

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 23rd day of August 2011, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233

WHEREAS, a parcel of real property located at 631 Field Street in Johnson City, Town of Union, Broome County, which is part of lands conveyed by American Pipe & Plastics, Inc. to 631 Field Street, L.P. by deed dated January 31, 2001 and recorded in Broome County Clerk's Office on February 1, 2001 in Book 1953 of Deeds at Page 275 and which is identified by tax parcel numbers 143.037-1-019 (the "Property"); and being more particularly described in Appendix "A," attached to this notice and made a part hereof, and hereinafter referred to as "the Property," is the subject of a remedial program which was conducted by the Department as part of the New York State Superfund Program: and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls, which will, or is reasonably anticipated to, interfere significantly with any proposed, ongoing, or completed remedial program at the site, or which results or may result in a significantly increased threat of harm or damage at the site. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the remedy or with performance of the Department approved Site Management Plan unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following use: restricted-residential use. Therefore, any use for purposes other than for restricted-residential use without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater

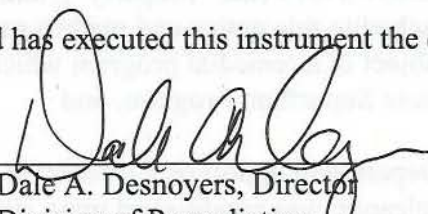
without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, upon change of use, re-occupancy of the site building, or new construction on the site, the site remedy requires evaluation of the potential for soil vapor intrusion and the possibility of adverse impacts on indoor air, and compliance with New York State Department of Health Guidance for Evaluating Soil Vapor Intrusion to address current or potential human exposures.

SEVENTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

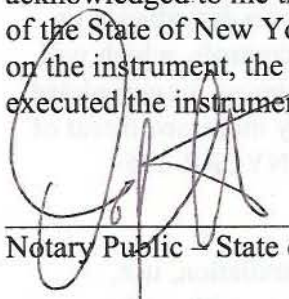
IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By:


Dale A. Desnoyers, Director
Division of Remediation

STATE OF NEW YORK) ss:
COUNTY OF ALBANY)

On the 23rd day of August in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

APPENDIX – A

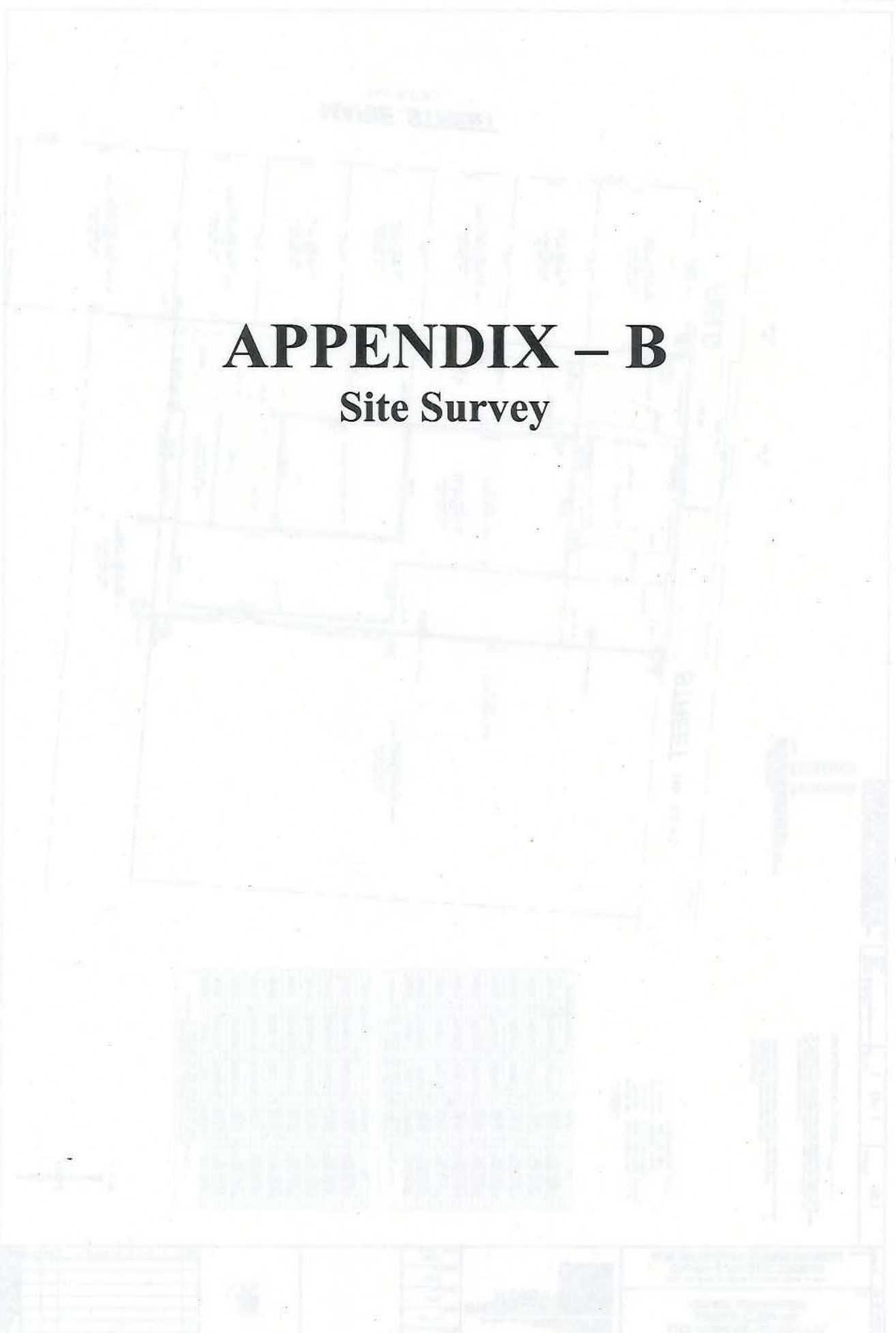
Legal Description

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Johnson City, Town of Union, County of Broome and State of New York, bounded and described as follows: Beginning at an iron in the north line of Field Street, said point being 120 feet easterly from the east line of Marie Street; thence northerly parallel to the easterly line of said Marie Street and 120 feet distant therefrom, along the back lines of several parcels a distance of 361.9 feet to an iron; thence easterly at an interior angle of 89 degrees 53 minutes a distance of 214 feet to an iron; thence southerly at an interior angle of 90 degrees 07 minutes, a distance of 361.9 feet to an iron in the north line of said Field Street; thence westerly at an interior angle of 89 degrees 53 minutes along said north line of Field Street a distance of 214.0 feet to the point of beginning, the last course forming an interior angle of 90 degrees 07 minutes with the first course; containing 1.778 acres of land, more or less.

TOGETHER WITH the right of ingress and egress over a strip of land designated as a proposed extension of Field Street, extending from the east line of Marie Street to the east line of the premises herein conveyed, more particularly described as follows: Beginning in the easterly line of Marie Street at the point where the northerly line of Field Street (formerly Oak Street) would intersect the said easterly line of Marie Street, said streets being as shown on a map of "Subdivision of Oaklawn", recorded in Broome County Clerk's Office Book of Maps No. 3 at Page 139, thence in an easterly direction on a line forming a right angle with the said easterly line of Marie Street and being an easterly extension of Field Street, a distance of 334 feet to an iron; thence in a southerly direction at an interior angle of 90 degrees, a distance of 40 feet to a point; thence in a westerly direction in a straight line parallel with the first above mentioned line, a distance of 334 feet to a point in the east line of Marie Street; thence in a northerly direction along the east line of Marie Street, a distance of 40 feet to the point or place of beginning.

SUBJECT to an easement granted by The Royal Crown Bottling Co. of the Southern Tier, Inc. to New York State Electric & Gas Corp. dated January 17, 1966 and recorded on March 2, 1966 in the Broome County Clerk's Office in Book 1102 of Deeds at Page 39.

Being the same premises conveyed to the grantor herein by Hanyak Liquidating Corp. by Warranty Deed dated August 1, 1984 and recorded the same day in the Broome County Clerk's Office in Liber 1412 of Deeds at Page 430.



APPENDIX – B

Site Survey

