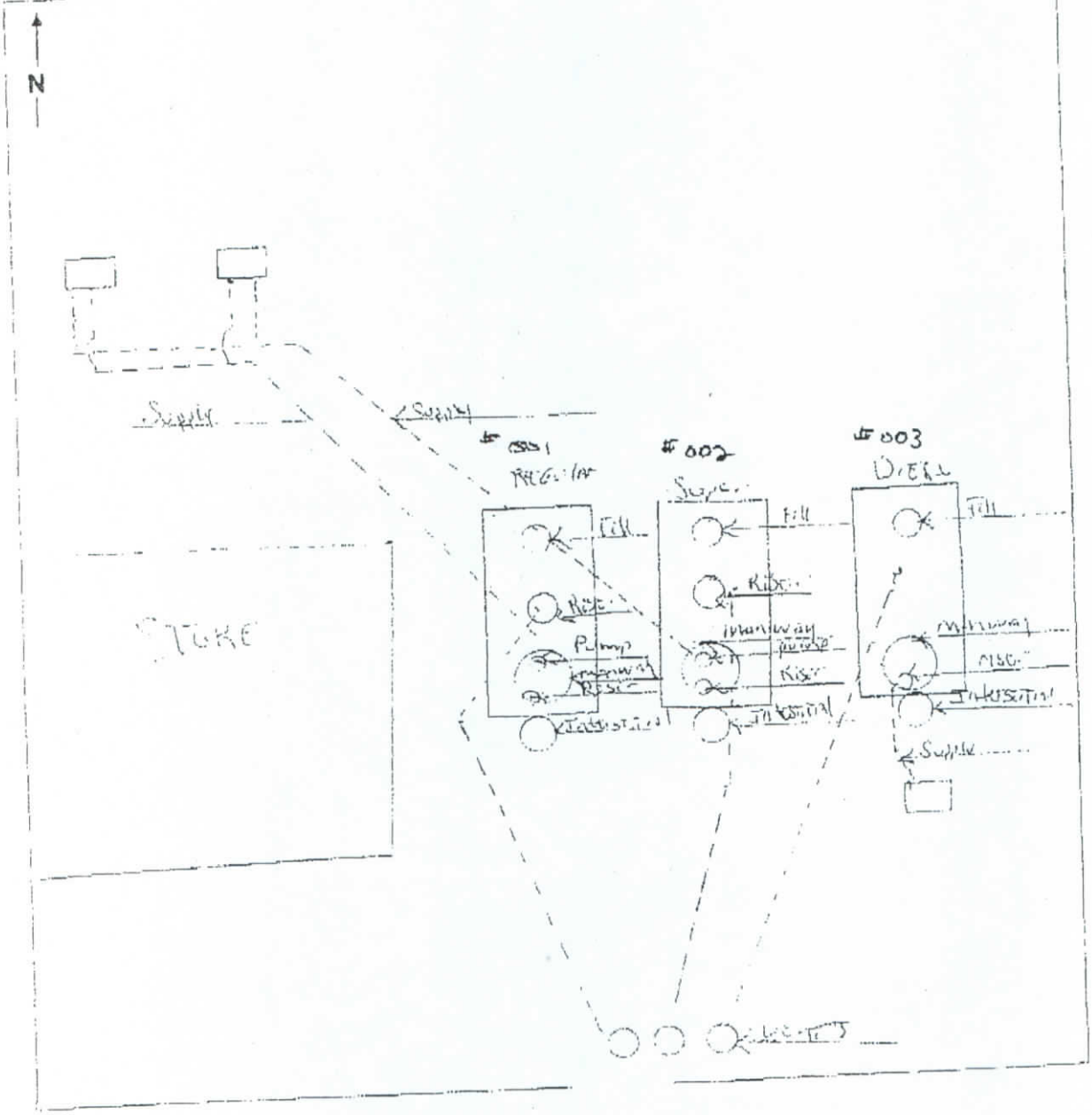
PRINT NAME:	John S. Gramz	CERTIFICATION #	52-6418
SIGN NAME:	John S Gramz	EXPIRATION DATE:	10/16/2012
TESTING FIRM:	PrimeTime Services Inc.	TELEPHONE #	(585) 303-2771
ADDRESS:	780 Curran Rd. Shortsville, NY 14548		

NEW YORK STATE REQUIREMENT: A DIAGRAM OF THE TANK SYSTEM MUST BE SUBMITTED TO

PrimeTime Services Inc.

EZ3 Locator Plus Tank Diagram Sheet

Date	6-29-12
Owner	WALCO CONVENIENCE & GAS
Address	351 CENTRAL AVE
City	SILVER CREEK NY 14136
PBS #	9-423506
Tank #	1, 2, 3



EZY 3 LOCATOR PLUS

PRESSURE CALCULATION & WATER SENSOR CALIBRIATION

DATE 6-29-12 | PASI

PBS# (NEW YORK) 9-425508

TOTAL TANK VOL. 8000

TANK # 2

PRODUCT VOL. 1849

LOCATION Valro Convenience & Gas

ULLAGE VOL. 6151

351 Central Ave

PRODUCT TYPE Super

Silver Creek NY 14136

PRESSURE SENSOR CALCULATION

27 INCHES of PRODUCT	X	0 026 WEIGHT of PRODUCT	=	.702	0.00 PSI (1)
0.00 0 INCHES of WATER in TANK	X	0.04	=	0	0.00 PSI (2)
Line 1 + Line 2 = Total Positive Head Pressure in Tank			=	.702	0.00 PSI (3)
0 0 INCHES of WATER OUTSIDE TANK	X	0.04	=	0	0.00 PSI (4)
Total Head Pressure Minus Outside Water Pressure			=	.702	0.00 +/- PSI (5)
Always add .5 PSI			+	1202	0.00 PSI (6)
NOTE: If Line 6 is Less than .5 PSI, Line 7 shall be .5 PSI					
TEST PRESSURE			=	1.2	0.5 +/- PSI (7)

	TIME	PRESSURE	
Blower Started:	8:57 AM	—	
Test Pressure Reached:	9:07 AM	1.3 0.5	Depth of Groundwater Determined:
Blower Turned Off:	9:07 AM	1.3 0.5	By: Interstitial is Dry
Test Began:	9:08 AM	1.2 0.5	Where:
Test Ended:	9:11 AM	1.2 0.5	

WATER SENSOR CALIBRATION

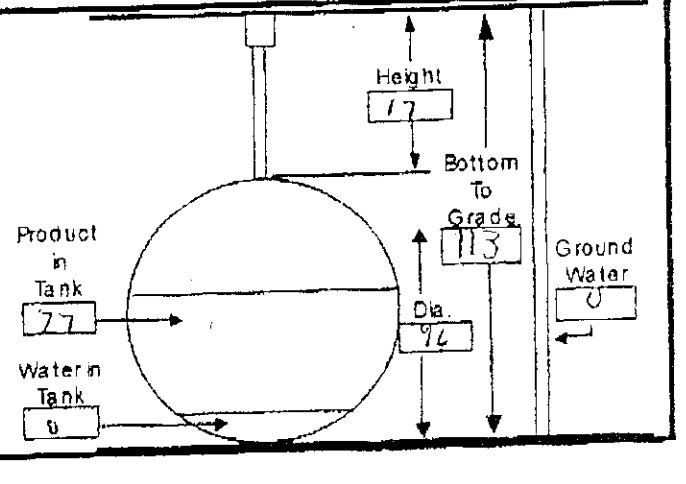
Added: N/A Cal # 1 N/A Cal # 2 N/A Cal # 3

Average:

Water Intrusion Test Period: Began: Ended:

Calculation for Test Period:

Ave. Cal. + 5780 = "A" Factor + .05 X 80 = Min. Time of Test



EZY 3 LOCATOR PLUS

FINAL REPORT

MANUFACTURED BY: ESTABROOK'S INC. (877) 368-7215

DATE	6-29-12	PBS# (NEW YORK)	9 425508
TOTAL TANK VOL.	8000	TANK #	2
PRODUCT VOL.	1849	LOCATION	Valero Convenience & Gas
ULLAGE VOL.	6151		357 Central Ave
PRODUCT TYPE	Super		Silver Creek NY 14136

THE ACOUSTIC CHARACTERISTIC OF A LEAK REVEALS:

X TIGHT TANK
This underground storage tank **PASSES** the criteria set forth by the U.S. E.P.A.

____ ULLAGE (DRY) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

____ BELOW PRODUCT LEVEL (WET) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

WATER SENSOR INDICATES:
(CHECK ONLY ONE)

NO WATER INTRUSION: ____ WATER INTRUSION: ____ NOT APPLICABLE: X

OPERATOR INFORMATION:

I hearby certify that this test complies with the criterea for a tightness test in paragraph 613.5 (a)(6) of the NYSDEC regulatory code. I am trained and qualified to perform this test.

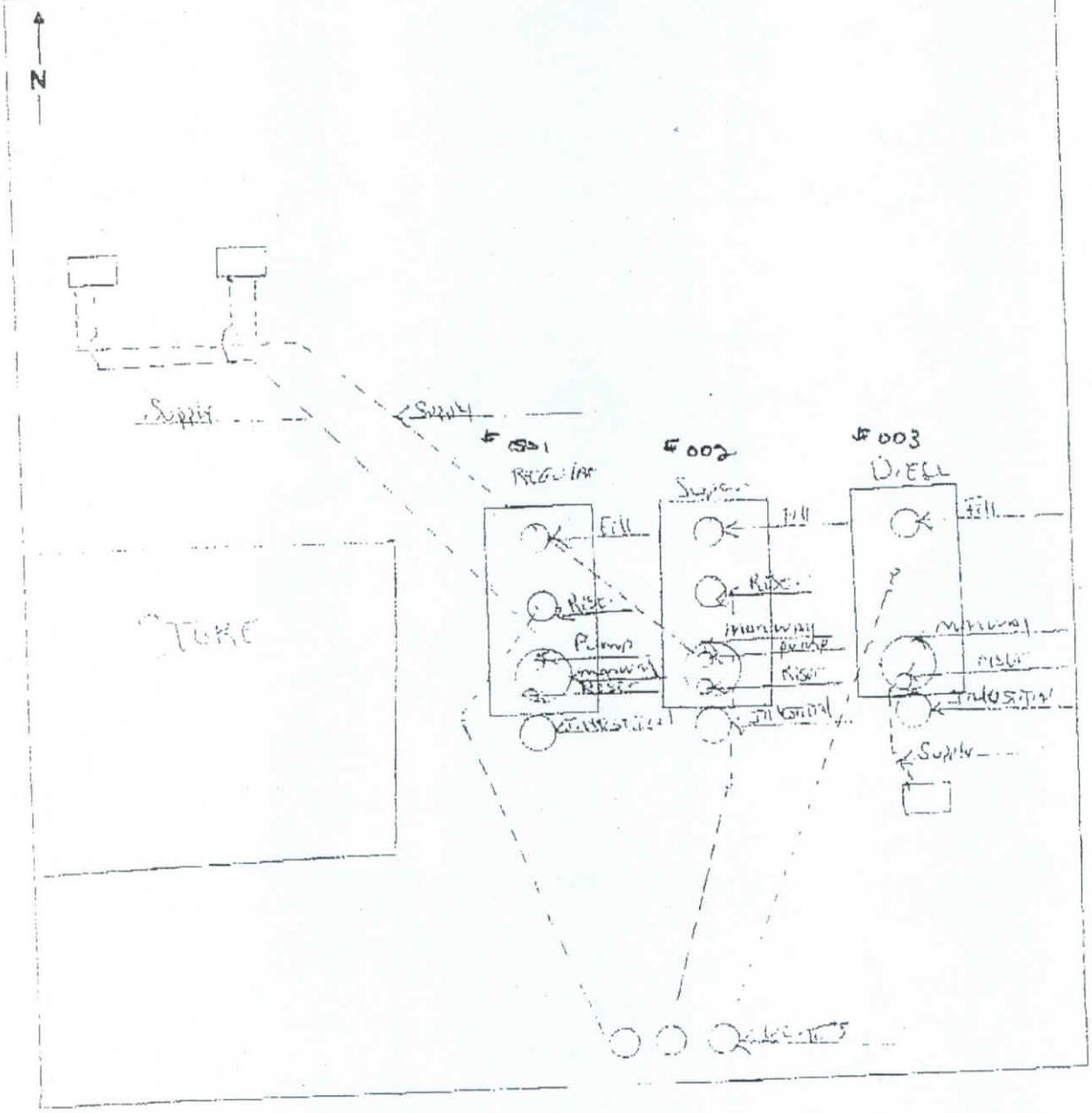
PRINT NAME:	John S. Gramz	CERTIFICATION #	52-6418
SIGN NAME:	John S. Gramz	EXPIRATION DATE:	10/16/2012
TESTING FIRM:	PrimeTime Services Inc.	TELEPHONE #	(585) 303-2771
ADDRESS:	780 Curran Rd. Shortsville, NY 14548		

NEW YORK STATE REQUIREMENT: A DIAGRAM OF THE TANK SYSTEM MUST BE SUBMITTED TO

PrimeTime Services Inc.

EZ3 Locator Plus Tank Diagram Sheet

Date	6-29-12
Owner	VALLEY CONVENIENCE # 6-03
Address	351 CENTRAL AVE
City	SILVER CREEK NY 14136
PBS #	9-425506
Tank #	1-2-3



PrimeTime Services Inc.

EZY 3 LOCATOR PLUS

PRESSURE CALCULATION & WATER SENSOR CALIBRIATION

DATE 6-29-12 | PASS

PBS# (NEW YORK) 9-425508

TANK # 3

TOTAL TANK VOL. 1000

PRODUCT VOL. 659

ULLAGE VOL. 341

PRODUCT TYPE DIESEL

LOCATION VALERO CONVENIENCE & GAS
351 CENTRAL AVE
SILVER CREEK NY 14136

PRESSURE SENSOR CALCULATION

30 INCHES of PRODUCT	x	0.031 WEIGHT of PRODUCT	=	.93	0.00 PSI (1)
0.00 0 INCHES of WATER in TANK	x	0.04	=	0	0.00 PSI (2)
Line 1 + Line 2 = Total Positive Head Pressure In Tank			=	.93	0.00 PSI (3)
0 0 INCHES of WATER OUTSIDE TANK	x	0.04	=	0	0.00 PSI (4)
Total Head Pressure Minus Outside Water Pressure			=	.93	0.00 +/- PSI (5)
			+	1.43	0.00 PSI (6)
TEST PRESSURE			=	1.4	0.5 +/- PSI (7)

Always add .5 PSI
NOTE: If Line 6 is Less than .5 PSI, Line 7 shall be .5 PSI

	TIME	PRESSURE
Blower Started:	9:27 pm	—
Test Pressure Reached:	9:29 pm	1.5 0.5
Blower Turned Off:	9:29 pm	1.5 0.5
Test Began:	9:31 pm	1.4 0.5
Test Ended:	9:34 pm	1.4 0.5

Depth of Groundwater Determined:

By: INTERSTITIAL IS DRY

Where:

WATER SENSOR CALIBRATION

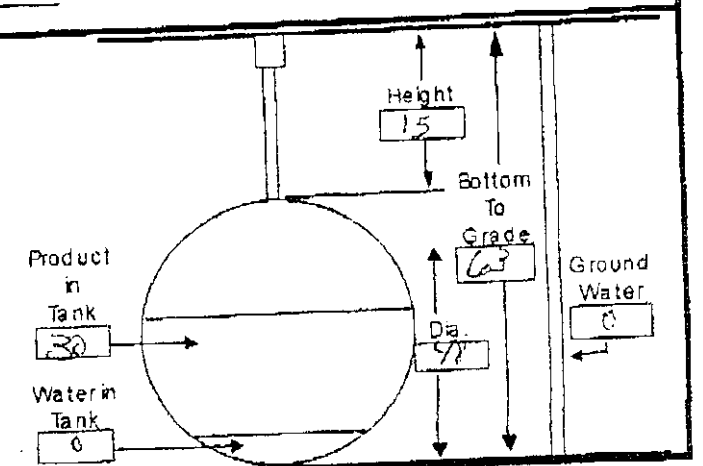
Added: N/A (Cal # 1) N/A (Cal # 2) N/A (Cal # 3)

Average:

Water Intrusion Test Period: Began: Ended:

Calculation for Test Period:

÷ 3760 = ____ (Avg. Cal.) + .05 ____ ("A" Factor) X .02 = ____ Min. (Time of test)



EZY 3 LOCATOR PLUS

FINAL REPORT

MANUFACTURED BY: ESTABROOK'S INC. (877) 368-7215

DATE	6.29.12	PBS# (NEW YORK)	9-425508
TOTAL TANK VOL.	1000	TANK #	3
PRODUCT VOL.	659	LOCATION	Valero Convenience and Gas
ULLAGE VOL.	341		351 Central Ave
PRODUCT TYPE	Diesel		Silver Creek NY 14131

THE ACOUSTIC CHARACTERISTIC OF A LEAK REVEALS:

X TIGHT TANK
This underground storage tank **PASSES** the criteria set forth by the U.S. E.P.A.

____ ULLAGE (DRY) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

____ BELOW PRODUCT LEVEL (WET) PORTION LEAK
This underground storage tank **FAILS** the criteria set forth by the U.S. E.P.A.

WATER SENSOR INDICATES:
(CHECK ONLY ONE)

NO WATER INTRUSION: ____ WATER INTRUSION: ____ NOT APPLICABLE: X

OPERATOR INFORMATION:

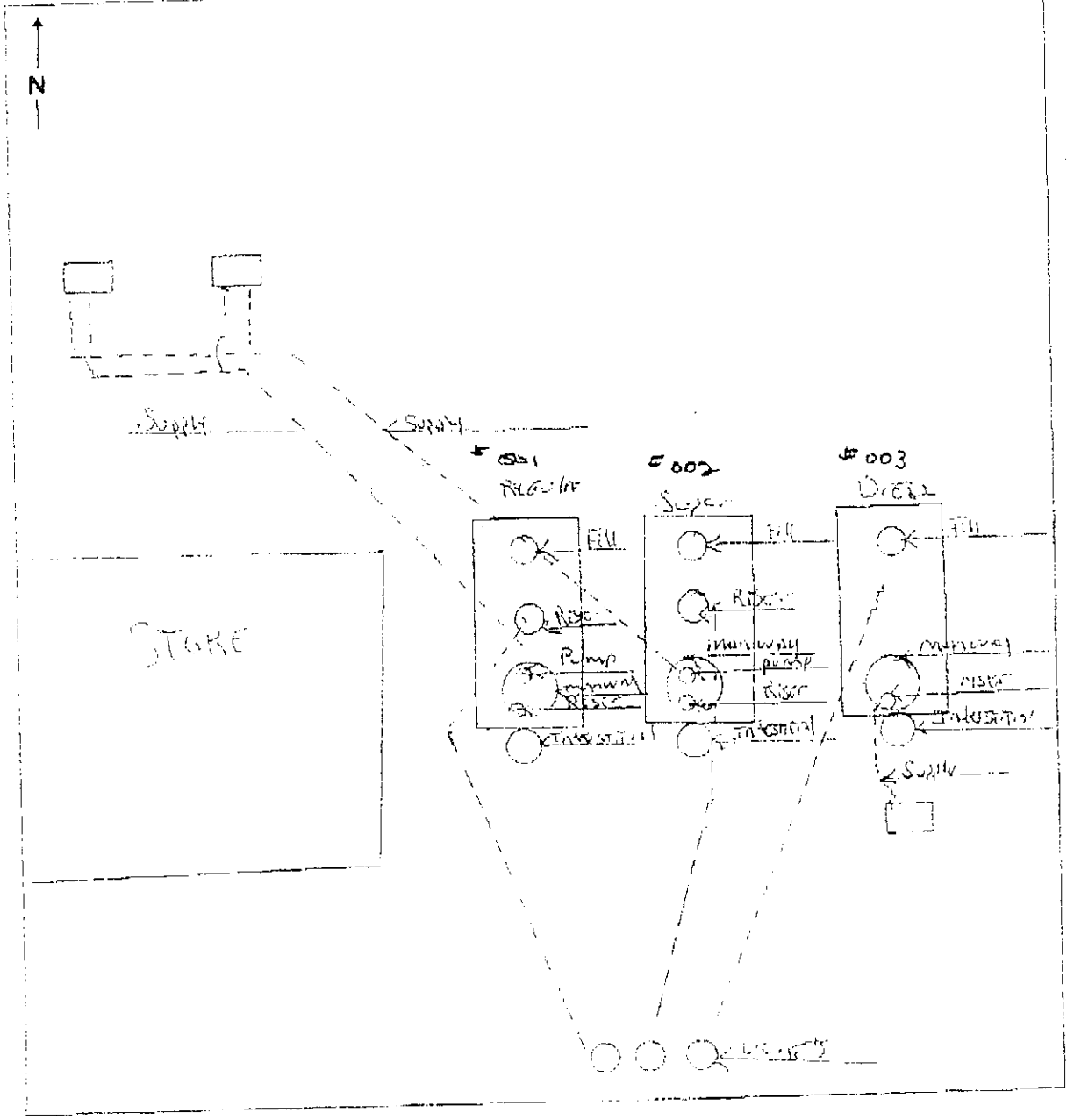
I hearby certify that this test complies with the criterea for a tightness test in paragraph 613.5 (a) (6) of the NYSDEC regulatory code. I am trained and qualified to perform this test.

PRINT NAME:	John S. Gramz	CERTIFICATION #	52-6418
SIGN NAME:	John S. Gramz	EXPIRATION DATE:	10/16/2012
TESTING FIRM:	PrimeTime Services Inc.	TELEPHONE #	(585) 303-2771
ADDRESS:	780 Curran Rd. Shortsville, NY 14548		

NEW YORK STATE REQUIREMENT: A DIAGRAM OF THE TANK SYSTEM MUST BE SUBMITTED TO

EZ3 Locator Plus Tank Diagram Sheet

Date	6-29-12
Owner	VALLEY CONVENIENCE & GAS
Address	351 CENTRAL AVE
City	SILVER CREEK NY 14136
PBS #	9-425506
Tank #	1-2-3



JEMKO

FAX

4895 EAST LAKE RD.
ERIE, PA 16511

Fax # (814) 899-6880
Ph # (814) 899-7575
(800) 995-3656

COPY

Date: 20 Dec '11

To: Valvo's Convenience & Gas, Inc.

Attn: Bridget

Fax #: 716-934-3531

From: Dana

Comments:

Tank tightness testing for one 1,000 gallon underground storage tank.

$450.00 + tx.

Underground Storage Tank (UST)

Facility Name: [illegible]
Address: [illegible] Rt 20
[illegible] NY 14136

Facility ID: 9 -

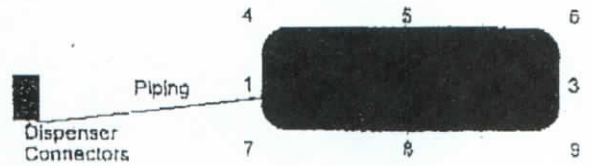
Test Date: 06/29 12[illegible]

Telephone #: (716) 951-8[illegible]

Testing Company Name: [illegible]
Address: 4085 [illegible] Road
[illegible]

Telephone #: (314) 996-[redacted] 7575

Equipment used to test: [illegible]



(Circle One) (Sacrificial) OR Impressed System

NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: Building 4 tank 1 | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							1.400	1.393	1.378			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 2 Fenceline | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.972	1.018	1.010			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 3 Fence | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)				.981	.999	.956						
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): [illegible]

NACE Certification #:

Signature: [illegible]

Date: 06-29-11

Underground Storage Tank (UST)

Facility Name: [illegible]
Address: [illegible] 127RT [illegible]
Silver Creek NY 14136

Facility ID: 9 -

Test Date: 06 / 29 / 2011

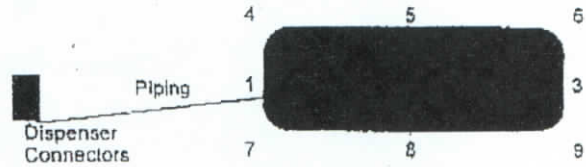
Telephone #: (716) 951 - 5132

Testing Company Name: [illegible]
Address: 981 S. [illegible] Road
Erie PA 16511

Telephone #: (814) 528 - 7575

Equipment used to test: P3 meter

(Circle One) Sacrificial OR Impressed System



NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: 4 Front of Store | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.527	.685	.712			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): [illegible]

NACE Certification #:

Signature: [illegible]

Date: 06-29-11

JEMKO

PETROLEUM EQUIPMENT, INC.

4895 East Lake Rd.
Erie, PA 16511 814-899-7575

COPY

Work Order #: 356

Date: May 06, 2011

Customer PO:

Called in By: Bridget

Operator: Dana

Job Site:
Valvo's Convience & Gas, Inc.
351 Central Ave
Silver Creek NY 14136
Steve Valvo (716) 951-8132

Bill To:
Valvo's Convience & Gas, Inc.
351 Central Ave
Silver Creek NY 14136
Steve Valvo (716) 951-8132

Round Trip: 118 Miles 2 Hours

Problem:

They want the corrosion protection tested on four tanks at their main office. 1277 Rt. 5 & Rt. 20
Schedule for Thursday or Friday

Work Performed:

Job On Hold: ☐ Date: Arrive On Site: Leave Off-Site: Travel Time:

Job On Hold: ☐ Date: Arrive On Site: Leave Off-Site: Travel Time:

Job Complete: ☐ Date: Arrive On Site: Leave Off-Site: Travel Time:

Please Note: Invoiced labor includes on-site time and travel time.

Parts Used

Qty.	Part #/ Description	P.P.U.	Amount

Parts/ Labor

Qty.	Part #/ Description	P.P.U.	Amount

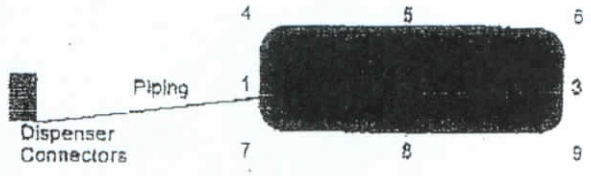
Hr./ Milage	Name	P.P.U.	Amount

Customer Signature:

Technician Signature:

Underground Storage Tank (UST)

Facility Name: Address: [illegible]	Facility ID: 9 - Test Date: / /
Telephone #: (7[illegible]) 95[illegible]-8132	
Testing Company Name: Address:	
Telephone #: ( ) -	
Equipment used to test:	
(Circle One) Sacrificial OR Impressed System	NOTE: Minimum test locations are 1, 2, and 3



Test for Tank #: [illegible] 7 Tank 1 | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							1.400	1.393	1.375			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: Tank 2 Fueline | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.972	1.018	1.010			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: Tank 3 Fuel | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)				.981	.999	.956						
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): NACE Certification #:

Signature: Date:

Table 4 Proof of above

	1	2	3
Mat is	.527	.575	.712

Underground Storage Tank (UST)

Facility Name: Valvoline
Address: 1237 1237 RT and 20
Silver Creek NY 14136

Facility ID: 9 -

Test Date: 06/29 1200

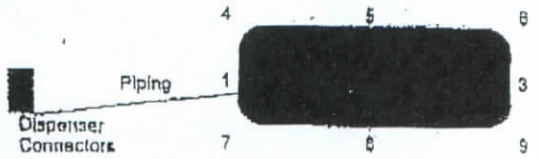
Telephone #: (716) 951-8132

Testing Company Name: Jemko
Address: 4875 E. Lake Road
Erie PA 16511

Telephone #: (814) 899-[redacted] 7575

Equipment used to test: P3 tester

(Circle One) (Sacrificial) OR Impressed System



NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: Building 4 tank 1					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							1.400	1.393	1.378			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 2 Fenceline					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.972	1.018	1.010			
Native Voltage												
Instant Off												
Polarization (Mv)		—	—									

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 3 Fence					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)				.981	.999	.956						
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): Mark Mills

NACE Certification #:

Signature: [signature]

Date: 06-29-11

Underground Storage Tank (UST)

Facility Name: Vilcos
Address: 2714 127th St
Silver Creek NY 14136

Facility ID: 9 -

Test Date: 06/29/2011

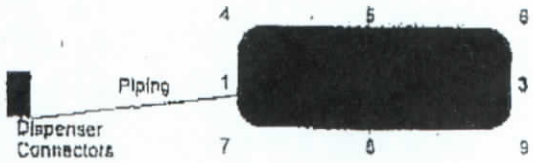
Telephone #: (716) 951-8132

Testing Company Name: Jemko
Address: 9815 Lake Rd
Erie PA 16511

Telephone #: (814) 899-7575

Equipment used to test: P3 meter

(Circle One) Sacrificial OR Impressed System



NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: 4 Front of Store | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.527	.685	.712			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: | Tank Size: | Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): Peter Jones

NACE Certification #:

Signature:

Date: 06-29-11

Underground Storage Tank (UST)

Facility Name: Various
Address: 1277 127 RT and 20
West Seneca NY 14136

Facility ID: 9 -

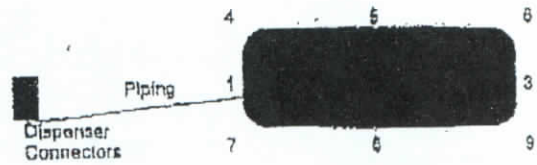
Test Date: 06/29/2011

Telephone #: (716) 951-8132

Testing Company Name: Jemko
Address: 4075 Erie Road
Erie PA 16511

Telephone #: (814) 899-[redacted] 7575

Equipment used to test: P3 tester



(Circle One) Sacrificial OR Impressed System

NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: Building 4 tank 1 Tank Size: Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							1.400	1.393	1.378			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 2 Fenceline Tank Size: Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.972	1.018	1.010			
Native Voltage												
Instant Off												
Polarization (Mv)		—	—									

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 3 Fence Tank Size: Product:

Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)				.981	.999	.956						
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

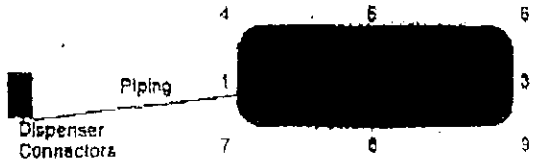
Name of Tester (Print): Mark Mills

NACE Certification #:

Signature: [signature]

Date: 06-29-11

Underground Storage Tank (UST)

Facility Name: Vifuns Address: 2 7th 127RT 28 Silver Creek NY 14136	Facility ID: 9 - Test Date: 06/29 12 5 11
Telephone #: (716) 951 - 5132	
Testing Company Name: Jemko Address: 9 West Lake Road Erie PA 16511	
Telephone #: (814) 899 7575	
Equipment used to test: P3 meter	
(Circle One) Sacrificial OR Impressed System	NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: 4 Front of Store					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)							.527	.685	.712			
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #:					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #:					Tank Size:				Product:			
Test Locations	1	2	3	4	5	6	7	8	9	Piping	STP Connectors	Dispenser Connectors
Reading (-Volt)												
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one) TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one) PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): [illegible]

NACE Certification #:

Signature: [illegible]

Date: 06-29-11

JEMKO

PETROLEUM EQUIPMENT, INC.

COPY

4895 EAST LAKE ROAD
ERIE, PENNSYLVANIA 16511
TELEPHONE (814) 899-7575
FAX (814) 899-6880

GALVANIC CATHODIC PROTECTION SYSTEM MONITORING REPORT

FACILITY: Wal's CANDY

TEST DATE: 4-11-12

1277 RT. 5 + 20

SILVER CREEK, NY 14136

FACILITY ID #:

TANK #:	OVER TANK LOCATION: END READING	MIDDLE READING	END READING
DIESEL	-.606	-.652	-.602

TECHNICIAN: MATT RICHTER

SIGNATURE: Matt Richter

DATE: 4-11-2012

PA DEP CERTIFICATION #: 335

COMPANY CERTIFICATION #: 58

COMMENTS:

Underground Storage Tank (UST)

Facility Name: VALUE'S CONVENIENCE + GAS
Address: 351 CENTRAL AVE
SILVER CREEK, NY 14136

Facility ID: 9 -

Test Date: 04/11/2012

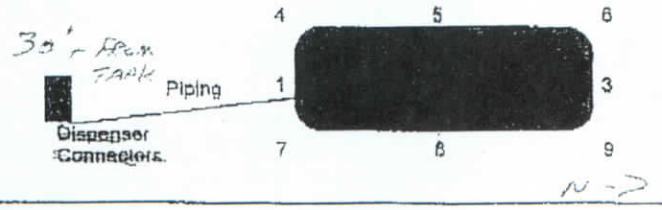
Telephone #: (716) 951-2132

Testing Company Name: JEMKO Petroleum Equipment
Address: 4895 EAST LAKE RD.
ERIE, PA 16511

Telephone #: (814) 899-7575

Equipment used to test: Copper Sulfate Reference Cell

(Circle One) Sacrificial OR Impressed System



NOTE: Minimum test locations are 1, 2, and 3

Test for Tank #: 1 Tank Size: Product: RUL

Test Locations	1	2	3	4	5	6	7	8	9	~~Piping~~ 30' +	STP Connectors	Dispenser Connectors
Reading (-Volt)	-0.697	-0.614				-0.634						
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 2 Tank Size: Product: PREM RUL

Test Locations	1	2	3	4	5	6	7	8	9	~~Piping~~ 30' +	STP Connectors	Dispenser Connectors
Reading (-Volt)	-1.101	-0.967								-0.945		
Native Voltage												
Instant Off												
Polarization (Mv)		—	—									

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

Test for Tank #: 3 Tank Size: Product: DIESEL

Test Locations	1	2	3	4	5	6	7	8	9	~~Piping~~ 30'+	STP Connectors	Dispenser Connectors
Reading (-Volt)	0.634									0.519		
Native Voltage												
Instant Off												
Polarization (Mv)												

Corrosion Protection Results (circle one)
TANK: (Pass) (Fail) (N/A)

Corrosion Protection Results (circle one)
PIPING: (Pass) (Fail) (N/A)

Comments/ Recommendations:

I hereby certify that I have an understanding of the principles and measurements of all common types of techniques used to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell as applied to buried piping and tank systems.

Name of Tester (Print): MATT RICHTER

NACE Certification #:

Signature: Matt R

Date: 04/11/2012

EZY CHEK SYSTEMS
PRODUCT LINE TESTER

DATA SHEET

TEST DATE	04/12/2012

Testing Company Information

Name	JEMKO Petroleum Equipment, Inc.
Address	4895 East Lake Road
City	Erie, PA 16511
Phone	814-899-7575

Test Location Information

Name	Valvo's Convenience & Gas
Address	351 Central Ave.
City	Silver Creek, NY 14136
Phone	716-951-3132
Contact	STEVE Valvo
Facility ID#	

Technican Information

Name	Matt Rickter
Cert #	335

Piping Fiberglass

Applied Pressure 50 PSI

#1 Product Type: Prem Rwl

TIME	DATA	-/+	GPL	RES	GPH
12:45	74	0	0.0037	0.0000	0.0000
1:00	74	0	0.0037	0	0
1:15	73	1	0.0037	0.0037	0.0148
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT: PASS

#2 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#3 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#4 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#5 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#6 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

JEMKO
PETROLEUM EQUIPMENT, INC.

ESTABROOK'S EZY CHEK LEAK DETECTOR TEST RESULTS

DATE: 04/12/2012

TESTING CO: JEMKO Petroleum Equipment Inc.
ADDRESS: 4895 East Lake Road
Erie, Pa 16511
PHONE: 814-899-7575

TEST SITE: Value's Convenience & Gas
ADDRESS: 351 Central Ave
Silver Creek, NY
FACILITY ID #:

TECH NAME & CERT #: MATT Richter PA # 335

TEST REPORT INDICATES

TYPE OF LEAK DETECTOR TESTED

PUMP #	MAKE	MODEL	SERIAL #
1	Red Jacket	EXIV	31102 7678
2			
3			
4			
5			
6			
7			
8			

PUMP #	PRODUCT TYPE	METERING PRESSURE	FUNCTIONAL ELEMENT HOLDING PSI	RESILIENCY	TEST LEAK RATE ML/MIN	OPENING TIME	PASS FAIL
1	GAS AREA	28	1.2	n/a	189 ml	2 sec	PASS
2					189 ml		
3					189 ml		
4					189 ml		
5					189 ml		
6					189 ml		
7					189 ml		
8					189 ml		

Issue Date: November 22, 1995
Revision Date: September 2, 2008

Estabrook EZY CHEK Systems
(originally listed as Horner EZY CHEK)

EZY-Chek Manual Line Leak Detector (for Rigid Pipelines)

LINE TIGHTNESS TEST METHOD

Certification	Leak rate of 0.1 gph with PD = 98.0% and PFA = 1%.
Leak Threshold	0.05 gph. A pipeline system should not be declared tight if the test result indicates a loss that equals or exceeds this threshold.
Applicability	Gasoline, diesel, aviation fuel, fuel oil #4. Other liquids may be tested after consultation with the manufacturer.
Specification	System tests fiberglass and steel pipelines. Tests are conducted at 150% operating pressure. Mechanical line leak detector must be removed or manually isolated from pipeline for duration of test, or if testing is to be conducted with mechanical line leak detector in place, check valve in pump must be manually closed.
Pipeline Capacity	Maximum of 426 gallons.
Waiting Time	None between delivery and testing. None between dispensing and testing.
Test Period	Under ideal conditions, 30 minutes; actual test time will depend on line size and temperature conditions at the site. Data are collected every 15 minutes. Three consecutive consistent readings are required for a valid test, with the first reading taken at zero time. Test data are acquired and recorded manually. Manual calculations performed by the operator on site.
Calibration	No temperature sensors used. No calibration required. System must be checked annually in accordance with manufacturer's instructions. Technicians must be certified by the manufacturer prior to using this equipment and recertified every two years.

Estabrook EZY CHEK Systems
1505 Woodside Ave.
Essexville, MI 48732
Tel: (989) 891-9868
E-mail: sales@ezychek.com
URL: www.ezychek.com

Evaluator: Ken Wilcox Associates
Tel: (816) 443-2494
Dates of Evaluations: 07/09/92, 05/21/08

EZY CHEK SYSTEMS
PRODUCT LINE TESTER
DATA SHEET

TEST DATE	4-13-2017

Testing Company Information

Name	JEMKO Petroleum Equipment, Inc.
Address	4895 East Lake Road
City	Erie, PA 16511
Phone	814-899-7575

Test Location Information

Name	Valvoline Convenience Gas
Address	351 Central Ave
City	Silver Creek, NY
Phone	716-951-8132
Contact	Steve Valvo
Facility ID#	

Technican Information

Name	Matt Richter
Cert #	735
Piping	Fiberglass
Applied Pressure	50 PSI

#1 Product Type: GAS

TIME	DATA	-/+	GPL	RES	GPH
12:30	67	0	0.0037	0.0000	0.0000
12:45	67	0	0.0037	0	0
1:00	67	0	0.0037	0	0
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT: PASS

#2 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#3 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#4 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#5 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

#6 Product Type:

TIME	DATA	-/+	GPL	RES	GPH
		0	0.0037	0.0000	0.0000
			0.0037		
			0.0037		
			0.0037		
			0.0037		
			0.0037		

FINAL RESULT:

JEMKO

PETROLEUM EQUIPMENT, INC.

ESTABROOK'S EZY CHEK LEAK DETECTOR TEST RESULTS

DATE: 4-19-2010

TESTING CO: JEMKO Petroleum Equipment Inc.
ADDRESS: 4895 East Lake Road
Erie, Pa 16511
PHONE: 814-899-7575

TEST SITE: Valvoline Convenience Gas
ADDRESS: 357 Centralia
Silver Creek, NY
FACILITY ID #:

TECH NAME & CERT #: Matt Richter 335

TEST REPORT INDICATES

TYPE OF LEAK DETECTOR TESTED

PUMP #	MAKE	MODEL	SERIAL #
1	Red Jacket	FXIV	405 10 2241
2			
3			
4			
5			
6			
7			
8			

PUMP #	PRODUCT TYPE	METERING PRESSURE	FUNCTIONAL ELEMENT HOLDING PSI	RESILIENCY	TEST LEAK RATE ML/MIN	OPENING TIME	PASS FAIL
1	Regular GAS	25	1.4	n/a	189 ml	9 sec	PASS
2					189 ml		
3					189 ml		
4					189 ml		
5					189 ml		
6					189 ml		
7					189 ml		
8					189 ml		

Valvo Convenience & Gas, Inc.
Summary of Violations
Violations Cited

Penalties (see worksheets for specific information

									# of Components	Start	End
Facility 1: PBS#: 9-600317: Valvo Convenience & Gas, Inc, Routes 5 & 20, Silver Creek, NY											
	Count #1	§280.70(c) - Permanently close a temporary closed tank after 12 months									
	Proposed Penalty		$ 22,812.00		Gravity:	$ 22,260.00	Eco Benefit:	$ 552.00	3 Tanks	8/1/2009	3/31/2011
Facility 2: PBS#: 9-600126: Valvo Transportation, Routes 5 & 20, Silver Creek, NY											
	Count #2a	§280.70(c) - Permanently close a temporary closed tank after 12 months (diesel tank)									
	Proposed Penalty		$ 7,604.00		Gravity:	$ 7,420.00	Eco Benefit:	$ 184.00	1 Tank	8/1/2009	3/31/2011
	Count #2b	§280.70(c) - Permanently close a temporary closed tank after 12 months (waste oil tank)									
	Proposed Penalty		$ 8,454.00		Gravity:	$ 8,360.00	Eco Benefit:	$ 94.00	1 Tank	12/15/2010	3/31/2011
	Count #3	§280.31(b) - Failure To Maintain Corrosion Protection For A Tank									
	Proposed Penalty		$ 2,167.00		Gravity:	$ 2,120.00	Eco Benefit:	$ 47.00	1 Tank	8/1/2009	3/15/2010
	Count #4	§280.41(a) - Failure To Maintain Release Detection For A Tank									
	Proposed Penalty		$ 4,280.00		Gravity:	$ 4,240.00	Eco Benefit:	$ 40.00	1 Tank	8/1/2009	3/15/2010
Facility 3: PBS#: 9-425508: HANOVER CONVENIENCE, 351 CENTRAL AVE, SILVER CREEK, NY											
	Count #5	§280.31(b)(1) - Failure To Test Corrosion Protection system every 3 years									
	Proposed Penalty		$ 3,192.00		Gravity:	$ 3,180.00	Eco Benefit:	$ 12.00	3 Tanks	3/8/2010	3/30/2010
	Count #6	§280.41(a) - Monitor tanks every 30 days (Diesel Tank)									
	Proposed Penalty		$ 4,293.00		Gravity:	$ 4,240.00	Eco Benefit:	$ 53.00	1 Tank	8/1/2009	4/11/2010
	Count #7	§280.41(b)(1)(ii) - Failure To Provide Release Detection method for piping									
	Proposed Penalty		$ 8,564.00		Gravity:	$ 8,480.00	Eco Benefit:	$ 84.00	2 Lines	8/1/2009	3/30/2010

TOTAL PENALTY $ 59,366.00 Gravity $58,300.00 Eco Ben. $1,066.00

Complainant's Exhibit 79

ite: Valvo Convenience & Gas Inc, RTE 5 & 20, Silver Creek, NY (Count 1)
'iolation: §280.70(c) - Permanently close after 12 months

Days of noncompliance:	1-Aug-09	31-Mar-11
Number of facilities, tanks or pipes:	3	
Total number of days:	608	

'art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

4. One Time Capital & Time Costs:	$	8,445.00
5. Delay Capital & Avoided Costs:	$	7,962.00
6. Avoided Annually Recurring Costs:	$	-
7. Initial Economic Benefit (4-5+6):	$	483.00
8. Final Economic Benefit at Penalty Payment Date:	$	552.00

Part 3 - Matrix Value For The Gravity-Based Component:

9. Matrix Value (MV): **1,500**

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	1,500	8/1/2009	3/31/2011	1.4163	$ 2,124.45	10	$2,120.00	$ 6,360.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Major** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$6,360.00	-
12a. Degree of willfulness or negligence:	0%	$6,360.00	-
13a. History of noncompliance:	0%	$6,360.00	-
14a. Unique factors:	0%	$6,360.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) **$6,360.00**

Justification for Degree of Cooperation/ Noncooperation:	**No adjustment was made.**
Justification for Degree of Willfulness or Negligence:	**No adjustment was made.**
Justification for History of Noncompliance:	**No adjustment was made.**
Justification for Unique Factors:	**No adjustment was made.**

ıiations for Gravity Based Components (GBC) with Inflation Adjustments:

:nvironmental Sensitivity: **Low**
:nvironmental Sensitivity Multiplier (ESM): 1

fication for Environmental Sensitivity Multiplier:

)ays of Noncompliance Multiplier (DNM): **3.5**

Start	End	Days	DNM
8/1/2009	**3/31/2011**	**608**	**3.5**

:ulations for Gravity Based Components:

Start	End	(AMV)	(ESM)	(DNM)	TOTAL
8/1/2009	**3/31/2011**	**$6,360.00**	**1**	**3.5**	**$ 22,260.00**

Total Gravity-Based Component = **$ 22,260.00**

Economic Benefit Component (from line 8): **$ 552.00**
Gravity-Based Component (from line 20): **$ 22,260.00**
Initial Penalty Target Figure: (line 21 plus line 22): **$ 22,812.00**

ite. Valvo Transport Inc., Routes 5 & 20 PO Box 271, Silver Creek, NY (Count 2a)
iolation: §280.70(c) - Permanently close after 12 months (diesel tank)

Days of noncompliance:	1-Aug-09	31-Mar-11
Number of facilities, tanks or pipes:	1	
Total number of days:	608	

art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

One Time Capital & Time Costs:	$	2,815.00
Delay Capital & Avoided Costs:	$	2,654.00
Avoided Annually Recurring Costs:	$	-
Initial Economic Benefit (4-5+6):	$	161.00
Final Economic Benefit at Penalty Payment Date:	$	184.00

Part 3 - Matrix Value For The Gravity-Based Component:

9 Matrix Value (MV): 1,500

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	1,500	8/1/2009	3/31/2011	1.4163	$ 2,124.45	10	$2,120.00	$ 2,120.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Major** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$2,120.00	-
12a. Degree of willfulness or negligence:	0%	$2,120.00	-
13a. History of noncompliance:	0%	$2,120.00	-
14a. Unique factors:	0%	$2,120.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) **$2,120.00**

Justification for Degree of Cooperation/ Noncooperation:	**No adjustment was made.**
Justification for Degree of Willfulness or Negligence:	**No adjustment was made.**
Justification for History of Noncompliance:	**No adjustment was made.**
Justification for Unique Factors:	**No adjustment was made.**

culations for Gravity Based Components (GBC) with Inflation Adjustments:

Environmental Sensitivity: **Low**
Environmental Sensitivity Multiplier (ESM): 1

ification for Environmental Sensitivity Multiplier:

Days of Noncompliance Multiplier (DNM): **3.5**

Start	End	Days	DNM
8/1/2009	**3/31/2011**	**608**	**3.5**

culations for Gravity Based Components:

Start	End	(AMV)	(ESM)	(DNM)	TOTAL
8/1/2009	**3/31/2011**	**$2,120.00**	**1**	**3.5**	**$ 7,420.00**

Total Gravity-Based Component = **$ 7,420.00**

Economic Benefit Component (from line 8): **$ 184.00**
Gravity-Based Component (from line 20): **$ 7,420.00**
Initial Penalty Target Figure: (line 21 plus line 22): **$ 7,604.00**

ite: Valvo Transport Inc., Routes 5 & 20 PO Box 271, Silver Creek, NY (Count 2b)
iolation: §280.70(c) - Permanently close after 12 months (waste oil)

Days of noncompliance:	15-Mar-10	31-Mar-11
Number of facilities, tanks or pipes:	1	
Total number of days:	382	

'art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

. One Time Capital & Time Costs:	$	2,856.00
; Delay Capital & Avoided Costs:	$	2,771.00
; Avoided Annually Recurring Costs:		
7. Initial Economic Benefit (4-5+6):	$	85.00
3 Final Economic Benefit at Penalty Payment Date:	$	94.00

Part 3 - Matrix Value For The Gravity-Based Component:

9 Matrix Value (MV): 1,500

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a	1,500	3/15/2010	3/31/2011	1.4163	$ 2,124.45	10	$2,120.00	$ 2,120.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Major** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$2,120.00	-
12a. Degree of willfulness or negligence:	0%	$2,120.00	-
13a History of noncompliance:	0%	$2,120.00	-
14a. Unique factors:	0%	$2,120.00	-

15a. Adjusted Matrix Value. (line 10a + Dollar Adjustments in lines 11.a to 14a) **$2,120.00**

Justification for Degree of Cooperation/ Noncooperation: **No adjustment was made.**
Justification for Degree of Willfulness or Negligence: **No adjustment was made.**

ication for History of Noncompliance: **No adjustment was made.**

ication for Unique Factors: **No adjustment was made.**

ulations for Gravity Based Components (GBC) with Inflation Adjustments:

Environmental Sensitivity: **Low**

Environmental Sensitivity Multiplier (ESM): **1**

ification for Environmental Sensitivity Multiplier:

Days of Noncompliance Multiplier (DNM): **3**

Start	End	Days	DNM
3/15/2010	**3/31/2011**	**382**	**3**

culations for Gravity Based Components:

	Start	End	(AMV)	(ESM)	(DNM)	TOTAL
3.	**3/15/2010**	**3/31/2011**	**$2,120.00**	**1**	**3**	**$ 6,360.00**

Total Gravity-Based Component = **$ 6,360.00**

Economic Benefit Component (from line 8): **$ 94.00**

Gravity-Based Component (from line 20): **$ 6,360.00**

Initial Penalty Target Figure: (line 21 plus line 22): **$ 6,454.00**

ite: Valvo Transport Inc., Routes 5 & 20 PO Box 271, Silver Creek, NY (Count 3)
iolation: §280.31(b) - Failure to Maintain Corrosion Protection for a Tank

. Days of noncompliance:	1-Aug-09	15-Mar-10
.. Number of facilities, tanks or pipes:	1	
Total number of days:	227	

art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

. One Time Capital & Time Costs:	$	-
. Delay Capital & Avoided Costs:	$	-
. Avoided Annually Recurring Costs:	$	42.00
. Initial Economic Benefit (4-5+6):	$	42.00
. Final Economic Benefit at Penalty Payment Date:	$	47.00

art 3 - Matrix Value For The Gravity-Based Component:
. Matrix Value (MV): 750

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix		Total
10a.	750	8/1/2009	3/15/2010	1.4163	$ 1,062.23	10	$1,060.00	$	1,060.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Moderate** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$1,060.00	-
12a. Degree of willfulness or negligence:	0%	$1,060.00	-
13a. History of noncompliance:	0%	$1,060.00	-
14a. Unique factors:	0%	$1,060.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) **$1,060.00**

Justification for Degree of Cooperation/ Noncooperation:	**No adjustment was made.**
Justification for Degree of Willfulness or Negligence:	**No adjustment was made.**
Justification for History of Noncompliance:	**No adjustment was made.**
Justification for Unique Factors:	**No adjustment was made.**

ulations for Gravity Based Components (GBC) with Inflation Adjustments:

Environmental Sensitivity: Low
Environmental Sensitivity Multiplier (ESM): 1

ification for Environmental Sensitivity Multiplier:

Days of Noncompliance Multiplier (DNM): 2

Start	End	Days	DNM
8/1/2009	3/15/2010	227	2

culations for Gravity Based Components:

Start	End	(AMV)	(ESM)	(DNM)	TOTAL
8/1/2009	3/15/2010	$1,060.00	1	2	$ 2,120.00

Total Gravity-Based Component = $ 2,120.00

Economic Benefit Component (from line 8): $ 47.00
Gravity-Based Component (from line 20): $ 2,120.00
Initial Penalty Target Figure: (line 21 plus line 22): $ 2,167.00

ie Valvo Transport Inc., Routes 5 & 20 PO Box 271, Silver Creek, NY (Count 4)
olation: §280.41(a) - Failure to Conduct Release Detection For a Tank

Days of noncompliance:	1-Aug-09	15-Mar-10
Number of facilities, tanks or pipes:	1	
Total number of days:	227	

art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

One Time Capital & Time Costs:	$	-
Delay Capital & Avoided Costs:	$	-
Avoided Annually Recurring Costs:	$	35.00
Initial Economic Benefit (4-5+6):	$	35.00
Final Economic Benefit at Penalty Payment Date:	$	40.00

'art 3 - Matrix Value For The Gravity-Based Component:

1. Matrix Value (MV): 1,500

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	1,500	8/1/2009	3/15/2010	1.4163	$ 2,124.45	10	$2,120.00	$ 2,120.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Major** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$2,120.00	-
12a. Degree of willfulness or negligence:	0%	$2,120.00	-
13a. History of noncompliance:	0%	$2,120.00	-
14a. Unique factors:	0%	$2,120.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) $2,120.00

Justification for Degree of Cooperation/ Noncooperation:	**No adjustment was made.**
Justification for Degree of Willfulness or Negligence:	**No adjustment was made.**
Justification for History of Noncompliance:	**No adjustment was made.**
Justification for Unique Factors:	**No adjustment was made.**

iations for Gravity Based Components (GBC) with Inflation Adjustments:

nvironmental Sensitivity: **Low**
nvironmental Sensitivity Multiplier (ESM): 1

ication for Environmental Sensitivity Multiplier:

)ays of Noncompliance Multiplier (DNM): 2

Start	End	Days	DNM
8/1/2009	**3/15/2010**	227	2

ulations for Gravity Based Components:

Start	End	(AMV)	(ESM)	(DNM)	TOTAL
8/1/2009	**3/15/2010**	**$2,120.00**	1	2	**$ 4,240.00**

Total Gravity-Based Component = **$ 4,240.00**

Economic Benefit Component (from line 8): **$ 40.00**
Gravity-Based Component (from line 20): **$ 4,240.00**
Initial Penalty Target Figure: (line 21 plus line 22): **$ 4,280.00**

Site: Hanover Convenience, 351 Central Ave., Silver Creek, NY (Count 5)
Violation: §280.31(b)(1) - CP tested every 3 years

1. Days of noncompliance: 8-Mar-10 30-Mar-10
2. Number of facilities, tanks or pipes: 3
3. Total number of days: 23

Part 2 - Economic Benefit Component (See BEN computer model v. 4.3):

4. One Time Capital & Time Costs:	$	-
5. Delay Capital & Avoided Costs:	$	-
6. Avoided Annually Recurring Costs:	$	11.00
7. Initial Economic Benefit (4-5+6):	$	11.00
8. Final Economic Benefit at Penalty Payment Date:	$	12.00

Part 3 - Matrix Value For The Gravity-Based Component:

9. Matrix Value (MV): 750

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	750	3/8/2010	3/30/2010	1.4163	$ 1,062.23	10	$1,060.00	$ 3,180.00

Note: Inflation adjustments are defined as:
a. **9.83% increase effective Jan 13,2009**

Potential for Harm: **Moderate** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$3,180.00	-
12a. Degree of willfulness or negligence:	0%	$3,180.00	-
13a. History of noncompliance:	0%	$3,180.00	-
14a. Unique factors:	0%	$3,180.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) $3,180.00

Justification for Degree of Cooperation/ Noncooperation: **No adjustment was made.**
Justification for Degree of Willfulness or Negligence: **No adjustment was made.**
Justification for History of Noncompliance: **No adjustment was made.**

fication for Unique Factors: **No adjustment was made.**

ulations for Gravity Based Components (GBC) with Inflation Adjustments:

Environmental Sensitivity: **Low**
Environmental Sensitivity Multiplier (ESM): 1

ification for Environmental Sensitivity Multiplier.

Days of Noncompliance Multiplier (DNM): 1

Start	End	Days	DNM
3/8/2010	**3/30/2010**	**23**	1

culations for Gravity Based Components:

	Start	End	(AMV)	(ESM)	(DNM)		TOTAL
1.	**3/8/2010**	**3/30/2010**	**$3,180.00**	1	1	$	3,180.00

Total Gravity-Based Component =	$	3,180.00
Economic Benefit Component (from line 8):	$	12.00
Gravity-Based Component (from line 20):	$	3,180.00
Initial Penalty Target Figure: (line 21 plus line 22):	$	**3,192.00**

te: **Hanover Convenience, 351 Central Ave., Silver Creek, NY (Count 6)**
iolation: **§280.41(a) - Monitor tanks every 30 days**

. Days of noncompliance:	**1-Aug-09**	**11-Apr-10**
. Number of facilities, tanks or pipes:	**1**	
. Total number of days:	**254**	

'art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

4. One Time Capital & Time Costs:	$	-
5. Delay Capital & Avoided Costs:	$	-
6. Avoided Annually Recurring Costs:	$	**46.00**
7. Initial Economic Benefit (4-5+6):	$	**46.00**
8. Final Economic Benefit at Penalty Payment Date:	$	**53.00**

Part 3 - Matrix Value For The Gravity-Based Component:

9. Matrix Value (MV): **1,500**

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	**1,500**	**8/1/2009**	**4/11/2010**	**1.4163**	**$ 2,124.45**	10	**$2,120.00**	**$ 2,120.00**

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: **Major** Extent of Deviation: **Major**

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	**$2,120.00**	-
12a. Degree of willfulness or negligence:	0%	**$2,120.00**	-
13a. History of noncompliance:	0%	**$2,120.00**	-
14a. Unique factors:	0%	**$2,120.00**	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) **$2,120.00**

Justification for Degree of Cooperation/ Noncooperation: **No adjustment was made.**
Justification for Degree of Willfulness or Negligence: **No adjustment was made.**

ication for History of Noncompliance: **No adjustment was made.**
ication for Unique Factors: **No adjustment was made.**

ulations for Gravity Based Components (GBC) with Inflation Adjustments:

Environmental Sensitivity: **Low**
Environmental Sensitivity Multiplier (ESM): 1

ification for Environmental Sensitivity Multiplier:

Days of Noncompliance Multiplier (DNM): 2

Start	End	Days	DNM
8/1/2009	**4/11/2010**	**254**	**2**

culations for Gravity Based Components:

Start	End	(AMV)	(ESM)	(DNM)	TOTAL
8/1/2009	**4/11/2010**	**$2,120.00**	1	2	**$ 4,240.00**

Total Gravity-Based Component = **$ 4,240.00**

Economic Benefit Component (from line 8): **$ 53.00**
Gravity-Based Component (from line 20): **$ 4,240.00**
Initial Penalty Target Figure: (line 21 plus line 22): **$ 4,293.00**

:e: Hanover Convenience, 351 Central Ave., Silver Creek, NY (Count 7)
olation: §280.41(b)(1)(ii) - TT or monitoring on piping

Days of noncompliance:	1-Aug-09	30-Mar-10
Number of facilities, tanks or pipes:	2	
Total number of days:	242	

art 2 - Economic Benefit Component (See BEN computer model v. 4.3):

One Time Capital & Time Costs:	$	-
Delay Capital & Avoided Costs:	$	-
Avoided Annually Recurring Costs:	$	74.00
Initial Economic Benefit (4-5+6):	$	74.00
Final Economic Benefit at Penalty Payment Date:	$	84.00

Part 3 - Matrix Value For The Gravity-Based Component:

9. Matrix Value (MV): 1,500

Inflation Adjustment Rules:

	Value	Start Date	End Date	Inflation	Value+Inflation	Round To	Matrix	Total
10a.	1,500	8/1/2009	3/30/2010	1.4163	$ 2,124.45	10	$2,120.00	$ 4,240.00

Note: Inflation adjustments are defined as:
a. 9.83% increase effective Jan 13,2009

Potential for Harm: Extent of Deviation:

Justifications for Potential for Harm and Extent of Deviation: **See OSWER Directive 9610.12, Appendix A.**

Part 4 - Violator-Specific Adjustments To Matrix Value:

	% Change	Matrix Value	Total Dollar Adjustment
11a. Degree of cooperation or noncooperation:	0%	$4,240.00	-
12a. Degree of willfulness or negligence:	0%	$4,240.00	-
13a. History of noncompliance:	0%	$4,240.00	-
14a. Unique factors:	0%	$4,240.00	-

15a. Adjusted Matrix Value, (line 10a + Dollar Adjustments in lines 11.a to 14a) **$4,240.00**

Justification for Degree of Cooperation/ Noncooperation:	**No adjustment was made.**
Justification for Degree of Willfulness or Negligence:	**No adjustment was made.**
Justification for History of Noncompliance:	**No adjustment was made.**
Justification for Unique Factors:	**No adjustment was made.**

ations for Gravity Based Components (GBC) with Inflation Adjustments:

nvironmental Sensitivity	Low	
nvironmental Sensitivity Multiplier (ESM)		1

ication for Environmental Sensitivity Multiplier:

Days of Noncompliance Multiplier (DNM):				2
	Start	End	Days	DNM
	8/1/2009	3/30/2010	242	2

culations for Gravity Based Components.

	Start	End	(AMV)	(ESM)	(DNM)	TOTAL
	8/1/2009	3/30/2010	$4,240.00	1	2	$ 8,480.00

Total Gravity-Based Component =	$ 8,480.00
Economic Benefit Component (from line 8):	$ 84.00
Gravity-Based Component (from line 20):	$ 8,480.00
Initial Penalty Target Figure: (line 21 plus line 22):	$ 8,564.00