



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Classification Report



DATE: 12/17/2014

Site Code:	932001B	Site Name:	Airco Properties Inc.
City:	Niagara	Town:	Niagara
Region:	9	County:	Niagara
Current Classification:	02	Proposed Classification:	04
Estimated Size (acres):	25.14	Disposal Area:	Landfill
Significant Threat:	Previously	Site Type:	
Priority ranking Score:		Project Manager:	Michael Hinton

Summary of Approvals

Originator/Supervisor:	Greg Sutton	10/22/2014
RHWRE:	Gregory Sutton / Martin Doster:	10/22/2014
BEEI of NYSDOH:		10/28/2014
CO Bureau Director:	Michael Cruden, Director, Region 9:	10/28/2014
Assistant Division Director:	Michael J. Ryan, P.E.:	11/20/2014

Basis for Classification Change

Threats from the disposal of hazardous waste at this site were addressed by the implementation of the remedy identified for the site by the Records of Decision dated March 2006. All construction of the components of the site-wide remedy was completed no later than 2003. The Final Engineering Report(s) (FER) (or its equivalent) confirms that the remedy has been constructed consistent with the requirements in the ROD(s). The FER(s) (or its equivalent) is/are in eDocs. Management of contamination remaining at the site, including any required monitoring, is and has been controlled pursuant to a Site Management Plan (SMP) (or its equivalent). A copy of the SMP (or its equivalent) is in eDocs. Institutional controls were required to ensure the protectiveness of the site and a deed restriction is in place. A significant threat to public health and the environment no longer exists at the site. The site is properly remediated and requires site management; therefore, it qualifies for Class 4 status on the Registry of Inactive Hazardous Waste disposal sites.

Site Description - Last Review: 10/20/2014

Location: The Airco Properties, Inc. site is located in the industrialized urban area of the Town of Niagara. The 25.142 acre site is bounded on the north, south & east by the Vanadium Site (#932001) and by the SKW Newco Inc. site (#932001C) to the west. The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.



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Site Name: Airco Properties Inc.

Site Features: The site consists of a capped landfill with vegetated cover. The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.

Current Zoning/Uses: Current zoning is industrial and there are no active industrial operations on the property.

Historical Uses: From 1920 to 1964, the site was owned by the Vanadium Corporation of America (Vanadium). The extent of land originally owned by Vanadium is not fully known. However, it is estimated that Vanadium originally owned 150 acres. The size of the Vanadium site (consisting of Operable Units 1, 2, and 3) is estimated to be approximately 150 acres. During that time, portions of the site were used to dispose of an estimated 594,000 tons of wood, brick, ash, lime slag (calcium hydroxide), ferrochromium silicon slag, and ferrochromium silicon dust (ABB, 1993). The NYPA purchased property from Vanadium in 1959 for construction of the Niagara Power Project. A portion of this property was subsequently sold to Niagara Mohawk (aka National Grid). The property owned by NYPA and NiMo also contained waste piles deposited by Vanadium. These waste piles reportedly contained calcium hydroxide, ferromanganese slag, ferrochromium slag, and ferrochromium dust (E.C. Jordan Co., 1991b). Airco purchased 62 acres of the Vanadium property in 1964. Although Airco owned the site, an affiliated company, Airco Carbon (subsequently called Carbon/Graphite Group), operated the site and disposed of wastes similar to those disposed by Vanadium. Rusted and crushed 55-gallon containers and scrap metal were also observed on and around waste piles on both the Airco and NiMo/NYPA properties. Approximately 5,000 tons per year of baghouse dust containing ferrochromium silicon dust were disposed of by Airco at the Vanadium site from 1971, when the bag house was installed, to shortly after 1984. Over that 14-year period, it is estimated that approximately 70,000 tons of this waste was generated and disposed of on site. The waste was reportedly disposed of on the property. Airco discontinued generating ferrochromium silicon wastes in 1984. SKW Metals and Alloys, Inc (SKW), a predecessor of CCMA, purchased the western 37 acres of the Airco property in 1979. In 1980, SKW commenced operation of a solid waste disposal facility, consisting of two landfill cells. The facility was designed for the disposal of ferrochromium silicon baghouse dust and ferrosilicon baghouse dust wastes. The landfill is no longer in use, and was closed, graded, and seeded in accordance with NYSDEC regulations before October 1992. At the SKW plant, the production of ferrochromium alloy materials was discontinued in 1981/1982.

A Record of Decision (ROD) was issued in March 2006. The ROD requires: OU#1 - No Further Action; OU#2 - No Further Action; and OU#3 - waste consolidation and capping, site management plan, environmental easement and periodic certification with long term monitoring.

Due to the separate ownership, remedial actions and long term OM&M requirements associated with each of the operable units, these OUs were reassigned site numbers as shown below so that they could be certified to be performing as designed.

Operable Unit #1 (Site #932001C) is a 9.76 acre landfill on the western portion of the site that is currently owned by CC Metals and Alloys Inc (formerly SKW Metals and Alloys Inc.)



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Site Code: 932001B

Site Name: Airco Properties Inc.

Operable Unit #2 (Site #932001B) is a 25.142 acre landfill that is currently owned by Airco Properties, Inc. In 1964, the parent corporation to Airco Properties, Inc., The Air Reduction Company, purchased the remaining 62 acres of the former Vanadium site and subsequently sold the western 37 acres to SKW (OU#1). Wastes similar to the Vanadium wastes were generated and disposed on-site. Investigations to assess the extent and significance of contamination found on OU#2 were conducted during the PSA. In 2000, Airco Properties Inc. performed an ORM closure of the landfill that required the consolidating and shaping of the existing waste, placement of a 6" soil bedding layer, installation of 40 mil LLDPE liner, installation of a high density polyethylene drainage net-geotextile geocomposite, placement of 12" of barrier protection and 6" of topsoil and seed. A groundwater collection and treatment system was constructed in 2003 to address a groundwater seep discovered in the southwest corner of OU#2. An OM&M Plan is in effect for OU#2.

Operable Unit #3 (Site #932001), consists of approximately 88 acres of the eastern portion of the Vanadium site.

Site Geology/Hydrology: The geologic structure beneath the site consists of four units and includes, in descending order: fill material, glaciolacustrine deposits, glacial till, and bedrock.

Fill - Fill material overlies much of the Site. Where encountered, the thickness of the fill material generally ranges from 1 to 21 feet. The predominant fill material consists of whitish gray slag; cinders; and whitish gray, fine-grained, lime-like material. In most areas, the slag is covered by soil fill. In other areas, the slag is present at the ground surface.

Glaciolacustrine Deposits - The glaciolacustrine deposits consist of laminated silty clays, clayey silts, sandy silts, and silty sands. The thickness of this unit generally ranges from 2 to 26 feet.

Glacial Till - The glacial till unit consists of a dense heterogeneous mixture of clay, silt, sand, gravel, and Dolostone rock fragments; but is predominantly silt and clay. The thickness of this unit ranges from 1 to 7 feet.

Bedrock - The bedrock immediately underlying the glacial till is the dolostone of the Eramosa Formation of the Middle Silurian Lockport Group. The Eramosa Formation beneath the Site is nearly flat-lying but contains erosional features evidenced by variations in thickness of the glacial deposits. The Eramosa Formation is described as dolostone/limestone that is weathered to dense, and thin to massively bedded.

In the vicinity of the Site, the depth to the top of the Eramosa Formation dolostone generally ranges from 7 to 32 feet below ground surface (bgs). Vertical fractures and weathered horizontal bedding planes were observed in previous investigations in the upper 45 feet of bedrock in the eastern portion.

Contaminants of Concern (Including Materials Disposed)	Quantity Disposed
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OU 02	
CHROMIUM	
BERYLLIUM	
COPPER	
ZINC	



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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Site Classification Report



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Site Code: 932001B

Site Name: Airco Properties Inc.

Analytical Data Available for : Groundwater, Surface Water, Soil, Sediment

Applicable Standards Exceeded for: Groundwater, Surface Water, Soil, Sediment

Site Environmental Assessment - Last Review: 10/20/2014

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were chromium and elevated pH in soil, groundwater and wetlands sediments. Remedial actions have successfully eliminated any off-site movement of contaminants through the installation of a Part 360 cover system and a groundwater collection and treatment system. Long-term operation of the site is being managed under a Site Management Plan and site use is restricted through an Environmental Easement.

Site Health Assessment - Last Update: 10/20/2014

The landfill is fenced and properly capped, therefore, people are not likely to contact contaminated soils. Measures are in place to control the potential for coming in contact with subsurface soil and groundwater contamination remaining on the site.

	Start		End	
OU 00				
Certificate of Completion	10/1/14	ACT	12/31/14	PLN
Periodic Review	5/14/14	PLN	6/28/14	PLN
Site Management	12/31/14	PLN	12/31/44	PLN
OU 02				
Interim Site Management	6/1/03	ACT	12/31/14	PLN
OGC Docket - Cost Recovery	6/18/10	ACT	2/3/11	ACT
OGC Docket - Environmental Easement	5/31/11	ACT	9/4/14	ACT
Reclass Pkg.	10/1/14	ACT	12/31/14	PLN
Remedial Investigation	7/1/05	ACT	3/31/06	ACT
OU 02A				
Remedial Action	6/1/00	ACT	4/1/01	ACT
Remedial Design	1/1/03	ACT	5/27/03	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 02

The IRM included the following:

1. An IRM landfill closure plan was developed in conjunction with the DSHM to properly close the landfill that constituted OU#2;
2. A modified Part 360 landfill cap was constructed over all waste areas to prevent exposure to contaminated soils;



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Site Name: Airco Properties Inc.

3. Development of a site management plan to address residual contaminated soils that may be excavated from the site during future redevelopment. The plan would require soil characterization and, where applicable, disposal/reuse in accordance with NYSDEC regulations and maintenance of the components of the remedy;
4. Imposition of an institutional control in the form of an environmental easement that would limit the use and development of the property to commercial or industrial uses only;
5. Annual reports are prepared that would include results of groundwater and surface water monitoring, and descriptions of Site inspections, groundwater treatment system performance monitoring and maintenance activities.
6. The property owner would provide an annual certification, prepared and submitted by a professional engineer or such other expert acceptable to the NYSDEC, until the NYSDEC notifies the property owner in writing that this certification is no longer needed. This submittal would contain certification that the institutional controls and engineering controls, are still in place, allow the NYSDEC access to the site, and that nothing has occurred that would impair the ability of the control to protect public health or the environment, or constitute a violation or failure to comply with the site management plan.

Total Cost



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Site Name: Airco Properties Inc.

Remedy Description for Operable Unit 02A

Total Cost \$0

OU 00 Site Management Plan Approval: 12/31/2014 Status: PLN

Status must be ACT to reclassify to Class 4

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/17/2014

SITE DESCRIPTION

SITE NO. 932001B

SITE NAME Airco Properties Inc.

SITE ADDRESS: 4201 Witmer Road **ZIP CODE:** 14305

CITY/TOWN: Niagara

COUNTY: Niagara

ALLOWABLE USE: Closed Landfill

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan	NO
Monitoring Plan	YES
Operation and Maintenance (O&M) Plan	YES

Periodic Review Frequency:

Periodic Review Report Submittal Date: 05/14/2014



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DIVISION OF ENVIRONMENTAL REMEDIATION
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Site Code: 932001B

Site Name: Airco Properties Inc.

Description of Institutional Control

Linde North America Inc.

575 Mountain Ave.

4201 Witmer Road

Environmental Easement

Block: 1

Lot: 10

Sublot:

Section: 130

Subsection: 16

S_B_L Image: 130.16-1-10

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Linde North America Inc.

575 Mountain Ave.

4201 Witmer Road

Environmental Easement - Institutional Control Instrument

Block: 1

Lot: 10

Sublot:

Section: 130

Subsection: 16

S_B_L Image: 130.16-1-10

Groundwater Treatment System

Cover System

Groundwater Containment

Fencing/Access Control



PUBLIC NOTICE

State Superfund Program

Receive Site Information by Email. See next page to Learn How.

Site Name: Airco Properties Inc.

December, 2014

Site No.: 932001B **Tax Map No.:** 130.16-1-10

Site Location: 4201 Witmer Road, Town of Niagara, Niagara County

Inactive Hazardous Waste Disposal Site Classification Notice

The Inactive Hazardous Waste Disposal Site Program (the State Superfund Program) is the State's program for identifying, investigating, and cleaning up sites where the disposal of hazardous waste may present a threat to public health and/or the environment. The New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (Registry). The site identified above, and located on a map on the reverse side of this page, was recently reclassified on the Registry as a Class 4 site as it no longer presents a significant threat to public health and/or the environment for the following reason(s):

This site consists of a properly closed 23.9 acre Part 360 landfill. Human exposure to contamination remaining at the site is being addressed as follows:

- **Soil:** A site management plan documents appropriate actions to reduce/eliminate exposures to residually contaminated soils.
- **Groundwater:** The Town of Niagara and Niagara County have regulations that restrict use of groundwater as a source of potable water at this site and the surrounding area. The area is served by a public water supply.

Periodic reviews will continue to be completed to certify that these controls are maintained and remain effective.

If you own property adjacent to this site and are renting or leasing your property to someone else, please share this information with them. If you no longer wish to be on the contact list for this site or otherwise need to correct our records, please contact DEC's Project Manager listed below.

FOR MORE SITE INFORMATION

Additional information about this site can be found using DEC's "Environmental Site Remediation Database Search" engine which is located on the internet at:

www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3

Comments and questions are always welcome and should be directed as follows:

Project Related Questions

Michael Hinton, Project Manager

NYS Department of Environmental Conservation – Region 9

Division of Environmental Remediation

270 Michigan Avenue

Buffalo, NY 14203

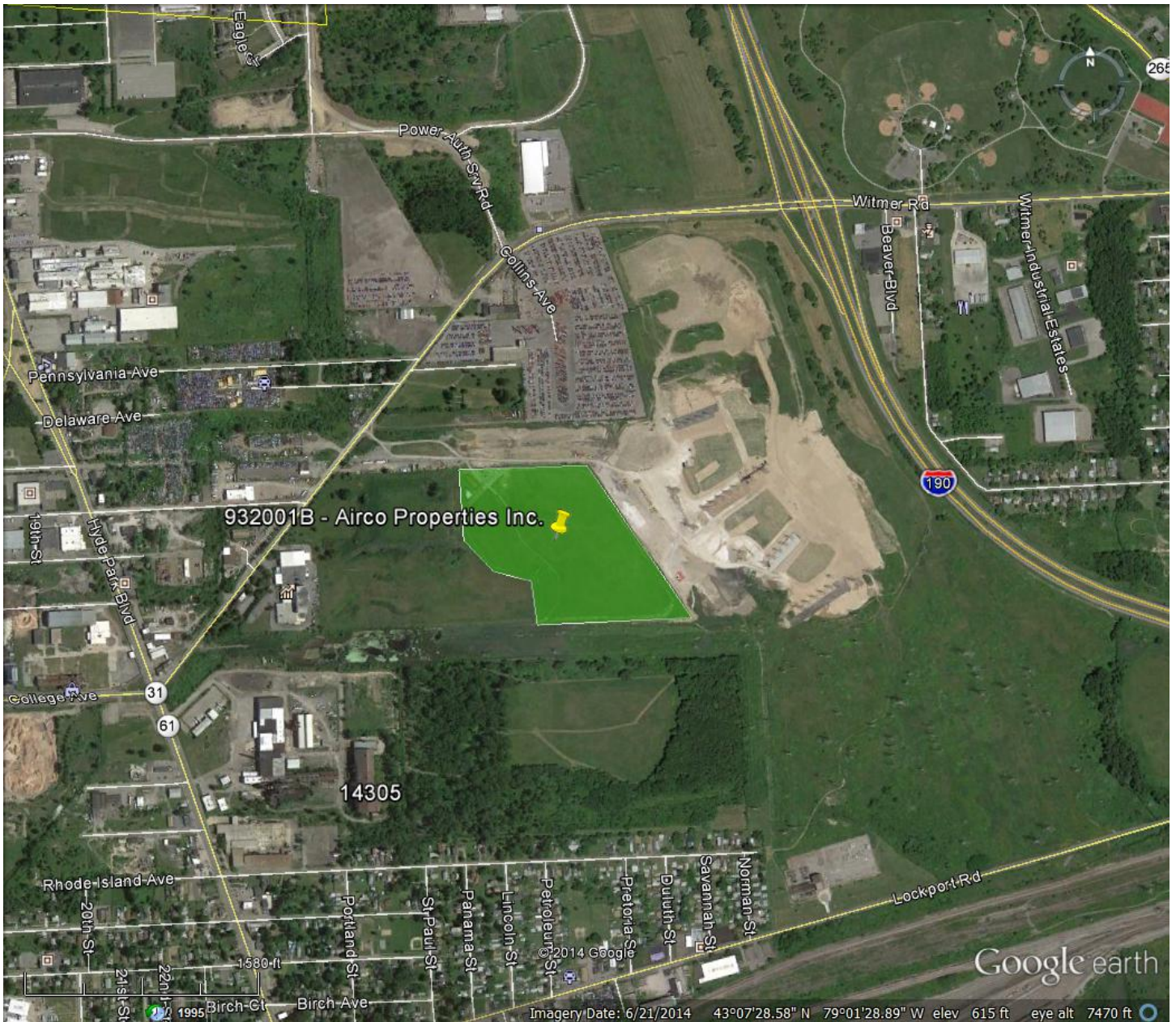
Email: michael.hinton@dec.ny.gov

Phone: 716-851-7220

DEC is sending you this notice in accordance with Environmental Conservation Law Article 27, Title 13 and its companion regulation (6 NYCRR 375-2.7(b)(6)(ii)) which requires DEC to notify all parties on the contact list for this site of this recent action.

Approximate Site Location

Airco Properties Inc.
Site ID 932001B
4201 Witmer Road, Town of Niagara
Niagara County



Receive Site Updates by Email

Have site information such as this public notice sent right to your email inbox. DEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page: www.dec.ny.gov/chemical/61092.html . It's *quick*, it's *free*, and it will help keep you *better informed*.



As a listserv member, you will periodically receive site-related information/announcements for all contaminated sites in the county(ies) you select.

You may continue also to receive paper copies of site information for a time after you sign up with a county listserv, until the transition to electronic distribution is complete.

Note: Please disregard if you received this notice by way of a county email listserv.

Electronic copies:

R. Schick, Director, Division of Environmental Remediation
A. English, Director, Bureau of Technical Support
K. Lewandowski, Chief, Site Control Section
M. Cruden, Director, Remedial Bureau E
G. Sutton, RHWRE, Region 9
D. Denk, Regional Permit Administrator, Region 9
M. Gollwitzer, Regional CPS, Region 9
K. Davidson, Regional CPS, Region 9
K. Anders, NYSDOH
C. Bethoney, NYSDOH Regional Chief
M. Forcucci, NYSDOH Project Manager
L. Ennist, DER, Bureau of Program Management
M. Hinton, Project Manager
B. Anderson, Site Control Section

Brian Thiesse
Head of USEQ Operations
Airco Properties Inc.
575 Mountain Ave
Murray Hill, NJ 07974

Louis Pasquale
4100 Witmer Rd.
Niagara Falls, NY 14305

Supervisor
Town of Niagara
7105 Lockport Rd
Niagara Falls, NY 14305

Chair Niagara County Planning Board
6311 Inducon Corporate Drive
Sanborn, NY 14132

Sylvia Virtuoso, Deputy Supervisor
Town of Niagara
8009 Crestview Drive
Niagara Falls, NY 14304

William Ross, Chairman
Niagara County Legislature
6761 Walmore Road
Niagara Falls, NY 14304

National Grid Inc.
1125 Broadway
Menands, NY 12204

Bonnie M Satarian
4250 Witmer Road
Niagara Falls, N 14305

Jeffery Glatz
Niagara County Manager
59 Park Ave.
Lockport, NY 14094

Barbara Hathaway, Chair
Town of Niagara Planning Board
7030 Colonial Drive
Niagara Falls, NY 14305

Daniel J. Stapleton, Director
Niagara County Dept of Health
5467 Upper Mountain Rd, Suite 100
Lockport, NY 14094

General Counsel
New York Power Authority - OU #3
123 Main Street, Mail Stop 11-D
White Plains, NY 10601-3170

Real Property Tax Servives
4111 Witmer Road
Niagara Falls, NY 14305

Jeffery Davis, Eqs.
Hiscock & Barclay, LLP One Park Place
300 South State Street
Syracuse, NY 13202

SKW Newco Inc.
PO Box 217
Calbert, KY 42029

Herbert A. Downs
Administrative Director
Niagara County Water District
5450 Ernest Rd., PO Box 315
Lockport, NY 14094

Niagara Gazette
310 Niagara Street, P.O. Box 549
Niagara Falls, NY 14302-0549

November 24, 2014

Linde North America Inc.
Attn: Mr. Brian Thiesse
575 Mountain Ave.
Murray Hill, NJ 07974

Dear Mr. Thiesse:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (DEC) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that DEC notify the owner of all or any part of each site or area included in the Registry of Inactive Hazardous Waste Disposal Sites as to changes in site classification.

Our records indicate that you are the owner or part owner of the site listed below. Therefore, this letter constitutes notification of change in the classification of such site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State. The effective date of the classification change shall be 20 days from the date of this letter.

DEC Site No.: 932001B

Site Name: Airco Properties Inc.

Site Address: 4201 Witmer Road, Town of Niagara, 14305

Classification change: Class 2 to Class 4

The reason for the change is as follows:

This site consists of a properly closed 23.9 acre Part 360 landfill. Human exposure to contamination remaining at the site is being addressed as follows:

- **Soil:** A site management plan documents appropriate actions to reduce/eliminate exposures to residually contaminated soils.
- **Groundwater:** The Town of Niagara and Niagara County have regulations that restrict use of groundwater as a source of potable water at this site and the surrounding area. The area is served by a public water supply.

Periodic reviews will continue to be completed to certify that these controls are maintained and remain effective.

Enclosed is a copy of DEC's Inactive Hazardous Waste Disposal Site Report form as it will appear in the Registry. An explanation of the site classifications is available at <http://www.dec.ny.gov/chemical/8663.html>. The Law allows the owner and/or operator of a site listed in the Registry to petition the Commissioner of DEC for deletion of such site, modification of site classification, or modification of any information regarding such site, by submitting a written statement setting forth the grounds of the petition.

Such petition may be addressed to:

Honorable Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

For additional information, please contact Michael Hinton, the project manager at 716-851-7220.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

KAL/BA/sls
Enclosure

cc: w/Enc.
R. Schick
L. Zeppetelli
A. English
P. Foster
K. Lewandowski
M. Hinton, Project Manager



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Inactive Hazardous Waste Disposal Report



Site Code	932001B			
Site Name	Airco Properties Inc.	Address	4201 Witmer Road	
Classification	04	City	Niagara	Zip 14305
Region	9	County	Niagara	Town Niagara
Latitude	43 degrees, 7 minutes, 27.00 seconds		Estimated Size	37.0000
Longitude	-79 degrees, 1 minutes, 32.00 seconds			
Site Type		Disposal Area	Landfill	

Site Description

Location: The Airco Properties, Inc. site is located in the industrialized urban area of the Town of Niagara. The 25.142 acre site is bounded on the north, south & east by the Vanadium Site (#932001) and by the SKW Newco Inc. site (#932001C) to the west. The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.

Site Features: The site consists of a capped landfill with vegetated cover. The nearest water bodies are the Lower Niagara River, located approximately 1.4 miles west of the property; the New York Power Authority (NYPA) reservoir, located approximately 0.8 miles north of the property; and Gill Creek, located approximately 1,000 feet east of the Site.

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A Record of Decision (ROD) was issued in March 2006. The ROD requires: OU#1 - No Further Action; OU#2 - No Further Action; and OU#3 - waste consolidation and capping, site management plan, environmental easement and periodic certification with long term monitoring.

Due to the separate ownership, remedial actions and long term OM&M requirements associated with each of the operable units, these OUs were reassigned site numbers as shown below so that they could be certified to be performing as designed.

Operable Unit #1 (Site #932001C) is a 9.76 acre landfill on the western portion of the site that is currently owned by CC Metals and Alloys Inc (formerly SKW Metals and Alloys Inc.)

Operable Unit #2 (Site #932001B) is a 25.142 acre landfill that is currently owned by Airco Properties, Inc. In 1964, the parent corporation to Airco Properties, Inc., The Air Reduction Company, purchased the remaining 62 acres of the former Vanadium site and subsequently sold the western 37 acres to SKW (OU#1). Wastes similar to the Vanadium wastes were generated and disposed on-site.

11/24/2014

Investigations to assess the extent and significance of contamination found on OU#2 were conducted during the PSA. In 2000, Airco Properties Inc. performed an IRM closure of the landfill that required the consolidating and shaping of the existing waste, placement of a 6" soil bedding layer, installation of 40 mil LLDPE liner, installation of a high density polyethylene drainage net-geotextile geocomposite, placement of 12" of barrier protection and 6" of topsoil and seed. A groundwater collection and treatment system was constructed in 2003 to address a groundwater seep discovered in the southwest corner of OU#2. An OM&M Plan is in effect for OU#2.

Operable Unit #3 (Site #932001), consists of approximately 88 acres of the eastern portion of the Vanadium site.

Site Geology/Hydrology: The geologic structure beneath the site consists of four units and includes, in descending order: fill material, glaciolacustrine deposits, glacial till, and bedrock.

Fill - Fill material overlies much of the Site. Where encountered, the thickness of the fill material generally ranges from 1 to 21 feet. The predominant fill material consists of whitish gray slag; cinders; and whitish gray, fine-grained, lime-like material. In most areas, the slag is covered by soil fill. In other areas, the slag is present at the ground surface.

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Glacial Till - The glacial till unit consists of a dense heterogeneous mixture of clay, silt, sand, gravel, and Dolostone rock fragments; but is predominantly silt and clay. The thickness of this unit ranges from 1 to 7 feet.

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Contaminants of Concern (Including Materials Disposed)		Quantity
OU 02		
CHROMIUM		
BERYLLIUM		
COPPER		
ZINC		
<hr/>		
Analytical Data Available for :	Groundwater, Surface Water, Soil, Sediment	
Applicable Standards Exceeded for:	Groundwater, Surface Water, Soil, Sediment	

Site Environmental Assessment

Remediation at the site is complete. Prior to remediation, the primary contaminants of concern were chromium and elevated pH in soil, groundwater and wetlands sediments. Remedial actions have successfully eliminated any off-site movement of contaminants through the installation of a Part 360 cover system and a groundwater collection and treatment system. Long-term operation of the site is being managed under a Site Management Plan and site use is restricted through an Environmental Easement.

Site Health Assessment

The landfill is fenced and properly capped, therefore, people are not likely to contact contaminated soils. Measures are in place to control the potential for coming in contact with subsurface soil and groundwater contamination remaining on the site.

11/21/2014

Owners

Operators

Current Owner(s)

Mr. Brian Thiesse

Linde North America Inc.

575 Mountain Ave

Murray Hill

NJ 07974

Previous Owner(s)

Ronald A. France

Chemetall Foote Corp

348 Holiday Inn Drive

Kings Mountain

NC 28086

Stuart m Brown

Cyprus Minerals (Phelps Dodge Corp.)

333 North Central Avenue

Phoenix

AZ 85004



Niagara County On-Line Mapping System



Legend

Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road

Parcels

1Ft Color Aerials

- Red: Band_1
- Green: Band_2
- Blue: Band_3

2Ft Color Aerials

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:6,028



Notes

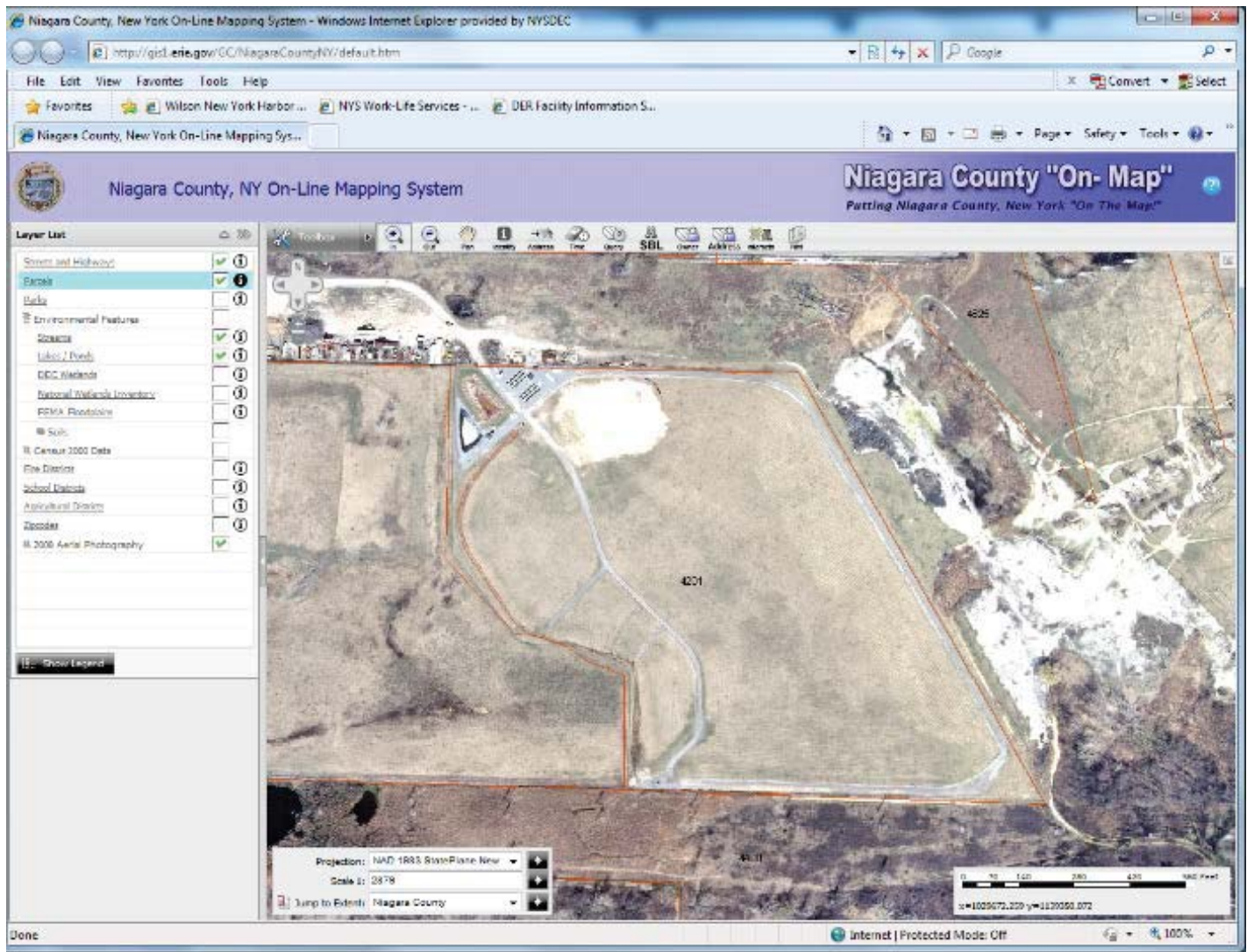
Enter Map Description

0.2 0 0.10 0.2 Miles

Niagara County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing.

NIAGARA COUNTY, NEW YORK
DEPARTMENT OF REAL PROPERTY SERVICES

Airco Properties Site #932001B – Tax Map and Info.



Feature: 4201 Witmer Rd	
OBJECTID	24400
PIN	130.16-1-10
X_COORD	1030278
Y_COORD	1138637
SWISCODE	293000
OWNRNAME	Airco Properties Inc.
PRCLSTREET	Witmer Rd
PRCLNUMB	4201
PRCLMUNI	Niagara
BLDGSTYL	
SFLA	0
GRADE	
CONDITION	
YRBUILT	0
NBHDCODE	31
PROPCLSITE	852
SCHCODE	293001
LANDASSESS	322700
TOTASSESS	322700
SITENBR	1
ZONECODE	06
SALEDATE	
SALEPRICE	0
Deed Book	
Deed Page	
FRONTAGE	0
Depth	0
ACRES	23.9
SQFT	0
SBL	1300160001010000
PARCELID	115
VALUSEABLE	
RECORDTYPE	C
OWNERID	115
TIMEADJSP	0
COSTTOTAL	322700
AEPTOTAL	0
MKTREGTOT	0
MKTSITETOT	0
TOTALAVTOS	0
LANDAVTOS	0
MANMODLTOT	0
COMPTOTEST	0

COMPLNDEST	0
COSTRCNLD	0
PRIORTOTAL	322700
PRIORLAND	322700
FINALTOTAL	191200
FINALLAND	191200
DISCLOSTOT	0
REVALLAND	191200
REVALTOTAL	191200
FULLMKTVAL	546900
COSTLAND	322700
COSTRCN	0
CMPASMTTOT	0
CMPASMTLND	0
INVDAT	1/1/2011
PROPCLASS	852
PRCLNUM	4201
OWNERUPPER	AIRCO PROPERTIES INC.
STRUPPER	WITMER RD
DISTRICT	NIAGARA- WHEATFIELD (N)
Agricultural Districts	
County Sewer Districts	
Storm Water Districts	
Drainage Districts	
Fire Districts	FD301
Fire Protection Districts	
Gas Lighting Districts	
Light Districts	LD301
Paving Districts	
Refuse District	RD301
Road Improvement Districts	
Sewer Districts	SD301
SG	
Special Parking Districts	
Sewers	
Village Sewer Districts	
Water Districts	WD301, WD302
Shape.area	1096486.49418429
Shape_Length	4530.38744923169



SSF CLASSIFICATION WORKSHEET



Site Name: Airco Properties Inc. Site ID No. 932001B

City/Town: Niagara County: Niagara

1. Has remediation been completed in accordance with a ROD including properly addressing institutional controls (ICs)?	<input checked="" type="checkbox"/> Yes (go to 7)	<input type="checkbox"/> No (go to 2)	
2. Has hazardous waste as defined in ECL §27-1301.1 been disposed at the Site?	<input type="checkbox"/> Yes (go to 3)	<input type="checkbox"/> No (stop)	<input type="checkbox"/> Unsure (go to 11)
3. Does the Site present a current or reasonably foreseeable significant threat to public health or the environment (complete Significant Threat Determination Worksheet)?	<input type="checkbox"/> Yes (go to 4)	<input type="checkbox"/> No (go to 6)	<input type="checkbox"/> Unsure (go to 11)
4. Is the significant threat causing or presenting an imminent danger of causing irreversible or irreparable damage to public health or the environment?	<input type="checkbox"/> Yes (Class 1)	<input type="checkbox"/> No (go to 5)	<input type="checkbox"/> Unsure (stop)
5. Is the Site presenting a significant but not imminent threat to public health or the environment?	<input type="checkbox"/> Yes (Class 2)	<input type="checkbox"/> No (reevaluate)	
6. Has hazardous waste been disposed but it does not present a significant threat to public health or the environment and the site is suitable for placement on the Registry?	<input type="checkbox"/> Yes (Class 3)	<input type="checkbox"/> No (go to 10)	
7. Is the site properly remediated but still requires continued active site management to maintain/achieve protectiveness?	<input checked="" type="checkbox"/> Yes (Class 4)	<input type="checkbox"/> No (go to 8)	<input type="checkbox"/> Unsure (stop)
8. Is the site properly remediated, does not require continued active site management, but is not suitable for delisting or a required IC is not yet in place?	<input type="checkbox"/> Yes (Class 5)	<input type="checkbox"/> No (go to 9)	<input type="checkbox"/> Unsure (stop)
9. Is the site properly remediated, required ICs are in place, the site does not require continued active site management, and is suitable for delisting?	<input type="checkbox"/> Yes (Class: C)	<input type="checkbox"/> No (go to 10)	<input type="checkbox"/> Unsure (stop)
10. Based upon investigation, is the degree of contamination such that the Site does not qualify to be placed on the Registry and that additional remedial work is not anticipated at this time?	<input type="checkbox"/> Yes (Class: N)	<input type="checkbox"/> No (reevaluate)	<input type="checkbox"/> Unsure (stop)
11. Does insufficient information exist to properly classify the site?	<input type="checkbox"/> Yes (Class P)	<input type="checkbox"/> No (reevaluate)	<input type="checkbox"/> Unsure (stop)

Current Classification: 2

Proposed Classification: 4

<u>Michael Hinton, P.E.</u> Project Manager Name/Title - Print	Michael J. Hinton PE <small>Digitally signed by Michael J. Hinton PE DN: cn=Michael J. Hinton PE, o=NYSD&C, ou=DER Region 9, email=mjhinton@gw.dec.state.ny.us, c=US Date: 2014.10.01 08:38:03 -04'00'</small>	_____ Date
<u>Gregory Sutton, P.E.</u> Bureau Director/RHWRE Name/Title - Print	Gregory P. Sutton, P.E. <small>Digitally signed by Gregory P. Sutton, P.E. DN: cn=Gregory P. Sutton, P.E., o=NYSD&C, ou=Region 9, email=gsutton@gw.dec.state.ny.us, c=US Date: 2014.10.01 08:26:38 -04'00'</small>	_____ Date

07/29/10



SIGNIFICANT THREAT DETERMINATION WORKSHEET



x State Superfund Program
6 NYCRR 375-2.7

□ Brownfield Cleanup Program
ECL 27-1411.1(c)

Site Name: Airco Properties, Inc. Site ID No. 932001B

City/Town: Town of Niagara County: Niagara

1. Has all available and relevant evidence regarding the Site been reviewed and the factors in 375-2.7(a)(3) considered?	<input checked="" type="checkbox"/> Yes (go to 2)	<input type="checkbox"/> No (stop)	<input type="checkbox"/> Unsure (stop)
2. Does Site contamination result in significant adverse impacts (375-2.7(a)(1)) to:			
a. species that are endangered, threatened, or of concern?	<input type="checkbox"/> Yes (go to b)	<input checked="" type="checkbox"/> No (go to b)	<input type="checkbox"/> Unsure (go to b)
b. protected streams, tidal/freshwater wetlands, or significant fish and wildlife habitat?	<input type="checkbox"/> Yes (go to c)	<input checked="" type="checkbox"/> No (go to c)	<input type="checkbox"/> Unsure (go to c)
c. flora or fauna from bioaccumulation or leads to a recommendation to limit consumption?	<input type="checkbox"/> Yes (go to d)	<input checked="" type="checkbox"/> No (go to d)	<input type="checkbox"/> Unsure (go to d)
d. fish, shellfish, crustacea, or wildlife from concentrations that cause adverse/chronic effects?	<input type="checkbox"/> Yes (go to e)	<input checked="" type="checkbox"/> No (go to e)	<input type="checkbox"/> Unsure (go to e)
e. the environment due to a fire, spill, explosion, or reaction that generates toxic gases, vapors, fumes, mists or dusts?	<input type="checkbox"/> Yes (go to f)	<input checked="" type="checkbox"/> No (go to f)	<input type="checkbox"/> Unsure (go to f)
f. areas where individuals or water supplies may be present and NYSDOH has determined there to be a significantly increased risk to public health (including from soil vapor)?	<input type="checkbox"/> Yes (go to 3)	<input checked="" type="checkbox"/> No (go to 3)	<input type="checkbox"/> Unsure (go to 3)
3. Does Site contamination result in significant environmental damage (375-2.7(a)(2))?	<input type="checkbox"/> Yes (go to 4)	<input checked="" type="checkbox"/> No (go to 4)	<input type="checkbox"/> Unsure (stop)
4. If any box in items 2 or 3 have been checked "Yes," the site presents a significant threat to public health or the environment; check here.	Significant threat to: <input type="checkbox"/> Public Health <input type="checkbox"/> Environment		
5. If no boxes in items 2 or 3 have been checked "Yes," the site does not present a significant threat to public health or the environment; check here.	<input checked="" type="checkbox"/> Not a Significant Threat		
<u>Michael Hinton</u> Project Manager Name/Title (Print)	<u>Michael J. Hinton PE</u> Project Manager Name (Signature) <small>Digitally signed by Michael J. Hinton PE DN: cn=Michael J. Hinton PE, o=NYSDEC, ou=DER Region 9, email=mjhinton@gw.dec.state.ny.us, c=US Date: 2014.10.01 08:06:14 -04'00'</small>	<u> </u> Date	
<u>Gregory Sutton</u> Bureau Director/RHWRE Name/Title (Print)	<u>Gregory P. Sutton, P.E.</u> Bureau Director/RHWRE Name (Signature) <small>Digitally signed by Gregory P. Sutton, P.E. DN: cn=Gregory P. Sutton, P.E., o=NYSDEC, ou=Region 9, email=gpsutton@gw.dec.state.ny.us, c=US Date: 2014.09.24 10:21:06 -04'00'</small>	<u> </u> Date	

07/29/10

UIS CHECKLIST FOR COMPLETING RECLASSIFICATIONS FROM CLASS 2/3 TO CLASS 4

SITE NAME: Airco Properties Inc. SITE ID # 932001B

1. **Verify/Update Remedial Site Information** – For first four items see Update guidance at <http://internal.dec.state.ny.us/der/der274.html>
 - ☒ **Basis for Classification Change** (in Class History File for proposed action. Use standard language appropriate for the type of reclass)
 - ☒ **Site Description** (on main site page)
 - ☒ **Site Environmental Assessment** (on main site page)
 - ☒ **Site Health Assessment** (on main site page): requested from DOH by the DER PM, entered by SCS
 - ☒ **Site Name, Address, & Size** (on main site page): verify and notify SCS to make adjustments
 - ☒ **Contacts** (on main site page): verify that all affiliation information needed for Class 4 is complete and accurate (addressees on PRR 45-Day Reminder Notice)
 - ☒ **Provide Site Contact List** (SCL) as defined in Part 375-1.2(as). For additional guidance in preparing SCL, got to <http://internal.dec.state.ny.us/der/der309.html>
2. **IC/EC Module**
 - ☒ Verify that property information is complete and accurate for all parcels
 - ☒ Add Control information, as applicable (if none, check “No Controls Needed” in site property details)
 - ☒ ICs - indicate all types used for the site
 - ☒ ECs - indicate all types used for the site
 - ☒ Dates - enter all applicable dates, especially “Control In Place” date (= date filed with County Clerk)
 - ☐ Control Description - provide a summary of restrictions not copy of easement language
3. **UIS Projects** (verify start and end dates, status (PLN/ACT) for all projects, especially:
 - ☒ Remedial Investigation/Design/Action
 - ☐ Certificate of Completion
 - ☒ Site Management
 - ☒ Periodic Review
 - ☐ Create next OU and projects for BCP off-site contamination, if appropriate
4. **eDocs or Documentum** (verify that all applicable documents, or equivalent, are present and properly named)
 - ☒ **Agreement/Order/SAC** (e.g., order.hw130058.2006-01-01.RIFS.pdf)
 - ☒ **Environmental Easement/Deed Restriction/Deed Notice** filed with County Clerk (e.g., easement.hw130058.2006-01-01.pdf)
 - ☒ **Final Engineering Report** (e.g., report.hw130058.2006-01-01.FER.pdf)
 - ☒ **Site Management Plan** (e.g., workplan.hw130058.2006-01-01.SMP.pdf)
 - X **Site Boundaries** - Provide site drawing, tax map, or aerial photograph that clearly indicates the site boundaries and sufficient surrounding features such as waterbodies, roads, and railways needed to locate and define site.
5. **Site Reclassification** (when all of the items listed above are completed as appropriate)
 - ☐ **Reviewer Signoffs** - Dates are entered in signoff boxes for all needed reviewers
 - ☐ **ADD Signoff** - ADD approval indicated by date in ADD signoff box
 - ☐ **Supervisory Review Complete checkbox** - checked by SCS to enable export to public website

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 4th day of September, 2013 between air
Owner(s) Airco Properties, Inc., having an office at 575 Mountain Avenue, Murray Hill, County
of Union, State of New Jersey (the "Grantor"), and The People of the State of New York (the
"Grantee."), acting through their Commissioner of the Department of Environmental
Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with
its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public
interest to encourage the remediation of abandoned and likely contaminated properties ("sites")
that threaten the health and vitality of the communities they burden while at the same time
ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public
interest to establish within the Department a statutory environmental remediation program that
includes the use of Environmental Easements as an enforceable means of ensuring the
performance of operation, maintenance, and/or monitoring requirements and the restriction of
future uses of the land, when an environmental remediation project leaves residual contamination
at levels that have been determined to be safe for a specific use, but not all uses, or which
includes engineered structures that must be maintained or protected against damage to perform
properly and be effective, or which requires groundwater use or soil management restrictions;
and

WHEREAS, the Legislature of the State of New York has declared that Environmental
Easement shall mean an interest in real property, created under and subject to the provisions of
Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which
contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with
engineering controls which are intended to ensure the long term effectiveness of a site remedial
program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 4201
Witmer Road in the Town of Niagara, County of Niagara and State of New York, known and
designated on the tax map of the County Clerk of Niagara as tax map parcel numbers: Section
130.16 Block 1 Lot 10, being the same as that property conveyed to Grantor by deed dated
September 14, 1979 and recorded in the Erie County Clerk's Office in Liber and Page 1671 and
38, comprising approximately 25.142 +/- acres, and hereinafter more fully described in the Land
Title Survey dated November 7, 2012 prepared by Wendel Companies, which will be attached
to the Site Management Plan. The property description (the "Controlled Property") is set forth in
and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the
protection of public health and the environment and to achieve the requirements for remediation
established for the Controlled Property until such time as this Environmental Easement is
extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein,

[10/12]

Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv);

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Niagara County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

[10/12]

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement certifying under penalty of perjury, in such form and manner as the Department may require, that:

- (1) the institutional controls and/or engineering controls employed at such site:
 - (i) are in-place;
 - (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
 - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (2) the owner will continue to allow access to such real property;
- (3) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls; and
- (4) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of [10/12]

notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: 932001B
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Airco Properties, Inc.:

By: Mark D. Weller

Print Name: Mark D. Weller

Title: Secretary Date: July 29, 2013

Grantor's Acknowledgment


STATE OF NEW ^{Jersey} ~~York~~)
) ss:
COUNTY OF Union)

On the 29th day of July, in the year 20 13, before me, the undersigned, personally appeared Mark D. Weller, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Elisabeth L. Gascales
Notary Public - State of New York ~~Jersey~~

Elisabeth L. Gascales
Notary Public of New Jersey
My Commission Expires October 25, 2013

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 4th day of September, in the year 2018^{149K}, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

SCHEDULE "A" PROPERTY DESCRIPTION

All that tract or parcel of land situate in the Town of Niagara, County of Niagara and State of New York being part of Lot 24, Township 13, Range 9 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at an existing rail monument at the southeast corner of lands conveyed to the Vanadium Corporation of America by deed recorded in the Niagara County Clerk's office in Liber 660, Page 319.

Running thence westerly along the southerly line of lands so conveyed, a distance of 1061.0' to a point.

Running thence northerly at right angles to the last previous course, a distance of 295.2' to a point.

Running thence northwesterly on a line deflecting to the left 67°-47'-54" from the last previous course 105.52' to the point of curve.

Running thence northwesterly and westerly on a curve to the left, said curve having a radius of 326.5', an arc distance of 135.47' to the point of tangency.

Running thence westerly along said line of tangency, a distance of 51.0' to a point.

(The last 3 herein described courses being 5.7' +/- northerly from the center line of an existing railroad spur.)

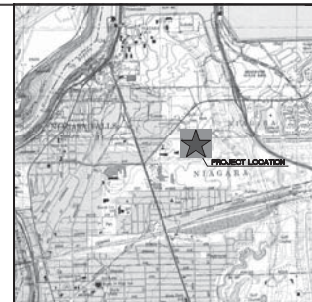
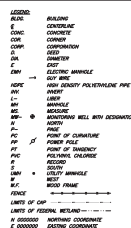
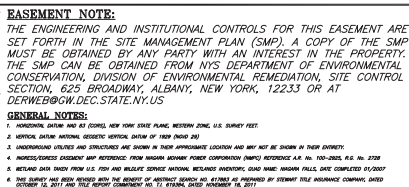
Running thence northwesterly, on a line deflecting to the right 53°-00'-55" from the last course, a distance of 284.0' to a point.

Running thence northerly, on a line deflecting to the right 38°-10'-30" from the last previous course, a distance of 483.75' to a point on the southerly line of lands appropriated by the Power Authority of the State of New York as shown on Power Authority of the State of New York Map No. 1295 Parcel 1295.

Running thence easterly at right angles to the last previous course and along the southerly line of lands appropriated by the Power Authority of the State of New York as aforesaid, a distance of 869.67' to a point.

Running thence southeasterly on a line forming an interior angle of 121°-00'-35" and along the northeasterly line of lands conveyed to the Vanadium Corporation of America by deeds recorded in Liber 887 at Page 122 and Liber 660 at Page 319, a distance of 1252.75' to the existing rail monument at the point of beginning.

Containing 25.142 +/- acres of land.



PROJECT LOCATION
LEWISTON QUADRANGLE, 7.5 MINUTE SERIES
NIAGARA FALLS QUADRANGLE, 7.5 MINUTE SERIES

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL
EASEMENT HELD BY THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW
YORK ENVIRONMENTAL CONSERVATION LAW

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (DEC) VANADIUM CORPORATION OF
AMERICA SITE OU#2 SITE IDENTIFICATION No. 932001
ENVIRONMENTAL EASEMENT DESCRIPTION

[illegible][illegible]

ALTERATION OF THIS DOCUMENT, EXCEPT BY
A LICENSED LAND SURVEYOR, IS ILLEGAL.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

[illegible]