



September 30, 2009

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

Re: Records Search Reports for Fredonia (Site ID 9-07-038)
and Salamanca (Site ID 9-05-035)

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 Fredonia and Salamanca Sites. Kroll Associates, Inc. (Kroll) assisted National Fuel with the records search for these reports.

THE FREDONIA SITE

Executive Summary

Available information indicates that National Fuel neither owned the real property constituting the Fredonia Site nor did it operate a gas works or plant at the Fredonia Site. Fredonia Natural Gas Light Company is the earliest known entity associated with the Fredonia Site. Records are unclear as to when Fredonia Natural Gas Light Company acquired the Fredonia Site, but property records indicate that the company executed deeds related to the sale of the Fredonia Site in 1865 and 1906. However, based upon a review of the available information, the Fredonia Site appears to have operated as a natural gas facility and not as a manufactured gas plant.

Introduction

The Fredonia Site is located in a residential section of Fredonia at 90 Center Street. The natural gas works was located on the property designated for tax purposes as 113.014-2-19. Today, the buildings that formerly occupied the Fredonia Site are no longer present and a dwelling is situated on the property.

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 Fredonia 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Historical Reference Documents – Various Repositories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," 1891, 1896, 1902, 1907, 1912, 1923, 1947 and 1951
- "United States Geological Service Historical Topographic Maps," 1900, 1947, 1954 and 1979

Federal Agency 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
- New York State Public Services Commission ("NYSPSC"), including relevant Annual Reports (Fredonia Natural Gas Light Company, 1907 – 1910)

Chautauqua County Repositories

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

Village of Fredonia Repositories

- Fredonia Village Hall – Village Clerk’s Office
- Darwin P. Barker Museum
- SUNY College at Fredonia - Reed Library Special Collections

Additional Resources

- Online searches of historical directories of Fredonia
- Miscellaneous reference materials, corporate records, and periodicals, including newspapers covering Chautauqua County and Fredonia, New York
- “Chronology and Index of Local History (1826-1946),” Gladys A. Bush, Dunkirk Historical Society
- Historical Aerial Photographs, 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 Fredonia Site. No spill reports or other environmental reports were identified regarding the environmental conditions of the Fredonia 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 Fredonia Site and adjacent properties:

- “Brown’s Directory of North American Gas Companies,” various dates between 1900 and 2002

- “Sanborn Fire Insurance Maps,” 1891, 1896, 1902, 1907, 1912, 1923, 1947 and 1951
- “United States Geological Service Historical Topographic Maps,” 1900, 1947, 1954 and 1979

3. **Request:** Provide a concise summary of information held by Respondent 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, is as follows:

Parcel A (113.014-2-20)

- July 5, 1888: Leverett B. Green to Isabell B. Green
- September 10, 1889: Leverett B. Green and Isabelle B. Green, by B. F. Skinnner, Referee, to George W. Wright, Reuben W. Wright, and David S. Wright, Jr.
- June 2, 1905: George W. Wright and David S. Wright, Jr. to Reuben W. Wright
- June 1, 1905: Reuben W. Wright and Sarah J. Wright to Silas W. Gibbs and Parthena L. Gibbs
- October 27, 1906: Silas W. Gibbs and Parthena Gibbs to Blair F. Simons
- February 1, 1958: LW&T of Blair F. Simons – Alice Fox Simons and Harold Fox Simons, Executors

- February 6, 1959: Alice Fox Simons and Harold Fox Simons, Executors, to Esther S. Gunther
- May 28, 1970: LW&T of Esther S. Gunther – Edwin Gunther (heir) and Roger W. Gunther (heir) and Executor
- January 14, 1972: Edwin Gunther and Roger W. Gunther to Steven M. Krzystofik and Joanne M. Krzystofik
- December 19, 1973: Joanne M. Krzystofik to Steven M. Krzystofik
- June 10, 1974: Steven M. Krzystofik to James A. Dloniak and Genevieve J. Dloniak
- November 10, 1983: James A. Dloniak and Genevieve J. Dloniak to Arthur W. Johnson and Ronald R. Johnson
- July 31, 1989: Arthur W. Johnson and Ronald R. Johnson to Thomas E. Johnson, Janice B. Johnson and Lee D. Johnson
- December 22, 1993: Thomas E. Johnson, Janice B. Johnson and Lee D. Johnson to William C. Stock and Nancy J. Stock

Parcel B (113.014-2-19) (also known as 90 Center Street, Fredonia, New York)

- No deeds were found on record conveying this parcel of land into Fredonia Natural Gas Light Company.
- October 1, 1906: Fredonia Natural Gas Light Company to William Schwertfeger
- October 23, 1915: William Schwertfeger and Elizabeth Schwertfeger to Lucy T. B. Champlin
- June 26, 1936: LW&T of Lucy T. B. Champlin – property passed to Melville Evarts
- August 10, 1940: C. Melville Evarts to C. Melville Evarts and Laura McCollister Evarts
- December 16, 1944: C. Melville Evarts and Laura McCollister Evarts to Archie H. Cranston and Evora S. Cranston
- June 14, 1956: Archie H. Cranston and Evora S. Cranston to Alfred W. Narraway
- October 1, 1962: Alfred William Narraway to James H. Metzler and Belva J. Metzler

- April 9, 1991: Belva J. Metzler (James H. Metzler, deceased) to Randall R. Dipert and Monika A. Dipert
- May 9, 1991: Randall R. Dipert and Monika A. Dipert to James R. Burlett and Helen M. Burlett
- October 18, 2001: James R. Burlett and Helen M. Burlett to Richard L. Page

Parcel C (part of 113.014-2-19 via boundary line agreement)

- No Deeds were found on record conveying this parcel of land into Fredonia Natural Gas Light Company.
- June 10, 1865: Fredonia Natural Gas Light Company (by Elias Forbes and L. Avery Barmore) to Weyman W. Wright (northwest corner of parcel)
- July 22, 1867: Weyman W. Wright and Malvina Wright to John Clough
- January 19, 1881: John Clough to Adella Clough and Nellie Clough
- April 20, 1889: Adella Clough and Nellie Clough to William S. Sly
- March 30, 1903: William S. Sly and Ella B. Sly to Henry J. Rice
- December 22, 1909: LW&T of Henry J. Rice to Sarah J. Rice (life estate) and Edna A. Rice, Earl E. Rice and Elva J. Shaw.
- January 24, 1911: Earl E. Rice, Elva J. Shaw and Edna A. Rice (heirs of Henry J. Rice) to Sarah J. Rice
- October 3, 1922: Sarah J. Rice to William F. Berg and Jennie I. Berg
- December 27, 1949: (William F. Berg, deceased) Mary Berg Lesch, Executor of the LW& T of Jennie I. Berg to Robert L. Lupean and Doris Lupean
- August 30, 1952: Robert L. Lupean and Doris Lupean to William Earl Morse and Marian A. Morse
- September 11, 1961: William Earl Morse and Marian A. Morse to Jerome D. Lewis and Mary E. Lewis
- May 29, 1962: Jerome D. Lewis to Mary E. Lewis
- January 4 1963: Mary E. Lewis to Fredonia Savings & Loan Association
- April 30, 1984: Empire of America FSA to Donald C. Bollman and Annette M. Bollman

- September 27, 1989: Donald C. Bollman and Annette M. Bollman to Philip M. Loomis and Gwendolyn I. Loomis
- May 8, 1991: Boundary Line Agreement between Loomis (113.014-2-18) and Dipert (113.014-2-19)
- October 18, 2001: James R. Burlett and Helen M. Burlett to Richard L. Page

Parcel D (113.014-2-18)

- October 25, 1858: John Hamilton Jr., Augusta E.C. Hamilton, Nathan A. Putnam and John B. Putnam to Preston Barmore and Elias Forbes
- October 25, 1858: George W. Shelly and Mary A. Shelley to Preston Barmore and Elias Forbes
- No Deeds were found on record conveying this parcel of land from Barmore &/or Forbes to George W. Starr & Julia T. Starr
- May 22, 1860: George W. Starr and Julia T. Starr to Weyman W. Wright
- July 22, 1867: Weyman W. Wright and Malvina Wright to John Clough
- January 19, 1881: John Clough to Adella Clough and Nellie Clough
- April 20, 1889: Adella Clough and Nellie Clough to William S. Sly
- March 30, 1903: William S. Sly and Ella B. Sly to Henry J. Rice
- December 22, 1909: LW&T of Henry J. Rice to Sarah J. Rice (life estate) and Edna A. Rice, Earl E. Rice and Elva J. Shaw.
- January 24, 1911: Earl E. Rice, Elva J. Shaw and Edna A. Rice, (heirs of Henry J. Rice) to Sarah J. Rice
- October 3, 1922: Sarah J. Rice to William F. Berg and Jennie I. Berg
- December 27, 1949: (William F. Berg, deceased) Mary Berg Lesch, Executor of the LW&T of Jennie I. Berg to Robert L. Lupean and Doris Lupean
- August 30, 1952: Robert L. Lupean and Doris Lupean to William Earl Morse and Marian A. Morse
- September 11, 1961: William Earl Morse and Marian A. Morse to Jerome D. Lewis and Mary E. Lewis
- May 29, 1962: Jerome D. Lewis to Mary E. Lewis
- January 4, 1963: Mary E. Lewis to Fredonia Savings & Loan Association

- April 30, 1984: Empire of America FSA to Donald C. Bollman and Annette M. Bollman
- September 27, 1989: Donald C. Bollman and Annette M. Bollman to Philip M. Loomis and Gwendolyn I. Loomis

Parcel E (part of 113.014-2-18)

- June 18, 1860: Jonathan Munger and Polly Munger to Weyman W. Wright
- July 22, 1867: Weyman W. Wright and Malvina Wright to John Clough
- January 19, 1881: John Clough to Adella Clough and Nellie Clough
- April 20, 1889: Adella Clough and Nellie Clough to William S. Sly
- March 30, 1903: William S. Sly and Ella B. Sly to Henry J. Rice
- December 22, 1909: LW&T of Henry J. Rice to Sarah J. Rice (life estate) and Edna A. Rice, Earl E. Rice and Elva J. Shaw.
- January 24, 1911: Earl E. Rice, Elva J. Shaw, and Edna A. Rice, (heirs of Henry J. Rice) to Sarah J. Rice
- October 3, 1922: Sarah J. Rice to William F. Berg and Jennie I. Berg
- December 27, 1949: (William F. Berg, deceased) Mary Berg Lesch, Executor of the LW&T of Jennie I. Berg to Robert L. Lupean and Doris Lupean
- August 30, 1952: Robert L. Lupean and Doris M. Lupean to William Earl Morse and Marian A. Morse
- September 11, 1961: William Earl Morse and Marian A. Morse to Jerome D. Lewis and Mary E. Lewis
- May 29, 1962: Jerome D. Lewis to Mary E. Lewis
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- April 30, 1984: Empire of America FSA to Donald C. Bollman and Annette M. Bollman
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Corporate Information

Records maintained by the New York Department of State's office indicate that Elias Forbes, L. Avery Barmore and Philip S. Cottle incorporated the Fredonia Natural Gas Light Company on October 1, 1864.

Various historical directories from the time period indicate that the Dunkirk & Fredonia Railroad Company were the owners and operators of Fredonia Natural Gas Light Company.¹ A search of publicly available information, including records maintained by various Secretary of State offices, did not identify any information that connects Dunkirk & Fredonia Railroad Company to National Fuel.

In April 1903, the Fredonia Natural Gas Light Company stockholders approved a \$60,000 increase in the company's capital stock. According to corporate records, the directors of the company were Francis "Frank" May, M.M. Fenner, F.P. Fenner and F.R. Green. The railroad company appears to have maintained ownership of Fredonia Natural Gas Light Company until at least 1906.²

While no corporate records were located in the New York Secretary of State's office or any other repository of corporate records, a statement of facts in a court opinion indicates that the company and the franchises belonging to Fredonia Natural Gas Light Company were acquired in 1912 by William E. Carroll and Samuel Carroll, who were also involved with South Shore Natural Gas and Fuel Company.³ It should be noted, however, that Fredonia Natural Gas Light Company sold its interest in the property comprising the Fredonia Site on June 10, 1865 (113.014-2-19) and October 1, 1906 (113.014-2-19).

On April 6, 1916, Fredonia Natural Gas Light Company and Frost Gas Company jointly petitioned the NYSPSC for permission for the latter to

¹ See for example, "A Century of Commerce and Finance in Chautauqua County," Charles M. Dow of Jamestown, New York, presented on July 25, 1902; and "Bulletin of the New York State Museum, Petroleum and Natural Gas in New York," University of the State New York, 1899.

² "Genealogical and Family History of Western New York: A Record of the Achievements of Her People in the Making of a Commonwealth and the Building of a Nation" by William R. Cutter, 1912.

³ *Village of Fredonia, appellant v. Fredonia Natural Gas Light Company, et al.*, filed in New York Supreme Court, Appellate Division, Second Department on October 1, 1915.

acquire Fredonia Natural Gas Light Company. On January 25, 1917, the NYSPSC approved the acquisition:

“...the Frost Gas Company is hereby authorized to acquire and hold the entire outstanding issue of capital stock of the Fredonia Natural Gas Light Company, consisting of 400 shares, each of the par value of \$100, aggregating a par value of \$40,000, at a cost to it of not more than \$63,900.86...”

Neither the joint petition, nor the subsequent approval dated January 25, 1917, make any mention of the long-closed natural gas works at 90 Center Street.

On August 10, 1918, the Board of Directors of Republic Light, Heat and Power Company (“RLHPC”) agreed to purchase from the Henry L. Doherty Company⁴ “all of the franchises, works, systems and properties” of Fredonia Natural Gas Light Company and eight additional local gas companies. In exchange, the Board of Directors of RLHPC agreed to issue capital stock of RLHPC to Frost Gas Company to pay for the transaction. On October 15, 1918, the NYSPSC approved the transfer of “all of the franchises, property and assets, as of September 30, 1918” of the Fredonia Natural Gas Light Company to RLHPC.⁵ Further, the Commission consented to the issuance by RLHPC of its common capital stock in payment for the property and assets of Fredonia Natural Gas Light Company.⁶

At a Fredonia Natural Gas Light Company board meeting held on January 25, 1921, the board agreed to dissolve the company. In 1921, the directors were F.W. Frueauff, H.H. Scott, J.A. Richie, H.R. Davis and H.W. Braden. Fredonia Natural Gas Light Company corporate records indicate Frost Gas Company owned 395 of the company’s 400 shares at the time. On June 4th, 1921, a Certificate of Dissolution was filed with the New York Secretary of State’s office and was reported in *The New York Times*.

⁴ This company is also known as Frost Gas Company.

⁵ State of New York, Public Service Commission, Second District, “In the matter of the Joint Petition of Fredonia Natural Gas Light Company and Republic Light Heat and Power Company, Inc., Case No. 6559, October 15, 1918.

⁶ Id.

On December 2, 1922, Frost Gas Company changed its name to Northwestern New York Gas Company. The company had an office in Fredonia at 53 West Main Street. On May 21, 1938, Northwestern New York Gas Company was formally dissolved. RLHPC included Fredonia in its service area at the time and moved into the office at 53 West Main Street.

On December 31, 1956, RLHPC merged into Iroquois Gas Company. At the time of this consolidation, National Fuel Gas Company owned all of the outstanding stock of both RLHPC and Iroquois Gas Company.

According to local directories, between 1963 and 1970, Iroquois Gas Company moved the local Fredonia office from 53 W. Main to 85 W. Main. In 1976, the 85 W. Main address was listed as a National Fuel Gas Distribution Corporation office.

Historical Operations

Information regarding the historical operations of the Fredonia Natural Gas Light Company operations at the Fredonia Site is quite limited. Historical reference materials indicate that in 1858, Elias Forbes and Preston Barmore first identified the gas wells that would eventually become the source of supply for the Fredonia Natural Gas Light Company. Elias Forbes and Preston Barmore, under the name Fredonia Natural Gas Light Company, were granted an exclusive franchise on February 28, 1864.⁷

Local historical directories indicate that Alvah Colburn and E.J. Crissey owned and operated Fredonia Natural Gas Light Company between 1875 and 1885. Around 1885, Colburn and Crissey sold the franchise to the Dunkirk & Fredonia Railroad Company, which was run by Dr. Milton M. Fenner and his successor Howard Clarke.

The Sanborn Maps from 1886 until 1896 indicate only that a "Natural Gas Works" facility was located at the Fredonia Site, which sat just west of a small waterway labeled "Small Run" on these maps. The natural gas works included a gas house, a gasometer and a storage/supply house. The facilities and equipment typical of a manufactured gas plant ("MGP") of that period are not present at the Fredonia Site.

⁷ *Village of Fredonia, appellant v. Fredonia Natural Gas Light Company, et al.*, filed in New York Supreme Court, Appellate Division, Second Department on October 1, 1915.

remained on the Fredonia Site. The 1907 and 1912 Sanborn Maps reflect the gasometer on the property as “vacant.”

Kroll identified NYSPSC Annual Reports for Fredonia Natural Gas Light Company for the years 1906 through 1910. These reports, however, do not reference any operations at 90 Center Street.

Subsequent Sanborn Maps indicate that the gasometer remained at least through the date of the last Sanborn Map, 1951. The surrounding buildings are all private homes. Unfortunately, no further records or information exists as to what transpired at the Fredonia Site.

Adjacent Property

A review of information gathered throughout the investigation indicates that the property surrounding the Fredonia Site has been residential since the early 1900s. A review of files maintained by numerous sources, including Sanborn Maps, NYSDEC, historical directories and other resources did not identify any contamination sources immediately adjacent to the property.

Conclusions

Available information indicates that National Fuel neither owned the real property constituting the Fredonia Site nor did it operate a gas works or plant at the Fredonia Site. Fredonia Natural Gas Light Company is the earliest known owner and operator of the Fredonia Site. Fredonia Natural Gas Light Company sold the parcels constituting the Fredonia Site in 1865 and 1906. Fredonia Natural Gas Light Company was purchased by Frost Gas Company, which eventually transferred the company’s assets to Republic Light Heat and Power Company. Therefore, Republic Light Heat and Power Company acquired the assets (not including the Fredonia Site) but not the liabilities of Fredonia Natural Gas Light Company. Based on the evidence set forth herein, neither National Fuel, nor any of its predecessors-in-interest engaged in any operations (manufactured gas plant or other) at the Fredonia Site or properties adjacent to the Fredonia Site that may have resulted in the disposal of hazardous waste at the property. Additionally, information available indicates that the instrumentalities of a MGP operation never existed on the property and that the facility was used solely for natural gas operations.

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 Fredonia Site. The following three

properties located within a half-mile of the Fredonia Site have been the subject of spill reports:

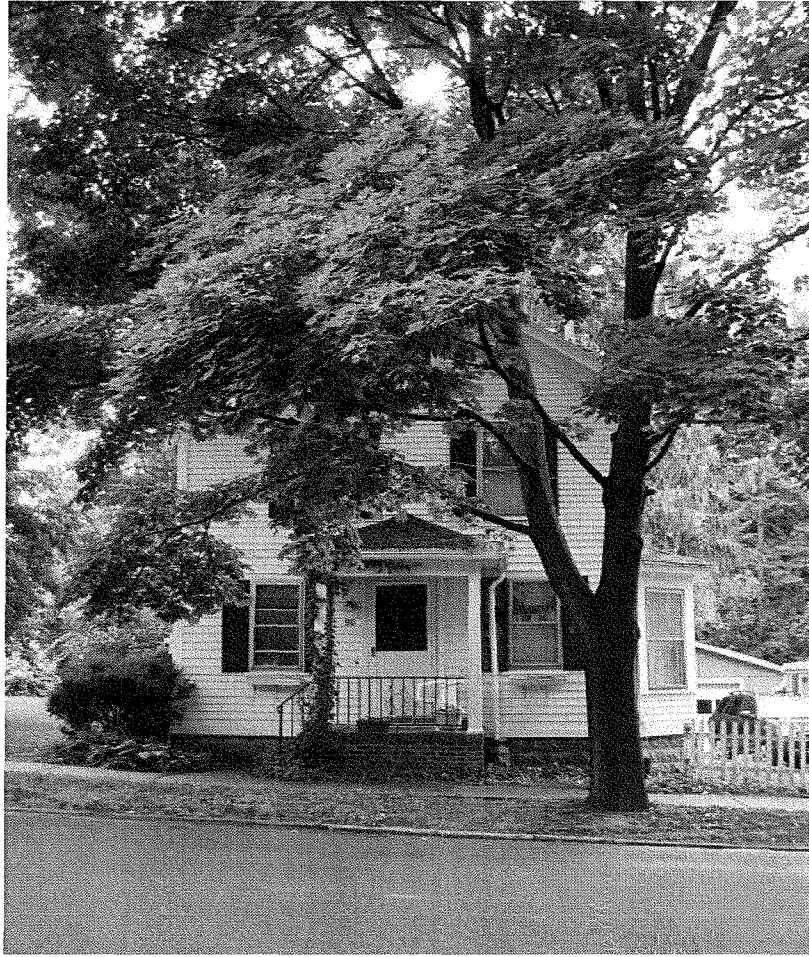
Yellow Goose Gas Station: On March 25, 2004, at the Yellow Goose Market and Gas Station located at 44 East Main Street, less than a half mile from the Fredonia Site, a driver allegedly overfilled his/her tank spilling approximately 10 gallons of gasoline (Spill No. 0314062). The NYSDEC recommended no penalty be assessed.

Dunkirk and Fredonia Telephone Co.: At 40 Temple Street, less than a quarter of a mile from the Fredonia Site, Dunkirk & Fredonia Telephone Co. maintained an unregulated petroleum bulk storage tank that holds less than 1,100 gallons. On August 1, 1988, the tank was closed or removed.

St. George's Enterprises: Three reports were filed by the NYSDEC regarding St. George's Enterprises, Inc., a gas station located at 80 Water Street, approximately a half mile from the Fredonia Site. On September 17, 1987, a tank test failure caused a spill (No. 8705082). No penalty was recommended, and the spill was closed on January 14, 1988. On November 20, 1992, a second tank test failure was reported (No. 9209747). The spill was closed and clean up ceased on March 9, 1993. On June 21, 2004, a spill was reported due to an equipment failure (No. 0475149). The owner Greg Faso had the area around the waste oil tank swept. The NYSDEC required no further action and the matter was closed on June 22, 2004.

iii. A Description of Current Site Security

A visual inspection of the property did not reveal any physical security measures in place at the Fredonia Site, which currently is a private residence. The facility, as it appeared on Kroll's visit to the Site in August 2009:



And in an undated aerial picture from the internet:



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

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

THE SALAMANCA SITE

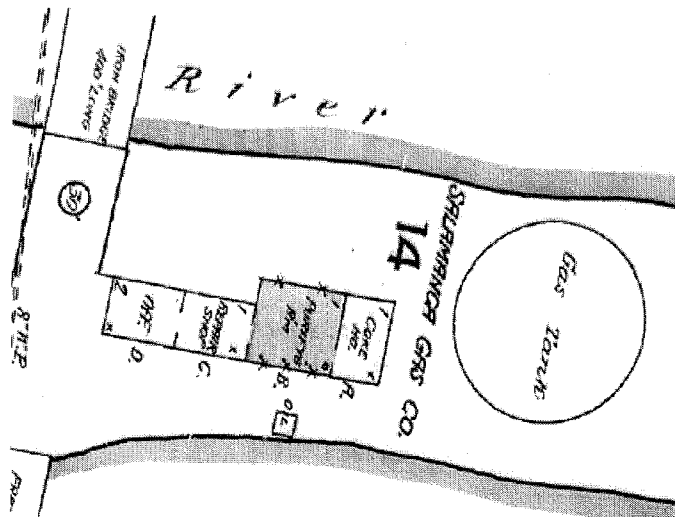
Executive Summary

National Fuel is connected to the Salamanca Site through its predecessor-in-interest, Salamanca Gas Company. There is limited publicly available information regarding the operations at the Salamanca Site; however, the little documentation that exists indicates that the operations at the property consisted of purifying gas and the distribution of natural gas.

Introduction

The Salamanca Site is located on the Seneca Nation of Indians' Allegheny Reservation, in the downtown area, south of the Allegheny River, at 38 Main Street. The Salamanca Site is located on two lots designated together for tax purposes as 73.079-3-34. A portion of the property was appropriated by the State of New York for purposes of flood control in the 1970s.

The following represents the Site as it was in 1888, according to the 1888 Sanborn Fire Insurance Map ("Sanborn Map").



Document Search Process

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

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- New York State Archives
- New York State Museum
- New York State Public Services Commission (“NYSPSC”), including relevant Annual Reports (Salamanca Gas Company, 1907 – 1912)

Cattaraugus County Repositories

- Cattaraugus County Historical Museum & Research Center
- Cattaraugus County Industrial Development Agency

City of Salamanca Repositories

- Salamanca Department of Zoning
- Salamanca Department of Public Works
- Salamanca Public Library
- Salamanca Historical Society and Museum
- Salamanca City Hall

- Salamanca Tax Assessor's Office
- Salamanca Fire Department
- Salamanca City Historian
- Seneca Nation of Indians, Allegany Tribal Utilities

Additional Resources

- Online searches of historical directories of Salamanca
- Manufacturing Directories
- Miscellaneous reference materials, corporate records, and periodicals, including newspapers covering Cattaraugus County and Salamanca, New York
- Historical Aerial Photographs, 1985, 1988, 1995, 2001 and 2006

Records Search Report

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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 Salamanca 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 Salamanca Site and adjacent properties:

- "Brown's Directory of North American Gas Companies," various dates between 1900 and 1946

- “Sanborn Fire Insurance Maps,” 1888, 1893, 1898, 1904, 1910, 1918, 1927, 1950 and 1956
 - “United States Geological Service Historical Topographic Maps,” 1900 and 1961
 - Historical Aerial Photographs, 1985, 1988, 1995, 2001 and 2006
3. **Request:** Provide a concise summary of information held by Respondent 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 Cattaraugus County Assessor’s office for 38 Main Street (Property Tax Identification Number 73.079-3-33), indicates that the property originally consisted of two lots, portions of which are now part of the New York State flood control project (parcel 073.079-34). A summary of the property, as provided by Empire Search Company follows:

73.079-3-33 (38 Main St., west portion of the parcel)

- June 7, 1886: James G. Fitts, Mary C. Fitts, Alonzo M. Kent and Rose E. Kent to Salamanca Gas Company
- December 10, 1907: Seneca Nation of Indians Issues Lease to Salamanca Gas Company for 90 years
- July 1, 1912: Salamanca Gas Company to Iroquois Natural Gas Company (assignment of Indian Lease) (a quit claim deed between the parties was executed this same date)

- August 6, 1968: Easement granted by New York State Department of Public Works to Iroquois Natural Gas Company, Seneca Nation of Indians, *et al.*
- June 25, 1974: Iroquois Gas Corporation to National Fuel Gas Distribution Corporation
- November 29, 1983: National Fuel Gas Distribution Corporation to Robert C. Hoag and Rosalyn E. Hoag (Carve out for the gas regulator on the property)
- December 4, 1989: Rosalyn E. Hoag (as surviving tenant in the entirety) to Theodore F. Hartman
- December 5, 1989: Theodore F. Hartman to Rodrium Dowling
- February 19, 1991: Rodrium Dowling surrender of lease to Seneca Nation of Indians
- March 26, 1997: Rodrium Dowling to the City of Salamanca, at auction for failure to pay taxes
- July 20, 1999: City of Salamanca to R.F. Kilns, Inc.
- January 5, 2005: R.F. Kilns, Inc. to Randy A. John
- February 28, 2008: Randy A. John to Toniette L. Oldshield

73.079-3-33 (38 Main St., east portion of the parcel)

- February 28, 1887: James G. Fitts and Mary E. Fitts, and Alonzo M. Kent and Rose E. Kent to Salamanca Gas Company
- May 2, 1910: Salamanca Gas Company to Max Andrews

(No further search was done against this name. The property is now part of the New York State Flood Control Project.)

Corporate Information

Kroll's investigation identified two entities incorporated in the State of New York bearing the name "Salamanca Gas Company."⁹ On November 22, 1881, the first Salamanca Gas Company was formed by James H. McGuire, Andrew

⁹ Property records note that Salamanca Gas Company was a Pennsylvania company. No records were found filed with the Pennsylvania Secretary of the Commonwealth's office, which, Kroll has been informed, does not maintain a comprehensive corporate record archive.

H. Krieges and George Johns, according to corporate records archived with the New York Secretary of State's office. The associated corporate documents indicate that the company was formed "for the purpose of manufacturing and supplying gas for lighting the streets and (illegible) buildings of the village of Salamanca." No record of this company's dissolution was identified in available public records. It is not known whether this company ever occupied the facility at 38 Main Street in Salamanca.

On May 3, 1886, a second incorporation record was filed with the New York Secretary of State's office to form the Salamanca Gas Company.¹⁰ This company was created by John Bushnell, Benjamin Brewster and George W. Colton. Almost a year later, on July 25, 1887, a stockholders meeting was held and owners voted to increase the capital stock from \$30,000 to \$50,000. Directors of the company were listed as D. O'Day, T. Scheide, C.N. Payne and C.E. Gallagher.

On May 28, 1895, the company filed a certificate reducing its capital stock. The company reduced its capital stock to its initial investment of \$30,000. The reasons for this reduction are not evident from the limited corporate information available.

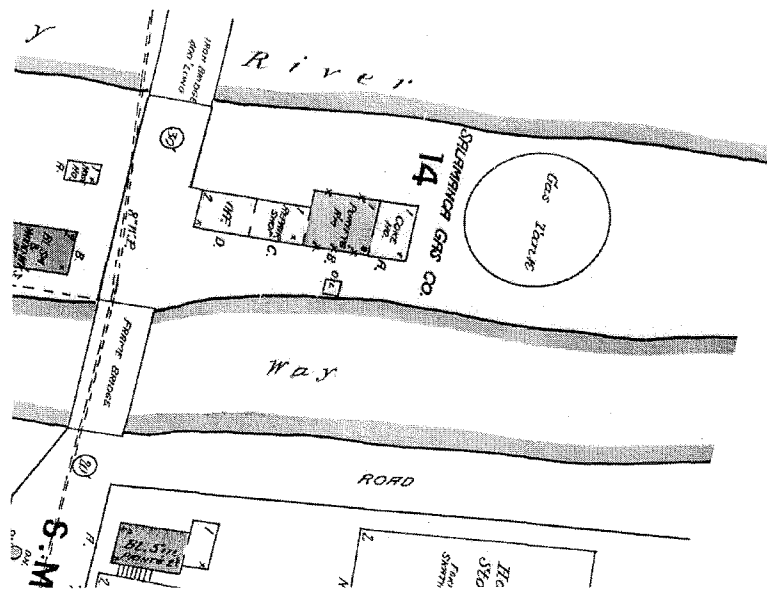
Salamanca Gas Company sold its franchise to Iroquois Natural Gas Company on November 16, 1912. The "Annual Report of the Public Service Commission, Second District, for the Year Ended December 31, 1912" indicates that in exchange for the works, systems, franchises and property sold, Salamanca Gas Company was to receive capital stock of Iroquois Natural Gas Company worth \$70,000. According to the Articles of Dissolution filed by Salamanca Gas Company on October 30, 1912, National Fuel Gas Company was the owner of Salamanca Gas Company at the time, as it held 295 of the Salamanca Gas Company's 300 shares at the date of the dissolution.

Historical Operations

The Annual Report for 1907 submitted to the NYSPSC by Salamanca Gas Company indicates that the franchise for the supply of gas from the Salamanca Site was first issued on October 27, 1885 and the term of said franchise was for fifty years. The report does not discuss whether manufactured gas was produced by Salamanca Gas Company in 1907 or any year prior thereto.

¹⁰ The "Historical Gazetteer and Biographical Memorial of Cattaraugus County," William Adams, October 1893, indicates that the Salamanca Gas Company was organized on June 1, 1886.

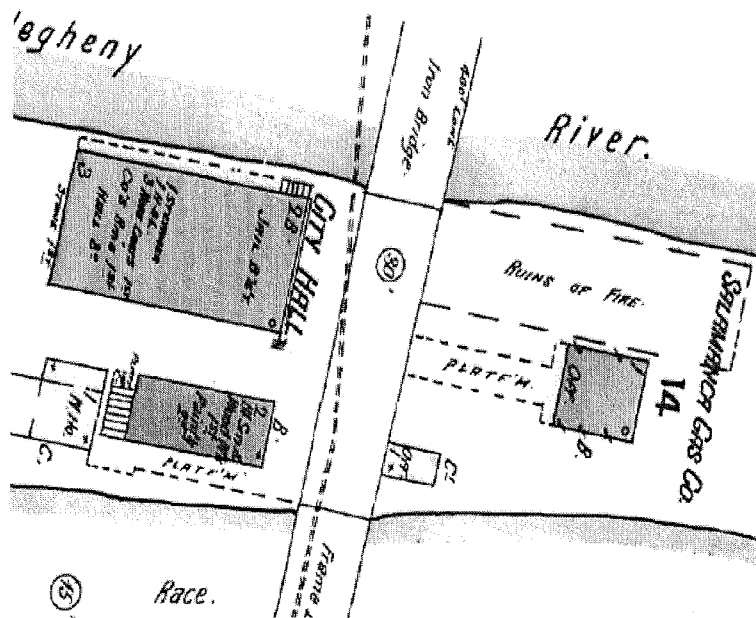
The earliest information available regarding the operations at the Salamanca Site comes from the 1888 Sanborn Map, shown below. The Sanborn Map indicates that the following buildings were present in 1888: an office, repair shop, a purifying house, a coke house and a large gas tank at the rear of the buildings to the east. Interestingly, other buildings and equipment associated with the manufacture of gas or a manufactured gas plant (“MGP”) were not present on the Salamanca Site, including benches, retorts, tar-related storage and coal storage.



The “Historical Gazetteer and Biographical Memorial of Cattaraugus County,” by William Adams, published in October 1893, states that Salamanca Gas Company supplied “the village with natural gas for fuel and artificial gas for light through fifteen miles of street mains.”

According to the 1898 Sanborn Map, a fire occurred at some point in time between 1893 and 1898. The Sanborn Map notes “ruins of fire” to the immediate north of the Salamanca Gas Company offices. We note that several fires occurred in downtown Salamanca, including two very large fires in 1880 and 1923; however, an exhaustive, manual search of historical accounts of Salamanca, as well as searches in several local newspapers published at the time, did not identify any information regarding the fire at the Salamanca Site. It appears that only an office remained on the property after

the fire as the former purifying house, repair shop and gas tank are not illustrated on the 1898 Sanborn Map.



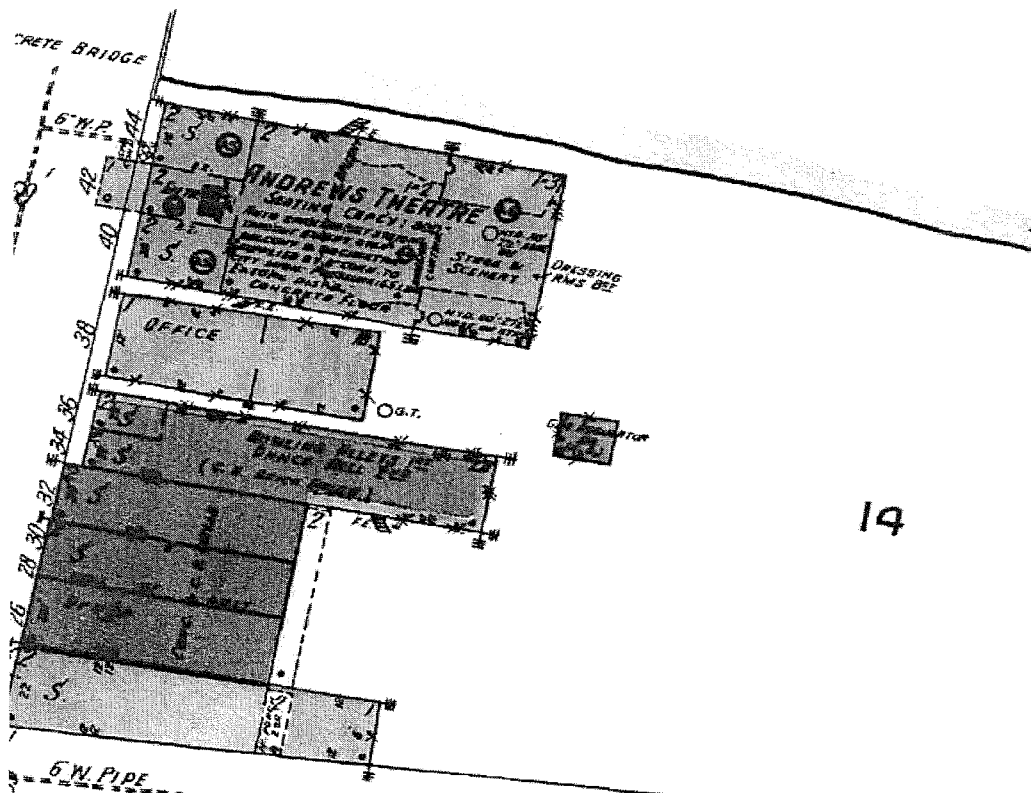
“Brown’s Directory of North American Gas Companies” (“Brown’s”) lists Salamanca Gas Company as a “natural gas” company in 1903. The directory for 1900 was the earliest directory Kroll was able to obtain and no reference to Salamanca Gas Company appears in that edition. Interestingly, while the company’s name appears under the heading “natural gas” between 1903 and 1911, Brown’s did not provide any information describing the company’s operations, processes or sales. It is not until the 1912 edition of the directory that Salamanca Gas Company supplied any information about its operations. However the extent of such detail simply states, “Controlled by National Fuel Gas Company.” The 1912 entry in Brown’s for National Fuel Gas Company lists Salamanca Gas Company among the companies under its control.

Between 1898 and 1904, the Hotel Dean was built on the property between the Salamanca Gas Company office and the Allegheny River, on property that would appear to have been where the “ruins of the fire” were situated. During the same period, a harness company was erected south of the Salamanca Gas Company office, and the small waterway referred to as “Race Way” next to the Salamanca Site appears to have been filled in and named Race Street.

The NYSPSC Annual Report filed by Salamanca Gas Company in 1907 reports that the company supplied natural gas, which it purchased from United Natural Gas Company. In 1907, Salamanca Gas Company purchased

282,011,000 cubic feet of natural gas from United Natural Gas Company for resale and distribution. Subsequent NYSPSC Annual Reports filed by Salamanca Gas Company between 1908 and 1911 indicate that Salamanca Gas Company continued to purchase natural gas from United Natural Gas Company. The company's NYSPSC Annual Report for 1912, the last report available for Salamanca Gas Company, refers to the company as "an agent of United Natural Gas Company."

The Hotel Dean did not last very long and as of 1910, the hotel was no longer on the Salamanca Site, according to the Sanborn Map for that year. A building labeled "gas office" remained on the Salamanca Site. Between 1910 and 1918, the Andrews Theatre building was erected immediately north of the Salamanca Site, along the Allegheny River, abutting Main Street. A gas office continued to be situated on the Salamanca Site. At some point in time prior to 1927, a small building was erected that was referred to in the 1927 and subsequent Sanborn Maps as "regulator house." The Sanborn Map for 1927:



The next available Sanborn Map is dated 1950 and reflects that the office associated with the natural gas distribution operations is no longer labeled as

such. The “regulator house” remained on the Salamanca Site and is currently owned and operated by National Fuel.

The theater building existed until 1969 or 1970, when it was demolished to build dikes for the New York State Flood Control Project on the property. These dikes continue to be located to the immediate north of the Salamanca Site.

Adjacent Property

A review of files maintained by the NYSDEC and the Environmental Protection Agency did not identify any contamination sources immediately adjacent to the property. Historical information suggests a number of entities that may have been involved in activities that could have contributed to the environmental conditions at the Salamanca Site. In addition to the elimination of the race way in the early 1900s and the implementation of the New York State Flood Control project in the 1960s and 1970s, during the 1950s, the Salamanca Site was virtually surrounded by auto service and auto sales facilities. Specifically, we note the following entities:

O’Laughlin Pontiac: The facility, located at 18-20 Main Street, is directly across East Race Street from the Salamanca Site. The facility engaged in the sale and service of automobiles beginning in the 1950s. O’Laughlin operated the facility at least until 2007, according to files maintained by the EPA.

O’Lockland: A facility, known as O’Lockland, sits at the corner of Clinton and Main Streets, up-gradient of the Salamanca Site. The O’Lockland facility experienced a spill from cars leaking oil and antifreeze. The spill was reported in 1997.

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 Salamanca Site.

Conclusions

Although National Fuel’s predecessor-in-interest, Salamanca Gas Company, owned the Salamanca Site, the information available does not indicate that gas was manufactured at the Salamanca Site. The facility may have been used to purify gas; however, according to available Sanborn Maps, the instrumentalities of a MGP operation did not exist on the Salamanca Site between 1893 and 1898, presumably the date of a catastrophic fire at the

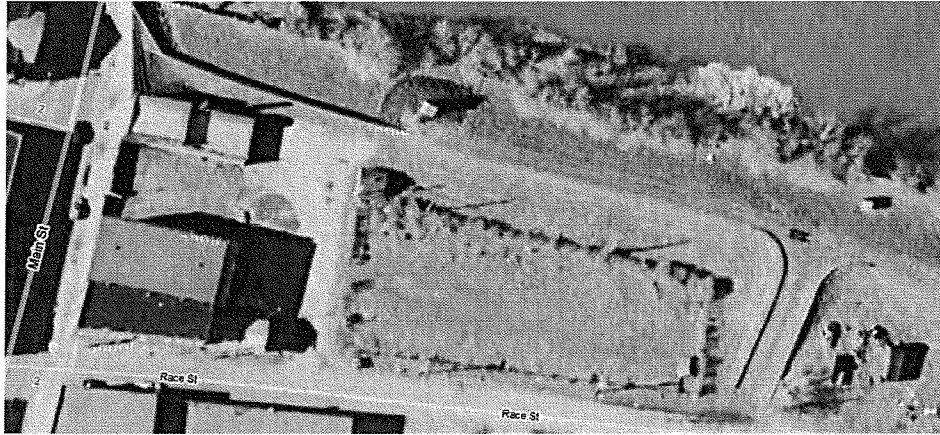
facility. Evidence identified indicates that neither National Fuel, nor any of its predecessors-in-interest engaged in any operations (manufactured gas plant or otherwise) at the Salamanca Site or properties adjacent to the Salamanca Site that may have resulted in the disposal of hazardous waste at the property.

iii. A Description of Current Site Security

A visual inspection of the property did not reveal any physical security measures in place at the Salamanca Site. The parcel on the bank of the Allegheny River is part of the New York State Flood Control Project, while 38 Main Street is a cigarette shop. Behind the 38 Main Street property sits a gas regulator and a small brick building. The Salamanca Site, as it looked during Kroll's visit in August 2009.



An undated aerial photograph of the Salamanca Site from the internet:



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

Consistent with the information provided in 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 Fredonia or Salamanca – and, therefore, no ownership or operation of either site at the time of a release or disposal – by National Fuel or a predecessor-in-interest.

Regarding Fredonia, the site was once owned by the Fredonia Natural Gas Light Company, which sold the parcels constituting the site in 1865 and 1906. The Fredonia Natural Gas Light Company was acquired by the Frost Gas Company in 1917. The Frost Gas Company then transferred the assets and franchises of the Fredonia Natural Gas Light Company to Republic Light Heat and Power Company in 1918. Although Republic Light Heat and Power Company is a predecessor-in-interest of National Fuel, the Fredonia Site was not owned by Fredonia Natural Gas Light Company in 1918 and therefore not a part of the transaction and, as this was an asset transfer, Republic Light Heat and Power Company did not assume historic liabilities of Fredonia Natural Gas Light Company. Furthermore, evidence indicates that the facility operated as a natural gas works. The Sanborn Maps for the Fredonia Site reference the facility as “Natural Gas Works”, and the structures illustrated included a gas house, a gasometer and a storage/supply house. Notably absent from the Sanborn Maps are the facilities and equipment typical of a MGP of that period.

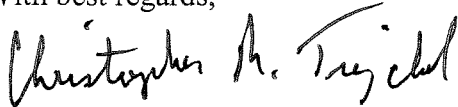
Regarding Salamanca, National Fuel is connected to the site through the ownership of the property by its predecessor-in-interest, Salamanca Gas Company. However, similar to the Fredonia Site, evidence indicates that the Salamanca Site was never operated as an MGP. Although there was an office, repair shop, a purifying house, a coke house and a

large gas tank at the Salamanca Site, notably absent are other buildings and equipment associated with the manufacture of gas or a MGP, including benches, retorts, tar-related storage and coal storage. Sometime prior to 1898 the facility was apparently destroyed in a fire and thereafter the property was used for a small office building until sometime prior to 1950.

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 Fredonia Site or the Salamanca Site, and National Fuel reserves all of its rights in that regard. National Fuel may conduct additional research into records regarding the Fredonia Site and Salamanca 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,



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