

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM
ECL §27-1401 *et seq.*

In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE
CLEANUP AGREEMENT
Index No. B8-0739-07-03**

Growmark, F.S., Inc. Caledonia Facility

DEC Site No: C826017

Located at: 2936 Telephone Road, Caledonia, Livingston County, NY 14423
Hereinafter referred to as "Site"

by:

Growmark FS, LLC

1701 Towanda Avenue, P.O. Box 2500, Bloomington, IL 61702-2500

Hereinafter referred to as "Applicant"

WHEREAS, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

WHEREAS, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

II. Miscellaneous

A. Except for the modifications set forth herein, the original Agreement shall

remain in full force and effect and the terms thereof and the obligations therein are incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

D. This Amendment may be signed in counterparts.

DATED:

June 10, 2020

THIS BROWNFIELD CLEANUP AGREEMENT
AMENDMENT IS HEREBY APPROVED, Acting by and
Through the Department of Environmental Conservation as
Designee of the Commissioner,

By:



Michael J. Ryan, P.E., Director
Division of Environmental Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Growmark FS, LLC


By: Bang Schmitt

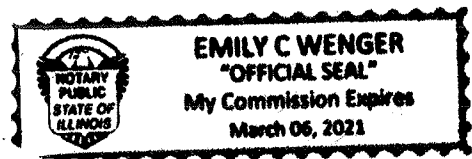
Title: Vice President Retail Business

Date: 4/8/2020

ILLINOIS
STATE OF NEW YORK)
) ss:
COUNTY OF MCLEAN)

On the 8th day of April in the year 2020, before me, the undersigned, personally appeared Barry Schmidt, 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



CERTIFICATE OF INCUMBENCY

The undersigned, being the duly elected and acting Assistant Secretary of GROWMARK FS, LLC a Delaware limited liability company (the "Company"), hereby certifies to the New York State Department of Environmental Conservation, that:

1. Barry Schmidt is a Vice President, of the Company, and the signature set forth below following his name is his true and genuine signatures:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Barry Schmidt	Vice President	

2. The officers of the Company serve until the election and taking of office of their successors.

3. Barry Schmidt is authorized to sign any and all documents in connection requested by the New York State Department of Environmental Conservation in connection with the Company's facility in Caledonia, New York and a BCA Amendment to Generation 3 of the BCP, Site No. C826017.

IN WITNESS WHEREOF, the undersigned has signed this Certificate of Incumbency as the Assistant Secretary of the Company this 22nd day of March 2020.


Sandra Heissler
Assistant Secretary