



**HAZARDOUS MATERIAL SPILLS INFORMATION REQUEST**

**WELLS 7 AND 8**

WEST OF SOUTH MAIN ST

PORTVILLE, NY NO ZIP PROVIDED

**Spill Number: 1210990**

**Close Date:**

ADDRESS CHANGE INFORMATION

Revised street: S MAIN ST BTWN BROOKLYN ST / PINE ST

Revised zip code: 14770

Source of Spill: UNKNOWN

Spiller: UNKNOWN

Spiller Phone:

Notifier Type: Other

Notifier Name:

Notifier Phone:

Caller Name:

Caller Agency:

Caller Phone:

DEC Investigator: FXGALLEG

Contact for more spill info:

Contact Person Phone:

Category: Known petroleum or hazardous material release with minimal potential for fire/explosion (indoors or outdoors), drinking water contamination, or releases to surface waters.

Class: Willing RP – DEC Field Response – Corrective Action Initiated, Taken Over, or Completed by RP or Other Agency

Spill Date	Date Cleanup Ceased	Cause of Spill	Meets Cleanup Standards		Penalty Recommended	
11/14/2012		UNKNOWN	NO		NO	
Material Spilled	Material Class	Quantity Spilled	Units	Quantity Recovered	Units	Resource(s) Affected
UNKNOWN PETROLEUM	PETROLEUM	0.00	GALLONS	0.00	GALLONS	GROUNDWATER

**Caller Remarks:**

**DURING THE PUMP TESTING OF RELIEF WELLS, PETROLEUM CONTAMINATION WAS FOUND IN 2 OF THE WELLS.**

DEC Investigator Remarks:

11/14/12:CONFERENCE CALL BETWEEN JEFF KONSELLA – NYSDEC DIV OF WATER REGION 9, STEVE LEN – DEC DIV OF WATER CENTRAL OFFICE, KURT ARNOLD – NYSOGS, TODD SWACKHAMER, SUSAN GEORGE AND DON MCMAHON – MCMAHON AND MANN, PC, AND SAC. DURING THE PUMPING OF RELIEF WELLS AS REQUIRED BY THE US ARMY CORPS OF ENGINEERS, PETROLEUM CONTAMINATION WAS FOUND IN 2 WELLS: PUMPING WELLS 7 & 8. THESE WELLS ARE ADJACENT TO EACH OTHER ABOUT 50 FT APART AND ARE BETWEEN 20 TO 30 FT DEEP. THE CONTAMINATION IN ONE OF THE WELLS WAS FOUND DURING THE ACTUAL PUMPING AS A BLACK VISCOUS LIQUID WITH PETROLEUM ODORS WAS BROUGHT UP. THE CONTAMINATION IN THE OTHER WELL WAS FOUND WHILE THEY VIDEOTAPING IT. THIS WELL ALSO EXHIBITED PETROLEUM ODORS. THERE ARE NO OBVIOUS SOURCES. IT IS A RESIDENTIAL AREA BUT NOT NEAR ANY PHYSICAL ADDRESS AND IS A WOODED AREA. HOWEVER, DEC PERSONNEL IN OLEAN SAID THERE MAY HAVE BEEN AN OIL FIELD IN THIS AREA AND THERE IS A RAILROAD BED. THEY HAVE DISCONTINUED PUMPING BOTH WELLS BUT WILL CONTINUE WITH OTHER WELLS UNLESS CONTAMINATION IS DISCOVERED. WORK SHOULD CONTINUE UNTIL THE END OF THE MONTH.

11/19/12 FG SITE INSPECTION. MET MIKE BLAKE WITH NYSDEC FLOOD CONTROL AND JIM JEMOR WITH MCMANN & MANN. FG SAMPLED RELIEF WELL 8 BECAUSE MR. JEMOR SAID IT HADN'T BEEN PUMPED DOWN. PRODUCT (CRUDE) STUCK TO THE BAILER BUT NO THICKNESS ON WATER. SAMPLES COLLECTED FOR DOH310-13, FLASH, 8260 & 8270 STARS, PCB'S AND SUBMITTED TO TESTAMERICA. SPILL 9308412 WAS PREVIOUSLY GENERATED WHEN THE RELIEF WELLS HAD BEEN PUMPED IN 1993. THE DEPARTMENT CLOSED THE SPILL WITH NO FURTHER ACTION SITING THE FACT THAT THE MATERIAL WAS CRUDE.

12/12/12 TESTAMERICA SUBMITTED THE ANALYTICAL REPORT FOR BOTH WELLS 7 AND 8. WELL 7 124 TRIMETHYLBENZENE 22PPB, PHENANTHRENE 8.74 PPB, IDENTIFIED AS AN UNKNOWN HYDROCARBON, NO PCB'S, NO FLASH. WELL 8 CHRYSENE 13008 PPB, PHENANTHRENE 26008 PPB, FUEL OIL #2, NO PCB'S, NO FLASH.

EXXON MOBIL PROVIDED THE FOLLOWING RESPONSE: Francine,

Phil Brininstool will be on point for this potential claim as I copy him so you have his email address. As you may know, National Transit was owned by many entities after Standard Oil and Rockefeller. The question will be when the released happened and under who's ownership. Do we know if this was crude or refined product discovered in the 2 wells?

Gary

From: Francine Gallego [mailto:fxgalleg@gw.dec.state.ny.us] Sent: Wednesday, December 12, 2012 11:44 AM To: Stumpf, Gary A; Gresham, Joshua J Subject: RE: Spill 1105616 290 Kenmore Ave, Buffalo, NY

Gary,

I am sorry for the lack of explanation. The link included in the email is a history of National Transit and it was owned by Standard Oil and then Nelson Rockefeller. There are many other companies in t here as well. I will provide a better request but thought you might be able to look into it preliminarily.

Thanks,

Francine

greater than greater than greater than Stumpf, Gary A 12/7/2012 3:43 PM greater than greater than greater than

Francine,

Not following this one. There were product/crude lines running through Portville that belonged to National Transit. So what am I investigating?

Gary

From: Francine Gallego [mailto:fxgalleg@gw.dec.state.ny.us] Sent: Friday, December 07, 2012 1:18 PM To: Stumpf, Gary A; Gresham, Joshua J Subject: RE: Spill 1105616 290 Kenmore Ave, Buffalo, NY

Gary,

I have another site for you to investigate. We found petroleum in two relief wells associated with the Portville Flood control project. The wells are located along the Allegany River in Portville, NY running parallel with Route 417 where it intersects

with Route 305. Two wells may be impacted by the former National Transit lines that according to the flood control maps run adjacent to the location of the impacted wells 7 and 8. There are reported to be two 8 inch pipelines that are still there. National Transit is currently out of business but the attached link indicates they had quite a history. I haven't done any subsurface investigation yet but plan to. Wanted to get your thoughts on this.

<http://www.oil150.com/essays/2008/09/national-transit-pipe-lines-silver-run-pump-station-gordon-tibbens-lease-south-penn-oil-company-from-bully-hill-franklin-sandycreek-township-venango-county-to-drake-well-museum-and-park>

Please call me if you have any questions 716-851-7220.

Best Regards,

Francine Gallego

NYSDEC

270 Michigan Ave

Buffalo, NY 14203

fxgalleg@gw.dec.state.ny.us

716-851-7220 gary.a.stumpf@exxonmobil.com Phil J Brininstool

4/26/13 UPDATE:

Hi Dan, Attached is the spill report for the New York State Department of Environmental Conservation's spill file 1210990 located in Portville, New York. On November 14, 2012, the Department was notified that a petroleum product was found in the flood control relief wells 7 & 8. Previously, the Department responded to the same wells and spill report 9308412 is provided. The Department discovered that National Transit Co pipelines ( two 8 inch ) run parallel with the location of wells 7 and 8. There does not appear to be any other possible sources in the area. In 1964, Pennzoil acquired National Transit Co and Pennzoil is now owned by Shell. Please let me know if you need any further information. Thanks, Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 fxgalleg@gw.dec.state.ny.us 716-851-7220 greater than greater than greater than 4/25/2013 2:41 PM greater than greater than greater than

Hi, Francine. Can you give me more information about the site outlined above? This will help us to get you in contact with the correct person at Shell.

Thanks,

Dan Kirk Principal Program Manager Soil and Groundwater Focus Delivery Group, Major Projects Shell Oil Product US TSP 2155 B 777 Walker Houston, TX 77002 (713) 241-7140 or (832) 521-3539 Email: dan.kirk@shell.com Goal Zero in 2013 for HSSE

From: Francine Gallego [mailto:fxgalleg@gw.dec.state.ny.us] Sent: Wednesday, April 24, 2013 1:23 PM To: Humberger, Mark T SEPCO-UAS/E/USOFF Subject: Environmental Spill cleanup Buffalo, NY

Hi, My name is Francine Gallego and I work for the New York State Department of Environmental Conservation in Buffalo, New Y

ork. I am looking to contact someone at Shell about an environmental cleanup that Shell may have some responsibility at. Could you direct me to the correct person I should contact. I found your email from someone at ExxonMobil.

Please contact me at ffgalleg@gw.dec.state.ny.us or 716-851-7220. Best Regards, Francine Gallego New York State Department of Environmental Conservation 270 Michigan Ave Buffalo, NY 14203 ffgalleg@gw.dec.state.ny.us 716-851-7220

4/29/13 SHELL PROVIDED THE FOLLOWING UPDATE: We will review the information and respond back to you. Thanks, Dan Kirk Principal Program Manager Soil and Groundwater Focus Delivery Group, Major Projects TSP 2155 B 777 Walker Houston, TX 77002 (713) 241-7140 or (832) 521-3539 Email: dan.kirk@shell.com Goal Zero in 2013 for HSSE

6/17/13 DAN KIRK WITH SHELL PROVIDED THE FOLLOWING UPDATE: Francine:

We asked our consultant to gather some background on the reported 2 x 8" oil pipelines located on a portion of flood control structure near Flood Control Wells 7 and 8 on the north bank of the Allegheny River in Portville, NY. Our research included a field and courthouse visit on 4-30-2013 for inspection of the subject flood control wells and dike structure in Portville, NY and a Cattaraugus County Courthouse visit to search for maps and deeds for surface ownership and right of way owners in the subject area.

A review of maps on file at the Cattaraugus County Courthouse indicates that in 1949 the Portville Flood Protection Project acknowledged and reserved onto the New York Transit Company, the easement rights for the purpose of maintaining and operating the two existing oil pipelines within the project area where the subject pumping wells are located. A search of the deed index at the courthouse indicates no transfer of ownership out of New York Transit Company subsequent to this record of this easement. 1Cattaraugus County, New York Recorder of Deeds Office, 4-30-2013. I have attached a satellite image showing the subject area along with the track from our consultants site visit and the GPS coordinates of the well locations. I have also included a copy of the map page from the courthouse showing the flood control project and the associated oil pipeline right of way.

Although the Oil 150 web site link shared in the NYSDEC spill report 1210990 does contain a great deal of history on the National Transit Company, it isn't relevant to the pipeline in question in Portville, NY because the National Transit Pipeline was not part of the subject pipeline. Historical research indicates that the Buckeye Pipeline Company merged with New York Transit and operated a pipeline from Olean, NY through Portville, NY to Bayonne, NJ. 2 December 13, 1998, "Buckeye Traces Ties to Standard Oil, The Morning Call, Lehigh Valley, PA

Misidentification of pipeline operators and right of ways is a common phenomenon as pipeline companies have complex histories of mergers and acquisition and the pipe lines involved are numerous.

Please do not hesitate to contact me should you have any questions or require additional information.

If you have any questions regarding this matter please contact me.

Thanks,

Dan Kirk Principal Program Manager Soil and Groundwater Focus Delivery Group, Major Projects TSP 2155 B 777 Walker Houston, TX 77002 (713) 241-7140 or (832) 521-3539 Email: dan.kirk@shell.com Goal Zero in 2013 for HSSE BUCKEYE PIPELINE APPEARS TO BE THE CURRENT OWNER OF THE PIPELINE.

6/17/13 FG CONTACTED BUCKEYE AND THEY HAVE INDICATED THEY DO NOT OWN THE PIPELINE IN PORTVILLE. FG REQUESTED THAT THEY HAVE THEIR LEGAL STAFF OR INSURANCE SECTION REVIEW THE CLAIM. Robyn, Thank you for your quick response. However, I am requesting

that you submit this potential claim to your legal staff or insurance department to examine the information submitted. I am aware that it is not an active pipeline. I am asking Buckeye to review their records regarding the purchase of the company – National Transit. Please let me know who you have forwarded this request to. Best Regards, Francine

Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 fxgalleg@gw.dec.state.ny.us 716-851-7220 Pamela L. Wertman Robyn A. White Mark P. Bonenberger

greater than greater than greater than White, Robyn A. 6/17/2013 2:02 PM greater than greater than greater than Hi Francine, Our investigation shows that Buckeye Pipeline does not own the former National Transit Pipeline in Portville, NY. I'm sorry I cannot be of further assistance on the possible ownership of this area. I wonder if the below link to PHMSA can help with that? Thank you for contacting us. <https://www.npms.phmsa.dot.gov/> Robyn A White Buckeye Partners, LP 3186 Gates Rd Auburn, NY 13021 Office: 315-253-5395 x109 Fax: 315-252-1869 rawhite@buckeye.com From: Francine Gallego [mailto:fxgalleg@gw.dec.state.ny.us] Sent: Monday, June 17, 2013 1:46 PM To: White, Robyn A. Subject: National Transit Pipeline, Portville, NY Spill 1210990 Pam, I am forwarding all of the information regarding the spill report at the Former National Transit Pipeline, Portville, NY. Shell has indicated that Buckeye purchased National Transit Pipeline. Please direct me to someone at Buckeye that would be able to address this claim. Thank you, Francine Francine Gallego New York State Department of Environmental Conservation 270 Michigan Ave Buffalo, NY 14203 fxgalleg@gw.dec.state.ny.us 716-851-7220

6/20/13 SHELL PROVIDED THE FOLLOWING UPDATE: Francine,

From the information we obtained we determined that the National Transit Company is not the owner of the subject pipeline. The New York Transit Company was the owner of the subject pipeline right of way in 1949 and based on historical research of mergers and acquisitions we believe the ownership may have been transferred to the Buckeye Pipe Line Company at some point.

Thanks,

Dan Kirk Principal Program Manager Soil and Groundwater Focus Delivery Group, Major Projects TSP 2155 B 777 Walker Houston, TX 77002 (713) 241-7140

Email: dan.kirk@shell.com

6/27/13 FG REQUESTED THE FOLLWOING OF NATIONAL TRANSIT: Robyn, I am contacting you to inquire if you have forwarded my request to anyone else in your company to respond to my request. Please let me know the status of my request and the contact information for the group you have sent it to.

Best regards, Francine

Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 fxgalleg@gw.dec.state.ny.us 716-870-9928 Pamela L. Wertman PWERTMAN@BUCKEYE.COM RAWHITE@BUCKEYE.COM MBONENBERGER@BUCKEYE.COM

6/28/13 THE FOLLOWING UPDATE PRESENTS THE CONTACT TO BUCKEYE AND EXXONMOBIL: Mr. Boone, Thank you for your reply. Shell has indicated that Buckeye purchased National Transit and thus purchased the two pipelines in question. The pipelines are not active at this point. Will you be checking on the purchase of National Transit as well? I look forward to your reply. Best Regards, Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 fxgalleg@gw.dec.state.ny.us 716-851-7220 Jeannette Fluke, JFluke@buckeye.com Mark P. Bonenberger greater than greater than greater than Boone, David G. 6/28/2013 10:15 AM greater than greater than greater than

Ms. Gallego;

Our Right of Way staff is investigating your inquiry. The initial research appears to indicate that we do not own the subject property however, staff will confirm or resolve that and advise you of our findings as soon as practical.

Thank you,

Phil, Below is a response from Shell. Their research indicates that Buckeye pipeline may have merged with National Transit. Can you continue to research ExxonMobil's role in this pipeline as it appears to be in question.

Please call or email me at 716-851-7220 ffgalleg@gw.dec.state.ny.us. Best Regards, Francine Phil J Brininstool  
Phil.J.Brininstool@exxonmobil.com

7/8/13 BUCKEYE PROVIDED THE FOLLOWING UPDATE: Ms. Gallego,

According to our records the pipelines, right of ways and related assets in question were acquired by Ohio Oil and Gathering Corporation III in April 1983. A quit claim assignment occurred between Ohio Oil and Gathering Corporation III and TWINCO, INC. in 1997. TWINCO, INC. was a joint venture between Twin Rock Land & Timber, Inc. a Pennsylvania corporation and Muhovich Construction Co. a New York Corporation. With all respects to that property in question, Buckeye Partners, L.P. is not the owners of any of the assets in question in Cattaraugus County, NY.

As for the question of ownership of National Transit Pipeline Company, the New York Department of state records do not have any records for this corporation that I was able to locate.

Sincerely,

–Jeannette Fluke

Jeannette Fluke Right Of Way/One Call Coordinator Buckeye Partners, L.P. Five TEK Park – 9999 Hamilton Boulevard – Breinigsville, PA 18031 (610)-904-4404 ~ jfluke@buckeye.com JFluke@buckeye.com David G. Boone DBOONE@BUCKEYE.COM

7/17/13 SHELL PROVIDED THE FOLLOWING UPDATE: Francine,

I have pasted relevant text (and hyperlinks) from 3 sources that lead us to our understanding of the mergers and acquisitions pertaining to the Buckeye Pipeline Co.

Buckeye Traces Ties To Standard Oil December 13, 1998–by DAN SHOPE, The Morning Call

“In 1942, the Northern Group of Pipelines voted to unify. Buckeye, Northern Pipe Line Co. and New York Transit Inc. became subsidiaries under the Buckeye name. In 1960, Buckeye purchased the Tuscarora Pipe Line system from Allentown to Pittsburgh and Midland. In 1964, the Buckeye Pipeline Co. was acquired by a subsidiary of the Pennsylvania Railroad Co. In 1970, the Penn Central declared bankruptcy and reorganized as Conrail. Buckeye went public again 17 years later.”

[http://articles.mcall.com/1998-12-13/business/3221448\\_1\\_buckeye-partners-standard-oil-trust-oil-creek](http://articles.mcall.com/1998-12-13/business/3221448_1_buckeye-partners-standard-oil-trust-oil-creek)

Buckeye Organizational History

Buckeye Partners traces its roots to March, 1886, when The Buckeye Pipe Line Company was incorporated as a subsidiary of the Standard Oil Company. Buckeye became an independent publicly owned company after Standard Oil's dissolution in 1911. Expansion into petroleum products transportation after World War II transformed the company into one of the nation's largest independent common carrier pipelines. In 1964, Buckeye was acquired by a subsidiary of the Pennsylvania Railroad, which later became The Penn Central Corporation. In December 1986, the company was reorganized into its current form as a publicly-traded master limited partnership.

<http://www.buckeye.com/AboutUs/OrganizationalHistory/tabid/108/Default.aspx>

Buckeye Pipe Line Company purchased former Standard companies New York Transit Company and Northern Pipe Line Company in 1964. In turn, they were acquired in 1964 by the company that became Penn Central

<http://us-highways.com/sohist1961.htm>

If you have any questions regarding this matter please contact me.

Thanks,

Dan Kirk Principal Program Manager Soil and Groundwater Focus Delivery Group, Major Projects TSP 2155 B 777 Walker Houston, TX 77002 (713) 241-7140 or (832) 521-3539 Email: dan.kirk@shell.com Goal Zero in 2013 for HSSE

Ed.Platt@shell.com, Jim.Samuels@arcadis-us.com, John.Loeffel@arcadis-us.com, mtbe-oxy-legal-retention@shell.com, dan.kirk@shell.com

8/22/13 EXXONMOBIL PROVIDED THE FOLLOWING UPDATE: Francine,

From the information we've seen thus far, The Buckeye Pipe Line Company was a part of Standard Oil Company from the late 1800's until Standard Oil was broken up in 1911. Standard Oil Company resulted from the aggregation of numerous oil producing, transportation, refining and marketing companies (too numerous to mention in this e-mail).

The 1911 break-up of Standard Oil resulted in the formation of even more companies (again too numerous to list). The most significant of these were the major integrated oil companies, such as New Jersey Standard (Esso then Exxon and now ExxonMobil), New York Standard (Socony then Mobil and now ExxonMobil), Ohio Standard (Sohio then BP and now BP/Amoco), Indiana Standard (later Amoco and now BP/Amoco) and California Standard (then Socal and now Chevron).

The break-up of Standard Oil also resulted in a multitude of independent pipeline, transportation, refining and marketing companies, of which Buckeye Partners appears to have been one. After becoming independent in 2011, Buckeye Partners appears to have grown somewhat in size, during and after World War II and was later acquired by the Pennsylvania Railroad in 1964, which later became Penn Central Corporation before it went through a series of bankruptcies, mergers and acquisitions.

Prior to 1911 over two-thirds of the US oil industry was somehow affiliated with Standard Oil. However, following the 1911 break-up, most of the resulting companies that were formed have been owned and operated independently. Perhaps the most pertinent information would be who owned and operated the company most recently or when the pipeline in question was last operated.

Organizational History Buckeye Partners traces its roots to March, 1886, when The Buckeye Pipe Line Company was incorporated as a subsidiary of the Standard Oil Company. Buckeye became an independent publicly owned company after Standard Oil's dissolution in 1911. Expansion into petroleum products transportation after World War II transformed the company into one of the nation's

largest independent common carrier pipelines. In 1964, Buckeye was acquired by a subsidiary of the Pennsylvania Railroad, which later became The Penn Central Corporation. In December 1986, the company was reorganized into its current form as a publicly-traded master limited partnership. Buckeye Partners has continued to grow, adding refined products terminalling operations, contract pipeline operation and maintenance, natural gas storage, and refined products marketing to the array of services offered to our customers. Phil J. Brininstool ExxonMobil Environmental Services Company Technical & Support Services 3225 Gallows Road (Suite 8B-0431) Fairfax, VA. 22037 Telephone: (703) 846-7161 Cell: (571) 550-1836 Fax: (262) 953-4409 e-mail: phil.j.brininstool@exxonmobil.com

1/2/13 FG, GPS, MAUREEN BRADY, JEFFREY KONSELLA, TED MYERS MET. IT WAS DECIDED THAT SPILLS SHOULD REQUEST ACCESS TO THE PROPERTY FROM THE OWNER OF THE PROPERTY. ONCE WE RECEIVE ACCESS, WE NEED TO FILL OUT A PART 501 PERMIT THROUGH THE CORPS AND IT CAN BE FILLED OUT ELECTRONICALLY.

1/3/13 MAUREEN BRADY PROVIDED THE OWNERSHIP INFORMATION: RONALD E. HILL P.O. BOX 312 102 S. MAIN ST, PORTVILLE, NY 14770

1/13/14 MR. HILL CALLED AND SAID THAT THE DEPARTMENT COULD HAVE ACCESS. HIS CELL IS 716-307-1215. HE SAID EASIEST ACCESS IS FROM THE EAST SIDE OF THE GRAVEYARD - HE OWNS THAT HOUSE AND THE PEOPLE LIVING THERE ARE THE WHITNEYS.

10/24/14 TED MYERS WITH FLOOD CONTROL PROVIDED THE FOLLOWING UPDATE: Hi Francine: This is what I sent to the Corps in Pittsburgh ~ cover letter and "draft" permit. I wrote the permit such that no test borings can be made within the levee or within 3 feet of the toe of the levee. I asked the Corps for conditions or guidance should it be determined that borings in these areas would be needed. Do you think borings will be needed in these areas? Does the Contractor have a plan should it be necessary? Thank you for your patience, Ted

EMPIRE GEO PROVIDED THE FOLLOWING UPDATE: Our borings will be 2-inch OD direct push ~ not standard auger borings (much more potentially damaging borings with 7 ~ 8 inch OD). Direct push soil sampling is the method producing the least subsurface disturbance. Boring locations will be done as needed to delineate the subsurface petroleum impacts ~ therefore all locations are not known at this point in the process. The initial borings will be located near the two indicated relief wells. Borings will not be located on the steep banks of the levee because the direct push unit cannot be leveled due to the degree of steepness. We can easily accommodate the requirement to stay at least 3 feet from the toe. The direct push unit is about the size of a medium-size skid steer (6,500 pounds + -) and is track-mounted. Therefore surficial impacts will be little to none. FYI - 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

7/3/15 THE FEDEROWICZ PROPERTY ON ROUTE 417 WAS EXCAVATING FOR A SEPTIC SYSTEM AND PETROLEUM WAS DISCOVERED IN THE EXCAVATION. SPILL NUMBER 1503509 WAS GENERATED. UPDATES ARE AS FOLLOW: From: Myers, Theodore (DEC) Sent: Friday, July 03, 2015 9:21 AM To: Gallego, Francine (DEC); Johnson, Thomas (DEC); Sutton, Gregory (DEC); Stanton, Robert C (DEC); Konsella, Jeffrey A (DEC); Hathaway, Mark B (DEC); Middaugh, Larry D (DEC) Cc: Vogel, James (DEC); Len, Stephen (DEC); Dong, Stephen (DEC); Martin, Jeffrey G (DEC) Subject: FW: Reply: Article 16 Flood Control Land Use Permit

Please see the e-mail below and attachments.

This is the treatment system which is being proposed for the Federowicz property in Portville

From: Eric W Wohlers [mailto:EWWohlers@cattco.org] Sent: Thursday, May 28, 2015 3:25 PM To: Myers, Theodore (DEC) Cc: Richard K Dayton Subject: Reply: Article 16 Flood Control Land Use Permit

Ted, it was good speaking with you again after so many years. Please find here a link to the website for the secondary treatment



unit (Ecoflo aerobic filter) we might try to utilize on the Federowicz site in Portville due to their small lot size.

Like I said we have approx. 10 of these in service in Catt County now for several years, and we like their simplicity & performance thus far.

<http://ecoflobiofilter.com/waste-water-septic-tanks> P.S. I checked with my sanitarian. He said their water well (buried casing) is somewhere NW of the house between there and nearby barn/garage.

Eric

Eric W. Wohlers, P.E. Environmental Health Director Cattaraugus County Health Department 1 Leo Moss Drive Olean, NY 14760-1154 Tel: (716) 701-3437 Fax: (716) 701-3737 e-mail: ewwohlers@cattco.org

From:

Myers, Theodore (DEC)

To:

EWWohlers@cattco.org , Date:

05/28/2015 11:21 AM Subject:

Article 16 Flood Control Land Use Permit \_\_\_\_\_

Hello Eric: Attached please find the Article 16 Flood Control Land Use Permit Application.

The actual application form and instructions are contained in the 214 KB pdf. The remaining attachments become part of the permit and they are provided as information.

Please contact me if you have any questions. Thank you for your work on this.

Ted 716-851-7088

[attachment Flood Control Land Use Application For Permit.pdf deleted by Eric W Wohlers/Health/CattCo] [attachment Flood Control Land Use Permit Special Conditions.pdf deleted by Eric W Wohlers/Health/CattCo] [attachment Flood Control Land Use Permit Special Conditions Pages 8-13.pdf deleted by Eric W Wohlers/Health/CattCo]

From: Myers, Theodore (DEC) Sent: Friday, July 03, 2015 9:16 AM To: Eric W Wohlers Cc: Stanton, Robert C (DEC); Martin, Jeffrey G (DEC); Len, Stephen (DEC); Dong, Stephen (DEC); Konsella, Jeffrey A (DEC); Gallego, Francine (DEC); Johnson, Thomas (DEC); Sutton, Gregory (DEC); Hathaway, Mark B (DEC); Middaugh, Larry D (DEC) Subject: Federowicz Property- Portville, NY

Attached please find an aerial photo with an overlay of the State's Flood Control Easement which was prepared by Robert Stanton of our Real Property Unit in our Allegany Office.

As you can see there is not much room.

Mr. Federowicz may have to remove more of the concrete pad which exists on site in order to avoid the easement.

Rob Stanton will be staking out the easement in the near future.

From: Myers, Theodore (DEC) Sent: Wednesday, July 01, 2015 3:51 PM To: Stanton, Robert C (DEC) Cc: Konsella, Jeffrey A (DEC); Strickland, James (DEC); Snyder, Abby (DEC); Gallego, Francine (DEC); Johnson, Thomas (DEC); Martin, Jeffrey G (DEC); Len, Stephen (DEC) Subject: Request for survey– Federowicz Property in Portville.

Rob:

Please see the attached Request for Survey Form for the Federowicz Property in Portville.

Also attached are the adjacent real property strip maps for the Portville Flood Protection Project.

Please let me know if you need any additional information.

Thank you,

Ted

From: Myers, Theodore (DEC) Sent: Wednesday, July 01, 2015 10:17 AM To: Gallego, Francine (DEC); Johnson, Thomas (DEC) Cc: Stanton, Robert C (DEC) Subject: Federowicz Property– Town of Portville, Cattaraugus County, NY

Attached please find real estate strip maps showing New York State fee–owned land and permanent flood control easements at and near the Federowicz property in the Town of Portville.

Map No. 178– Parcel 255 shows the permanent easement closest to the house.

Map 179– Parcel 256 shows the permanent easement behind that (closer to the levee).

The Temporary Easement shown on Map 178– Parcel 347 expired.

Map No. 140– Parcel 213 shows the New York State fee–owned lands.

I will send a Request for survey form to Rob Stanton in Real Property to stake out the permanent easements.

7/6/15 UPDATES: From: Myers, Theodore (DEC) Sent: Monday, July 06, 2015 9:16 AM To: Eric W Wohlers Cc: Gallego, Francine (DEC); Sutton, Gregory (DEC); Konsella, Jeffrey A (DEC); Martin, Jeffrey G (DEC); Middaugh, Larry D (DEC); Hathaway, Mark B (DEC); Stanton, Robert C (DEC); Dong, Stephen (DEC); Len, Stephen (DEC); Johnson, Thomas (DEC); Richard K Dayton; Raymond H Jordan; ezuech@zuechsenvironmental.com Subject: RE: Reply: Federowicz Property– Portville, NY

Eric:

There is no longer a fee for the Article 16 Flood Control Land Use Permit. The normal time frame for issuance is 12–16 weeks but this has been running longer.

It would be best if the flood control easement could be avoided. There are times when we would have to drive on the easement

and I understand that is not compatible with the type of unit being proposed, particularly if it has a fiberglass cap.

Thank you for your assistance with this matter.

Ted Myers (716) 851-7088

From: Eric W Wohlers [mailto:EWWohlers@cattco.org] Sent: Monday, July 06, 2015 8:48 AM To: Myers, Theodore (DEC) Cc: Gallego, Francine (DEC); Sutton, Gregory (DEC); Konsella, Jeffrey A (DEC); Martin, Jeffrey G (DEC); Middaugh, Larry D (DEC); Hathaway, Mark B (DEC); Stanton, Robert C (DEC); Dong, Stephen (DEC); Len, Stephen (DEC); Johnson, Thomas (DEC); Richard K Dayton; Raymond H Jordan; ezuech@zuechsenvironmental.com Subject: Reply: Federowicz Property- Portville, NY

Ted & Rob, thanks. Is there a fee associated with submitting the permit application? Also, if the owners were to formally submit the application this week, what is the soonest that the permit could realistically be issued? I will contact the owners following your reply so we can determine exactly how they wish to proceed. I will also confirm when Justin expects to cut down the 3 or 4 trees we discussed removing, which should facilitate improved mowing of the ditch and bank below their fence. Please also advise when the lab results are received and a decision is arrived at for preferred disposition of any oil contaminated soil.

Eric W. Wohlers, P.E. Environmental Health Director Cattaraugus County Health Department 1 Leo Moss Drive Olean, NY 14760-1154 Tel: (716) 701-3437 Fax: (716) 701-3737 e-mail: ewwohlers@cattco.org

7/10/15 ROB STANTON PROVIDED THE FLOOD CONTROL PROPERTY MAP FOR THE 1085 OLEAN-PORTVILLE RD SITE. From: Stanton, Robert C (DEC) Sent: Friday, July 10, 2015 11:36 AM To: Eric W Wohlers Cc: Myers, Theodore (DEC); Gallego, Francine (DEC); Sutton, Gregory (DEC); Richard K Dayton; Raymond H Jordan; ezuech@zuechsenvironmental.com; jfed1975@yahoo.com; blynntrip3@yahoo.com; Johnson, Thomas (DEC); McKeown, Paul (DEC); Martin, Jeffrey G (DEC) Subject: RE: ROW flagging: Federowicz Property- Portville, NY

Eric, The northeastern NYSDEC permanent easement limits are marked with 5 wood stakes along a portion of Maps 180 Parcel 257, Map 188 Parcel 266, Map 178 Parcel 255 of the NYSDEC Portville Flood Protection Project by me 7/06/2015. This line is based on the recovered 1950's NYS DPW monument A-10 ( curb cut `X` ) and GPS Derived Azimuth during the 1991 and 2005 NYSDEC Survey. See the attached sketch map. Have a great week end! Rob S.

7/15/15 ROB STANTON WITH DEC REAL PROPERTY PROVIDED THE FOLLOWING UPDATE FOR THE FEDEROWICZ PROPERTY: Francine, Poking around in our files I found the attached map showing the location of Producers Gas Co, Plan Showing Gas Line Relocations dated February 1950. I have attached sheet 1 of 6 showing the approximate location of the Federowicz property SBL # 104.010-1-67 highlighted in yellow, the 5 5/8" H.P. Gas Line which would appear to have been relocated northerly along the western property line to the south side of Route 417 then travels along the south side of Route 417 easterly. The former location of the gas line appears to be on south side of ditch. What is interesting is the location of the (2) 8" High Pressure Oil Lines highlighted in blue dot that would appear to pass through the middle of the current dwelling structure that may be the source of the contamination. See the also the "Portville Flood Protection Map 178 Parcel 255" overlaid onto a current aerial image to give a historical prospective of the project with current conditions.

Hope this helps, Rob S.

7/22/15 FG, TED, GPS SPOKE WITH ERIC WOHLERS OF THE CATTARAUGUS COUNTY HEALTH DEPARTMENT. THE SEPTIC SYSTEM WILL BE APPROVED TO BE INSTALLED OFF OF THE FLOOD CONTROL PROJECT. TED WILL PROVIDE A MAP OF THE FLOOD CONTROL PROJECT IN PORTVILLE AIDING IN IDENTIFYING THE LOCATION OF THE PIPELINES. EMPIRE NEEDS TO SUBMIT A REVISION TO THE PERMIT ASKING FOR A MODIFICATION TO COVER THE ENTIRE PIPELINE IN THE FLOOD CONTROL PORTVILLE PROJECT. ONCE THIS IS COMPLETE, THE PERMIT WILL BE ISSUED TO STUDY THE ENTIRE LENGTH OF THE PIPELINE.

From: Gallego, Francine (DEC) Sent: Wednesday, July 22, 2015 9:57 AM To: 'Dave Steiner' Cc: Myers, Theodore (DEC) Subject: Portville Flood Control Project, Wells 7 & 8 and the Federowicz property

Dave, Ted Myers has indicated we will receive the permit to conduct the investigation at Wells 7&8 on the Portville Flood Control Project. We plan on expanding the investigation to include the entire pipeline. In order to get approval to do the work, we need to submit a letter asking for a modification to cover the entire pipeline in the Flood Control Project. Ted will provide digitized (hopefully) drawings of the location of the pipeline along the easement area of the project for reference. The permit will only allow us to conduct the investigation, not remediation. Thanks, Francine

7/27/15 ROB STANTON WITH NYSDEC PROVIDED THE FOLLOWING UPDATE: From: Stanton, Robert C (DEC) Sent: Monday, July 27, 2015 11:54 AM To: Gallego, Francine (DEC); Myers, Theodore (DEC) Cc: Martin, Jeffrey G (DEC); Morrell, Robert (DEC) Subject: RE: Producers Gas Co. Gas Line Relocation Maps 1-6

Francine and Ted, I think you may be interested in the attached document, pertaining to the relocated two 8" oil lines in the vicinity of Lillibridge Creek and Dodge Creek on the Portville Flood protection Project. The PDF Document contains correspondence from "Buckeye", "New York Transit" and the maps pertaining to the relocation. Good Luck, Rob S. DOCUMENTATION PROVIDED IDENTIFIES THAT BUCKEYE OWNED THE PIPELINE.

7/30/15 ERIC WOHLERS PROVIDED THE FOLLOWING UPDATE: From: Eric W Wohlers [mailto:EWWohlers@cattco.org] Sent: Tuesday, July 28, 2015 12:10 PM To: Sutton, Gregory (DEC); Gallego, Francine (DEC); Tom Carpenter; Myers, Theodore (DEC) Cc: Richard K Dayton; ezuech@zuechsenvironmental.com Subject: Follow-up: Federowicz site / Steam Valley Rd bridge project records – Portville, NY

Greg/ Francine/ Tom/ Ted: see following reply message from our county DPW engineer. He pulled old file for the Steam Valley Rd bridge project, but found no evidence of the subject oil pipelines or oil contamination (of course, lack of documentation doesn't mean it wasn't encountered). For what it's worth.....

E

Eric W. Wohlers, P.E. Environmental Health Director Cattaraugus County Health Department 1 Leo Moss Drive Olean, NY 14760-1154 Tel: (716) 701-3437 Fax: (716) 701-3737 e-mail: ewwohlers@cattco.org

----- Forwarded by Eric W Wohlers/Health/CattCo on 07/28/2015 12:02 PM -----

From:

Mark C Burr/DPW/CattCo To:

Eric W Wohlers/Health/CattCo@CattCo, Date:

07/28/2015 11:06 AM Subject:

Re: Follow-up: Steam Valley Rd Bridge project records? – Portville, NY \_\_\_\_\_

Eric, I did not find records of any oil or gas lines. I would not be objectionable to a small encroachment into the County ROW if this will assist with a better system. Please inform.

Mark C. Burr, PE Director of Engineering Department of Public Works Cattaraugus County P. (716) 938-2431 F. (716) 938-2754

From:

Eric W Wohlers/Health/CattCo To:

Mark C Burr/DPW/CattCo@CattCo Date:

07/27/2015 10:47 AM Subject:

Follow-up: Steam Valley Rd Bridge project records? – Portville, NY \_\_\_\_\_

Mark, good morning, any news on the Steam Valley bridge file search? We are drawing up the permit for the new system today. Contractor called me this morning (E Zuech) and wants to schedule asap. I have told DEC we have no other options on this site.

Also, on the survey it appears the CCDPW road ROW extends 42 ft from the CL of Steam Valley Rd, is that correct? We also want to stay off your ROW in addition to the dike ROW..... thanks.

E

7/31/15 UPDATE ON THE INSTALLATION OF THE SEPTIC SYSTEM AT THE FEDEROWICZ PROPERTY: From: Eric W Wohlers [mailto:EWWohlers@cattco.org] Sent: Friday, July 31, 2015 9:40 AM To: Myers, Theodore (DEC) Cc: Gallego, Francine (DEC); Sutton, Gregory (DEC); Richard K Dayton; Stanton, Robert C (DEC); ezuech@zuechsenvironmental.com Subject: Re: FW: ROW flagging: Federowicz Property- Portville, NY

Ted, no, it is still the intention that the system will stay completely off the dike easement (i.e. north of the flags Rob installed).

No permit is required or being applied for. The permit sketch is just conceptual. Following the final inspection, Rich will prepare an as-built diagram with triangulated measurements. Also, there is no surface discharge to your ditch. The treated effluent will go straight down below the treatment unit. I am copying the contractor, Eric Zuech, on this message. We have discussed this at length. He understands the situation completely.

E

Eric W. Wohlers, P.E. Environmental Health Director Cattaraugus County Health Department 1 Leo Moss Drive Olean, NY 14760-1154 Tel: (716) 701-3437 Fax: (716) 701-3737 e-mail: ewwohlers@cattco.org

From:

Myers, Theodore (DEC)

To:

Richard K Dayton , Cc:

Stanton, Robert C (DEC) , Gallego, Francine (DEC) , Sutton, Gregory (DEC) , EWWohlers@cattco.org

Date:

07/31/2015 09:09 AM Subject:

FW: ROW flagging: Federowicz Property– Portville, NY \_\_\_\_\_

Richard:

This is in reply to your email from yesterday regarding the Federowicz property in Portville.

Please see the email below and the attached survey which was prepared by Rob Stanton of our Allegany Office. The flood control easement was staked in the field by Rob Stanton.

The flood control easement shown on the attached survey appears to be closer to the house than that attached to your email and included in the permit which you issued. Therefore, there seems to be less room to install the treatment system.

It may not be possible to construct the system which you permitted without an Article 16 Flood Control Land Use Permit from this Department. Any work within the easement requires a permit.

In our discussions, there was no septic tank component and discharge to the flood control drainage ditch. All we discussed was the ecoflow unit.

I think we were trying to avoid the need for the Article 16 Permit.

In addition, the manufacturer says no vehicular traffic should be operated on the unit or within 16.5 feet of the unit.

We cannot guarantee that in utilizing our easement, that the Department will not operate vehicles and equipment within the easement. Therefore, ideally, the treatment unit should be kept away from the easement at least 16.5 feet.

Please reconsider the permitted design of the treatment system to avoid the need for an Article 16 Permit and potential damage to the treatment system.

The time frame for issuing an article 16 Permit is 8 to 12 weeks if all goes well.

Please contact me if you have any questions.

Ted Myers 716-851-7088

From: Stanton, Robert C (DEC) Sent: Friday, July 10, 2015 11:36 AM To: Eric W Wohlers Cc: Myers, Theodore (DEC); Gallego, Francine (DEC); Sutton, Gregory (DEC); Richard K Dayton; Raymond H Jordan; ezuech@zuechsenvironmental.com; jfed1975@yahoo.com; blynntrip3@yahoo.com; Johnson, Thomas (DEC); McKeown, Paul (DEC); Martin, Jeffrey G (DEC) Subject: RE: ROW flagging: Federowicz Property– Portville, NY

Eric, The northeastern NYSDEC permanent easement limits are marked with 5 wood stakes along a portion of Maps 180 Parcel 257, Map 188 Parcel 266, Map 178 Parcel 255 of the NYSDEC Portville Flood Protection Project by me 7/06/2015. This line is based on

the recovered 1950's NYS DPW monument A-10 ( curb cut "X" ) and GPS Derived Azimuth during the 1991 and 2005 NYSDEC Survey. See the attached sketch map. Have a great week end! Rob S.

From: Eric W Wohlers [mailto:EWWohlers@cattco.org] Sent: Tuesday, July 07, 2015 3:22 PM To: Stanton, Robert C (DEC) Cc: Myers, Theodore (DEC); Gallego, Francine (DEC); Sutton, Gregory (DEC); Richard K Dayton; Raymond H Jordan; ezuech@zuechsenvironmental.com; jfed1975@yahoo.com; blynntrip3@yahoo.com; Johnson, Thomas (DEC) Subject: ROW flagging: Federowicz Property- Portville, NY

Greetings Rob, in Ted's message the other day he mentioned that you may be scheduling to flag/stake the exact boundary of the dike ROW on the Federowicz property in Portville, 'in the near future'. I just had a phone conference with the owner's contractor and we have come to the conclusion that it will likely be best to install the new sewage system just OFF the ROW. This means we will need to go off your precise marking of it, to determine how much of the adjacent concrete pad will need to be removed. My office desires to draw up the necessary permit, and the contractor will need to get his materials ordered and plans for the concrete demolition set, so he can finalize his construction estimate. Do you know approximately when you will have time for this task? The last piece of the puzzle will be when the Spills Unit gets their lab report back, and a decision is made on the disposal of the presumed contaminated excavation soils.

We look forward to your reply.... thanks!

Eric

From:

Eric W Wohlers/Health/CattCo To:

Myers, Theodore (DEC) , Cc:

Gallego, Francine (DEC) , Sutton, Gregory (DEC) , Konsella, Jeffrey A (DEC) , Martin, Jeffrey G (DEC) , Middaugh, Larry D (DEC) , Hathaway, Mark B (DEC) , Stanton, Robert C (DEC) , Dong, Stephen (DEC) , Len, Stephen (DEC) , Johnson, Thomas (DEC) , Richard K Dayton/Health/CattCo@CATTCO, Raymond H Jordan/Health/CattCo@CattCo, ezuech@zuechsenvironmental.com Date:

07/06/2015 08:47 AM Subject:

Reply: Federowicz Property- Portville, NY \_\_\_\_\_

Ted & Rob, thanks. Is there a fee associated with submitting the permit application? Also, if the owners were to formally submit the application this week, what is the soonest that the permit could realistically be issued? I will contact the owners following your reply so we can determine exactly how they wish to proceed. I will also confirm when Justin expects to cut down the 3 or 4 trees we discussed removing, which should facilitate improved mowing of the ditch and bank below their fence. Please also advise when the lab results are received and a decision is arrived at for preferred disposition of any oil contaminated soil.

Eric W. Wohlers, P.E. Environmental Health Director Cattaraugus County Health Department 1 Leo Moss Drive Olean, NY 14760-1154 Tel: (716) 701-3437 Fax: (716) 701-3737 e-mail: ewwohlers@cattco.org

From:

Myers, Theodore (DEC)

To:

Eric W Wohlers , Cc:

Stanton, Robert C (DEC) , Martin, Jeffrey G (DEC) , Len, Stephen (DEC) , Dong, Stephen (DEC) , Konsella, Jeffrey A (DEC) , Gallego, Francine (DEC) , Johnson, Thomas (DEC) , Sutton, Gregory (DEC) , Hathaway, Mark B (DEC) , Middaugh, Larry D (DEC)

Date:

07/03/2015 09:16 AM Subject:

Federowicz Property– Portville, NY \_\_\_\_\_

Attached please find an aerial photo with an overlay of the State's Flood Control Easement which was prepared by Robert Stanton of our Real Property Unit in our Allegany Office.

As you can see there is not much room.

Mr. Federowicz may have to remove more of the concrete pad which exists on site in order to avoid the easement.

Rob Stanton will be staking out the easement in the near future. Attached please find an aerial photo with an overlay of the State's Flood Control Easement which was prepared by Robert Stanton of our Real Property Unit in our Allegany Office.

As you can see there is not much room.

Mr. Federowicz may have to remove more of the concrete pad which exists on site in order to avoid the easement.

Rob Stanton will be staking out the easement in the near future. [attachment Prt Fld Prot Maps 178–180–188 srvy by RCS 7–10–2015.pdf deleted by Eric W Wohlers/Health/CattCo]

8/14/15 FG CONTACTED PWAGNER@BUCKEYE.COM, JFLUKE@BUCKEYE.COM AND DBOONE@BUCKEYE.COM AND HAVE REQUESTED THEIR RESPONSE BY 8/19/15: From: Gallego, Francine (DEC) Sent: Friday, August 14, 2015 1:24 PM To: 'pwagner@buckeye.com' Cc: 'jfluke@buckeye.com'; 'dboone@buckeye.com' Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Good afternoon, I have not had a response to my last two emails and am requesting that you provide your reply. I was just reviewing buckeye.com and found information on that website that states in 1967 New York Transit Company and Northern Pipe Line Company are merged into The Buckeye Pipe Line Company. Please provide your response by August 19, 2015. If you have any questions, please contact me at 716–851–7220. Best Regards, Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 Francine.gallego@dec.ny.gov 716–851–7220

From: Gallego, Francine (DEC) Sent: Friday, August 07, 2015 2:47 PM To: 'pwagner@buckeye.com' Cc: 'jfluke@buckeye.com'; 'dboone@buckeye.com' Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Good Afternoon, I was wondering if you have had time to review the documents I forwarded? I would like to set up a conference call next week. Please let me know your available times. Thank you, Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY



14203 Francine.gallego@dec.ny.gov 716-851-7220

From: Gallego, Francine (DEC) Sent: Friday, July 31, 2015 3:41 PM To: 'pwagner@buckeye.com' Cc: 'jfluke@buckeye.com'; 'dboone@buckeye.com' Subject: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Mr. Wagner, It was nice speaking with you this afternoon. Attached are documents from the Department's files regarding the abandoned New York Transit/Buckeye Pipeline in Portville, New York. Buckeye letterhead is included in the file labeled New York Transit Company PFP Unit 2 File. The Department believes that Buckeye retains liability for the pipeline.

Two spill reports are attached with spill numbers 1210990 and 1503509 where petroleum impacts have been identified. Please review the attached documents and we can set up a time to discuss these issues further. Please call me with any questions. Best Regards, Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 Francine.gallego@dec.ny.gov 716-851-7220

8/14/15 FG SPOKE TO JEANNETTE FLUKE WITH BUCKEYE. I REQUESTED THAT SHE PROVIDE CONTACT INFORMATION FOR D. BOONE AND P. WAGNER AS THERE HAS BEEN NO RESPONSES TO MY PAST 3 EMAILS. SHE SAID THEY ARE BOTH LOCATED AT FIVE TEK PARK 9999 HAMILTON BLVD, BREINIGSVILLE, PA 18031 AND THROUGH HER TELEPHONE NUMBER 610-904-4404. I TOLD HER THAT IF I DO NOT GET A RESPONSE BY 8/19/15 THAT THEY WILL RECEIVE A LETTER REQUESTING A RESPONSE FROM A DEPARTMENT ATTORNEY.

FG THEN RECEIVED THE EMAIL BELOW IN RESPONSE: From: Gallego, Francine (DEC) Sent: Friday, August 14, 2015 2:11 PM To: 'Wagner, Pierce W.' Cc: Fluke, Jeannette; Boone, David G.; Zeth, Katherine S.; Snyder, Krista L. Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Mr. Wagner, Thank you for your reply. Do you have a date that you expect to respond to the Department? Francine Gallego NYSDEC 270 Michigan Ave Buffalo, NY 14203 Francine.gallego@dec.ny.gov 716-851-7220

From: Wagner, Pierce W. [mailto:PWagner@buckeye.com] Sent: Friday, August 14, 2015 2:07 PM To: Gallego, Francine (DEC) Cc: Fluke, Jeannette; Boone, David G.; Zeth, Katherine S.; Snyder, Krista L. Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Ms. Gallego,

I have forwarded the information to the appropriate corporate departments with Buckeye Partners, L.P.

Buckeye is continuing to review records for above referenced issue.

We will have a formal response for you soon; however, I am not sure that a formal response will be available by 8/19 as you requested.

THINK SAFE, WORK SAFE, LEAVE SAFE!!!

Pierce W. Wagner, CHMM Health, Safety, Security & Environmental Specialist Buckeye Partners, LP – East District 5002 Buckeye Rd. Emmaus, PA 18049

Office: 610.904.4675 Fax: 610.966.7951 Cell: 610.217.4179

PWAGNER@BUCKEYE.COM

Don't Forget to Use the 4Q's 1. What am I about to do? 2. What do I need to do this job and how will I do it safely? 3. How could I get hurt? 4. What am I going to do to prevent injury?

Fluke, Jeannette ; Boone, David G. ; Zeth, Katherine S. kzeth@buckeye.com ; Snyder, Krista L. ksnyder@buckeye.com

8/19/15 FG SPOKE TO RON HILL, OWNER OF PROPERTY. HE SAID THAT HE DOES NOT HAVE A TITLE SEARCH AND HAS NO ADDITIONAL INFORMATION. I TOLD HIM THAT HE WOULD BE RESPONSIBLE IF THE DEPARTMENT COMPLETED WORK ON HIS PROPERTY AND I WILL SEND HIM ANOTHER ROE TO SIGN. HIS NUMBER IS 307-1215.

9/11/15 FG SPOKE TO PIERCE WAGNER WITH BUCKEYE. HE SAID THAT THE PIPELINE OWNERSHIP WAS TRANSFERRED IN THE MID TO EARLY 1980S. DAVID BOONE WITH THEIR REAL PROPERTY SECTION WAS TO HAVE PROVIDED A RESPONSE TO THE DEPARTMENT PROVIDING THE PROPERTY TRANSACTION DETAILS.

FG CALLED DAVID BOONE WITH BUCKEYE 1-800-523-9420 AND REQUESTED A RETURN CALL AND THE PROPERTY TRANSACTION DETAILS.

9/16/15 UPDATE: BUCKEY PROVIDED AN ASSIGNMENT THAT OHIO OIL GATHERING BOUGHT THE PIPELINE IN 1983. FG CONTACTED OHIO OIL GATHERING IN THE BELOW EMAIL AND HAS REQUESTED THEIR RESPONSE WITHIN 3 WEEKS.

From: Gallego, Francine (DEC) Sent: Wednesday, September 16, 2015 1:54 PM To: 'richard.pierce@enlink.com' Subject: FW: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Mr. Pierce, Attached are two spill files and the property assignment provided by Buckeye. The spills are located in Portville, NY. The assignment indicates Ohio Oil Gathering bought the pipeline in 1983. Please forward the attached materials to the appropriate person in your office to review and respond to the Department. We believe that Ohio Oil Gathering may own the abandoned pipelines and may therefore be responsible for the cleanup of the pipeline and its impacts. Please call me if you have any questions and provide your response within 3 weeks. Best Regards, Francine Gallego Environmental Engineer New York State Department of Environmental Conservation 270 Michigan Ave Buffalo, New York 14203 Francine.gallego@dec.ny.gov 716-851-7220

From: Fluke, Jeannette [mailto:JFluke@buckeye.com] Sent: Wednesday, September 16, 2015 12:04 PM To: Gallego, Francine (DEC) Cc: Zeth, Katherine S.; Snyder, Krista L.; Wagner, Pierce W.; Boone, David G. Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Ms. Gallego:

It was requested I forward real estate and property information to your attention.

All of Buckeye's interests in Cattaraugus County, NY were sold and assigned to OOGC III. On April 15, 1983 an assignment was executed by Buckeye to OOGC III which shows the conveyance of these rights. Attached is the assignment document.

If you have further questions regarding property rights with respects to this matter please direct those to David Boone and/or myself. All environmental questions may be directed to our HSSE department.

Sincerely,

Jeannette Fluke

Jeannette Fluke Right Of Way/One Call Coordinator Buckeye Partners, L.P. Five TEK Park – 9999 Hamilton Boulevard –

Breinigsville, PA 18031 (610)-904-4404 ~ jfluke@buckeye.com

9/23/15 TED MYERS PROVIDED THE FOLLOWING UPDATE: From: Myers, Theodore (DEC) Sent: Wednesday, September 23, 2015 11:04 AM To: Len, Stephen (DEC); Dong, Stephen (DEC); Hayvanovych, Vasyl (DEC); Little, Nadine E (DEC); Spadaro, Vincent J (DEC); Stanton, Robert C (DEC) Cc: Gallego, Francine (DEC); O'Keefe, Kerrie M (DEC) Subject: Portville Project As-Built

Hello:

Do you have electronic (pdf files or other) copies of the Portville Project "as-built" drawings which can be provided to our Spills Unit and their Contractor which can be used to investigate oil leaks which we've encountered at the Portville Project.

These drawings would also be used to modify Permit 2014-22 which was issued to Empire Geo Services, Inc. to investigate petroleum contamination near Relief Wells Nos. 7 & 8. We have discovered additional oil leaks and expect there will be more.

Several pipelines run through the project which are shown on the "as-builts."

Please contact Francine Gallego (copied above) of our Spills Unit if you can provide the drawings.

Thank you,

Ted

9/23/15 OHIO OIL GATHERING PROVIDED THE FOLLOWING UPDATE: From: Kendall Talbott [mailto:Kendall.Talbott@enlink.com] Sent: Tuesday, September 22, 2015 1:39 PM To: Gallego, Francine (DEC) Subject: RE: New York Transit/Buckeye abandoned Pipeline, Portville, NY

Ms. Gallego, We reviewed your email below. Ohio Oil Gathering Corporation III is not the owner the pipelines you reference in your email below. As you know, Ohio Oil Gathering Corporation III acquired certain assets (including those located in Cattaraugus County, NY) from Buckeye in April 1983. In December 1996, Ohio Oil Gathering Corporation III transferred all of the Cattaraugus County, NY assets that Ohio Oil Gathering Corporation III purchased from Buckeye to TWINCO (a joint venture comprised of Twin Rock Land & Timber Inc. and Muhovich Construction Co.). The Quitclaim Assignment evidencing the December 1996 transfer is attached for your reference. The address for Muhovich included in the attached Quitclaim Assignment is 21 East Croydon, Bradford PA 16701.

Please feel free to contact me if you have further questions. Best regards, Kendall Kendall Talbott Senior Counsel  
214.721.9250 office

EnLink Midstream 2501 Cedar Springs, Suite 100 Dallas, Texas 75201 kendall.talbott@enlink.com

FG SENT A LETTER REQUESTING REMEDIATION TO TWIN ROCK LAND & TIMBER CO CHARLES J. DUKE 222 W. WASHINGTON POBOX 548 BRADFORD, PA 16701 AND MUHOVICH CONSTRUCTION CO 7 MAIN ST BRADFORD PA 16701. A RESPONSE IS DUE 10/9/15.

10/13/15 FG RECEIVED THE CMRRR RESPONSE FROM TWIN ROCK LAND & TIMBER CO BACK. THE LETTER SENT TO MUHOVICH CONSTRUCTION WAS RETURNED AS ATTEMPTED NOT KNOWN. MUHOVICH IS AN ACTIVE CORPORATION IN PENNSYLVANIA WITH THE ADDRESS: 7 MAIN ST, BRADFORD, PA 16701. ADDRESSES FOR CHARLES J. DUKE 1335 KIRKLAND RD, CLYMER PA. THE SIGNER OF THE CMRRR IS STANLEY PECORA 331 INTERSTATE PKWY, BRADFORD, PA 16701 814-362-3896.

10/28/15 FG LEFT A MESSAGE FOR STANLEY PECORA TO RETURN A CALL.

10/12/16 USACE REQUESTED INFORMATION ON THE OWNER OF THE 2 8INCH LINES.