

OFFICE OF THE MAYOR
Telephone: (716) 286-4310

July 15, 2021

The City Council
Niagara Falls, New York

Re: Agreement for Tank Closure – Wendt's Dairy
(Environmental Service Group (NY), Inc.)

Council Members:

As you know, the City acquired the former Wendt's Dairy property at 8450 Buffalo Avenue several years ago through the In Rem process. On March 16, 2021, the New York State Department of Environmental Conservation ("DEC") visited the facility to determine compliance with New York State's Chemical Bulk Storage ("CBS") regulations. After touring the facility, a number of violations were identified that require immediate attention to bring the facility into compliance.

In order for the City to comply with CBS regulations, several above-ground tanks inside the facility must be permanently closed according to DEC guidelines. Failure to do so may expose the City to civil penalties under the Environmental Conservation Law. Accordingly, it is proposed that the City enter into an agreement with Environmental Service Group (NY), Inc. ("ESG") to perform the necessary remedial work at the Wendt's facility. ESG will clean the processing tanks, cut and package pipes for disposal, remove clean poly tanks for disposal, remove/dispose caustic and acidic crystals in bottom of tanks, remove/dispose of oil in drums, and prepare the DEC Tank Closeout Report. The cost for these services is \$23,530.00. Funding for this project will be available by transferring excess funds from capital account code H0812 to capital account code H1315 related to City buildings.

Will the Council so approve and authorize the Mayor to execute an agreement satisfactory to the Corporation Counsel in both form and content?

Respectfully submitted,

ROBERT M. RESTAINO
Mayor

Funding Approval:

Daniel Morello, City Controller
City Council Meeting, July 21, 2021

Kennedy _____ Soda _____ Spanbauer _____ Voccio _____ Tompkins _____