



**CITY OF BUFFALO**  
**DEPARTMENT OF LAW**



BYRON W. BROWN  
MAYOR

DAVID RODRIGUEZ  
ACTING  
CORPORATION COUNSEL

September 18, 2010

Regional Hearing Officer  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

Dore LaPosta, Director, Division of Enforcement and Compliance Assistance  
Environmental Protection Agency, Region 2  
290 Broadway, 21<sup>st</sup> Floor  
New York, New York 10007-1866

Stuart N. Keith, Esq  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

RE: In the Matter of the CITY OF BUFFALO  
Proceeding under Section 3008 of the  
Solid Waste Disposal Act, as amended

Docket No. RCRA-02-2010-7107

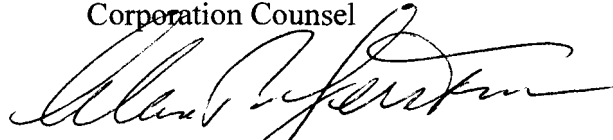
Dear Sirs:

Please find enclosed and herby served upon you, the Answer of the City of Buffalo in the above captioned proceeding.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2010 SEP 21 P 3:20  
REGIONAL HEARING

Very truly yours,

David Rodriguez  
Corporation Counsel

A handwritten signature in black ink, appearing to read "Alan P. Gerstman". The signature is fluid and cursive, with a long horizontal stroke at the end.

BY: ALAN P. GERSTMAN  
Assistant Corporation Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG.11  
2010 SEP 21 P 3:20  
REGIONAL HEARING  
OFFICE  
BUFFALO

In the Matter of

ANSWER

City of Buffalo, Respondent

Docket No.  
RCRA-02-2010-7107

Proceeding Under Section 3008 of  
the Solid Waste Disposal Act, as  
amended.

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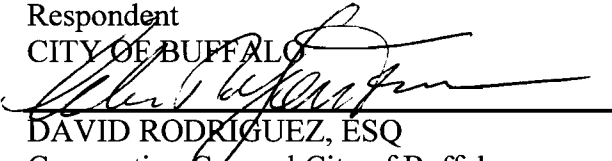
The CITY OF BUFFALO, by its attorney, David Rodriguez, Corporation Counsel of the City of Buffalo, Alan P. Gerstman, Assistant Corporation Counsel, of counsel, as its ANSWER to the COMPLAINT of the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, dated June 30, 2010, does hereby states as follows:

1. Admits the allegations numbered: 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 35, 36, 38, 39, 42, 44, 45, 49, 51, and 52 therein.
2. Denies information or knowledge sufficient to form a belief as to the truth of paragraphs numbers 11, 13, 40, 46, 47, 53, and 54.
3. Denies the allegations in paragraphs numbered 41, 48, 50, 55, 56, and 57.
4. Denies the truth of the statement alleged to have been made by one Dan Connors in paragraph 16 and admits the remainder.
5. Denies the truth of the statement alleged to have been made by one David A. Hornung in paragraph 20 and admits the remainder.

6. Denies so much of paragraph 3 that alleges that the CITY owns or operates approximately 200 buildings, and further denies that it maintains any responsibility for any part of operation of libraries, museums, theaters or a zoo; the CITY affirmatively states that with respect to such facilities the CITY has interests in real property upon which several such private not-for-profit enterprises operate; further alleges that it has no responsibility for operation of public libraries within the City pursuant to the New York State Cities and Counties Library Act of 1953: further alleges that it is unaware of a facility identified as a “hockey area”, but does admit that a building formerly known as the War Memorial Auditorium was used in part for hockey until it was demolished prior to the periods alleged in this Complaint.

Respondent

CITY OF BUFFALO



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DAVID RODRIGUEZ, ESQ  
Corporation Counsel City of Buffalo.  
ALAN P. GERSTMAN, Assistant  
Corporation Counsel, of Counsel

Office and Post Office Address

1100 City Hall  
65 Niagara Square,  
Buffalo, New York 14202  
Telephone: (716) 851-4315

Dated the 18<sup>th</sup> day of September 2010  
Buffalo, New York

TO: REGIONAL HERING CLERK  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

DORE LAPOSTA, Director  
Division of Enforcement and Compliance Assistance  
Environmental Protection Agency, region 2  
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