

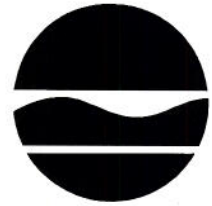
**New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials**

Bureau of Hazardous Waste and Radiation Management, 9th Floor

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Alexander B. Grannis
Commissioner

November 14, 2008

Dwight Stenseth
Vice President
Columbus Real Estate, LLC
4600 S. Ulster Street, Suite 500
Denver, CO 80237

Dear Mr. Stenseth:

Re: Consent Order Amendment Index #A7-0121-87-09
Proposed Property Conveyance
Former Borden Inc., Facility
Bainbridge, New York

The New York State Department of Environmental Conservation (Department) is in receipt of the October 28, 2008 letter from Mr. Scott Fennell, P.E., regarding the proposed sale of a portion of the former Borden Inc., Facility. On behalf of Columbus Real Estate, LLC, Mr. Fennell provided an updated survey and legal description of the approximately 111 acre parcel to be conveyed, and the professional engineer certification that the Department had requested in an August 26, 2008 letter. The certification indicates that there are no outstanding remedial obligations associated with the parcel. Therefore, in accordance with Paragraph XXVII, by this letter the Department is amending the Article 27, Title 13, Order-On-Consent, Index #A7-0121-87-09 to specifically exclude the parcel (see enclosed figure and legal description) from the Order.

Even though, based on the current information and the Engineer's certification, we don't anticipate any problem with the parcel under consideration, the new owner should be aware that since the property to be conveyed was part of a RCRA interim status facility, the Department retains future RCRA corrective action enforcement authority per Article 71 Title 27 of the State's Environmental Conservation Law. Under this provision, the Department can require corrective action as necessary to protect human health and the environment.

Sincerely,

Robert J. Phanuef, P.E.
Acting Director

Enclosures

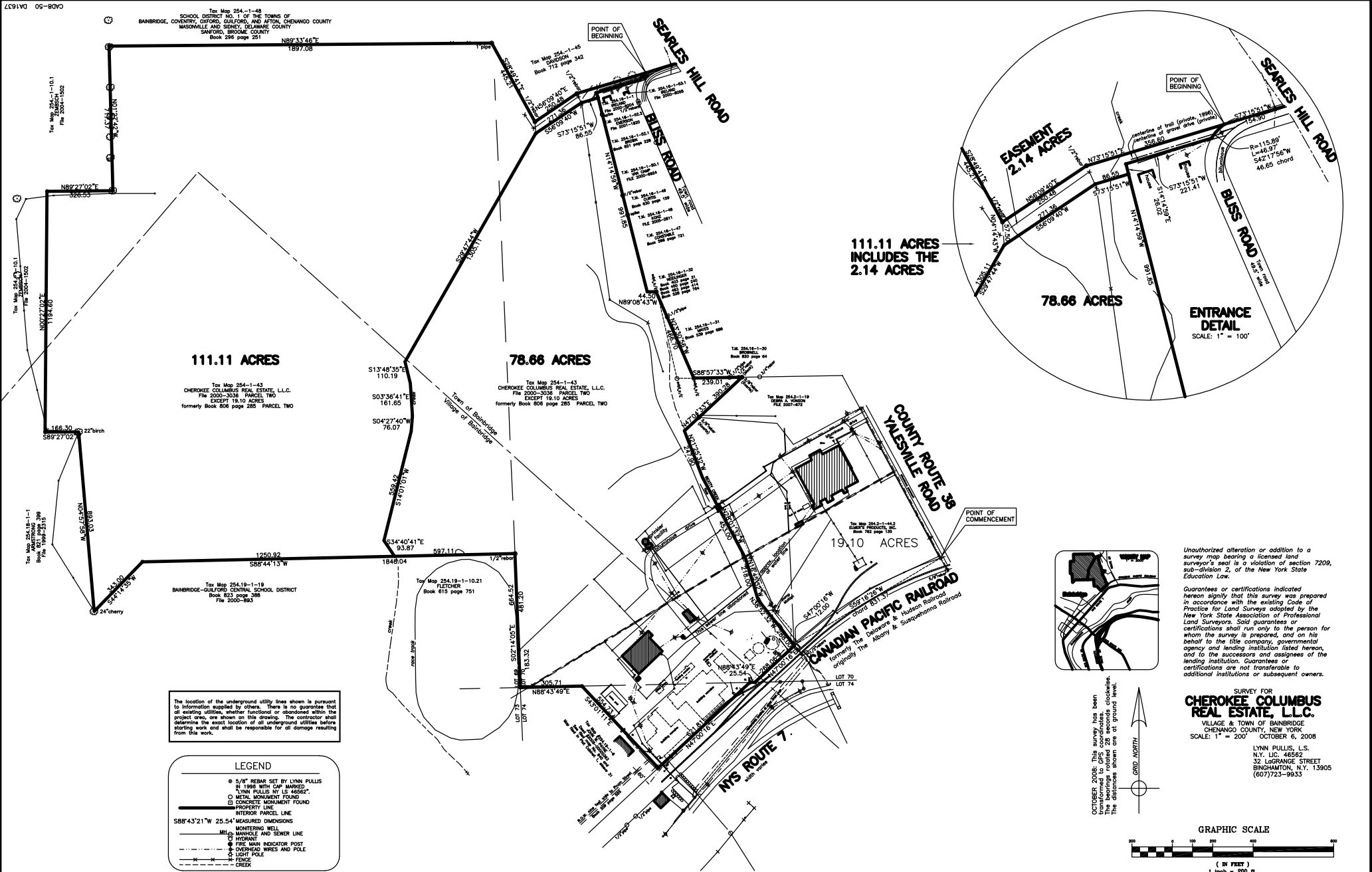
cc: w/encs- S. Fennell, NKU

D. Olszewski, D&D

R. Heerkens, DOH Syracuse

T. DiGiulio, DEC Region 7

ecc: V. Minocha, DEC Albany
L. Thomas, DEC Albany
D. Tuohy, Esq., DEC Albany



LYNN PULLIS
Licensed Surveyor in New York and Pennsylvania
32 LA GRANGE STREET
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CHEROKEE COLUMBUS REAL ESTATE

111.11 ACRES

OCTOBER 2, 2008

Beginning at a rebar (reinforcing rod) set at the intersection of the northwesterly boundary of Bliss Road with the northerly line of Parcel Two as described in the deed to Cherokee Columbus Real Estate, L.L.C. recorded as File Number 2000-3036, said point also being S73-15-51W (Grid North at 76-35 West Longitude), 154.90' from the intersection of said northerly line projected eastwardly with the centerline of Searles Hill Road;

Then southwesterly along said road boundary on a curve to the left having a radius of 115.89' an arc length of 46.97' to a rebar with cap set, said point being S42-17-56W a chord length of 46.65' from the last described point;

Then S73-15-51W, 221.41' to a rebar with cap set;

Then S14-14-59E, 26.02' to a rebar with cap set;

Then S73-15-51W, 86.55' to a rebar with cap set;

Then S56-09-40W, 271.36' to a rebar with cap set;

Then S29-47-44W, 1305.11' to the center of a creek;

Then approximately along the center of said creek the following five courses:

S13-48-35E, 110.19' to a point;

Then S03-46-41E, 161.65' to a point;

Then S04-27-40W, 76.07' to a point;

Then S14-01-01W, 559.42' to a point;

Then S34-40-41E, 93.87' to a point;

Then S88-44-13W, 1250.92' to a rebar found;

Then S44-14-35W, 343.00' to a 24 inch cherry tree (1986);

Then N04-57-58W, 893.03' to a 22 inch birch tree (1986);

Then S89-27-02W, 166.30' to a rebar found;

Then N00-27-02E, 1194.60' to a rebar found;

Then N89-27-02E, 326.53' to a rebar found;

Then N01-27-42W, 717.37' to a rebar found;

Then N89-33-46E, 1897.08' to a pipe found;

Then S28-49-41E, 445.21' to a rebar found;

Then N56-09-40E, 250.48' to a rebar found;

Then N73-15-51E, 356.60' to the point of beginning.

This parcel contains 111.11 acres.