

C-10

January 29, 2026

VIA EMAIL and US MAIL

Erie County Water Authority
Attn: Jennifer L. Hibit {foil@ecwa.org}
295 Main St., Room 350
Buffalo, NY 14203-2494

Dear Ms. Hibit:

Re: Storage Tank Refurbishing Projects
Contracts W-034A, W-034B, and W-035A
Our File: 14508.41477

Pursuant to the New York Freedom of Information Law (“FOIL”), Article 6 of the Public Officers Law, please produce certified copies of the following records in the possession, custody, or control of the Erie County Water Authority (“ECWA”), whether maintained in paper, electronic, or other form.

This request concerns storage tank refurbishing and remediation work performed by or involving Amstar of Western New York, Inc. (“Amstar”), including but not limited to the Rice Hill, Wohlhueter, Cole Road, Eden 4, and Gartman tanks (Contracts W-034A, W-034B, and W-035A) and all remediation work associated with same (collectively “Amstar Projects”).

1. All contracts, agreements, bid documents, bid specifications, scopes of work, and general conditions relating to the Amstar Projects, including all exhibits, appendices, addenda, and amendments.
2. All bid advertisements, requests for bids, bid submissions, bid tabulations, evaluations, and award determinations relating to the above-referenced contracts.
3. All plans, drawings, technical specifications, material specifications, and product requirements, including but not limited to specifications requiring or referencing Sikaflex 1A or any other caulking, sealant, or coating materials.

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4. All change orders, deduct change orders, proposed change orders, and correspondence relating to change orders, whether approved, rejected, or under consideration, including any documents consolidating remediation work across multiple tanks or contracts concerning the Amstar Projects.
5. All inspection reports, inspection notes, field reports, photographs, videos, memoranda, signoffs, and communications relating to the acceptance of Amstar's initial work concerning the Amstar Projects.
6. Copies of all documents generated by ECWA and/or its retained engineers and/or representatives concerning anniversary or follow-up inspections, and discovery of any alleged deficiencies, deterioration, or failure of caulking or coatings concerning the Amstar Projects.
7. All laboratory testing reports, sampling records, chain-of-custody documents, analyses, and related correspondence concerning caulking or coating materials, including but not limited to testing identifying degraded Sikaflex 1A. associated with the Amstar Projects.
8. All communications and documents reflecting all recommendations and decisions to require Sikaflex 1A caulk relative to the Amstar Projects.
9. All communications (including emails, letters, memoranda, and meeting notes) relative to the Amstar Projects between ECWA and:
 - Amstar
 - Wendel or any engineering or inspection consultants used in relation to the Amstar Projects
 - Sika Corporation or its representatives
 - Any third-party inspectors, laboratories, or contractors relating to the condition, inspection, remediation, or replacement of caulking or coatings
10. All internal ECWA communications, including emails, memoranda, notes, and reports, relating or pertaining to the decision to require remediation and its scope, timing, and manner, as well as any warranty determinations and consolidation of remediation work across multiple tanks.
11. All remediation plans, procedures, approvals, schedules, directives, and acceptance documents, including records evidencing ECWA's approval of remediation work performed by Amstar.

12. All records reflecting approval, acceptance, or sign-off of remediation work, including punch lists, completion certifications, and final acceptance documents.
13. All records reflecting payments, withholdings, deductions, or financial adjustments related to the remediation work, including any determination that remediation would be handled as a deduct change order.
14. All records identifying ECWA personnel, agents, or consultants involved in inspection, testing, decision-making, approval, or oversight of the remediation work.
15. Copies of any and all documents not otherwise produce that outlined ECWA's and/or its engineer's requirements for all remediation work performed by Amstar relative to the Amstar projects namely, documents reflecting the removal of the requirement to utilize Sikaflex 1A caulking for the remediation work.
16. Proof of payment from ECWA to Amstar, Wendel, and any subcontractors relative to the Amstar Projects.
17. All records and documents illustrating ECWA's chlorination and disinfection procedures, protocols, standards, and methods used in water tanks during the period of 2020 through the present.
18. Copies of any and all bid specifications managed and/or issued by ECWA, relative to water tanks, that required the use of Sikaflex 1A for the period of 2010 through the present.

If all of the requested records cannot be emailed to me, please inform me by email of the portions that can be emailed and advise me of the cost for reproducing the remainder of the records requested. Alternatively, if the requested records cannot be emailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD.

Pursuant to Public Officers' Law Article 6, if for any reason any portion of my request is denied, please inform me of the particular justifications for not providing the requested documents or for redacting same, in writing and provide the name, address and email address of the person or body to whom an appeal should be directed.

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Please (1) email your responsive documents, and (2) complete, sign, and include in the response email the attached certification form. *See Exhibit A.* Should you have any questions, please do not hesitate to reach out to the undersigned directly.

Very truly yours,



Brandon M. Snyder

Attachment

Exhibit A

FOIL Request Re: Erie County Water Authority / Amstar Projects

**CERTIFICATION OF BUSINESS RECORDS
PURSUANT TO CPLR 3122-a**

_____, being duly sworn, deposes and says:

1. I am the duly authorized custodian of records maintained by Erie County Water Authority and have the authority to make this certification.

2. To the best of my knowledge, after reasonable inquiry, the records or copies thereof that are produced herewith are true and accurate versions of the documents described in the FOIL request, dated January 29, 2026, that are in the possession, custody, or control of the Erie County Water Authority.

3. To the best of my knowledge, after reasonable inquiry, the records or copies produced represent all the documents described in the FOIL request, or if they do not represent a complete set of the documents subpoenaed, an explanation of which documents are missing and a reason for their absence is provided.

4. The records or copies produced were made by the personnel or staff of the business, or persons acting under their control, in the regular course of business, at the time of the act, transaction, occurrence, or event recorded therein, or within a reasonable time thereafter, and that it was the regular course of the business to make such records.

SIGNATURE

Sworn to before me this

____ day of _____, 2026

Notary Public

