

**New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor**

625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • FAX: (518) 402-9020
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

Mr. Andrew Sciarabba
South Hill Business Campus, LLC
521 Ridge Road
Lansing, New York 14882

DEC 31 2008

RE: Certificate of Completion
Former Axiohm Facility, City of Ithaca,
Tompkins County
Site No. C755012

Dear Mr. Sciarabba:

Congratulations on having satisfactorily completed the remedial program at the former Axiohm facility. Enclosed please find an original Certificate issued on December 31, 2008. The New York State Department of Environmental Conservation (NYSDEC) 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. A standard notice form is attached to this letter;
- You must 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;
- You must 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 first PRR including the certification of the IC/ECs is due to the Department in June 2010.
- 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.



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

Sincerely yours,

Dale A. Desnoyers
Director
Division of Environmental Remediation

Enclosure

cc w/o enc.

- Karen Cahill, NYSDEC Project Manager
- Gregg Townsend , RHWRE
- William Daigle, Remedial Bureau Director
- Susan Shearer, NYSDOH Project Manager
- James Charles, Project Attorney

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

SOUTH HILL BUSINESS CAMPUS, LLC

Address

521 Ridge Road, Lansing

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/14/05 Agreement Execution: 10/25/05 Agreement Index No.: B7-0687-05-03

SITE INFORMATION

Site No.: C755012 **Site Name:** Former Axiohm Facility

Site Owner: SOUTH HILL BUSINESS CAMPUS, LLC

Site Location: Street Address: 950 Danby Road

Municipality - Ithaca County - Tompkins DEC Region - 7

Site Size: 42.53Acres

Tax Map Identification Number(s): 39-1-1.1

39-1-1.2

39-1-1.4

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: 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 %.

Date:

Date A. Desnoyers, Director
Division of Environmental Remediation

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 Tompkins County as Instrument Number 5355526-001.

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.

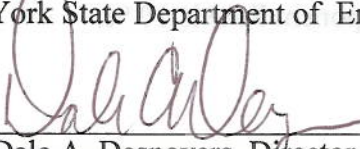
CERTIFICATE MODIFICATION/REVOCATION

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

EXHIBIT A
PROPERTY DESCRIPTION

BCP SITE NO. C755012

South Hill Business Center, LLC

950 Danby Road

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Ithaca, County of Tompkins and State of New York, being a portion of the lands conveyed by TPG IPB, Inc. to South Hill Business Campus, LLC by bargain and sale deed dated 12/17/2004 and filed in the Tompkins County Clerk's office in Liber 465869 at page 9001 and bounded and described as follows:

BEGINNING at an pipe in the west line of New York State Highway Route 96B which pipe is located north $83^{\circ}03'41''$ west from the Intersection of the north line of the premises to be conveyed herein extended to its intersection with center line of NYS route 96B a perpendicular distance of 61.4 feet which point of intersection is $1423 \pm$ feet more or less, southerly from the intersection of Route 96B with the center line of Coddington Road;

THENCE running south $20^{\circ}51'37''$ west along the highway line a distance of 168.81 feet to a pipe;

THENCE running south $68^{\circ}32'01''$ east a distance of 13.00 feet to an iron pipe;

THENCE running south $21^{\circ}37'55''$ west along said highway line a distance of 953.16 feet to a point;

THENCE continuing along said highway line south $22^{\circ}42'32''$ west a distance of 463.00 feet to a point;

THENCE continuing along said highway south $23^{\circ}05'46''$ west, a distance of 15.63 feet to a point;

THENCE running through the lands of South Hill Business Center, LLC north $83^{\circ}51'55''$ west a distance of 989.23 feet to a point;

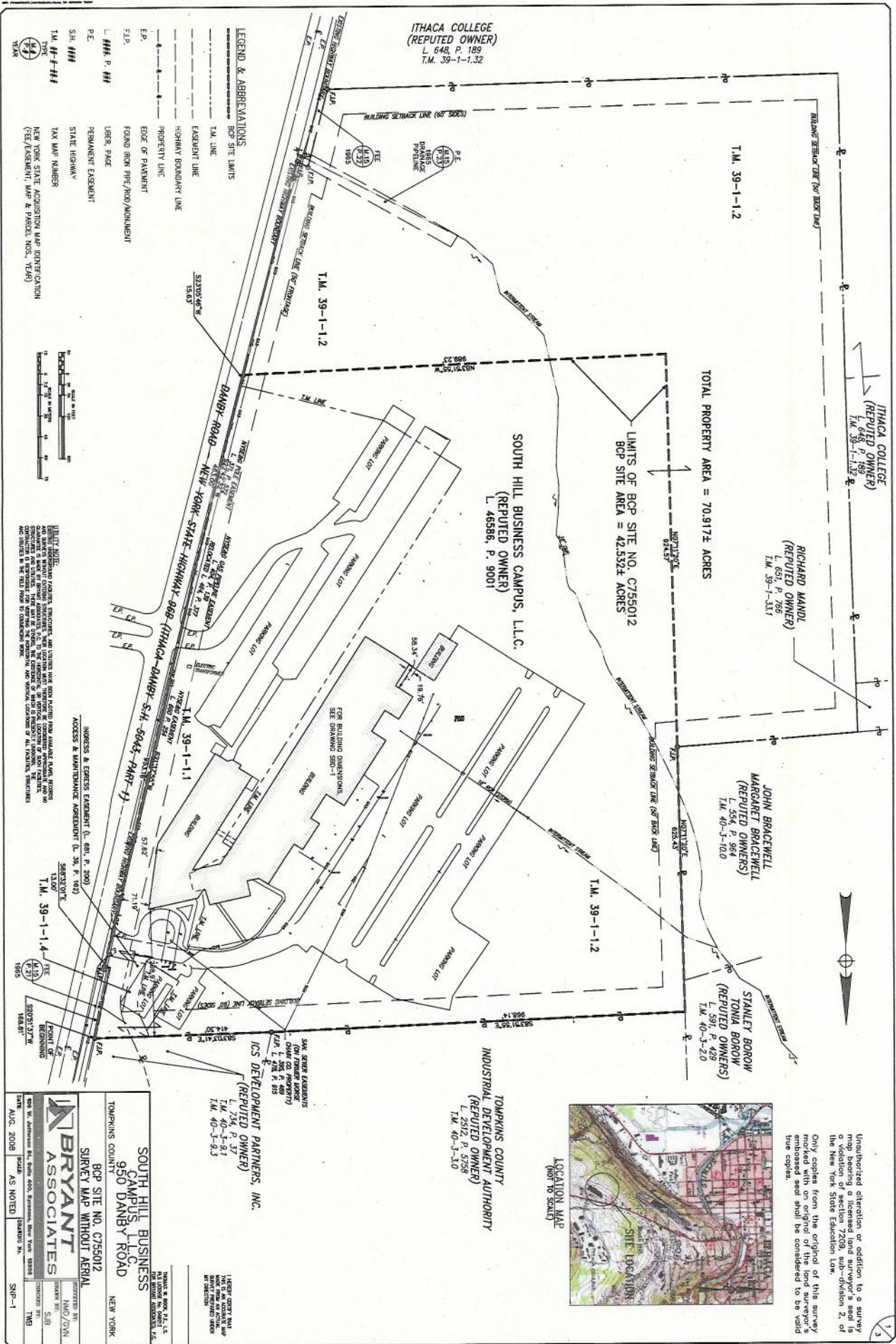
THENCE running north $07^{\circ}11'20''$ east a distance of 924.57 feet to a pin found at the intersection of stone walls;

THENCE running north $07^{\circ}11'20''$ east a distance of 625.43 feet to a pipe;

THENCE running south $83^{\circ}51'55''$ east a distance of 968.14 feet to a pipe;

THENCE running south $83^{\circ}03'41''$ east a distance of 414.30 feet to the point of beginning; and containing $42.532 \pm$ acres of land more or less

EXHIBIT B



Please record and return to:
Mr. Andrew Sciarabba
South Hill Business Campus, LLC
521 Ridge Road
Lansing, NY 14882

NOTICE OF CERTIFICATE OF COMPLETION

State of New York
Tompkins County

The undersigned, being duly sworn, hereby deposes and states:

The New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) for the Former Axiohm Facility, Site# C755012.

The Certificate was issued on December 31, 2008 to Mr. Andrew Sciarabba for a parcel approximately 42.53 acres located at 950 Danby Road, Ithaca, New York In the City of Ithaca, Tompkins County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Attachment A.

The Certificate entitles the Certificate holder(s) 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.

A copy of the Certificate can be reviewed at the NYSDEC's Region Seven (7) located at 615 Erie Blvd West, Syracuse, NY, by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Tompkins County Clerk's office in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site notice of the Certificate.

WHEREFORE, the undersigned has signed this Notice of Certificate

Andrew Sciarabba

By: _____

Title: _____

Date: _____

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 200 , 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