

New York State Department of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • Fax: (518) 402-9020
Website: www.dec.ny.gov



Certified Mail, Return Receipt Requested

JUL 02 2013

315 Wavel Street LLC
430 E. Genesee Street, Suite 401
Syracuse, New York 13202

BST Real Property, Inc.
315 Wavel Street
Syracuse, New York 13206

Re: Modification to Certificate of Completion
Site Name: JIT Precision Machinery Inc.
Site No.: C734087

Dear Sir or Madam:

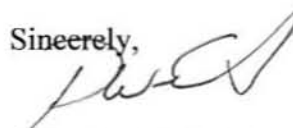
Please see the attached Notice of Modification of Certificate of Completion (COC) regarding the above-referenced site. The attached Notice provides the facts and basis for the New York State Department of Environmental Conservation's (Department) Modification of the COC for this site.

While we do not anticipate there will be any objection to this modification, 315 Wavel Street LLC has thirty (30) days to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the COC shall be deemed modified on the 31st day after the Department's notice.

Nothing contained herein constitutes a waiver by DEC or the State of New York of any rights held in accordance with any applicable state and/or federal law or a release for any party from any obligations held under those laws.

Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Enclosure

cc: Michael Ryan, DEC
William Daigle, DEC
Harry Warner, DEC
Kelly Lewandowski, DEC
Benjamin Conlon, DEC
Andrew Guglielmi, DEC
Rand Allgaier - attorney for BST Real Property, Inc. (rand@allgaierlaw.com)

NOTICE OF MODIFICATION OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(e)

JIT Precision Machinery Inc., Site ID No. C734087
315 Wavel Street, Syracuse, Onondaga County, New York
Tax Map Identification Number(s) 031.-04-08.2

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) previously issued a Certificate of Completion (COC) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) on December 31, 2008 to 315 Wavel Street, LLC for a parcel approximately .67 acres in size located at 315 Wavel Street, Syracuse, Onondaga County, referred to as the JIT Precision Machinery Inc. Site No. C734087.

PLEASE TAKE NOTICE, that 315 Wavel Street, LLC failed to file the December 31, 2008 COC with the Onondaga County Clerk's Office, in accordance with ECL § 27-1419.8.

PLEASE TAKE NOTICE, that in April 28, 2010 title to the Site was conveyed to BST Real Property, Inc. by Deed recorded in the Onondaga County Clerk's Office in Book 5123 Of Deeds at Page 496.

PLEASE TAKE NOTICE, that, based on 315 Wavel Street, LLC's failure to file the December 31, 2008 COC, the Department hereby finds that good cause exists under 6 NYCRR § 371-1.9(e)(v) to modify the COC to change the holder of the COC from 315 Wavel Street, LLC to BST Real Property, Inc.

PLEASE TAKE NOTICE, that there is an Environmental Easement (EE) for this Site, and that BST Real Property, Inc. recognize(s) and agree(s) to implement the Department-approved Site Management Plan (SMP), and any amendments thereto. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the Department, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233-7020.

PLEASE TAKE NOTICE, provided that the EE, SMP and COC are complied with, BST Real Property, Inc., as the updated COC holder(s), shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the COC holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the Site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the COC may be only be transferred to the COC holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the COC.

JIT Precision Machinery Inc., Site No. C734087, 315 Wavel Street, Syracuse, NY

PLEASE TAKE NOTICE, the COC may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the COC may be revoked if the EE as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE FURTHER NOTICE, that BST Real Property, Inc. shall file this Notice of Modification of COC, attaching the December 31, 2008 COC, in the Onondaga County Clerk's Office within thirty days of its signature below.

WHEREFORE, the undersigned has signed this Notice of Modification of COC.

BST Real Property, Inc.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 2013, before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
BST Real Property, Inc.
315 Wavel Street
Syracuse, New York 13206

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

315 WAVEL STREET, LLC

Address

One Remington Park Drive, Cazenovia

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/14/04 **Agreement Execution:** 1/14/04 **Agreement Index No.:** A7-0456-0110

SITE INFORMATION

Site No.: C734087 **Site Name:** JIT Precision Machinery Inc.

Site Owner: 315 WAVEL STREET LLC

Street Address: 315 Wavel Street

Municipality: Syracuse **County:** Onondaga **DEC Region:** 7

Site Size: 0.67 Acres

Tax Map Identification Number(s): 031.-04-08.2

Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Onondaga County as Book of Deeds 5058, Page 285.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

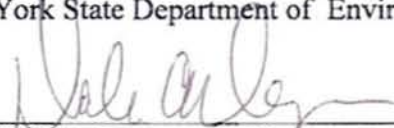
CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (5) the terms and conditions of the environmental easement have been intentionally violated; or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: 12/31/08