



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



DATE: 4/15/2013

Site Code: 932036	Site Name: Carborundum Company, Global
City: Niagara	Town: Niagara
Region: 9	County: Niagara
Current Classification: 02	Proposed Classification: 04
Estimated Size (acres): 7.00	Disposal Area:
Significant Threat: Previously	Site Type:
Priority ranking Score: 230	Project Manager: Michael Hinton

Summary of Approvals

Originator/Supervisor: Greg Sutton	01/23/2013
RHWRE: Gregory Sutton / Martin Doster:	02/21/2013
BEEI of NYSDOH:	03/18/2013
CO Bureau Director: Michael Cruden, Director, Region 9:	03/18/2013
Assistant Division Director: Michael J. Ryan, P.E.:	03/20/2013

Basis for Classification Change

IRMs performed in 1999 and 2004 in Operable Unit 1(OU#1) and Operable Unit 3 (OU#3) removed soil contamination. NFA RODs were signed in October 2000 for OU1/OU2 and August 2004 for OU#3. Groundwater (OU#2) contamination requires long term groundwater monitoring to assess the monitored natural attenuation process. Pilot studies to enhance the natural groundwater attenuation were performed in 2009 and efforts to stimulate the attenuation process were made. An Environmental Notice was filed March 2012 that restricts site and groundwater use and requires soil vapor intrusion evaluation if the facility is reoccupied. SVI ICAR memo signed November 29, 2012

Site Description - Last Review: 03/18/2013

Location:

The former Carborundum Global facility is located in a mixed industrial/residential area in the northern section of the Town of Niagara. The site is located on Hyde Park Blvd at the northeast corner of Rhode Island Street and consists of a large former industrial complex. There are residential areas to the south and east of the site and mixed industrial properties to the north. Hyde Park Boulevard, which is the boundary between the Town of Niagara and the City of Niagara Falls, is immediately to the west and contains a mix of residential and commercial facilities.

Site Features:

The 7 acre site consists of a former manufacturing plant building and the former parking/storage area east of



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the building structure.

Current Zoning:

The property is currently zoned Heavy Industry in the Town of Niagara Zoning Ordinance.

Historical Uses:

The Carborundum Company purchased the plant from the Global Company in 1936 and manufactured heating elements and electronic components from silicon carbide. The Carborundum Company was purchased by BP America and the Global facility was subsequently sold to CESWID, Inc. in 1993.

BP America retained the responsibility for pre-existing conditions when they sold the facility to CESWID.

Remedial History:

In 1992 and under an order on consent (legal agreement) with the NYSDEC, the Carborundum Company performed a Preliminary Site Assessment (PSA) of the facility. This study determined that hazardous waste was present on the site and the site was listed as a Class 2 Inactive Hazardous Waste Disposal site in the State's registry. In 1993, the Carborundum Company completed another Preliminary Site Assessment of the facility and found the presence of hazardous waste resulting from past spills and leaks from bulk chemical storage generally located in the gravel portion of the former storage area of the plant site contaminating site soils and underlying groundwater.

In September 1995, BP America and the New York State Department of Environmental Conservation executed an Order on Consent to undertake a Remedial Investigation/Feasibility Study (RI/FS) to assess the nature and extent of contamination at the facility and evaluate remedial alternatives for site cleanup.

The Remedial Investigation began in August 1995 and the Remedial Investigation Report (RI) was issued in January 1997. A supplemental investigation was undertaken, with the findings published in the Phase 2 Remedial Investigation Report dated May 1998. As a result of the Remedial Investigations an Interim Remedial Measure (IRM) was undertaken in the summer of 1999 to remove the source of groundwater contamination found on the facility. A Feasibility Study (FS) was then completed in January 2000 that discussed the results of the IRM program and evaluated the options available to address the groundwater contamination.

The majority of the soil contamination was removed and disposed off-site during the performance of two Interim Remedial Measures in 1999 and 2002. Groundwater monitoring wells were installed to monitor natural attenuation of residual groundwater contamination. Records of Decision were issued in October 2000 and August 2004 that determined no further action is necessary to address the site's soil and groundwater contamination. An OM and M plan was subsequently approved by the Department to monitor the natural attenuation of the contaminants found in the groundwater.

In order to expedite groundwater remediation, BP America conducted a pilot study in 2008 to assess the feasibility of enhancing the bio-degradation of the groundwater contaminants in the overburden soils. The study was continued in 2009 with the evaluation of the bedrock zones. Results showed increased degradation of contaminants and a final report on the Pilot Study submitted in September 2010. The report recommended continued groundwater monitoring and development of a work plan for additional full scale substrate



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injections. A work plan was submitted and approved by DEC in August 2011 and is currently being implemented at the site.

A Soil Vapor Intrusion Assessment was conducted in 2006/2007 and resulted in reports dated May 24, 2007 and a supplemental SVI report dated September 14, 2007. The results of the SVI investigations support that there is no concern for soil vapor intrusion in structures adjacent to the site.

The Department placed a Deed Notice on the property which was filed with the Niagara County Clerk on March 6, 2012 (Inst #2012-04904). The notice identifies the future use of the site is restricted to industrial use and that any change of use, re-occupancy of site buildings or new construction on the site requires an evaluation of the potential for soil vapor intrusion.

Operable Units:

The site was divided into three operable units.

An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of a release or exposure pathway resulting from the site contamination.

Operable Unit #1 (OU #1) Soil: The NYSDEC issued a Record of Decision for OU#1 in October 2000 and selected a No Further Remedial Action remedy for the on-site soil. An interim remedial measure (IRM) completed in August 1999 removed most of the contaminated soil from the site. The remaining soil contamination is at depth (10-24 feet below the ground surface) and does not pose an exposure concern for those using the site or the nearby residents.

Operable Unit #2 (OU #2) Groundwater: The NYSDEC issued a Record of Decision for OU#2 in October 2000 and selected a No Further Remedial Action remedy with a groundwater monitoring program to assess the effectiveness of the soil removal IRM that removed most of the source of groundwater contamination at the Carborundum Global site. It is expected since the contamination source has been removed, that natural attenuation will continue and will effectively reduce the concentrations of contaminants in the groundwater, and eventually attain the remedial goals for groundwater.

Operable Unit #3 (OU#3) Soil East of Site: Soil contamination was found to extend off-site to the east during the performance of the IRM on OU #1. The investigation determined that contamination found at OU#3 was limited and easily excavated and disposed. An IRM Work Plan was prepared by BP America and approved in August 2002. Excavation to remove the identified contamination in OU#3 began in December 2002 and a completion report was approved in February 2004. A Record of Decision was issued in August 2004 indicating that No Further Action was required in OU#3.

Geology/Hydrology:

General geology in the area consists of Glaciolacustrine sediments and glacial till 17-32 feet in thickness overlying Middle Silurian Dolostone bedrock of the Lockport Dolomite. Groundwater is present in both the glacial till (overburden) and underlying rock (bedrock) at the site. The water table in the vicinity of the site occurs at depths ranging from 3 to 7 feet below ground surface with perched conditions reported at the northeast edge of the site. Flow directions are southwesterly across the site for both overburden groundwater and the deeper bedrock groundwater.



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Site Name: Carborundum Company, Global

Contaminants of Concern (Including Materials Disposed)	Quantity Disposed
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OU 01

TRICHLOROETHENE (TCE)
1,2-DICHLOROETHANE
VINYL CHLORIDE
ACETONE
XYLENE (MIXED)
TOLUENE
ETHYLBENZENE
NAPHTHALENE
FLUORENE
ANTHRACENE
BENZ(A)ANTHRACENE
BENZO(B)FLUORANTHENE
BENZO(A)PYRENE
ACENAPHTHYLENE
PHENANTHRENE
PYRENE
Chrysene
BENZO[K]FLUORANTHENE
indeno(1,2,3-cd)pyrene

OU 02

TRICHLOROETHENE (TCE)
1,2-DICHLOROETHANE
VINYL CHLORIDE
BENZENE

OU 03A

TRICHLOROETHENE (TCE)
1,2-DICHLOROETHANE

Analytical Data Available for : Groundwater, Soil, Soil Vapor

Applicable Standards Exceeded for: Groundwater, Soil

Site Environmental Assessment- Last Review: 03/18/2013

Prior to Remediation:

Documented disposal of hazardous waste (spent solvents) had caused significant soil contamination, shallow overburden groundwater contamination, bedrock groundwater contamination and off-site migration of contaminated groundwater.

Post Remediation:

Environmental impacts have been mitigated by the removal of contaminated soil and natural attenuation of impacted groundwater. Long-term monitoring of groundwater is ongoing.

An Environmental Notice has been filed (March 2012) to restrict site use to industrial and require a soil vapor assessment of site buildings if change of use, re-occupancy or new construction occurs.



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Site Name: Carborundum Company, Globar

Site Health Assessment - Last Update: 08/20/2012

Since some contaminated soils remain at the site below concrete or clean backfill, people will not come in contact with contaminated soils unless they dig below the surface materials. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Currently there are no occupied buildings on the site. An evaluation of the potential for soil vapor intrusion will be completed should the current use of the site change.

	Start		End	
OU 00				
OGC Docket - Environmental Notice	11/7/11	ACT	3/6/12	ACT
Remedial System Optimization - Site Management	6/30/08	ACT	10/4/10	ACT
Site Management	4/1/13	ACT	4/1/43	PLN
OU 01				
Reclass Pkg.	3/1/05	ACT	3/26/13	ACT
Remedial Investigation	9/1/95	ACT	10/27/00	ACT
Site Characterization	5/1/92	ACT	8/1/93	ACT
VI Evaluation	11/8/06	ACT	11/29/12	ACT
OU 01A				
Remedial Action	5/1/99	ACT	2/28/00	ACT
Remedial Design	3/1/99	ACT	4/1/99	ACT
OU 02				
Remedial Action	10/23/00	ACT	10/30/00	ACT
OU 03				
Remedial Investigation	8/31/01	ACT	8/23/04	ACT
OU 03A				
Remedial Action	12/16/02	ACT	12/31/02	ACT
Remedial Design	4/15/02	ACT	8/26/02	ACT

Remedy Description and Cost

Remedy Description for Operable Unit 01

No further action with on-site soils, GW remedy is MNA with long term monitoring

Total Cost



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Site Name: Carborundum Company, Global

Remedy Description for Operable Unit 01A

Excavation and off-site disposal of identified source area soil contamination.

Total Cost



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Site Name: Carborundum Company, Global

Remedy Description for Operable Unit 02

Development of a groundwater monitoring program and preparation and submittal to the NYSDEC of an annual report

-Installation of required monitoring wells

-Periodic collection and analysis of groundwater and sewer samples

-Evaluation of the progress of the natural attenuation process in achieving the remedial goals for the site groundwater. If this evaluation indicates insufficient progress, then additional or a more aggressive action will be required; and

-Evaluation of the necessity for deed restrictions should the site zoning change. (A deed notice was filed in March 2012 restricting the future site use to industrial and that with any change of use, re-occupancy of site buildings or new construction on the site requiring an evaluation of the potential for soil vapor intrusion)

Total Cost



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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Site Name: Carborundum Company, Global

Remedy Description for Operable Unit 03

Remedial Investigation in the OU#3 off-site area to the east was completed in February 2002 and based on the results of the RI contaminated soil in OU#3 was excavated and disposed off-site.

Total Cost \$0



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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Site Name: Carborundum Company, Gload

Remedy Description for Operable Unit 03A

The IRM to excavated contaminated soil in the off-site area east of the site was begun in December 2002. A No Further Action Record of Decision was issued in August 2004.

Total Cost

OU 00

Site Management Plan Approval: 04/01/2013

Status: ACT

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 4/15/2013

SITE DESCRIPTION

SITE NO. 932036

SITE NAME Carborundum Company, Gload

SITE ADDRESS: 3425 Hyde Park Blvd. **ZIP CODE:** 14305

CITY/TOWN: Niagara

COUNTY: Niagara

ALLOWABLE USE: Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	G	}
Monitoring Plan	}	G
Operation and Maintenance (O&M) Plan	G	}
Periodic Review Frequency: once a year	G	}
Periodic Review Report Submittal Date:		



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Site Classification Report



DATE: 4/15/2013

Site Code: 932036

Site Name: Carborundum Company, Global

Description of Institutional Control

3425 Hyde Park Blvd, LLC

1608 N. 43rd. St.

3425 Hyde Park Blvd

Environmental Notice

Block: 002

Lot: 001

Sublot: 000

Section: 130

Subsection: 019

S_B_L Image: 130.19-2-1

Building Use Restriction

Ground Water Use Restriction

Landuse Restriction

Monitoring Plan

STEMCOR CORPORATION

3425 HYDE PARK BLVD

E

Other Controls

Block: 0002

Lot: 001

Sublot: 000

Section: 130

Subsection: 019

S_B_L Image: 130.19-2-1

Zoning Restriction

Description of Engineering Control

Not Applicable/No EC's



PUBLIC NOTICE

State Superfund Program

*Receive Site Information by *Email*. See **For More Information** to learn how.

Site Name: Carborundum Company, Globar
Site No. 932036 **Tax Map No.** 130.19-2-1
Site Location: 3425 Hyde Park Blvd., Town of Niagara, Niagara County 14305

April 15, 2013

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. New York State Department of Environmental Conservation (DEC) maintains a list of these sites in the Registry of Inactive Hazardous Waste Disposal Sites (the "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 reasons:

Several remedial actions were implemented to address volatile organic and semi volatile organic contamination in soil and groundwater. However, contamination remains in soil, groundwater, and possibly soil vapor. Through continued site management, human exposures to this residual contamination will be addressed as follows:

- **Soil:** Residual soil contamination remains on site. The majority of the site is paved or covered with existing concrete and buildings. Use and development of this site is restricted to industrial uses. Future excavations at the site will be conducted in accordance with an approved excavation plan to ensure that human exposures to contaminated soil are properly managed.
- **Groundwater:** Groundwater use at the site is restricted without necessary water quality treatment.
- **Soil Vapor:** If existing buildings are reoccupied or new buildings are constructed on the site, a soil vapor intrusion evaluation will be completed and, if necessary, appropriate actions will be taken to address exposures.

Periodic reviews will be completed to certify that these elements of the remedy are being implemented 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:

<http://www.dec.ny.gov/cfm/x/xtapps/derexternal/haz/details.cfm?pageid=3&progno=932036>

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

Project Related Questions

Michael Hinton, Project Manager
NYS Department of Env. Conservation
Div of Environmental Remediation

270 Michigan Ave.

Buffalo, NY 14203

mjhinton@gw.dec.state.ny.us

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
Carborundum Company, Globar
Site ID: 932036
3425 Hyde Park Blvd.
Town of Niagara, NY 14305



FOR MORE INFORMATION

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
L. Ennist, DER, Bureau of Program Management
M. Hinton, Project Manager
James DeVald, Niagara County Health Dept. (james.devald@niagaracounty.com)
B. Anderson, Site Control Section

3425 Hyde Park Boulevard, LLC
3425 Hyde Park Blvd
Niagara Falls, NY 14305

Seven Grand Properties, LLC
3455 Hyde Park Blvd
Niagara Falls, NY 14305

Specialized Equipment Sales
3465 Hyde Park Blvd
Niagara Falls, NY 14305

Niagara Vest inc
3505 Hyde Park Blvd
Niagara Falls, NY 14305

Resident
2996 Rhode Island Ave
Niagara Falls, NY 14305

Niagara County Water District
5450 Ernest Rd
PO Box 315
Lockport, NY 14095-0315

Town of Niagara
7105 Lockport Rd
Niagara Falls, NY 14305

Town of Niagara Zoning Board
Chairman
7105 Lockport Rd
Niagara Falls, NY 14305

Niagara County Manager
59 Park Ave
Lockport, NY 14094

Niagara County Legislature
Chairman
59 Park Ave
Lockport, NY 14094

Niagara County Legislature
6th District
59 Park Ave
Lockport, NY 14094

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

00-00-30

New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

7020

RETURN SERVICE REQUESTED



02 1R
0002001808
\$ 00.46⁰
MAR 27 2013
MAILED TO ZIP CODE 12233

RECEIVED

APR 12 2013

BUREAU OF
TECHNICAL SUPPORT

3425 Hyde Park Boulevard LLC
Attn: Mr. John Simon or
Current Owner/Occupant
3425 Hyde Park
Niagara Falls, N

146 DE 1 00 04/09/13
NIXIE
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 122337020 *0437-03195-27-42

1454332207 02909

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, NY 12233-7020
Phone: (518) 402-9543 • Fax: (518) 402-9547
Website: www.dec.ny.gov



Joe Martens
Commissioner

March 26, 2013

3425 Hyde Park Boulevard LLC
Attn: Mr. John V. Simon, Jr.
1608 N. 43rd Street
Tampa, FL 33605

3425 Hyde Park Boulevard LLC
Attn: Mr. John Simon or Current Owner/Occupant
3425 Hyde Park Blvd.
Niagara Falls, NY 14302

Dear Mr. Simon:

As mandated by Section 27-1305 of the Environmental Conservation Law (ECL), the New York State Department of Environmental Conservation (Department) must maintain a Registry of all inactive disposal sites suspected or known to contain hazardous waste. The ECL also mandates that this Department 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.

DEC Site No.: 932036

Site Name: Carborundum Company, Globar

Site Address: 3425 Hyde Park Blvd., Niagara, NY 14305

Classification change: Class 2 to 4

The reason for the change is as follows:

Several remedial actions were implemented to address volatile organic and semi volatile organic contamination in soil and groundwater. However, contamination remains in soil, groundwater, and possibly soil vapor. Through continued site management, human exposures to this residual contamination will be addressed as follows:

- **Soil:** Residual soil contamination remains on site. The majority of the site is paved or covered with existing concrete and buildings. Use and development of this site is restricted to industrial uses. Future excavations at the site will be conducted in



accordance with an approved excavation plan to ensure that human exposures to contaminated soil are properly managed.

- Groundwater: Groundwater use at the site is restricted without necessary water quality treatment.
- Soil Vapor: If existing buildings are reoccupied or new buildings are constructed on the site, a soil vapor intrusion evaluation will be completed and, if necessary, appropriate actions will be taken to address exposures.

Periodic reviews will be completed to certify that these elements of the remedy are being implemented and remain effective.

Enclosed is a copy of the Department's Inactive Hazardous Waste Disposal Site Report form as it appears 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 the New York State Department of Environmental Conservation 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 Mr. Michael Hinton, the project manager at (716) 851-7220.

Sincerely,

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

BA/sls
Enclosure

ec: R. Schick
L. Zeppetelli
A. English
M. Hinton
K. Lewandowski

bec: w/Enc.

K. Anders, NYSDOH

M. Cruden, Director, Remedial Bureau E

M. Brady, Regional Attorney, Region 9

D. Denk, Regional Permit Administrator, Region 9

G. Sutton, RHWRE, Region 9

J. Devald, Niagara County Health Department (james.devald@niagaracounty.com)

B. Anderson, Site Control Section



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



Site Code	932036			
Site Name	Carborundum Company, Gload	Address	3425 Hyde Park Blvd.	
Classification	04	City	Niagara	Zip 14305
Region	9	County	Niagara	Town Niagara
Latitude	43 degrees, 7 minutes, 9.32 seconds			Estimated Size 7.0000
Longitude	-79 degrees, 1 minutes, 57.97 seconds			
Site Type	Disposal Area			

Site Description

Location:

The former Carborundum Gload facility is located in a mixed industrial/residential area in the northern section of the Town of Niagara. The site is located on Hyde Park Blvd at the northeast corner of Rhode Island Street and consists of a large former industrial complex. There are residential areas to the south and east of the site and mixed industrial properties to the north. Hyde Park Boulevard, which is the boundary between the Town of Niagara and the City of Niagara Falls, is immediately to the west and contains a mix of residential and commercial facilities.

Site Features:

The 7 acre site consists of a former manufacturing plant building and the former parking/storage area east of the building structure.

Current Zoning:

The property is currently zoned Heavy Industry in the Town of Niagara Zoning Ordinance.

Historical Uses:

The Carborundum Company purchased the plant from the Gload Company in 1936 and manufactured heating elements and electronic components from silicon carbide. The Carborundum Company was purchased by BP America and the Gload facility was subsequently sold to CESWID, Inc. in 1993.

BP America retained the responsibility for pre-existing conditions when they sold the facility to CESWID.

Remedial History:

In 1992 and under an order on consent (legal agreement) with the NYSDEC, the Carborundum Company performed a Preliminary Site Assessment (PSA) of the facility. This study determined that hazardous waste was present on the site and the site was listed as a Class 2 Inactive Hazardous Waste Disposal site in the State's registry. In 1993, the Carborundum Company completed another Preliminary Site Assessment of the facility and found the presence of hazardous waste resulting from past spills and leaks from bulk chemical storage generally located in the gravel portion of the former storage area of the plant site contaminating site soils and underlying groundwater.

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3/26/2013

bedrock zones. Results showed increased degradation of contaminants and a final report on the Pilot Study submitted in September 2010. The report recommended continued groundwater monitoring and development of a work plan for additional full scale substrate injections. A work plan was submitted and approved by DEC in August 2011 and is currently being implemented at the site.

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Operable Units:

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An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of a release or exposure pathway resulting from the site contamination.

Operable Unit #1 (OU #1) Soil: The NYSDEC issued a Record of Decision for OU#1 in October 2000 and selected a No Further Remedial Action remedy for the on-site soil. An interim remedial measure (IRM) completed in August 1999 removed most of the contaminated soil from the site. The remaining soil contamination is at depth (10-24 feet below the ground surface) and does not pose an exposure concern for those using the site or the nearby residents.

Operable Unit #2 (OU #2) Groundwater: The NYSDEC issued a Record of Decision for OU#2 in October 2000 and selected a No Further Remedial Action remedy with a groundwater monitoring program to assess the effectiveness of the soil removal IRM that removed most of the source of groundwater contamination at the Carborundum Global site. It is expected since the contamination source has been removed, that natural attenuation will continue and will effectively reduce the concentrations of contaminants in the groundwater, and eventually attain the remedial goals for groundwater.

Operable Unit #3 (OU#3) Soil East of Site: Soil contamination was found to extend off-site to the east during the performance of the IRM on OU #1. The investigation determined that contamination found at OU#3 was limited and easily excavated and disposed. An IRM Work Plan was prepared by BP America and approved in August 2002. Excavation to remove the identified contamination in OU#3 began in December 2002 and a completion report was approved in February 2004. A Record of Decision was issued in August 2004 indicating that No Further Action was required in OU#3.

Geology/Hydrology:

General geology in the area consists of Glaciolacustrine sediments and glacial till 17-32 feet in thickness overlying Middle Silurian Dolostone bedrock of the Lockport Dolomite. Groundwater is present in both the glacial till (overburden) and underlying rock (bedrock) at the site. The water table in the vicinity of the site occurs at depths ranging from 3 to 7 feet below ground surface with perched conditions reported at the northeast edge of the site. Flow directions are southwesterly across the site for both overburden groundwater and the deeper bedrock groundwater.

Contaminants of Concern (Including Materials Disposed)

Quantity

OU 01

TRICHLOROETHENE (TCE)
1,2-DICHLOROETHANE
VINYL CHLORIDE
ACETONE
XYLENE (MIXED)
TOLUENE
ETHYLBENZENE
NAPHTHALENE
FLUORENE
ANTHRACENE
BENZ(A)ANTHRACENE
BENZO(B)FLUORANTHENE
BENZO(A)PYRENE
ACENAPHTHYLENE
PHENANTHRENE
PYRENE

3/26/2013

Chrysene

BENZO[K]FLUORANTHENE

indeno(1,2,3-cd)pyrene

OU 02

TRICHLOROETHENE (TCE)

1,2-DICHLOROETHANE

VINYL CHLORIDE

BENZENE

OU 03A

TRICHLOROETHENE (TCE)

1,2-DICHLOROETHANE

Analytical Data Available for : Groundwater, Soil, Soil Vapor

Applicable Standards Exceeded for: Groundwater, Soil

Site Environmental Assessment

Prior to Remediation:

Documented disposal of hazardous waste (spent solvents) had caused significant soil contamination, shallow overburden groundwater contamination, bedrock groundwater contamination and off-site migration of contaminated groundwater.

Post Remediation:

Environmental impacts have been mitigated by the removal of contaminated soil and natural attenuation of impacted groundwater. Long-term monitoring of groundwater is ongoing.

An Environmental Notice has been filed (March 2012) to restrict site use to industrial and require a soil vapor assessment of site buildings if change of use, re-occupancy or new construction occurs.

Site Health Assessment

Since some contaminated soils remain at the site below concrete or clean backfill, people will not come in contact with contaminated soils unless they dig below the surface materials. People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Currently there are no occupied buildings on the site. An evaluation of the potential for soil vapor intrusion will be completed should the current use of the site change.

3/26/2013

Owners

Current Owner(s)

JOHN V. SIMON JR.

3425 HYDE PARK BLVD.LLC

1608 N. 43RD. STREET

TAMPA

FL 33605

John Simon

3425 Hyde Park Boulevard LLC

3425 Hyde Park Blvd

Niagara Falls

NY 14302

Previous Owner(s)

CARBORUNDUM CORPORATION, GLOBAR

HYDE PARK BLVD.

NIAGARA FALLS

NY 14302

Disposal Owner(s)

CARBORUNDUM CORPORATION, GLOBAR

Operators

Current Operator(s)

CARBORUNDUM CORPORATION

6600 WALMORE ROAD

NIAGARA FALLS

NY 14304

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

March 18, 2013

Mr. Michael Cruden
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Re: **Reclassification Package**
Carborundum Company, Gload
Site #932036
Niagara (T), Niagara County

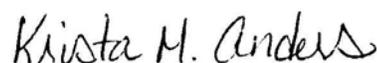
Dear Mr. Cruden:

At your request, we have reviewed the New York State Department of Environmental Conservation's (NYSDEC's) proposal to reclassify the above-referenced site from Class 2 to Class 4 on the NYSDEC's Registry of Inactive Hazardous Waste Disposal Sites. Specifically, we reviewed the proposal to determine whether this reclassification is protective of public health. I understand that several remedial actions were implemented to address volatile organic and semi volatile organic contamination in soil and groundwater. However, contamination remains in soil, groundwater, and possibly soil vapor. Through continued site management, human exposures to this residual contamination will be addressed as follows.

- Soil: Residual soil contamination is beneath a site cover system, which will be maintained. Use and development of this site is restricted to industrial uses. Future excavations at the site will be conducted in accordance with an approved excavation plan to ensure that human exposures to contaminated soil are properly managed.
- Groundwater: Groundwater use at the site is restricted without necessary water quality treatment.
- Soil Vapor: If existing buildings are reoccupied or new buildings are constructed on the site, a soil vapor intrusion evaluation will be completed and, if necessary, appropriate actions will be taken to address exposures.

Periodic reviews will be completed to certify that these elements of the remedy are being implemented and remain effective. Based on this information, I believe the proposal is protective of public health and concur with the Class 4 (requires continued site management) classification. If you have any questions, please contact Ms. Deanna Ripstein or me at (518) 402-7880.

Sincerely,



Krista M. Anders, Acting Director
Bureau of Environmental Exposure Investigation

ec: A. Salame-Alfie, Ph.D.

D. Ripstein / e-File

R. Van Houten / M. Forcucci – NYSDOH WRO

J. Devald – NCHD

M. Ryan / K. Lewandowski – NYSDEC Central Office

G. Sutton / M. Hinton – NYSDEC Region 9

P:\Bureau\Sites\Region_9\NIAGARA\932036\Reclass_DOHConcur_031813_932036.pdf

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

SITE NAME: Carborundum Globar SITE ID # 932036

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)
 - 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



NIAGARA COUNTY - STATE OF NEW YORK
 WAYNE F. JAGOW - NIAGARA COUNTY CLERK
 P.O. BOX 461, LOCKPORT, NEW YORK 14095-0461

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



Recording:

Cover Page	8.00
Recording Fee	17.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

Sub Total: 45.00

Total: 45.00

**** NOTICE: THIS IS NOT A BILL ****

RECEIPT NO. : 2012111615

Clerk: LJ
 Instr #: 2012-04904
 Rec Date: 03/06/2012 03:25:28 PM
 Doc Grp: DEED
 Descrip: MISCELLANEOUS
 Num Pgs: 5

Party1: NYS DEPT OF ENVIRONMENTAL
 CONSERVATION
 Party2: NYS DEPT OF ENVIRONMENTAL
 CONSERVATION
 Town: NIAGARA

Record and Return To:

FRONTIER ABSTRACT & RESEARCH SERVICES
 30 W BROAD ST
 ROCHESTER NY 14614

5
1

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 25th day of August 2011, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233

WHEREAS, a parcel of real property located at 3425 Hyde Park Boulevard in the Town of Niagara, County of Niagara, State of New York, which is part of lands conveyed by Kanthal Corporation, a Connecticut corporation, to 3425 Hyde Park Boulevard, LLC by deed dated June 25, 2008 and recorded in Niagara County Clerk's Office on July 30, 2008 in Book 3444 of Deeds at Page 404 and which is identified by tax parcel numbers 130.19-2-1 (the "Property"); and being more particularly described in Appendix "A," attached to this notice and made a part hereof, and hereinafter referred to as "the Property," is the subject of a Consent Order executed by Elm Holdings Inc., as part of the Department's State Superfund Program: and

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

NOW, THEREFORE, the Department provides notice that:

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

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

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy or with performance of the Groundwater Monitoring Work Plan for Operable Unit 2, DE&S, August 2000, including letter modifications of September 28, 2005, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

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

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first

2012111615

2012-04904
03/06/2012 03:25:28 PM
5 Pages
MISCELLANEOUS

APPENDIX "A"

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 No. 23, Township 13, Range 9 of the Holland Land Company's Survey and being more fully bounded and described as follows:

BEGINNING at the intersection of the east highway boundary of Hyde Park Boulevard, formerly known as Sugar Street, as it existed in 1993, which east line is the east line of Map No. 179, Parcel 179 of property acquired by the New York State Department of Public Works with the north right of way line of Rhode Island Avenue (60 feet wide), formerly known as Pennsylvania Avenue; thence northerly along the east highway boundary of Hyde Park Boulevard, a distance of 209.10 feet to an angle point in said right of way line; continuing thence along said east right of way line of Hyde Park Boulevard and at an interior angle of $178^{\circ} 38' 28''$ with the previous course, a distance of 172.94 feet to a point in the south line of the Cheers II Subdivision as filed in the Niagara County Clerk's Office in Book 51 of Microfilmed Maps at pages 5088 and 5089; thence easterly at an interior angle with the previous course of $72^{\circ} 57' 41''$ and along said south line of Cheers II Subdivision, a distance of 855.20 feet to a point; thence southerly at right angles to the previous course a distance of 250 feet to a point; thence easterly at right angles to the previous course, a distance of 38.20 feet to the west line of Portland Avenue (60 foot right of way); thence southerly along said west line of Portland Avenue at an angle left of $89^{\circ} 49' 31''$ with the previous course, a distance of 116.13 feet to the north right of way line of Rhode Island Avenue (formerly Pennsylvania Avenue); thence westerly at right angles to the previous course and along said north line of Rhode Island Avenue a distance of 776.56 feet to the point of beginning.

**DO NOT DETACH - THIS IS PAGE 1 OF
RECORDED DOCUMENT**

BOOK 3444 PAGE 0404

NIAGARA COUNTY CLERK RECORDING PAGE
OFFICE OF THE CLERK COUNTY OF NIAGARA
WAYNE F. JAGOW, COUNTY CLERK
County Courthouse, 175 Hawley Street, P.O. Box 461, Lockport, NY 14093
Phone (716) 439-7027 Fax (716) 439-7066

INSTRUMENT DATE _____

DOCUMENT TYPE OTD

13P

Parties: (Print Names In Full)

1st Part _____

2nd Part _____

Town/City _____

Return To:

National Land Tenure

Env Attached

THIS SPACE RESERVED FOR COUNTY CLERK

MORTGAGE# _____

MORTGAGE AMOUNT
\$ _____

One/two family Other

Check if to be apportioned



DOCUMENT # 1005555
BOOK 3444 PAGE 404
NUMBER OF PAGES 13 **DEEDS**
RECORDED 07/30/2008 10:54:22 A.M.
RECEIPT # 18254 DOCUMENT TOTAL: \$239.00
PAID - COUNTY CLERK
WAYNE F. JAGOW

RECORDING TAX RECEIPT

BASIC \$ _____

ADDITIONAL \$ _____

SPECIAL \$ _____

TOTAL \$ _____

State of New York) ss
County of Niagara)
I do hereby certify that I have
Received on the within Mortgage, being
the amount of the Recording Tax
Imposed thereon & paid at recording.

Dated _____, 20__

6565

**REAL ESTATE TRANSFER
TAX**

\$ Ø

730.08

NIAGARA COUNTY

Mortgage Tax Clerk of Niagara County

BOOK 3444 PAGE 0405

DEED

KANTHAL CORPORATION, a Connecticut corporation

TO

3425 HYDE PARK BOULEVARD, LLC, a Florida limited liability company

**The land affected by the within instrument
lies in the County of Niagara,
Town of Niagara, State of New York**

Record and Return to:

Return Recorded Documents To:
LandAmerica National Commercial Services
450 S. Orange Avenue, Suite 170
Orlando, FL 32801
Attention: Christl Pawlak 08-513

See
130.29
blk
2
lot
1

NATIONAL LAND TENURE CO., LLC
Suite 400
1122 Franklin Avenue
Garden City, New York 11530
NLT 18905 NIA 08

BOOK 3444 PAGE 0406

DEED

THIS INDENTURE, made as of this 25th day of June, 2008, to be effective as of the 17th day of July, 2008.

BETWEEN KANTHAL CORPORATION, a Connecticut corporation, having an address at 119 Wooster Street, Behtel, CT 06801-0281, ultimate successor in interest to Kanthal Global, Inc. a New York corporation as evidenced by the Certificate of Merger and Certificate of Amendment attached hereto as Exhibit "C" (hereinafter called the "Grantor"), and 3425 HYDE PARK BOULEVARD, LLC, a Florida limited liability company, having an address at 1608 N. 43rd Street, Tampa, Florida 33605 (hereinafter called the "Grantee"),

WITNESSETH, that the Grantor, in consideration of ten dollars and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, the heirs or successors and assigns of the Grantee forever, all of its undivided interest and any other right, title or interest it may have or hold in:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Niagara, Town of Niagara, State of New York, commonly known by the address 3425 Hyde Park Boulevard, Niagara, New York, as more particularly described on Exhibit "A" attached hereto, being and intended to be the same premises conveyed to the Grantor from The Carborundum Company by deed dated December 23, 1993, recorded on December 23, 1993 in Liber 3488, Page 187-188.

TOGETHER with all right, title and interest, if any, of the Grantor in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of the Grantee forever.

AND the said Grantor, covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as set forth on Exhibit "B" attached hereto.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

This conveyance does not constitute all or substantially of the assets of the Grantor.

[Signature Page to Deed Follows]

BOOK 3444 PAGE 0408

STATE OF CONNECTICUT)
) ss.:
COUNTY OF FAIRFIELD)

On the 25th day of JUNE, 2008, before me, the undersigned, personally appeared BRIAN TIERNEY personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Gail Garron
Notary Public

(Notarial Seal)

My Commission Expires:

Gail Garron
NOTARY PUBLIC
State of Connecticut
My Commission Expires 8/31/2011

BOOK 3444 PAGE 0409**EXHIBIT "A"****LEGAL 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 No. 23, Township 13, Range 9 of the Holland Land Company's Survey and being more fully bounded and described as follows:

BEGINNING at the intersection of the east highway boundary of Hyde Park Boulevard, formerly known as Sugar Street, as it existed in 1993, which east line is the east line of Map No. 179, Parcel 179 of property acquired by the New York State Department of Public Works with the north right of way line of Rhode Island Avenue (60 feet wide), formerly known as Pennsylvania Avenue; thence northerly along the east highway boundary of Hyde Park Boulevard, a distance of 209.10 feet to an angle point in said right of way line; continuing thence along said east right of way line of Hyde Park Boulevard and at an interior angle of $178^{\circ} 38' 28''$ with the previous course, a distance of 172.94 feet to a point in the south line of the Cheers II Subdivision as filed in the Niagara County Clerk's Office in Book 51 of Microfilmed Maps at pages 5088 and 5089; thence easterly at an interior angle with the previous course of $72^{\circ} 57' 41''$ and along said south line of Cheers II Subdivision, a distance of 855.29 feet to a point; thence southerly at right angles to the previous course a distance of 250 feet to a point; thence easterly at right angles to the previous course, a distance of 38.29 feet to the west line of Portland Avenue (60 foot right of way); thence southerly along said west line of Portland Avenue at an angle left of $89^{\circ} 49' 31''$ with the previous course, a distance of 116.13 feet to the north right of way line of Rhode Island Avenue (formerly Pennsylvania Avenue); thence westerly at right angles to the previous course and along said north line of Rhode Island Avenue a distance of 776.56 feet to the point of beginning.

SUBJECT TO public utility easements of record; and

SUBJECT, ALSO, TO those matters disclosed on a survey of the Property.

BOOK 3444 PAGE 0410

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. The lien of taxes and assessments not yet due and payable.
2. Inactive Hazardous Waste Disposal Sites in New York recorded June 23, 1993 in Liber 2453, Page 73.
3. Present or future laws, ordinances, rules, orders and regulations of any governmental authority (including but not limited to zoning ordinances and land use regulations).
4. Such matters as a survey of the Property would disclose.

BOOK 3444 PAGE 0411

EXHIBIT "C"

CORPORATE SUCCESSION DOCUMENTATION

**CERTIFICATE OF MERGER
OF
KANTHAL GLOBAL, INC., a New York corporation,
INTO
KANTHAL HOLDING, INC., a Connecticut corporation
(UNDER SECTION 907 OF THE BUSINESS CORPORATION LAW)**

1. (a) The name of each constituent corporation is as follows:

**KANTHAL HOLDING, INC., a Connecticut corporation
KANTHAL GLOBAL, INC., a New York corporation**

(b) The name of the surviving corporation is **KANTHAL HOLDING, INC., a Connecticut corporation**

2. As to each constituent corporation, the designation and number of outstanding shares of each class and series and the voting rights thereof are as follows:

(a) Name of Corporation
KANTHAL HOLDING, INC.

Designation and number of shares in each class or series outstanding
10,000 shares of Common Stock, \$0.10 par value

Class or series of shares entitled to vote
Common Stock

Shares entitled to vote as a class or series
Common Stock

(b) Name of Corporation
KANTHAL GLOBAL, INC.

Designation and number of shares in each class or series outstanding
200 shares of Common Stock, no par value

Class or series of shares entitled to vote
Common Stock

Shares entitled to vote as a class or series
Common Stock

3. The merger was adopted by each constituent New York domestic corporation in the following manner:

As to **KANTHAL GLOBAL, INC.**, by the written consent of the shareholders given in accordance with Section 615 of the Business Corporation Law, written notice having been duly given to nonconsenting shareholders as and to the extent required by such Section.

4. The merger is permitted by the laws of the jurisdiction of each constituent foreign corporation and is in compliance therewith. Each constituent foreign corporation has complied as follows:

BOOK 3444 PAGE 0413

KANTHAL HOLDING, INC. has complied with the applicable provisions of the laws of the State of **CONNECTICUT** under which it is incorporated, and this merger is permitted by such laws.

5. The surviving corporation is **KANTHAL HOLDING, INC.**, a corporation of the State of **CONNECTICUT**, incorporated on the 8th day of February, 1982 and which is not authorized to do business in New York and is not to do business in New York until an application for authority shall have been filed in the Department of State.

6. The date when the certificate of incorporation of **KANTHAL GLOBAL, INC.** was filed by the Department of State was the 22nd day of November, 1993 under the name **Ceswid Inc.**

7. **KANTHAL HOLDING, INC.** agrees that it may be served with process in the State of New York in any action or special proceeding for the enforcement of any liability or obligation of any constituent corporation, previously amendable to suit in the State of New York, and for the enforcement under the Business Corporation Law, of the right of shareholders of any constituent domestic corporation to receive payment for their shares against the surviving consolidated corporation; and it designates the Secretary of State of New York as its agent upon whom process may be served in the manner set forth in paragraph (b) of Section 306 of the Business Corporation Law, in any action or special proceeding. The post office address to which the Secretary of State shall mail a copy of any process against it served upon him is:

KANTHAL HOLDING, INC. c/o C T Corporation System, 111 Eighth Avenue, New York, N.Y. 10011.

Such post office address shall supersede any prior address designated as the address to which process shall be mailed.

8. **KANTHAL HOLDING, INC.** agrees that, subject to the provision of Section 623 of the Business Corporation Law, it will promptly pay to the shareholders of each constituent New York corporation the amount, if any, to which they shall be entitled under the provisions of the Business Corporation Law, relating to the right of the shareholders to receive payment for their shares.

9. Each constituent domestic corporations hereby certifies that all fees and taxes (including penalties and interest) administered by the Department of Taxation and Finance of the State of New York which are now due and payable by each constituent domestic corporation have been paid and that a cessation franchise tax report (estimated or final) through the anticipated date of the merger (or consolidation) has been filed by each constituent domestic corporation. The said report, if estimated, is subject to amendment.

KANTHAL HOLDING, INC. hereby agrees that it will within 30 days after the filing of the certificate of merger (or consolidation) file the cessation franchise tax report, if an estimated report was previously filed, and promptly pay to the Department of Taxation and Finance of the State of New York all fees and taxes (including penalties and interest), if any, due to the Department of Taxation and Finance by each constituent domestic corporation.

10. The merger shall be effective on the 3rd day of January, 2000.

BOOK 3444 PAGE 0414

KANTHAL HOLDING, INC.

(Name of Corporation)

Jack Beagley

(Signature)

JACK BEAGLEY, PRESIDENT

(Type name and title of person signing)

KANTHAL GLOBAL, INC.

(Name of Corporation)

Jack Beagley

(Signature)

JACK BEAGLEY, PRESIDENT

(Type name and title of person signing)

BOOK 3444 PAGE 0415

CERTIFICATE OF AMENDMENT

STOCK CORPORATION

Office of the Secretary of the State

30 Trinity Street / P.O. Box 150470 / Hartford, CT 06115-0470 / new / 1-97

Space For Office Use Only

1. NAME OF CORPORATION:

Kanthal Holding, Inc.

2. THE CERTIFICATE OF INCORPORATION IS (check A., B. or C.):

A. AMENDED.

B. AMENDED AND RESTATED.

C. RESTATED.

3. TEXT OF EACH AMENDMENT / RESTATEMENT:

1. The name of the corporation is Kanthal Corporation

(Please reference an 8 1/2 X 11 attachment if additional space is needed)

BOOK 3444 PAGE 0416

Space For Office Use Only

4. VOTE INFORMATION (check A., B. or C.)

A. The resolution was approved by shareholders as follows:

(set forth all voting information required by Conn. Gen. Stat. section 33-800 as amended in the space provided below)

Designation: Common Stock
 No. of Outstanding Shares: 150
 No. of Votes Entitled to be Cast: 150
 No. of Votes Represented: 150
 No. of Votes Cast for: 150
 No. of Votes Cast Against: 0

B. The amendment was adopted by the board of directors without shareholder action. No shareholder vote was required for adoption.

C. The amendment was adopted by the incorporators without shareholder action. No shareholder vote was required for adoption.

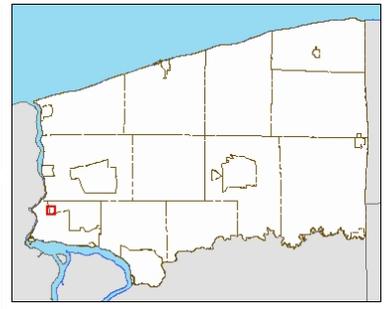
5. EXECUTION

Dated this 3rd day of January, ~~XX~~ 2000

Jack Beagley	President	
Print or type name of signatory	Capacity of signatory	Signature



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

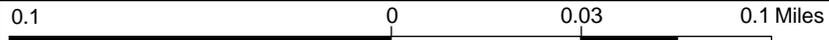
- Red: Band_1
- Green: Band_2
- Blue: Band_3

1:2,104



Notes

Enter Map Description

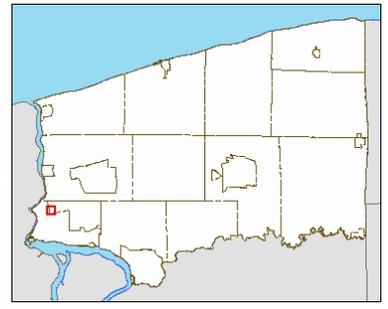


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NIAGARA COUNTY, NEW YORK
DEPARTMENT OF REAL PROPERTY SERVICES



Niagara County On-Line Mapping System



Legend

Streets and Highways

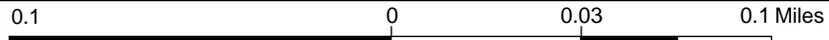
- Interstate (Blue line)
- Primary State Road (Red line)
- Secondary State Road (Black line)
- County Road (Grey line)
- Local Road (Thin grey line)

Parcels (Orange outline)

1:2,104

Notes

Enter Map Description



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NIAGARA COUNTY, NEW YORK
DEPARTMENT OF REAL PROPERTY SERVICES

Niagara County On-Line Mapping System

Parcel Detail Report

Address: 3425 Hyde Park Blvd

SBL: 130.19-2-1

Report generated: 7/14/2011 8:15:30 AM



Parcel Overview Map



Parcel Detail Map

PIN: 130.19-2-1
SBL: 1300190002001000
Address: 3425 Hyde Park Blvd
Municipality: 293000 - Niagara
Owner: 3425 Hyde Park Boulevard,LLC
Frontage:
Depth: 0
Acreage: 7
Property Class: 710
Total Assessment: \$1,140,000
Land Assessment: \$81,700
School District Code: 293001
School District Name: NIAGARA-WHEATFIELD (N)
XY-Coordinates: 1028218 , 1136737
Deed Book: 3444
Deed Page: 404
Sale Date: 2008/07/17
Sale Price: 425000
Sqft Living Area: 0
Grade: **Condition:**

Year Built: 0
Building Style:
Districts:
- **Agricultural:**
- **County Sewer:**
- **Drainage:**
- **Fire:** FD301
- **Fire Protection:**
- **Firemans Retirement Area:**
- **Gas Lighting:**
- **Light:** LD301
- **Paving:**
- **Refuse:** RD301
- **Road Improvement:**
- **Sewer:** SD301
- **Special Parking:**
- **Sewers:**
- **Storm Water:**
- **Village Sewer:**
- **Water:** WD301, WD302

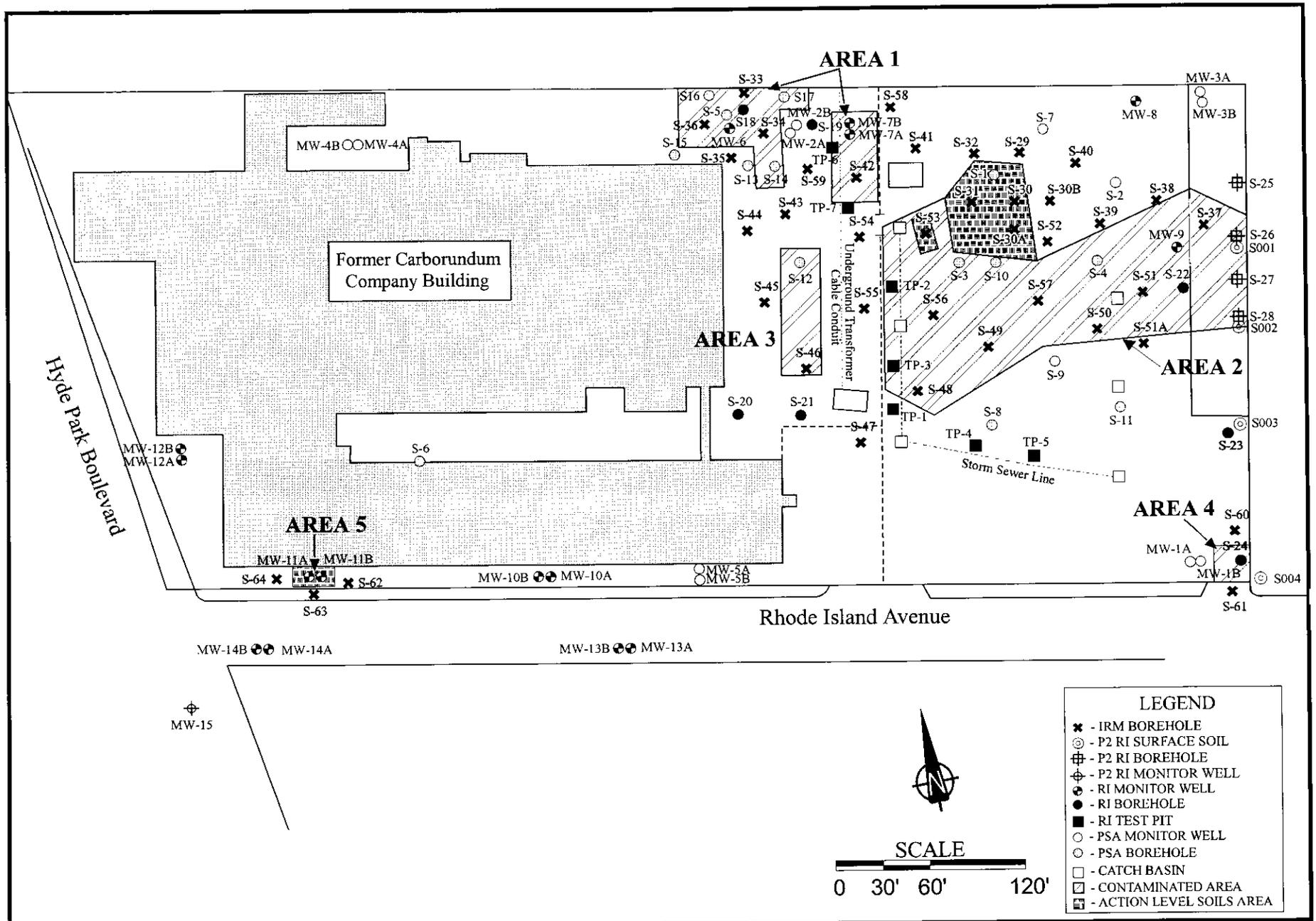


Figure 8	Job #: 99-4085	Modified Areas of Soil Contamination	 Duke Engineering & Services (Canada), Inc. <small>A Duke Energy Company</small>
Date: March 24, 1999	Drawn/File Name: KH/areacon2.cdr	Former Carborundum Company - Electric Products Division	