



FACT SHEET

Brownfield Cleanup Program

Receive Site Fact Sheets by *Email*. See "For More Information" to Learn How.

BROWNFIELD CLEANUP PROGRAM- PHASE I SITE
DESTINY USA
SYRACUSE, NY

DECEMBER 2011

NYSDEC CERTIFIES CLEANUP REQUIREMENTS ACHIEVED AT BROWNFIELD SITE

The New York State Department of Environmental Conservation (NYSDEC) has determined that Destiny USA Holdings, LLC ("Destiny" or "applicant") has achieved cleanup requirements to address contamination related to the Oil City/Carousel Center Phase I Site ("Phase I Site") located at 306 Hiawatha Boulevard West, City of Syracuse, Onondaga County, New York under New York's Brownfield Cleanup Program.

NYSDEC has issued a Certificate of Completion to the applicant regarding the Phase I Site. The applicant is now eligible to redevelop the Phase I Site. A copy of the Notice of the Certificate of Completion is available at the locations identified below under "Where to Find Information".

Completion of Project

Remedial actions at the site were completed from November 2007 through May 2009 and consisted of:

- Excavation of 88,000 cubic yard of soil from the Phase I Site;
- Installation of a cover system consisting of a minimum layer of 4 inches of clean sand and a 15-inch concrete cap over the entire site; and

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:
www.dec.ny.gov/chemical/8450.html

- Installation of a vapor barrier and subslab depressurization system (SSDS) below the entire site (i.e. building footprint).

These remedial actions are fully protective of public health and the environment by limiting exposure to remaining site soils contaminated with primarily petroleum products, heavy metals, and PCBs; and minimizing potential exposure to soil vapor contaminated with trichloroethene (TCE). A Phase I Site Management Plan (SMP) has been approved and Institutional/Engineering Controls have been

implemented that are appropriately protective to enable the Phase I Site to be used for commercial and industrial uses as those terms are defined in 6 NYCRR 375-1.8(g).

Institutional Controls/Engineering Controls

Institutional controls and engineering controls generally are designed to reduce or eliminate exposure to contaminants of concern. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.

The following institutional and/or engineering controls have been put in place on the Phase I Site:

- The imposition of an Environmental Easement for the property which requires Destiny to complete and submit to the NYSDEC periodic certification of the institutional and engineering controls, allows the use and development of the property for commercial and industrial uses subject to local zoning laws, restricts groundwater as a source of potable or process water without necessary treatment, and requires compliance with the NYSDEC-approved SMP.
- The Phase I SMP includes an Engineering and Institutional Control Plan that describes the controls in detail and provides requirements for inspections and notifications to ensure the engineering controls are operating properly and that the institutional controls are in place.
- The Phase I SMP also includes an Excavation Work Plan, related Health and Safety Plan, and a Community Air Monitoring Plan providing requirements to be followed if excavation occurs in the future at the Phase I Site. A Site Monitoring Plan including soil vapor sampling requirements, and an Operation and Maintenance Plan describing operation, inspection, and maintenance of the site cover system and vapor barrier/SSDS is also provided.
- Engineering controls for the site which include a cover system consisting of a minimum layer of 4 inches of clean sand and a 15-inch concrete cap over the entire site, a vapor barrier, and SSDS as described above.

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report submitted by the applicant. The Final Engineering Report includes: 1) a description of the cleanup activities completed; 2) certification that cleanup requirements have been or will ~~be achieved~~be achieved for the site; 3) a description of any institutional/engineering controls to be used; and 4) a certification that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

With its receipt of a Certificate of Completion, the applicant is eligible to redevelop the site. In addition, the applicant:

- X has no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- X is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Background

NYSDEC previously accepted an application from the applicant to participate in the Brownfield Cleanup Program. The application states that the area where the Destiny Brownfield site is located will be a resort/tourist destination, incorporating a mix of commercial, entertainment and tourism related uses.

The application consisted of approximately 152 (now approximately 134.67) acres at the southeast end of Onondaga Lake which is generally bounded by: Onondaga Lake, Conrail tracks and Harborside Drive, to the northwest; Interstate 81 (I-81) to the north and northeast; Bear Street on the south and southeast; and the New York State Barge Canal to the south and southwest. It was requested, and the Department approved, the management of the +/- 134.67 acres pursuant to nine separate Brownfield Cleanup Agreements.

This Fact Sheet applies to Phase I Site, in connection with the first phase of the Destiny USA project located in Syracuse, New York (Figure 1). The Phase I Site, which is approximately 10.2 acres, is located in an existing commercial and industrial area, in what is generally an urban area. The Phase I Site is located within the overall boundaries of the Destiny Project Area, as shown on Figure 2.

Land uses surrounding the Phase I Site consist of business districts and mixed residential property to the north and east. Vacant land abuts the property to the south-southeast. The Onondaga County Metropolitan Sewage Treatment Plant is located across the Barge Canal to the south-southwest. The first phase includes an 800,000+ square foot building expansion of the existing Carousel Center. This Phase I Site is located in the southeast portion of Carousel Center, between the existing Carousel Center building and West Hiawatha Boulevard.

Construction work has commenced on the first phase of the Destiny project at the Phase I Site. Prior to that, the Phase I Site consisted of surface parking lots and associated driveway areas for Carousel Center. Prior to that (i.e. pre-1989), a portion of each of the following uses was located in the area of the Site: Marley Scrapyard, Buckeye Petroleum Tank Farm and Amerada Hess Petroleum Tank Farm.

In the early 1900s, the Solvay Process Company brought the "Solvay Process" for generating Soda Ash (Sodium Carbonate) to the United States from Germany. The Solvay Process generated large quantities of waste materials, including Calcium Carbonate, Calcium Oxide, and Calcium Chloride. These wastes are generally characterized as being white to grey, relatively soft, clayey or "tooth paste-like" material. Areas were needed for the disposal of such waste materials, and these disposal areas included a large portion of the area between Onondaga Lake and West Hiawatha Boulevard (current Carousel Area), including the Phase I Site. Throughout the first half of the 1900s, additional miscellaneous fill, including more Solvay waste and, most likely, various construction and demolition debris (C&D) waste, was deposited on and in the vicinity of the Phase I Site. Similar activities, excluding the additional deposition of Solvay wastes, continued from the 1930s to the 1980s. A portion of the former Marley Property was used as a salvage yard for scrap metal. The

salvage yard on the former Marley Property, which overlaps the Phase I Site, operated from the late 1930s up to the construction of the Carousel Center.

From the 1940s to the 1980s, a five acre parcel of land at the south-central end of the Marley Property, known as the Clark (Clark Concrete Co.) Property, was used as a concrete batch plant for local construction projects. A DOT field station was also formerly located on this property. The Former Clark property is immediately adjacent to the Phase I Site. In or about 1987, the Clark Property was found to be contaminated with chlorinated and non-chlorinated hydrocarbons, including solvents. As a result, the Clark Property was listed on NYSDEC's Registry of Inactive Hazardous Waste Disposal Sites, as a Class 2 Site (significant threat to the public health or environment-action required) in April of 1989.

Major oil storage facilities were located on and immediately south of the Phase I Site. These facilities were owned by Amerada Hess and Buckeye Petroleum. These facilities were part of a large petroleum storage complex at the south end of Onondaga Lake known as Oil City.

A more complete site history, as well as results of environmental studies of the Phase I Site, is available in the prior work plans and reports prepared in relation to the Phase I Site, which are available at the location provided below.

FOR MORE INFORMATION

Where to Find Information

Project documents are available at the following location(s) to help the public stay informed. These documents include the Notice of the Certificate of Completion.

Robert P. Kinchen Central Library
The Galleries of Syracuse
447 South Salina Street
Syracuse, New York 13204-2494
Telephone: (315) 435-1900
Email: reference@onlib.org

Who to Contact

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

Project Related Questions

Karen Cahill
NYSDEC Project Manager
NYSDEC Region 7
Division of Environmental Remediation
615 Erie Boulevard West
Syracuse, NY 13204
Phone - (315) 426-7432
E-Mail: kacahill@gw.dec.state.ny.us

Project-Related Health Questions

Mark Sergott
NYSDOH Project Manager
New York State Dept. of Health
Bureau of Environmental Exposure
Investigation
Flanigan Square
547 River Street
Troy, New York 12180-2216
(518) 402-7860 or (800) 458-1158 (select option 6)
beei@health.state.ny.us

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Receive Site Fact Sheets by Email

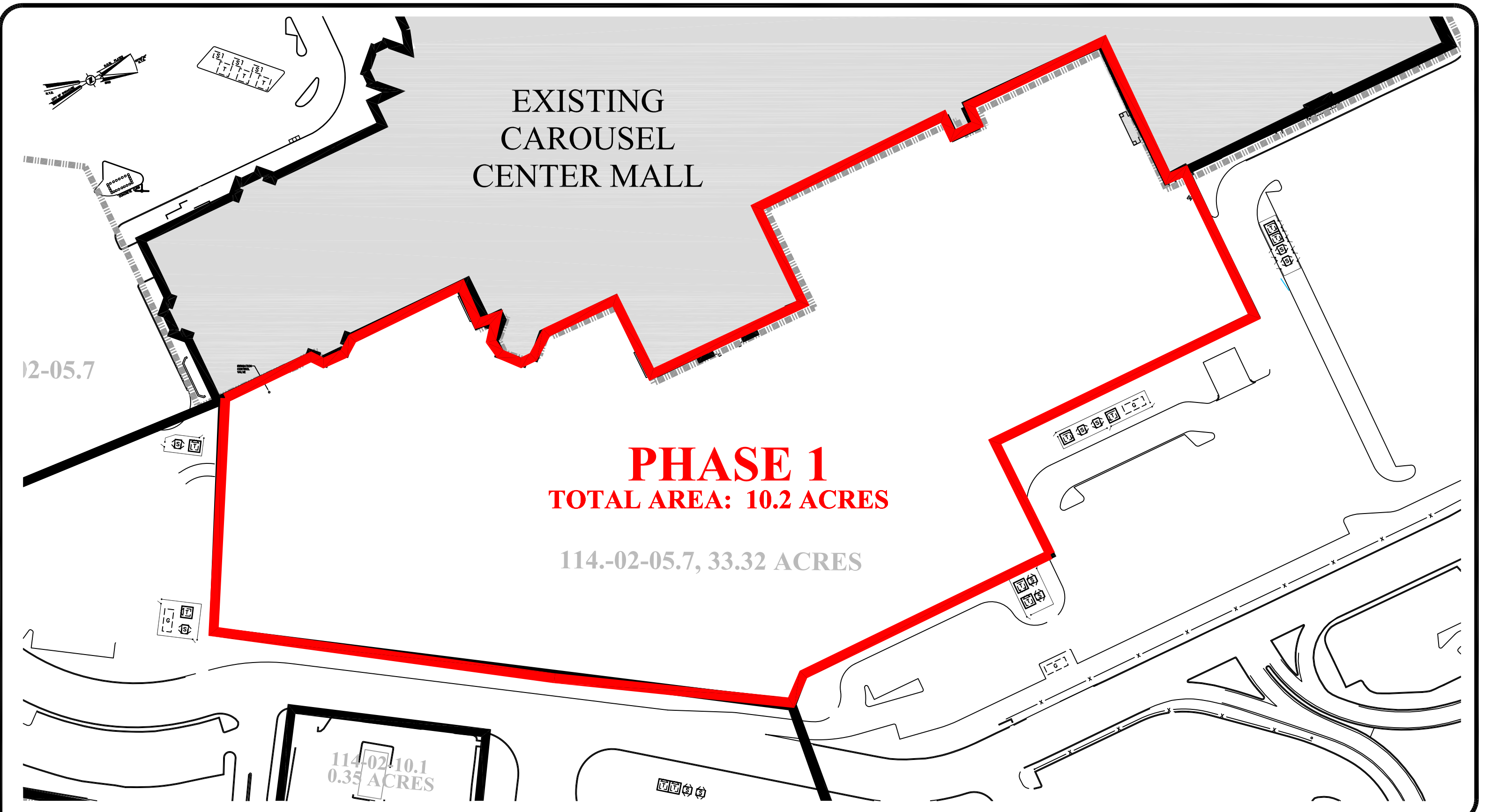
Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up with one or more contaminated sites county email listservs available at the following web page:
www.dec.ny.gov/chemical/61092.html . It's *quick*, it's *free*, and it will help keep you *better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



- LEGEND**
- PARCEL BOUNDARIES
 - SITE BOUNDARY
 - ADJACENT BCP SITE BOUNDARIES

PHASE 1 AREA MAP DETAILS

PROPERTY ADDRESS	TAX PARCEL ID	AREA
306 HIAWATHA BOULEVARD W	114.-02-05.7	10.2 ACRES

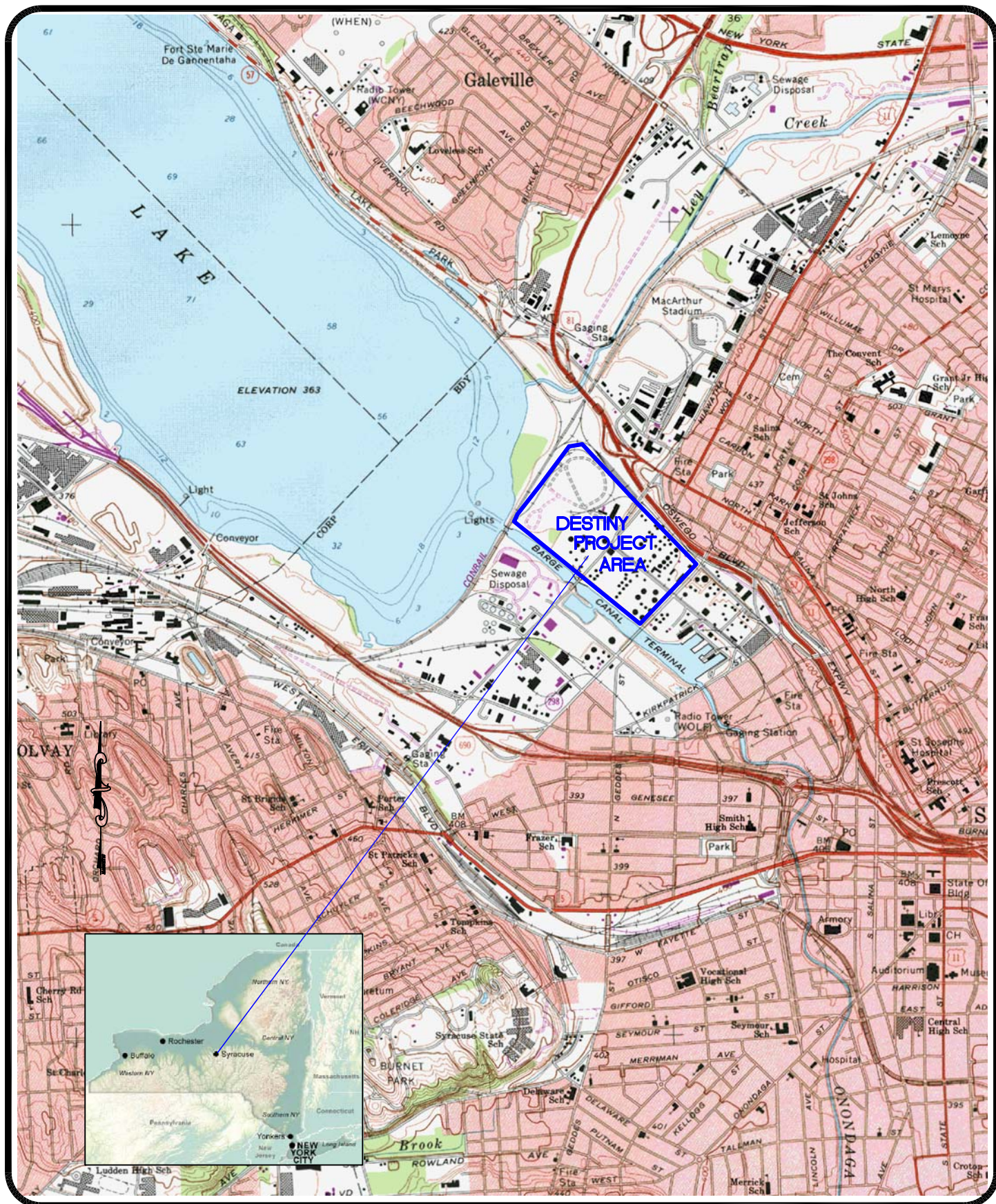
Total: 10.2 acres



SPECTRA ENVIRONMENTAL GROUP, INC.
19 British American Blvd.
Latham, NY 12110

PHASE 1 AREA MAP
306 HIAWATHA BOULEVARD WEST
DESTINY USA
BROWNFIELD CLEANUP PROGRAM

CITY OF SYRACUSE ONONDAGA COUNTY, NY



SPECTRA ENVIRONMENTAL GROUP, INC.
19 British American Blvd
Latham, NEW YORK 13202

DESTINY PROJECT AREA LOCATION MAP

ONONDAGA COUNTY

NEW YORK

PROJ. No.: 06448

DATE: 07/19/2011

SCALE: NOT TO SCALE

DWG. NO. 06448SLMAP.DWG

FIGURE 2

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



DEC 02 2011

Bruce A. Kenan
Destiny USA Holdings, LLC
The Clinton Exchange
4 Clinton Square
Syracuse, NY 13202-1078

Re: Certificate of Completion
Oil City/Carousel Center – Phase 1
Site No. C734104
Onondaga County, Syracuse, NY

Dear Mr. Kenan:

Congratulations on having satisfactorily completed the remedial program at the Oil City/Carousel Center – Phase 1 Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR, including the certification of the IC/ECs, is due to the Department in June, 2013; and



- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

Please note that the "Agreement Execution" date predates the "Application Approval" date as listed on the COC due to the fact that the effective date of the BCA, June 28, 2005, was set pursuant to a court decision. The effective date of the agreement was June 28, 2005.

If you have any questions regarding any of these items, please contact Karen Cahill at 315-426-7432.

Sincerely,



Dale A. Desnoyers

Director

Division of Environmental Remediation

cc:

D. Aitken, Destiny USA (DAitken@destinyusa.com)

G. Faucher, Gilberti Law (gfaucher@gilbertilaw.com)

R. LaFleur, Spectra (rclafleur@spectraenv.com)

S. Bates - NYSDOH

M. Sergott- NYSDOH

K. Cahill

H. Warner

W. Daigle

Y. Ward

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Destiny USA Holdings, LLC

Address

The Clinton Exchange, 4 Clinton Sq., Syracuse, NY 13202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/29/06 **Agreement Execution:** 6/28/05 **Agreement Index No.:** C734104-06-28

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C734104 **Site Name:** Oil City/Carousel Center - Phase 1

Site Owner: Syracuse Industrial Development Agency
Destiny USA Holdings, LLC

Street Address: 306 Hiawatha Blvd. West

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

Site Size: 10.130 Acres

Tax Map Identification Number(s): 114.-02-05.7 (partial)

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 applicable remediation requirements set forth in the ECL 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: Commercial and 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 which are contained in the approved Site Management Plan and 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/Page: 05178/0492, Instrument No: 38270.

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) there is good cause for such modification or revocation;
- (5) 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;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:


Dale A. Desnoyers, Director
Division of Environmental Remediation

Date:

12/2/2011

ONONDAGA COUNTY CLERK'S OFFICE
M. ANN CIARPELLI - COUNTY CLERK
401 Montgomery St - Room 200
Syracuse, NY 13202

Phone: 315-435-2226
Fax: 315-435-3455

Doc Type: NOTICE
Grantor: NYSDEC
Grantee: NEW YORK STATE DEPT OF ENVIR
DESTINY USA HOLDINGS LLC

Receipt: 965953 CP
Book/Page: 05183/0402 Inst: 45322
Date Filed: 12/06/2011 at 11:41AM
Updated: 12/06/2011 KG
Record and Return To:

Legal Desc: SYR LOT 11L ONE CAROUSEL CENTER
DRIVE

DESTINY USA HOLDINGS LLC
THE CLINTON EXCHANGE
4 CLINTON SQUARE
SYRACUSE NY 13202-1078

Prop Address: 306 HIAWATHA BLVD W

Submitted by: GILBERTI

Recording Fees			Miscellaneous Fees		
Addl pages:	2 x 5.00 =	\$ 10.00	RMI:		\$ 20.00
Addl Names:	0 x 0.50 =	\$ 0.00	TP 584:		\$ 0.00
Addl Refs:	1 x 0.50 =	\$ 0.50	RP5217:		\$ 0.00
Misc:		0.00	AFFTS:		\$ 0.00
Basic		\$25.50			
		=====			=====
TOTAL:		\$36.00	TOTAL:		\$ 20.00

MORTGAGE TAX			DEED TRANSFER TAX		
Mortgage:			Consideration		\$0.00
Basic:		\$0.00	Transfer Tax:		\$0.00
Ins Fund:		\$0.00	SWIS:		3115
Net Add:		\$0.00	Map #:		
Misc:		\$0.00			=====
		=====	Total Paid		\$ 56.00
TOTAL		\$0.00	Control no		

WARNING - This sheet constitutes the Clerk's endorsement, required by Section 319 of the Real Property Law of the State of New York. Do not detach. Taxes imposed on this instrument at time of recording were paid. Certain information contained in this document is not verified by this office.

M. ANN CIARPELLI
Onondaga County Clerk

Book/Page 05183 / 0402 Instrument no.: 45322



051830402

MAP 9855 LOT 11W
One Carousal Center Drive
46 Sy
PER NOTICE OF AGREEMENT RECORDED 11:05 08/16/11 DB-5171 P-810

NOTICE OF CERTIFICATE OF COMPLETION
Inactive Hazardous Waste Disposal Site Program
Pursuant to 6 NYCRR Part 375-1.9(d)

CITY OF SYRACUSE
3115

Oil City/Carousel Center - Phase 1, C734104
306 Hiawatha Boulevard West, Syracuse, NY

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Destiny USA Holdings, LLC for a parcel approximately 10.138 acres located at 306 Hiawatha Boulevard West in Syracuse, Onondaga County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, 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):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or 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 Instrument #38270, Book 05178, Page 0492.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. 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 NYSDEC, 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.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.

Notice Deed BK 5171 pg 810
Easmt Deed BK 5178 pg 492

11:41 12/06/11 4532211 CP DB-5183P-402

Oil City/Carousel Center - Phase 1, C734104, 306 Hiawatha Blvd. West, Syracuse, NY

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 Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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 Certificate.

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

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 office located at 615 Erie Boulevard West, Syracuse, NY, 13204-2400, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Destiny USA Holdings, LLC

By: [Signature]

Title: Vice President

Date: 12/6/11

STATE OF NEW YORK) SS:
COUNTY OF Onondaga)

On the 6th day of December, in the year 2011, before me, the undersigned, personally appeared Bruce A. Kenan, 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.

Elizabeth A. Fallon
Signature and Office of individual
taking acknowledgment

ELIZABETH A. FALLON
Notary Public, State of New York
Qualified in Onondaga Co. No. 01FA6236728
Commission Expires March 7, 2015

Please record and return to:
Destiny USA Holdings, LLC
The Clinton Exchange
4 Clinton Square
Syracuse, NY 13202-1078

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/1/2011



SITE DESCRIPTION

SITE NO. C734104

SITE NAME Oil City/Carousel Center - Phase 1

SITE ADDRESS: 306 Hiawatha Blvd. West **ZIP CODE:** 13204

CITY/TOWN: Syracuse

COUNTY: Onondaga

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

☒ ☐

Monitoring Plan

☒ ☐

Operation and Maintenance (O&M) Plan

☒ ☐

Periodic Review Frequency: once a year

First Periodic Review Date: 06/01/2013

Description of Institutional Control

Syracuse Industrial Dev. Agency (SIDA)

9090 Hiawatha Blvd W.

306 Hiawatha Blvd

Environmental Easement

Block: 02

Lot: 5

Sublot: 7

Section: 114

Subsection:

S_B_L Image: 114.-02-05.7 (partial)

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Syracuse Industrial Dev. Agency (SIDA)

9090 Hiawatha Blvd W.

306 Hiawatha Blvd

Environmental Easement

Block: 02

Lot: 5

Sublot: 7

Section: 114

Subsection:

S_B_L Image: 114.-02-05.7 (partial)

Cover System

Vapor Mitigation

County:

Site No:

BCA Index No:-

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 306 Hiawatha Boulevard West, Syracuse, Onondaga County, State of New York

Tax Map: 114. - 02 - 05.7 (Part of)

9855-
Map name is:
One Carousel Center Drive

**ENVIRONMENTAL EASEMENT AREA
CITY/CAROUSEL CENTER - PHASE 1 SITE # 734104**

All that certain tract, piece or parcel of land situated, lying and being in the City of Syracuse, County of Onondaga, State of New York, lying generally Westward of Interstate Route 81, Northeastern of the New York State Barge Canal and Southeastern of the lands of the Consolidated Rail Corporation, being a portion of Lot 111, of the Carousel Center Subdivision as shown on a resubdivision plan of the Carousel Center Subdivision filed as Map Number 9855 in the Onondaga County Clerk's Office, and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the division line between the lands of the New York State Barge Canal on the southwest and Lot 111, of the Carousel Center Subdivision on the northeast with the northwesterly margin of Hiawatha Boulevard West as shown on said resubdivision plan:

Thence North 13 deg. 36 min. 44 sec. East, through said Lot 111, 415.84 feet to the POINT OF BEGINNING of the hereinafter described parcel:

Thence through said Lot 111, and along its westerly line in part, the following eighty-five (85) courses and distances:

- 1) North 49 deg. 36 min. 29 sec. West 44.99 feet to a point; thence
- 2) North 40 deg. 23 min. 31 sec. East 1.97 feet to a point; thence
- 3) North 49 deg. 39 min. 22 sec. West 136.96 feet to a point; thence
- 4) South 48 deg. 28 min. 38 sec. West 2.09 feet to a point; thence
- 5) North 49 deg. 25 min. 03 sec. West 41.72 feet to a point; thence
- 6) North 00 deg. 34 min. 12 sec. West 0.97 feet to a point; thence
- 7) North 82 deg. 09 min. 03 sec. West 26.03 feet to a point; thence
- 8) North 07 deg. 52 min. 16 sec. East 83.46 feet to a point; thence
- 9) North 82 deg. 07 min. 44 sec. East 6.36 feet to a point; thence
- 10) North 07 deg. 04 min. 28 sec. East 18.76 feet to a point; thence
- 11) North 82 deg. 07 min. 44 sec. West 6.04 feet to a point; thence
- 12) North 07 deg. 52 min. 16 sec. East 18.08 feet to a point; thence
- 13) North 52 deg. 10 min. 14 sec. East 2.28 feet to a point; thence
- 14) South 37 deg. 04 min. 34 sec. East 4.00 feet to a point; thence
- 15) North 52 deg. 58 min. 26 sec. East 11.99 feet to a point; thence
- 16) North 37 deg. 37 min. 49 sec. West 3.96 feet to a point; thence
- 17) North 07 deg. 35 min. 57 sec. East 19.97 feet to a point; thence
- 18) North 54 deg. 50 min. 48 sec. East 4.01 feet to a point; thence
- 19) North 36 deg. 42 min. 10 sec. West 11.99 feet to a point; thence
- 20) South 53 deg. 17 min. 50 sec. West 4.00 feet to a point; thence
- 21) North 36 deg. 42 min. 10 sec. West 4.26 feet to a point; thence
- 22) North 07 deg. 52 min. 16 sec. East 131.30 feet to a point; thence
- 23) South 82 deg. 07 min. 43 sec. East 53.96 feet to a point; thence
- 24) North 07 deg. 52 min. 16 sec. East 34.48 feet to a point; thence

- 25) South 79 deg. 43 min. 13 sec. East 0.96 feet to a point; thence
26) South 37 deg. 32 min. 40 sec. East 26.90 feet to a point; thence
27) North 47 deg. 29 min. 01 sec. East 0.62 feet to a point; thence
28) South 82 deg. 30 min. 34 sec. East 13.80 feet to a point; thence
29) South 37 deg. 04 min. 37 sec. East 0.78 feet to a point; thence
30) North 32 deg. 53 min. 23 sec. East 27.13 feet to a point; thence
31) North 37 deg. 04 min. 37 sec. West 0.73 feet to a point; thence
32) North 07 deg. 32 min. 59 sec. East 13.80 feet to a point; thence
33) North 46 deg. 40 min. 50 sec. East 0.68 feet to a point; thence
34) North 40 deg. 17 min. 58 sec. West 27.00 feet to a point; thence
35) North 08 deg. 32 min. 21 sec. East 2.59 feet to a point; thence
36) South 82 deg. 07 min. 44 sec. East 7.01 feet to a point; thence
37) North 07 deg. 52 min. 16 sec. East 35.49 feet to a point; thence
38) South 82 deg. 07 min. 44 sec. East 7.52 feet to a point; thence
39) North 07 deg. 52 min. 16 sec. East 35.53 feet to a point; thence
40) South 82 deg. 07 min. 44 sec. East 92.67 feet to a point; thence
41) North 07 deg. 52 min. 16 sec. East 194.00 feet to a point; thence
42) North 82 deg. 07 min. 44 sec. West 121.00 feet to a point; thence
43) North 07 deg. 52 min. 16 sec. East 230.60 feet to a point; thence
44) South 82 deg. 09 min. 55 sec. East 19.02 feet to a point; thence
45) North 07 deg. 54 min. 33 sec. East 24.96 feet to a point; thence
46) North 82 deg. 13 min. 45 sec. West 19.04 feet to a point; thence
47) North 07 deg. 52 min. 14 sec. East 153.13 feet to a point; thence
48) South 82 deg. 07 min. 44 sec. East 168.50 feet to a point; thence
49) North 07 deg. 52 min. 16 sec. East 17.90 feet to a point; thence
50) South 82 deg. 12 min. 33 sec. East 17.10 feet to a point; thence
51) North 68 deg. 04 min. 40 sec. East 12.12 feet to a point; thence
52) South 22 deg. 07 min. 42 sec. East 6.93 feet to a point; thence
53) South 82 deg. 12 min. 33 sec. East 4.96 feet to a point; thence
54) South 07 deg. 53 min. 09 sec. West 2.02 feet to a point; thence
55) South 82 deg. 06 min. 51 sec. East 117.01 feet to a point; thence
56) North 07 deg. 53 min. 09 sec. East 1.96 feet to a point; thence
57) South 82 deg. 04 min. 46 sec. East 44.91 feet to a point; thence
58) South 07 deg. 56 min. 11 sec. West 44.86 feet to a point; thence
59) North 82 deg. 04 min. 23 sec. West 1.79 feet to a point; thence
60) South 07 deg. 55 min. 37 sec. West 237.24 feet to a point; thence
61) South 84 deg. 37 min. 25 sec. East 1.99 feet to a point; thence
62) South 07 deg. 41 min. 47 sec. West 39.81 feet to a point; thence
63) South 82 deg. 02 min. 28 sec. East 74.91 feet to a point; thence
64) North 07 deg. 57 min. 32 sec. East 1.98 feet to a point; thence
65) South 82 deg. 04 min. 35 sec. East 41.95 feet to a point; thence
66) South 07 deg. 51 min. 04 sec. West 45.57 feet to a point; thence
67) North 85 deg. 12 min. 07 sec. West 1.93 feet to a point; thence
68) South 07 deg. 49 min. 42 sec. West 196.38 feet to a point; thence
69) South 81 deg. 15 min. 26 sec. East 1.88 feet to a point; thence
70) South 07 deg. 47 min. 07 sec. West 69.62 feet to a point; thence
71) South 41 deg. 25 min. 56 sec. West 3.42 feet to a point; thence

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72) South 49 deg. 35 min. 36 sec. East 31.58 feet to a point; thence
73) South 40 deg. 04 min. 44 sec. West 44.99 feet to a point; thence
74) North 49 deg. 30 min. 16 sec. West 2.00 feet to a point; thence
75) South 40 deg. 20 min. 30 sec. West 137.05 feet to a point; thence
76) South 49 deg. 39 min. 30 sec. East 2.38 feet to a point; thence
77) South 40 deg. 20 min. 34 sec. West 42.89 feet to a point; thence
78) North 49 deg. 39 min. 30 sec. West 2.38 feet to a point; thence
79) South 40 deg. 23 min. 11 sec. West 117.18 feet to a point; thence
80) South 49 deg. 39 min. 30 sec. East 2.38 feet to a point; thence
81) South 40 deg. 24 min. 48 sec. West 42.84 feet to a point; thence
82) North 49 deg. 39 min. 30 sec. West 2.38 feet to a point; thence
83) South 40 deg. 23 min. 59 sec. West 237.14 feet to a point; thence
84) South 49 deg. 36 min. 34 sec. East 2.00 feet to a point; and
85) South 40 deg. 23 min. 31 sec. West 44.84 feet to the point or place of beginning.

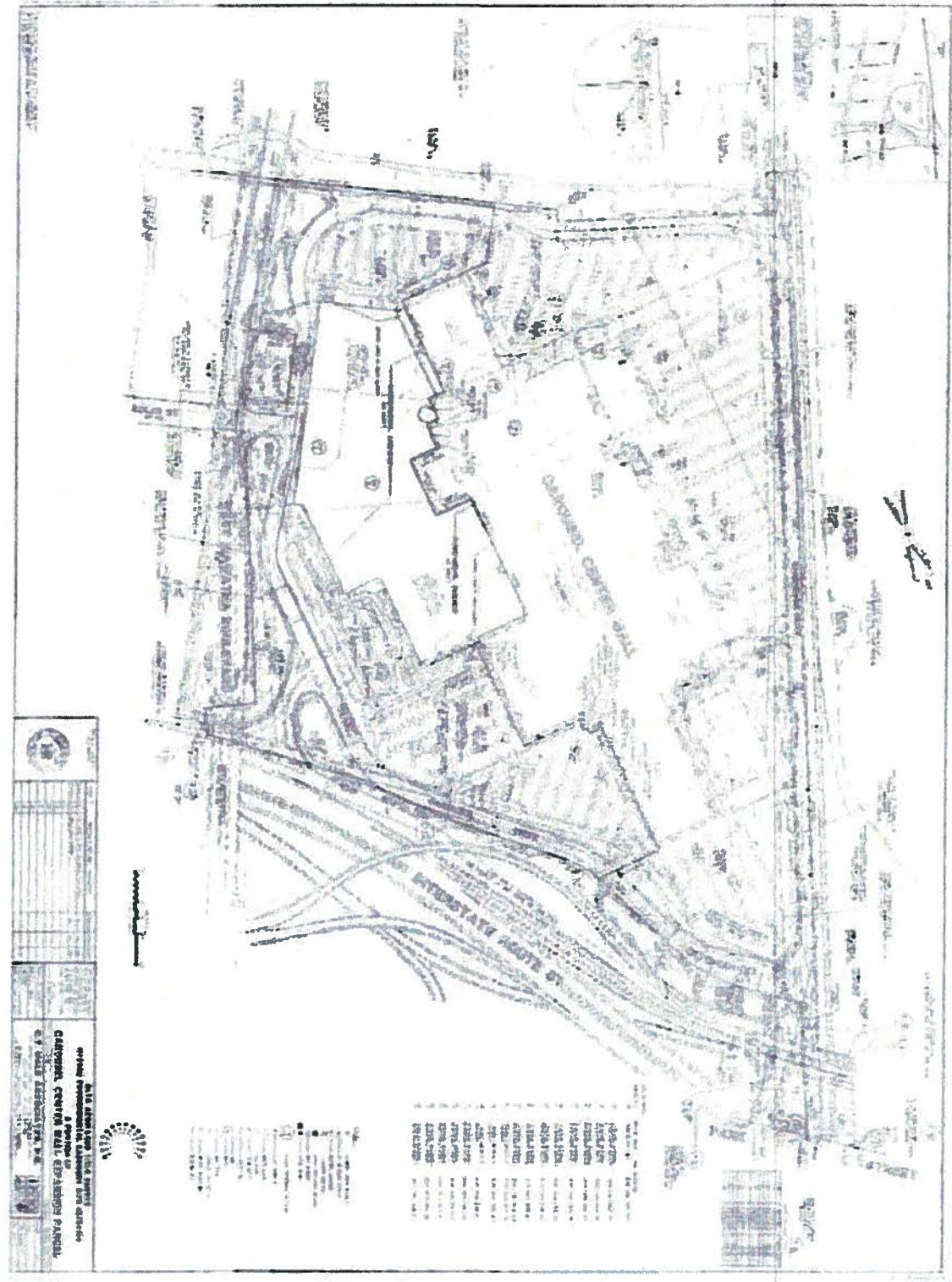
Containing 10.138 acres of land more or less.



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