



July 10, 2009

William Ottaway, P. E.  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Remedial Bureau C, 11<sup>th</sup> Floor  
625 Broadway  
Albany, NY 12233-7014

Re: Records Search Reports for Westfield (Site ID 9-07-037)  
and Jamestown (Site ID 9-07-036)

Dear Mr. Ottaway:

As requested in NYSDEC's December 2, 2008 letter to National Fuel Gas Distribution Corporation (National Fuel), we are providing to you the following records search reports regarding the Westfield and Jamestown Sites. Kroll Associates, Inc. (Kroll) assisted National Fuel with the records search for these reports.

### **THE WESTFIELD SITE**

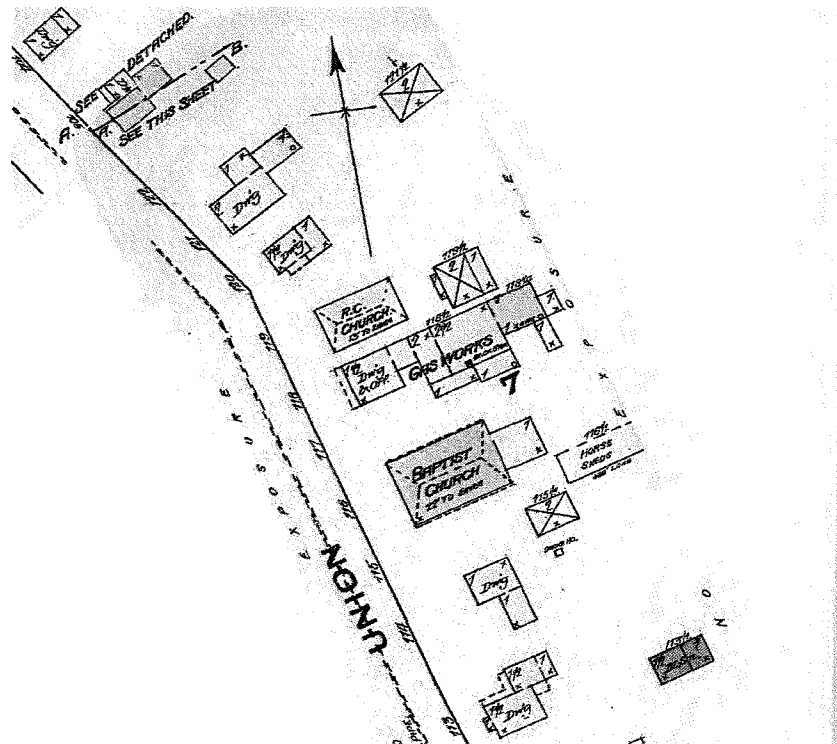
#### **Executive Summary**

Kroll did not identify any information that suggests National Fuel ever owned, operated or was otherwise involved with the operations of the former gas works at the Westfield Site. Furthermore, based upon a review of the available information, the Westfield Site appears to have operated as a natural gas operation, as was common in Westfield at the time, and not as a manufactured gas plant.

#### **Introduction**

The Westfield Site is located in a residential section of Westfield, just south of East Main Street at 19 Union Street. The address is also referred to as 9 Kent Street. The former gas works was located on the property designated for tax purposes as 193.017-10-48 and is described in property transaction records as Lot 4. The property consists of two parcels. Parcel A is a 157' by 49' rectangle, whose longer orientation runs approximately east – west. Parcel A's shorter, western edge runs approximately north – south fronting Union Street. Parcel B is a considerably smaller rectangle, 54' by 48', whose western-most edge abuts the eastern edge of Parcel A. The

following represents the Site as it was in 1896, according to the 1896 Sanborn Fire Insurance Map:



Today, the buildings that formerly occupied the Westfield Site associated with the gas works are no longer present.

### **Document Search Process**

Kroll's efforts included both computer database research and on-site public records research. In addition, Kroll submitted Freedom of Information Act ("FOIA") and Freedom of Information Law ("FOIL") requests to the relevant agencies seeking documents relating to the Westfield Site and surrounding properties. The following summarizes the sources, agencies and repositories searched by Kroll in connection with its investigation:

#### **Historical Reference Documents – Various Repositories**

- Brown's Directory of North American Gas Companies, various dates between 1900 and 2002
- Sanborn Fire Insurance Maps, 1886, 1891, 1896, 1902, 1907, 1912, 1923, 1945 and 1958
- United States Geological Service Historical Topographic Maps, 1899 and 1954

### Federal Government Repositories

- Environmental Protection Agency (Region 2)
- United States District Courts

### New York State Repositories

- Department of Environmental Conservation (Region 9) (“NYSDEC”)
- New York State Courts
- New York Secretary of State Filings
- New York State Archives
- New York State Museum

### Chautauqua County Repositories

- Chautauqua County Historical Society
- Office of the Chautauqua County Historian
- Chautauqua County Industrial Development Agency

### Village of Westfield Repositories

- Westfield Department of Building/Zoning/Code
- Westfield Development Corporation
- Westfield Department of Public Works
- Westfield Patterson Library
- Westfield Historical Society
- Westfield Town Hall

### Additional Resources

- Online searches of historical directories of Westfield and Jamestown (Jamestown Directories covered Westfield in the late 1800s)
- Westfield First Baptist Church
- Letter dated November 25, 2008 from the New York State Department of Environmental Conservation to Pastor Thayne Bodenmiller, regarding possible contamination at the Westfield Gas Works
- Laws of the State of New York Passed at the Eighty-Third Session of the Legislature, published by Weed, Parsons and Company 1860, pages 293-294
- Bulletin of the State of New York, volume 6, number 26, April 1899, pages 511-522

- The Early and Later History of Petroleum, with Authentic Facts in Regard to the Development in Western Pennsylvania, J.T. Henry, 1873, pages 393-396
- Manufacturing Directories
- Miscellaneous reference materials, corporate records, and periodicals, including newspapers covering Chautauqua County and Westfield, New York
- Historical Aerial Photographs, 1970, 1981, 1985, 1994, and 2006

### **Records Search Report**

The following summarizes the results of Kroll's Records Search.

1. **Request:** Detail all environmental data and information within Respondent's possession or control regarding environmental conditions at or emanating from the Site.

**Response:** After a search of the repositories, agencies and resources listed above, Kroll did not identify any information regarding the environmental conditions of the Westfield Site.

2. **Request:** A comprehensive list of all existing relevant reports with titles, authors, and subject matter, as well as a description of the results of all previous investigations of the Site and of areas immediately surrounding the Site which are or might be affected by contamination at the Site, including all available topographic and property surveys, engineering studies, and aerial photographs.

**Response:** The following reports have been identified relevant to the Westfield Site and adjacent properties:

- Brown's Directory of North American Gas Companies, various dates between 1900 and 2002
- Sanborn Fire Insurance Maps, 1886, 1891, 1896, 1902, 1907, 1912, 1923, 1945 and 1958
- United States Geological Service Historical Topographic Maps, 1899 and 1954
- Historical Aerial Photographs, 1970, 1981, 1985, 1994, and 2006

3. **Request:** Provide a concise summary of information held by Respondent and Respondent's consultants with respect to:

- i. a history of and description of the Site, including the nature of operations;
- ii. the types, quantities, physical state, locations, methods, and dates of disposal or release of hazardous waste at or emanating from the Site;
- iii. a description of current Site security (i.e. fencing, posting, etc.); and

- iv. the names and addresses of all persons responsible for disposal of hazardous waste, including the dates of such disposal and any proof linking each such person responsible with the hazardous wastes identified.

**Response:**

- i. History and Description of the Site

*Property Ownership*

A summary of the property ownership documents as maintained by the Chautauqua County Assessor's office for the Westfield Site (19 Union Street, Property Tax Identification Number 193.017-10-48) indicates that the property, described as "lot 4" was two parcels, Parcels A and B, as described below:

Parcel A

- September 26, 1866: Nicholas Kessler and Horace Hale (Trustees of the First Baptist Society of Westfield, New York) to Addison Crosby and David H. Taylor
- April 1, 1877: Parcel A is purchased by Frances B. Brewer.<sup>1</sup>

Parcel B

- April 28, 1877: Parcel B is purchased by Francis B. Brewer.

Parcels A and B

- March 19, 1903: Parcels A and B are conveyed together from the estate of Francis B. Brewer to Arthur B. Ottoway, including "interest in all gas pipes and mains leading from Lake Erie to the gas works in Westfield Village and all gas pipes and mains leading in and about the said Village, also rights of way, franchises and grants and leases from Lake Erie to Westfield Village and in and about said Village through its public streets and elsewhere and all meters, appliances, rights and privileges belonging to the gas works in Westfield, N.Y."
- June 8, 1903: Arthur B. Ottoway deeds one-half interest in Parcels A and B, along with the gas interests described above to Lewis W. Chapman.

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<sup>1</sup> The conveyances of the property between 1866 and 1877 are unclear, as several of the deeds were apparently not recorded during this timeframe. The deed for Parcel B notes that Parcel A was owned by the Westfield Gas Company at the time. Searches of the records maintained by the Chautauqua County Clerk's office have found no record of Westfield Gas Company in the foretitle. Furthermore, the transfer of Parcel A to Frances B. Brewer indicates that the transfer included "all the rights thereby conveyed in the gas springs on the said lands, and the lands adjoining as therein described deed set forth with the main pipes and conductors, holders and meters, extending into and around the Village of Westfield."

- January 10, 1906: Lewis W. Chapman and Lillian H. Chapman return their half-interest to Arthur B. Ottoway.
- August 6, 1915: Arthur B. Ottoway and Myrtle R. Ottoway to Inez Grace Gerrard.<sup>2</sup>
- June 15, 1964: Inez Wilcox and Mary Brundin to the First Baptist Church and Society in the Village of Westfield, New York. The First Baptist Church continues to own the property.

### *Corporate Information*

On April 6, 1860, the New York State Legislature, in its eighty-third session passed Chapter 172, thereby creating the Westfield Gas Company.<sup>3</sup> D.B. Knowlton, Almorat Abbot and John H. Minton were identified as the shareholders. According to the text of Chapter 172, Section 2 provides for the corporation's "right to lay conductors for conducting gas from any natural gas springs or fountains they now own or may hereafter purchase in the town of Westfield, New York, to and through the streets, lanes, alleys, and squares in the village of Westfield, and sell and furnish such quantities of gas as may be required in the town and village of Westfield for lighting the streets and public and private buildings or other purposes."<sup>4</sup> Nothing is mentioned regarding the manufacture of gas, however.

A search of incorporation files as maintained by the Secretary of State's offices in New York, Pennsylvania, and Delaware have not identified articles of incorporation for the following potentially relevant corporate entities: "Westfield Gas," "Westfield Gas Works," or "Westfield Gas Company." In addition, no records were found for a corporate entity called "Ottaway & Chapman."<sup>5</sup>

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<sup>2</sup> A succession of transfers occurred between 1915 and August 6, 1964 involving Inez Grace Gerrard, her husband, Leander V. Gerrard and their respective estates, resulting in the property being held by Inez Wilcox, the daughter of Inez Grace Gerrard.

<sup>3</sup> "Laws of the State of New York passed at the Eighty-Third Session of the Legislature," Weed, Parsons and Company, 1860, Chapter 172, pages 293 and 294.

<sup>4</sup> *Id.*

<sup>5</sup> See pages 9-10 of this report for further reference to Ottaway & Chapman. "Ottaway & Chapman" is likely a reference to Arthur B. Ottoway and Lewis W. Chapman, who jointly owned the Westfield Site in 1903.

A New York State Appeals Court case indicates that Francis B. Brewer was the owner and operator of the “Westfield gas works” in the town of Westfield, New York in or around 1892.<sup>6</sup> As noted above, Francis B. Brewer and his estate were owners of the parcels comprising the Westfield Site between 1877 and 1903. However, Mr. Brewer was a prominent landowner in Westfield and operated at least two different properties that involved the transmission of gas at one time or another. It is not known whether the court case involved the Westfield Site or some other property.

For example, there was a natural gas supply that provided gas to power the Barcelona Lighthouse on the shore of Lake Erie in the northern part of Westfield.<sup>7</sup> The lighthouse was built along the lake in 1828 by Judge T. B. Campbell, who also owned a viable gas spring that was the source of gas supply for the lighthouse in Barcelona. The gas spring was said to have been approximately 0.6 to 0.75 miles away from the lighthouse.<sup>8</sup> An article regarding the natural gas spring near the lighthouse states:

*“In 1864, Judge Campbell first sold the property that contained the gas spring. Among the subsequent owners of the property were David H. Taylor, the Barcelona Petroleum Company, the First National Bank of Westfield and the Westfield Gas Company (by Dr. F. B. Brewer, President). It is now owned by the Phoenix Gas and Improvement Company of Philadelphia, having been recently purchased from the executors of Dr. Brewer’s estate.”<sup>9</sup>*

The 1899 article indicates that the Village of Westfield permitted the “gas company” to lay gas mains throughout the streets of Westfield. However, the amount of gas produced from the well was insufficient to supply the town at that time and “it soon became necessary for the company to enter into the manufacture of coal gas.” The article states that the practice continued at the time of its printing in 1899.<sup>10</sup> No information was identified regarding the gas manufactured at or near the Barcelona well.

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<sup>6</sup> *Francis B. Brewer, App’lt. v. Clarence Delafield, Resp’t.*, 45 NYS Reporter 87 (April 13, 1892).

<sup>7</sup> “Petroleum and Natural Gas in New York,” Bulletin of the New York State Museum, 1899, pages 512-514.

<sup>8</sup> *Id.* at 512.

<sup>9</sup> *Id.* at 513-514.

<sup>10</sup> *Id.* at 514.

While both David H. Taylor and Dr. Francis B. Brewer owned the Westfield Site at one time or another, the description of Judge Campbell's property in the article entitled "Petroleum and Natural Gas in New York" clearly relates to the Barcelona gas spring and not the Westfield Site on Union Street, roughly 2.5 miles to the south. Furthermore, the Barcelona Petroleum Company, the First National Bank of Westfield, the Westfield Gas Company and the Phoenix Gas and Improvement Company were not in the chain of title for the Westfield Site.

Kroll did not identify any information that connects the Westfield Gas Company authorized by Chapter 172 to the Westfield Site. In addition, Kroll did not identify any information to suggest that National Fuel ever acquired or otherwise obtained any interest in the Westfield Gas Company.

#### *Historical Operations*

Information regarding the history of the operations of the Westfield Site is scant. The gas operations at the Westfield Site likely began at some point in time prior to 1886, the date of the earliest Sanborn Fire Insurance map available for that block of Union Street.

A more modern mention of a gas facility on Union Street occurs in "The History of Westfield 1802 to 1997," in which the town of Westfield was said to rely heavily on natural gas in 1829.<sup>11</sup> The publication adds, "[a] gas house was erected on Union Street near the present Catholic Church and was used as an auxiliary for the gas works at Barcelona." The date of construction of the facility located on the Westfield Site is not known.

The 1886 Sanborn map indicates little with regard to the operations of the facility.<sup>12</sup> Labeled simply "Gas Works," the two and one-half story main structure abutted a dwelling/ office on its front-facing side along Union Street. The east side of the main structure abutted an outbuilding with two smaller rooms attached. A brick chimney is labeled on the Sanborn map along the middle of the south edge of the main structure. Immediately next door, to the north of the facility was the Westfield Roman Catholic Church, while immediately to the south stood the Westfield First Baptist Church.

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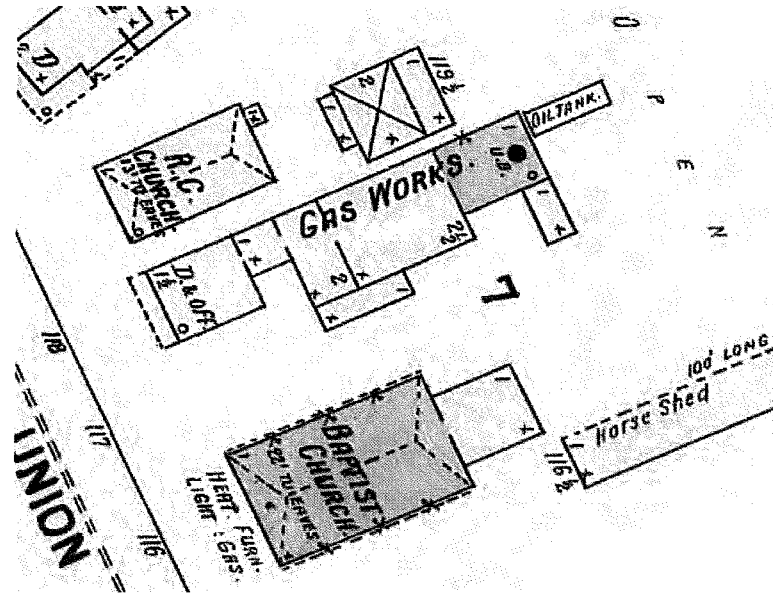
<sup>11</sup> "The History of Westfield 1802-1997," Dorothy Hopkins Curtis, 1998.

<sup>12</sup> We note that none of the Sanborn maps covering the Westfield Site depicted any of the structures and/or equipment typically associated with the manufacture of gas from coal or petroleum, such as "retorts," "coal storage sheds," "tar storage," "tar wells," "ammonia well," or "gasometers."



The 1891 and 1896 Sanborn maps were unchanged.

The Sanborn map dated 1902 reflects two additions to the facility. The first is the addition of an upright steam boiler to the room in the back of the main structure. This is shown as a solid dark circle with the initial "U.B." next to it on the Sanborn map. The second is the addition of a separate "oil tank" to the rear of the main structure. A detail of the Gas Works as shown on the 1902 Sanborn map is provided below:



On the evening of August 8, 1904, the gas works caught fire and was destroyed. A report of the fire, dated August 10, 1904 was published in the Westfield Republican, the local newspaper:

*“At about 11:00 on Monday evening, Westfield Gas Plant was discovered to be on fire and notwithstanding the fire department’s prompt response. The plant was totally destroyed.*

*How the fire originated is a mystery as James Kinner, who lives next door to the plant, the buildings being connected, and who had charge of it, had only left it about 30 minutes before the fire was discovered, and the flames were then coming through the roof.*

*It was only a few minutes from the time the alarm was sounded until our fire ladies had five streams upon the fire. Although there was danger of an explosion as the tank was full of gas and a large quantity of oil was in the building, our firemen did not hesitate, but by heroic efforts they fought the flames and inside of an hour had them under control and contained to the plant, the*

*barn of St. James' church which adjoined it being only slightly damaged and Mr. Kinner's residence not being injured. It was one of the hottest fires in years and too much praise cannot be given to the Bremen for their efficient work.*

*The plant which was owned by Ottaway & Chapman, could not be replaced for \$10,000. There was an insurance of \$1,500. Mr. Ottaway says it will not be rebuilt."*

Subsequent to the fire, the property remained largely unchanged as illustrated by the Sanborn map dated 1958. At some point in time after 1958, the dwelling formerly attached to the gas works was razed and a parking lot created between the two churches.

#### *Adjacent Property*

A review of information gathered throughout the investigation indicates that the property surrounding the Westfield Site was largely residential, with the previously mentioned churches on either side of the facility.

A review of files maintained by the NYSDEC and the Environmental Protection Agency did not identify any contamination sources immediately adjacent to the property. The NYSDEC has identified four facilities that reported storage tanks with either tank test failures, tank failure or tank overfills between 1990 and 2008. No other environmental concerns were identified within a mile of the Westfield Site.

#### *Conclusions*

Neither National Fuel nor any of its predecessors-in-interest is affiliated in any way with either the Westfield Site or the property adjacent to the Westfield Site, including as past or present owner or operator. As a result, neither National Fuel nor any of its predecessors-in-interest engaged in any operations at either the Westfield Site or property adjacent to the Westfield Site that may have resulted in the disposal of hazardous waste at the properties.

#### ii. Disposal or Release of Hazardous Waste at or Emanating from the Site

No releases of hazardous substances or disposal of hazardous substances have been identified at or emanating from the Westfield Site based on both the records review and visual inspection.

#### iii. A Description of Current Site Security

A visual inspection of the property did not reveal any physical security measures in place at the Westfield Site. The Westfield Site, as mentioned above, is a paved

parking lot, situated between the St. James Catholic Church and the Westfield First Baptist Church.

iv. The Identities of Those Individuals Responsible for any Releases at the Site

Consistent with the information provided in paragraph (ii), above, no such individuals have been identified.

## THE JAMESTOWN SITE

### Executive Summary

Kroll did not identify information establishing that National Fuel or any predecessor-in-interest operated the former manufactured gas plant at the Jamestown Site. Information gathered to date suggests the only connection between National Fuel and the Jamestown Site is the fact that a predecessor-in-interest to National Fuel, Pennsylvania Gas Company, owned the Jamestown Site between January 23, 1901 and September 30, 1911, at a time when no operations occurred at the premises. The company that had owned and operated the manufactured gas plant at the Jamestown Site was the Jamestown Gas Company, whose plant was destroyed by a fire on January 8, 1900, forcing the company to cease operations and divest itself of its few remaining assets. The plant was never rebuilt. Instead, Jamestown Gas Company wound down its business and transferred its real and personal property to Pennsylvania Gas Company. Records identified do not indicate that Pennsylvania Gas Company assumed any of the historic liabilities associated with the property or the Jamestown Gas Company itself.

### Introduction

The Jamestown Site is located in a historically industrial section of the City of Jamestown. The rectangular shaped site is comprised of multiple parcels of property whose northerly border runs along the south side of East 1<sup>st</sup> Street and whose southerly border is the railroad tracks of the Atlantic and Western Railroad Company. South of the railroad tracks is the Chadakoin River, which flows in a southeasterly direction. The street address of the former gas plant was identified in one Jamestown City Directory as 202-214 East 1<sup>st</sup> Street, Jamestown, New York.<sup>13</sup> The following is a 2006 aerial photograph of the Jamestown Site and surrounding area:

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<sup>13</sup> The Journal's Directory of Jamestown, Falconer, Lakewood and Celoron, 1899-1900, Journal Printing Company, Jamestown, New York, 1900, page 59.



### **Document Search Process**

Kroll's efforts included both computer database research and on-site public records research. In addition, Kroll submitted Freedom of Information Act ("FOIA") and Freedom of Information Law ("FOIL") requests to the relevant agencies and repositories, seeking documents relating to the Jamestown Site and surrounding properties. The following summarizes the sources, agencies and repositories searched by Kroll in connection with its investigation:

#### Historical Reference Documents – Various Repositories

- Brown's Directory of North American Gas Companies, various dates between 1900 and 2002
- Sanborn Fire Insurance Maps, 1886, 1891, 1902, 1930, 1949, and 1981
- United States Geological Service Historical Topographic Maps, 1905, 1954 and 1979

#### Federal Government Repositories

- Environmental Protection Agency (Region 2) ("EPA")
- United States District Courts

#### New York State Repositories

- Department of Environmental Conservation (Region 9) ("NYSDEC")
- New York State Courts
- New York Secretary of State Filings
- New York State Archives
- New York State Museum

#### Chautauqua County Repositories

- Chautauqua County Historical Society

- Office of the Chautauqua County Historian
- Chautauqua County Industrial Development Agency

#### City of Jamestown Repositories

- Jamestown City Hall
- Jamestown Department of Public Works
- Jamestown Department of Development
- Fenton Library – Jamestown
- Prendergast Free Library
- Jamestown Historical Society

#### Additional Resources

- Online and field searches of historical directories of Jamestown, including the Jamestown City Directories for various years
- Manufacturing Directories
- Miscellaneous reference materials, corporate records, and periodicals, including newspapers covering Chautauqua County and Jamestown, New York, including the Jamestown Evening Journal, various dates
- Assorted historical reports of Jamestown, New York and Chautauqua County
- Historical Aerial Photographs, 1971, 1981, 1988, 1994, 2001, and 2006

### **Records Search Report**

The following summarizes the results of Kroll's Records Search.

1. **Request:** Detail all environmental data and information within Respondent's possession or control regarding environmental conditions at or emanating from the Site.  
**Response:** After a search of the repositories, agencies and resources listed above, Kroll has not identified any information regarding the environmental conditions at or emanating from the Jamestown Site.
2. **Request:** A comprehensive list of all existing relevant reports with titles, authors, and subject matter, as well as a description of the results of all previous investigations of the Site and of areas immediately surrounding the Site which are or might be affected by contamination at the Site, including all available topographic and property surveys, engineering studies, and aerial photographs.

**Response:** The following reports have been identified as relevant to the Jamestown Site and adjacent properties:

- Brown's Directory of North American Gas Companies, various dates between 1900 and 2002
- Sanborn Fire Insurance Maps, 1886, 1891, 1902, 1930, 1949, and 1981
- United States Geological Service Historical Topographic Maps, 1905, 1954 and 1979
- Historical Aerial Photographs, 1971, 1981, 1988, 1994, 2001, and 2006

To date, no other reports have been identified which characterize the environmental conditions of the Jamestown Site.

3. **Request:** Provide a concise summary of information held by Respondent and Respondent's consultants with respect to:

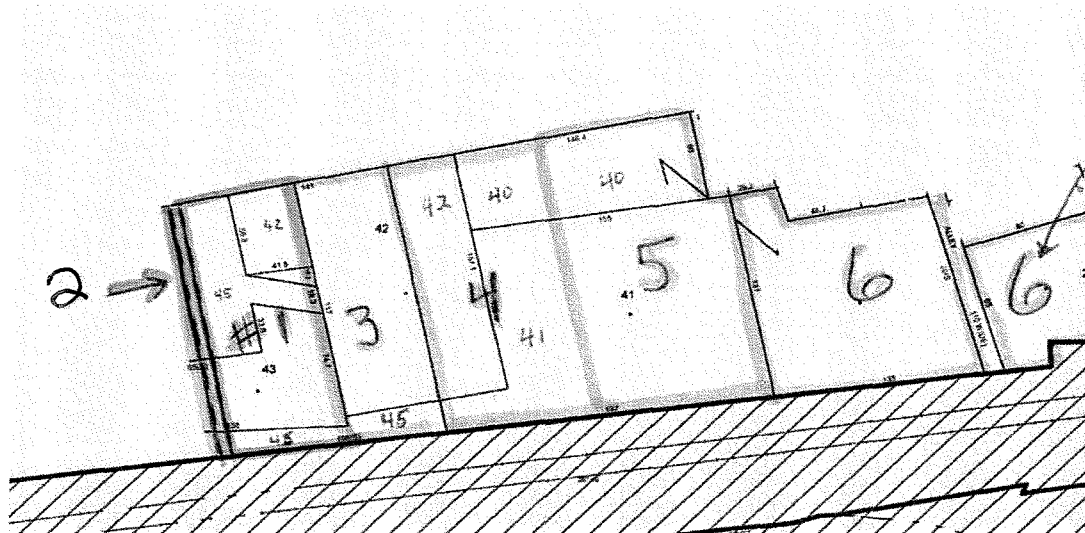
- i. a history of and description of the Site, including the nature of operations;
- ii. the types, quantities, physical state, locations, methods, and dates of disposal or release of hazardous waste at or emanating from the Site;
- iii. a description of current Site security (i.e. fencing, posting, etc.); and
- iv. the names and addresses of all persons responsible for disposal of hazardous waste, including the dates of such disposal and any proof linking each such person responsible with the hazardous wastes identified.

**Response:**

- i. History and Description of the Site

*Property Ownership*

A summary of the property ownership documents relating to the Jamestown Site and adjacent parcels, as maintained by the Chautauqua County Assessor's office for the various parcels bearing tax assessor identification numbers 387.041-3-40, 387.041-3-41, 387.041-3-21, 387.041-3-42, and 387.041-3-43, and as searched by the Chautauqua Abstract Company indicate that the parcels, as conveyed during the earlier years, do not correlate with the current tax plats. Therefore, the following map identifying the former parcels and current plats is useful for understanding the relevant property transactions.



The history of each parcel is as follows:<sup>14</sup>

Parcel 1 (SBL: 387.041-3-42, 387.041-3-43 and 387.041-3-45)

- September 10, 1881: A. Flynn Kent and Emily A. Kent to Jamestown Gas Company.
- January 10, 1882: Jamestown Gas Company to William Broadhead, Sheldon Broadhead and Almet N. Broadhead.
- November 15, 1938: Heirs of Wm., Sheldon & Almet Broadhead to the City of Jamestown.

[No further conveyance information is available regarding this part of Parcel 1, a portion of which is currently SBL: 387.041-3-43.]

- April 11, 1944: [Part of Parcel 1]: City of Jamestown to Monarch Fuse Company, which ultimately becomes a part of SBL: 387.041-3-42.

[No further conveyance information is available regarding this part of Parcel 1, a portion of which becomes a part of SBL: 387.041-3-42.]

- November 20, 1969: [Part of Parcel 1]: City of Jamestown to Broadhead Mills Company, Inc., which becomes a part of SBL: 387.041-3-45.

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<sup>14</sup> The Chautauqua Abstract Company has provided the earliest title information available for each parcel comprising the Jamestown Site. This summary starts with the earliest information available for each parcel.

- November 12, 1973: Broadhead Mills Company, Inc. to City of Jamestown (same property as Deeded in 1969, a part of SBL: 387.041-3-45).
- December 14, 1973: City of Jamestown to Broadhead Mills Company, Inc. (same property as Deeded in 1969 and 1973, a part of SBL: 387.041-3-45).
- June 12, 1989, Broadhead Mills Company, Inc. to El Greco Woodworking, the current owner of SBL: 387.041-3-45.

Parcel 2 (SBL: 387.041-3-43 and SBL: 387.041-3-45)

- May 1, 1883: Jamestown Gas Company to William Broadhead, Sheldon Broadhead and Almet N. Broadhead. [Note: No record exists that details Jamestown Gas Company's acquisition of Parcel 2. This is the earliest information for Parcel 2 identified during the title search.]
- November 15, 1938: Heirs of William, Sheldon & Almet Broadhead to the City of Jamestown.

[No further conveyance information is available regarding this part of Parcel 2, a portion of which becomes part of SBL: 387.041-3-43.

- November 20, 1969: City of Jamestown to Broadhead Mills Company, Inc., a portion of which becomes a part of SBL: 387.041-3-45.
- November 12, 1973: Broadhead Mills Company, Inc. to City of Jamestown (same property as Deeded in 1969, a part of SBL: 387.041-3-45).
- December 14, 1973: City of Jamestown to Broadhead Mills Company, Inc. (same property as Deeded in 1969 and 1973, a part of SBL: 387.041-3-45).
- June 12, 1989: Broadhead Mills Company, Inc. to El Greco Woodworking, the current owner of parcel SBL: 387.041-3-45.

Parcel 3 (SBL: 387.041-3-42 and SBL: 387.041-3-45)

- September 10, 1881: A. Flynn Kent and Emily A. Kent to Jamestown Gas Company.
- February 13, 1886: Jamestown Gas Company to William Broadhead, Sheldon Broadhead and Almet N. Broadhead.
- November 15, 1939: Heirs of William, Sheldon & Almet Broadhead to the City of Jamestown.
- April 11, 1944: City of Jamestown to Monarch Fuse Company, a portion of which becomes a part of SBL: 387.041-3-42.



[No further conveyance information is available regarding this part of Parcel 3, a portion of which becomes a part of SBL: 387.041-3-42.]

- November 20, 1969: City of Jamestown to Broadhead Mills Company, Inc., a portion of which becomes part of SBL: 387.041-3-45.
- November 12, 1973: Broadhead Mills Company, Inc. to City of Jamestown (same property as Deeded in 1969, a part of SBL: 387.041-3-45).
- December 14, 1973, City of Jamestown to Broadhead Mills Company, Inc. (same property as Deeded in 1969 and 1973, a part of SBL: 387.041-3-45).
- June 12, 1989: Broadhead Mills Company, Inc. to El Greco Woodworking, the current owner of SBL: 387.041-3-45.

Parcel 4 (SBL: 387.041-3-40, 387.041-3-41 and 387.041-3-42)

- September 10, 1881: A. Flynn Kent and Emily A. Kent to Jamestown Gas Company.
- January 23, 1901: Jamestown Gas Company to Pennsylvania Gas Company.
- September 30, 1911: Pennsylvania Gas Company to Sheldon Broadhead and Almet N. Broadhead.
- November 15, 1938: Heirs of William, Sheldon & Almet Broadhead to the City of Jamestown.
- April 11, 1944: City of Jamestown to Monarch Fuse Company, which becomes a part of SBL: 387.041-3-42.

[No further conveyance information is available regarding this part of Parcel 4, a portion of which becomes a part of SBL: 387.041-3-42.]

- November 20, 1969: City of Jamestown to Broadhead Mills Company, Inc., which becomes a part of SBL: 387.041-3-41.
- November 12, 1973: Broadhead Mills Company, Inc. to City of Jamestown (same property as Deeded in 1969, a part of SBL: 387.041-3-41).
- December 14, 1973: City of Jamestown to Broadhead Mills Company, Inc. (same property as Deeded in 1969 and 1973, a part of SBL: 387.041-3-41).
- June 12, 1989: Broadhead Mills Company, Inc. to El Greco Woodworking, the current owner of SBL: 387.041-3-41.
- December 26, 1978: City of Jamestown to Carl A. Anderson, which becomes a part of SBL: 387.041-3-40.

- June 12, 1989: Carl A. Anderson to El Greco Woodworking, Inc., the current owner of SBL: 387.041-3-40.

Parcel 5 (SBL: 387.041-3-40 and 387.041-3-41)

- January 15, 1881: Sarah C. Palm to Jamestown Gas Light Company.
- January 23, 1901: Jamestown Gas Company to Pennsylvania Gas Company.
- September 30, 1911: Pennsylvania Gas Company to Sheldon Broadhead and Almet N. Broadhead.
- November 15, 1938: Heirs of William, Sheldon & Almet Broadhead to the City of Jamestown.
- November 20, 1969: City of Jamestown to Broadhead Mills Company, Inc., a portion of which becomes a part of SBL: 387.041-3-41.
- November 12, 1973: Broadhead Mills Company, Inc. to City of Jamestown (same property as Deeded in 1969, a part of SBL: 387.041-3-41).
- December 14, 1973: City of Jamestown to Broadhead Mills Company, Inc. (same property as Deeded in 1969 and 1973, a part of SBL: 387.041-3-41).
- June 12, 1989: Broadhead Mills Company, Inc. to El Greco Woodworking, Inc., current owner of SBL: 387.041-3-41.
- December 26, 1978: City of Jamestown to Carl A. Anderson, which becomes a part of SBL: 387.041-3-40.
- June 12, 1989: Carl A. Anderson to El Greco Woodworking, Inc., the current owner of SBL: 387.041-3-40.

Parcel 6 (SBL: 387.041-3-21 and 387.041-3-40)

- March 23, 1883: A. Flynn Kent and Emily Kent to Jamestown Gas Company.
- January 23, 1901: Jamestown Gas Company to Pennsylvania Gas Company.
- September 30, 1911: Pennsylvania Gas Company to Sheldon Broadhead and Almet N. Broadhead.
- November 15, 1938: Heirs of William, Sheldon & Almet Broadhead to the City of Jamestown.
- December 26, 1978: City of Jamestown to Carl A. Anderson, which becomes parts of SBL: 387.041-3-21 and SBL: 387.041-3-40.
- June 12, 1989: Carl A. Anderson to El Greco Woodworking, Inc., the current owner of SBL: 387.041-3-21 and SBL: 387.041-3-40.

### *Corporate Information*

The Jamestown Gas Light Company is the earliest entity found to be associated with the gas works at the Jamestown Site. Organized on May 16, 1861, the stated purpose of the company was for the “manufacture and sale of combustible hydrogen gas from bituminous coal or other materials, for the purposes of lighting streets and public and private buildings.”<sup>15</sup>

On September 1, 1871, the Jamestown Gas Light Company filed a Certificate of Increase of Capital Stock. The filing indicates that the company began operations in 1861, by “purchasing real estate and constructing its works and mains” in Jamestown.<sup>16</sup> The Certificate also states that the “works were inadequate to manufacture and supply the amount of gas required for lighting the streets and public and private buildings.” The Jamestown City Directory for the years 1875, and 1878-1879 do not list the “Jamestown Gas Light Company.” The 1875 city directory lists no gas or electric light companies, while the 1878-1879 directory lists a “gas works” with no address and “Jamestown Gas office” at 10 East 2<sup>nd</sup> Street, Jamestown, New York.

On August 20, 1881, the Jamestown Gas Company was incorporated in New York. The company was organized to “manufacture and supply for lighting and heating the private and public buildings and for lighting the streets of the Village of Jamestown.”<sup>17</sup> The incorporators of Jamestown Gas Company were Archibald A. Kent, Alba M. Kent and Edward Morgan. No association between the three individuals and Jamestown Gas Light Company was identified. On July 22, 1893, Jamestown Gas Company filed a Certificate of Reduction of Capital Stock, and also stated that a meeting was held on June 21, 1893 during which Hugh A. Jamison and William H. Filler were elected chairman and secretary of the Jamestown Gas Company.<sup>18</sup> A genealogical history of the residents of Allegheny Valley, Pennsylvania identifies William H. Filler as a resident of Warren, Pennsylvania since

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<sup>15</sup> Articles of Association, Jamestown Gas Light Company, May 16, 1861.

<sup>16</sup> Certificate of Increase of Capital Stock, Jamestown Gas Light Company, September 1, 1871.

<sup>17</sup> Certificate of Incorporation, Jamestown Gas Company, August 20, 1881.

<sup>18</sup> Certificate of Reduction of Capital Stock, Jamestown Gas Company, July 22, 1893.

1883, who “eventually became secretary and treasurer of the Pennsylvania Gas Company.”<sup>19</sup>

The Jamestown City Directory for 1883-1884 lists three entities in Jamestown as “gas providers.” Jamestown Gas Light Company and Jamestown Gas Company are both listed at 35 East 3<sup>rd</sup> Street, Jamestown, New York. In addition, Chautauqua Heat and Light Company is listed at 21 East 3<sup>rd</sup> Street, Jamestown, New York. The American Electrical Directory of 1886 lists Jamestown Gas Company as the only “gas company” in Jamestown, New York. To date, no documents indicating a merger or any other relationship between Jamestown Gas Company and Jamestown Gas Light Company have been identified.

The Jamestown City Directory for 1890-1891 identifies Pennsylvania Gas Company as the only “gas company” for the time period. The address is listed as 108 East 3<sup>rd</sup>, Jamestown, New York. Whipple’s Electric, Gas and Street Railway Financial Reference Directory of 1890 lists Jamestown Gas Company as the only “gas light company” in its directory.

Between 1896 and 1899, the Jamestown City directories for those years identify both Jamestown Gas Company and Pennsylvania Gas Company at 108 East 3<sup>rd</sup> Street, Jamestown, New York.

There is no mention of the “gas works” as opposed to the above-mentioned references to “gas providers” and “gas companies” in any Jamestown City Directory until the 1899-1900 edition, which lists Jamestown Gas Company – Gas Works at 202-214 East 1<sup>st</sup> Street in the “street” section of the directory. In addition, both the Jamestown Gas Company and Pennsylvania Gas Company maintain an address at 108 East 3<sup>rd</sup> Street, Jamestown, New York, according to the section of “gas companies” in the city directory.

In March 1900, the Jamestown Gas Company went before the New York State Board of Tax Commissioners seeking to reduce its franchise tax for tax year 1900, due to the fire and destruction of its facility in January of that year, which is discussed in more detail, below. The Auburn (New York) Democrat Argus dated March 9, 1900 reported that Lewis E. Carr requested that the franchise tax for the Jamestown Gas Company of \$38,000 be removed. Carr also represented the Pennsylvania Gas Company at the same hearing, whose franchise tax was \$236,000 for the same year.

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<sup>19</sup> Genealogical and Personal History of the Allegheny Valley, Pennsylvania, Volume III, Lewis Historical Publishing, 1913, page 886. The Pennsylvania Gas Company was incorporated in Pennsylvania on July 8, 1881 as the “Warren Light Heat and Power Company.” The company changed its name in 1885 to “Pennsylvania Gas Company” and registered to do business in New York in August of the same year.

An article published in the Jamestown Evening Journal on May 21, 1901 reported that the “Jamestown Gas Company was dissolved soon after the burning of its plant on East 1<sup>st</sup> Street more than a year ago.”<sup>20</sup> The article stated that the franchise and property belonging to Jamestown Gas Company was “transferred to Pennsylvania Gas Company” and “[t]he pipes of the company had not been used in over a year, prompting the Pennsylvania Gas Company to file for the removal of its franchise tax for the year.”<sup>21</sup>

On March 5, 1906, the New York State Assembly issued its Annual Report of the Attorney General for the Year 1905. The report detailed the franchise tax litigation and findings. The report indicates that the Jamestown Gas Company’s assessment had been reduced to \$10,000 for 1901. The Pennsylvania Gas Company’s assessment was reduced to \$214,780. The assessments for the Pennsylvania Gas Company for the years 1902 to 1905 were as follows: \$205,000 (1902); \$195,000 (1903); \$195,000 (1904); and \$199,000 (1905).

Neither the New York, Pennsylvania nor Delaware Secretary of State’s offices have any documents that indicate either Jamestown Gas Company or Jamestown Gas Light Company were acquired by or otherwise merged with Pennsylvania Gas Company.

On June 22, 1886, the New York Times published an article entitled “The Standard Oil Company – Warren and Jamestown at the Mercy of the Old Monopoly” that indicates Pennsylvania Gas Company was a “branch of Standard.” In another New York Times article dated January 26, 1890, entitled “Absorbed by the Standard,” the article states:

*“The latest sensation in oil and gas circles is the gobbling of the Pennsylvania Gas Company by the Standard Oil Company. The Pennsylvania is a power fuel gas company, supplying the cities of Jamestown, New York, Erie, Warren and Corry, Pennsylvania and receiving an income of \$750,000 a year.*

*Prior to the latest movement the Standard Oil Company members owned a little over one quarter of the stock of concern. The fact that the company had the monopoly of all the choice territory in the northwestern oil country, and likewise had a two-million-stock plant, excited the cupidity of the Standard, and finally it succeeded in capturing the stock held by*

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<sup>20</sup> See detailed discussion of the January 8, 1990 fire, *infra* page 25.

<sup>21</sup> *The Jamestown Evening Journal*, “Jamestown Gas Franchise,” May 21, 1901, page 1. See detailed discussion of the asset transfer to Pennsylvania Gas Company, *infra* pages 25-26.

*President Frederick P. Hayes of Warren, and thereby gained a safe working majority, and at the election elected six of the Directors, with C. N. Payne of Titusville President. The other directors are J. C. Brady of Erie, A. N. Broadhead of Jamestown, N.Y., M. Murphy of Warren, D. O'Day, E. Strong, J. P. Jefferson of Oil City, and J. Creary of Sheffield.*

*The company's receipts this year will be almost a million dollars."*

In August 1919, the Pennsylvania Gas Company sought to end its supply agreement with the City of Jamestown by transmitting a letter indicating that a natural gas shortage forced its hand. Shortly thereafter, the City of Jamestown filed a lawsuit against Pennsylvania Gas Company seeking an injunction preventing the company from breaking its agreement. In *City of Jamestown vs. Pennsylvania Gas Co., et al.*, 263 F. 437 (District Court, W. D. of New York, February 5, 1920), the Court stated that National Fuel Gas Company was joined as a defendant, "on the theory that it has acquired the majority of the capital stock of the grantee (Pennsylvania Gas Company) and either directly or indirectly influences the abandonment of the franchise or agreement and proposed discontinuance of the supply of gas" to Jamestown.<sup>22</sup>

#### *Historical Operations*

Little has been identified regarding the actual operations of the gas works in Jamestown, in terms of dates of operation, the nature and volume of gas produced and the fate of the by-products, if any. Unfortunately, the New York State Public Service Commission ("NYSPSC") did not begin requesting information from and maintaining records of manufactured gas plants until the second half of 1906.

Information suggests that Jamestown, New York was supplied by both manufactured and natural gas, although the dates and entities involved with supplying fuel to the city are not entirely consistent. One historical account indicates that natural gas was used in Chautauqua County since the turn of the century.<sup>23</sup> Another publication indicates that the "first illuminating gas used in Jamestown was supplied by a corporation of Jamestown capitalists who commenced operations in 1859."<sup>24</sup> Although there is no reference to an entity, it is possible that the company referenced

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<sup>22</sup> On December 18, 1902, the National Fuel Gas Company made an offer to purchase 32,458 shares of the capital stock of the Pennsylvania Gas Company from the Trustees of Natural Gas Trust and others. The transaction closed on or about February 5, 1903. (Meeting Minutes, National Fuel Gas Company, February 5, 1903.)

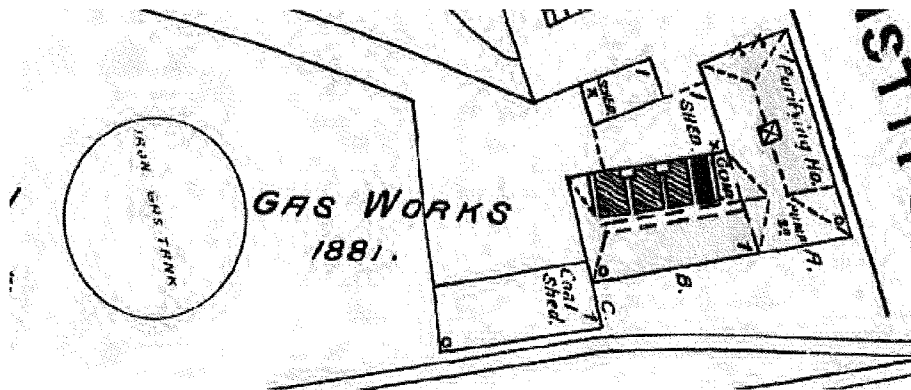
<sup>23</sup> A Century of Commerce and Finance in Chautauqua County, a Historical Address, Charles M. Dow, July 25, 1902, page 74.

<sup>24</sup> Id.

is the Jamestown Gas Light Company. Another source reported that Pennsylvania Gas Company was granted the right and privilege to supply natural and manufactured gas to Jamestown for fuel purposes in 1885.<sup>25</sup>

The 1886 Sanborn map provides the earliest layout of the Jamestown facility. In the northwest corner of the Jamestown Site sat a gas holder of unknown size and capacity. According to the map, to the southeast of the gas holder was a structure labeled “Water Gas House (not used).” Within the water gas house was a coal storage area, as well as an “upright boiler,” “iron chimney,” and a “single hydrant.” Immediately to the east of the unused gas house was an iron gas tank whose size appears to be roughly the same as the gas holder. Along the southeast edge of the Jamestown facility were three structures related to the gas works. According to the Sanborn map, the eastern-most structure labeled “A” and facing Institute Street, was the purifying house. The next building to the east was attached and is referenced as structure “B”; however, there is no description of the building. Finally, the last building, designated “C” on the Sanborn map, was a coal shed.

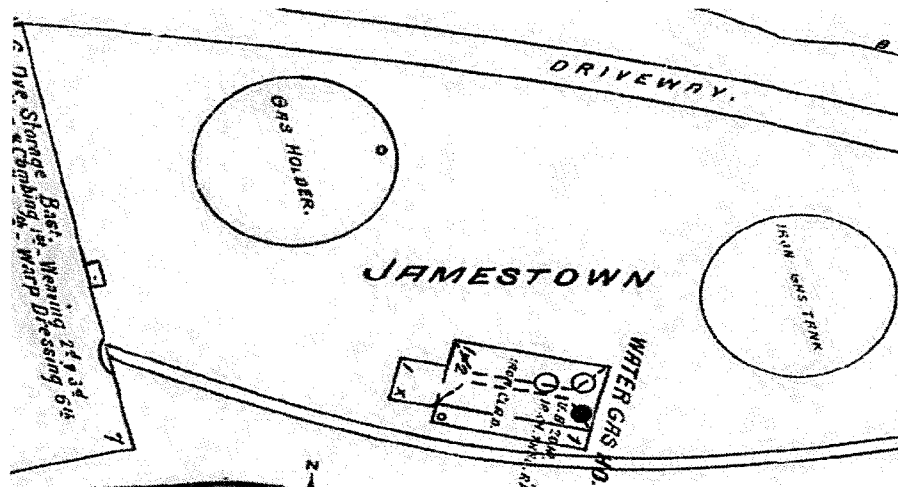
The Sanborn map for the year 1891 looks largely the same, with the exception of two things. First, the overall facility was labeled “Jamestown Gas Works 1881.” Second, the notation next to the water gas house “not used” was not present on the 1891 Sanborn map. The eastern half of the facility as it looked in 1891:



The western portion of the facility, as it looked in 1891:

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<sup>25</sup> *City of Jamestown*, 263 F. 437 at 438. The gas rights, according to the Court, were originally granted by resolution in 1885.



The Gas & Electric Lighting Companies' Directory and Statistics published in 1897 identifies one unnamed gas supply company in Jamestown, New York in 1896. The listing, as it appeared in the directory, indicates that the Jamestown gas works produced 11,995,000 cubic feet of fuel gas in 1896. The 1897 directory entry as published:

<b>Jamestown, New York</b>	
<i>Population Supplied:</i>	12,000
<i>Share Capital Paid Up:</i>	\$40,000
<i>Process:</i>	McKay-Critchlon
<i>Annual Make of Gas:</i>	11,995,000
<i>Illuminating Power:</i>	22 to 24
<i>Price per 1,000ft.,</i>	\$1.00
<i>Number of Public Lamps:</i>	202
<i>Price paid for Ditto:</i>	\$17.50
<i>Price Received for Coke:</i>	\$0.08
<i>Superintendent:</i>	E. M. Schlandecker
<i>Secretary:</i>	W. H. Filler

The reference to “McKay-Critchlon” is likely a typographical error. There was a manufactured gas process frequently used in the northeast called “McKay-Critchlow.” The process was designed to manufacture water gas in a “single shell.” The process was developed in or around 1882 and was commercialized in approximately 1884 by the Pittsburgh, Pennsylvania-based American Gas Improvement Company.<sup>26</sup> The process called for “a separate arch, separating the

<sup>26</sup> The American Gas Light Association, Report of Proceedings, published by the Order of the Association, September 1892, pages 186-188.



generator from the 'superheater,' *around* which the gasses pass, instead of the usual perforated arch *through* which the gasses may pass."<sup>27</sup>

On January 8, 1900, the plant of the Jamestown gas works caught fire. A newspaper account of the fire reported that the fire started just after midnight within "the small iron-clad building used as a manufacturing gas plant by the Jamestown Gas Company."<sup>28</sup> The article stated that the plant was used to make "oil gas for illuminating purposes" and contained "two generators, a boiler and engine blower, steam pump, small oil tank and other equipment such as is found in all gas plants."<sup>29</sup> Adjacent to the building was a small oil tank and a large tank filled with gas.

The January 9, 1900 edition of the Jamestown Evening Journal reported that the plant manager advised "there was enough gas in the reservoirs to supply consumers tonight." He explained that the plant was connected with the natural fuel gas mains and "patrons of the Pennsylvania Gas Company will be in no way affected by the fire," as the natural gas fuel supply was enough to supply the city's needs. The Jamestown Evening Journal further reported that "the Jamestown Gas Company is controlled by the Pennsylvania Gas Company and the stockholders are about the same as those in the larger corporation."

Kroll was unable to identify any documents that support the assertion made by the author of the January 9, 1900 article in the Jamestown Evening Journal, that Pennsylvania Gas Company "controlled" the Jamestown Gas Company. Available documents indicate that the Jamestown Gas Company and Pennsylvania Gas Company were separate and distinct companies that were not affiliated. No evidence identified indicated that either company controlled the other in 1900 or at any other time. Instead, after the fire and prior to the winding down of Jamestown Gas Company, real property and other assets of Jamestown Gas Company were transferred to the Pennsylvania Gas Company to satisfy a prior debt.

On January 24, 1900, shortly after the fire at the plant, the board of directors of Jamestown Gas Company met and resolved the following:

*"That the Vice President of the Company is hereby authorized and instructed to discontinue operating the plant, and to sell and convey all of its property, both*

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<sup>27</sup> Id.

<sup>28</sup> The Jamestown Evening Journal, January 9, 1900, page 1.

<sup>29</sup> Id.

*real and personal, preparatory to winding up the Corporation and dissolving the same.*”<sup>30</sup>

The board of directors of Jamestown Gas Company met again on January 23, 1901 at which time the board of directors authorized the sale of the Jamestown Gas Company property to Pennsylvania Gas Company.<sup>31</sup> The meeting notes reflect the following:

*“Whereas the Jamestown Gas Company of Jamestown, N.Y. has heretofore ceased to do business, and the plant has been dismantled; and it has been determined to wind up its affairs and dispose of its property;*

*And whereas the said Jamestown Gas Company is indebted to the Pennsylvania Gas Company of Warren, Pennsylvania, in the sum of \$8,297.21, balance of open account, and also in the sum of Thirty thousand dollars, represented by the bonds of the Jamestown Gas Company duly issued and dated April 16th 1883, now all owned by and held by the said Pennsylvania Gas Company; said bonds being secured by a mortgage given by the Jamestown Gas Company upon its land at Jamestown, N.Y., and it is proposed to settle and adjust all the above described indebtedness by the Jamestown Gas Company making a conveyance to the Pennsylvania Gas Company of all its remaining property in satisfaction of said indebtedness;*

*Now Be It Resolved that the Vice President and Secretary of the Jamestown Gas Company be hereby authorized, empowered and directed to grant, bargain, sell and convey by general warranty deed, and by any and all other necessary conveyances and assurances, unto the said Pennsylvania Gas Company, its successors and assigns, all the remaining property of the Jamestown Gas Company, real and personal, situated in the City of Jamestown, N.Y., or elsewhere, in consideration of the satisfaction of the said indebtedness, held by the said Pennsylvania Gas Company against the Jamestown Gas Company, and the payment and discharge of the said bonds in the sum of Thirty Thousand Dollars, so secured by mortgage on its real estate in the City of Jamestown, N.Y.”*<sup>32</sup>

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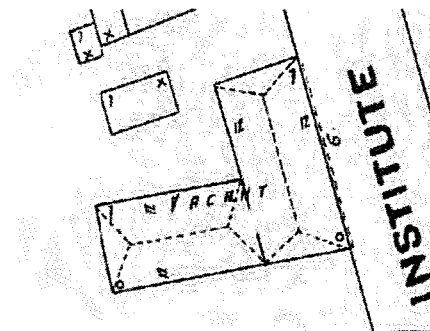
<sup>30</sup> Minutes of the Board of Directors meeting of the Jamestown Gas Company dated January 24, 1900.

<sup>31</sup> Minutes of the Board of Directors meeting of the Jamestown Gas Company dated January 23, 1901.

<sup>32</sup> *Id.*

As noted above, Jamestown Gas Company completed the sale of its property to Pennsylvania Gas Company on January 23, 1901; there is no indication that historic liabilities associated with Jamestown Gas Company were transferred to Pennsylvania Gas Company as part of this transaction.

The 1902 Sanborn map indicates that all of the structures affiliated with the Jamestown gas works were gone, with the exception of the two structures closest to Institute Street, formerly labeled “A” and “B.” The 1902 Sanborn map reflects the gas works after the fire:



### *Adjacent Properties*

A review of information gathered throughout the investigation indicates that the property immediately surrounding the Jamestown Site was industrial in nature since the early 1880s. The Sanborn maps, Jamestown City directories and more recent environmental records identify several entities within close proximity that may have contributed to the environmental conditions, to the extent that any such conditions may be identified, at or around the Jamestown Site.

The following entities have been identified to date:

#### *Broadhead Worsted Mills*

The Broadhead Worsted Mills were founded in 1875. The mill fronted six-hundred and fifty feet on East 1<sup>st</sup> Street, immediately west of the Jamestown Site, and consisted of ten brick buildings that ranged from two to seven stories. The mill property went as far south as the Atlantic and Western Railroad Company tracks, and abutted a race attached to the Chadakoin River. The mill, in its early days, relied on several steam engines to operate. The facility had all of the usual and customary operations of a mill, including a dye house, machine shop, wool washing and drying area, a coal and sulfur house and areas for weaving and finishing garments and materials.

The facility eventually expanded across East 1<sup>st</sup> Street in or around 1900. The mill facility was closed in approximately 1930. The Broadhead family leased the mill space to a variety of different business entities beginning in or around 1930. Tenants of the former mill building, included: Chautauqua Electric Motor and Repair Corporation; Monarch Fuse Corporation; United States Plywood Company, Inc.; and Jamestown Electric Supply Company. The property was purchased by the City of Jamestown in April 1939.

The Broadhead Mills building has been assigned an EPA Resource and Conservation Recovery Act (“RCRA”) facility identification, number NYD026612820.

#### *El Greco Building*

Located at 106 East 1<sup>st</sup> Street, the El Greco Building (formerly the Broadhead Worsted Mill building) formerly housed the El Greco Woodworking facility. On February 1, 2004, a fire occurred in the abandoned building. According to NYSDEC Spill Report Number 0375467, approximately a week later, during a walkthrough of the facility, 12 drums and 7 pails containing solvent (lacquer and paint) were found. The drums, filled to various levels, were partially burned in the fire. The NYSDEC negotiated with the owners of the property to remove the drums. Records indicate that the removal was completed on or around March 26, 2004. No other environmental investigations were identified involving the facility.

#### *Parks & Hazard Boot and Shoe Factory*

Diagonally across the street from the Jamestown gas works was the Parks & Hazard Boot and Shoe Factory. Situated at the corner of Stiller’s Alley and East 1<sup>st</sup> Street, the company engaged in the manufacture of leather boots and shoes beginning in approximately 1882. The factory was powered and heated by steam, and the factory’s operations included the heating of wax, presumably used to treat and preserve leather. The facility was closed by 1902 and the Broadhead Worsted Mills took over the building, which it used for waste storage and warp dressing.

#### *Chariot Electroplating Inc.*

Situated less than one-eighth of a mile from the Jamestown Site, Chariot Electroplating Inc. is identified as a “facility of interest,” in EPA’s RCRA database, as a former generator of substantial quantities of hazardous waste. Additional investigation would need to be undertaken to fully understand whether releases occurred at the facility.

### CAE Ultrasonics

CAE Ultrasonics, now a part of Blackstone~NEY Ultrasonics, is a manufacturer of precision cleaning equipment used to clean parts for the semiconductor, disk drive and optical markets. The facility, in operation since approximately 1959, is on the RCRA non-generator list, identification number NYD987020690. During its manufacturing process, the company used halogenated solvents, and other hazardous materials. The facility continues to operate at 9 North Main Street, Jamestown, New York, less than one-eighth of a mile west of the Jamestown Site.

On November 30, 1993, the facility experienced an accident that caused a spill of waste oil onto the floor of the facility and into the city's sewer system. The incident was assigned NYSDEC Spill Report Number 93110841. The report indicates that the spill of "aliphatic hydrocarbons" was resolved on December 8, 1993.

### Esquire Cleaners

Esquire Cleaners has been located at 302 East 2<sup>nd</sup> Street, Jamestown, New York since 1954 and continues to operate at that location today. The dry cleaner operates like a traditional dry cleaner and formerly used customary dry cleaning solvents, including tetrachloroethylene (perchloroethylene). The facility is assigned RCRA identification number NYD981558521 and is situated one block north of the Jamestown Site.

### Jamestown Electric Light and Power Company

The Jamestown Electric Light and Power Company was incorporated on June 17, 1887 by Willard White and Colonel William F. Endress. The company was incorporated to "manufacture and supply electric light, power and heat to the City of Jamestown."<sup>33</sup> The operations of the facility were fueled by natural gas.<sup>34</sup> The facility was located approximately 1,200 feet to the southwest of the Jamestown Site along the Chadakoin River.

Historically, there were several other entities that existed to the west, along the Chadakoin River, that could have contributed to the environmental conditions, if any, of the Chadakoin River bed. For example, Jamestown Cane Seat and Chair Company, Jamestown Axe Works, and Nicholas and Son Machine Shop & Foundry, were situated at one time or another upstream of the Jamestown Site, along the Chadakoin River.

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<sup>33</sup> Articles of Incorporation, Jamestown Electric Light and Power Company, June 17, 1887.

<sup>34</sup> Illustrated History of Jamestown, Chautauqua County New York, Vernelle A. Hatch, 1900, page 244.

### *Conclusions*

Although National Fuel's predecessor-in-interest, Pennsylvania Gas Company, owned the Jamestown Site from 1901 to 1911, it never operated a manufactured gas plant on the property, and there is no available evidence to indicate that it engaged in operations at the property or developed the property in any way. Jamestown Gas Company owned and operated a manufactured gas plant at the property prior to the plant's destruction via a fire in 1900, and the company dissolved shortly thereafter in early 1901. Evidence identified indicates that neither National Fuel nor any of its predecessors-in-interest engaged in any operations (manufactured gas plant or other) at either the Jamestown Site or property adjacent to the Jamestown Site that may have resulted in the disposal of hazardous waste at the properties. Pennsylvania Gas Company was merely a party to an asset transaction with Jamestown Gas Company following cessation of manufactured gas activity at the Jamestown Site and no evidence identified suggests that Pennsylvania Gas Company assumed historic liabilities in the process.

#### ii. Disposal or Release of Hazardous Waste at or Emanating from the Site

No releases of hazardous substances or disposal of hazardous substances have been identified at or emanating from the Jamestown Site based on both the records review and visual inspection.

#### iii. A Description of Current Site Security

A visual inspection of the property did not reveal any physical security measures in place at the Jamestown Site.

#### iv. The Identities of Those Individuals Responsible for any Releases at the Site

Consistent with the information provided in paragraph (ii), above, no such individuals have been identified.

### **CONCLUSION**

The records search does not provide any evidence of a release or disposal of waste at either Westfield or Jamestown – and, therefore, no ownership or operation of either site at the time of a release or disposal – by National Fuel or its predecessors-in-interest.

Based on the records reviewed by Kroll, it is clear that National Fuel does not have any connection to the Westfield Site.

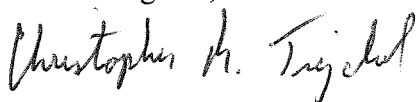
Regarding Jamestown, National Fuel is connected to the site through the brief ownership of the property by its predecessor-in-interest, Pennsylvania Gas Company. However, Pennsylvania Gas Company never operated an MGP at the site as the plant was destroyed in a fire in January

1900, prior to Pennsylvania Gas Company's acquisition of the property in 1901. The Jamestown Gas Company owned and operated the plant at the Jamestown Site during the years leading up to the destruction of the plant by fire in 1900. Kroll's research did not identify any records indicating that Jamestown Gas Company merged into Pennsylvania Gas Company or any other predecessor-in-interest of National Fuel, or that Pennsylvania Gas Company or any other predecessor-in-interest of National Fuel acquired liabilities of Jamestown Gas Company. On the contrary, after the fire in 1900, Jamestown Gas Company transferred its remaining assets to Pennsylvania Gas Company in satisfaction of its outstanding debts and shortly thereafter wound down its affairs and dissolved. Additionally, Kroll's investigation did not identify any operations or activities by Pennsylvania Gas Company at the Jamestown Site. If previous landowners in the chain of title contaminated the Jamestown Site, Pennsylvania Gas Company did not contribute to such contamination, if any existed when it was acquired. Available evidence indicates that Pennsylvania Gas Company was a passive landowner for the short time it owned the property.

In sum, based on the records provided through Kroll's search to date, National Fuel has concluded it is not a responsible party for the disposal of hazardous waste which constitutes a significant threat to human health or the environment at either the Westfield Site or the Jamestown Site, and National Fuel reserves all of its rights in that regard. National Fuel may conduct additional research into records regarding the Westfield Site and Jamestown Site, and therefore, may supplement these reports with additional information.

Please feel free to call me at (716) 857-7735 if you have any questions regarding these reports.

With best regards,



Christopher M. Trejchel  
*Assistant General Manager*

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B. Putzig, NYSDEC Region 8  
G. Laccetti, NYSDOH  
R. Fedigan, NYSDOH