

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



Joe Martens
Commissioner



Pactiv LLC
1900 West Field Court
Lake Forest, IL 60045

JKb
Berry
~~Barry~~ Plastics Corporation
101 ~~Oakely~~ Street
Evansville, IN 47706
Oakley

Re: Macedon Films
Site No.: C859025
BCA Index No.: B8-0669-04-06
Request to Amend the Size of Site Parcel
BCA Amendment No. 1

Dear Sir/Madam:

This letter serves as an amendment to the BCA confirming information relating to the size of the above mentioned parcel. The original BCA application the Department has on file indicates the size of the parcel being 6.95 acres. However, based on the Environmental Easement and site Survey, the property is actually 8.95 acres.

This letter confirms that the BCA is amended to include the 8.95 acres as stated in the Schedule "A" property description, which is attached.

Please have the authorized representative(s) counter-sign this letter to acknowledge acceptance of the Amendment. Please print this Amendment, have it signed, and send the original, with signatures, back to my attention at the following address:

New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, New York 12233-7011
Attention: Division Director

Please keep a copy of this letter as proof of the Agreement Amendment. The counter-signed letter will be appended to the BCA to reflect the modifications.

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

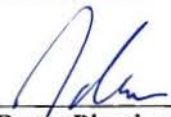
Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



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

The following Applicant, in signing this letter, does hereby acknowledge and accept the amendment to the Agreement as set forth above:

Pactiv, LLC	Date
	12/9/13
Berry Plastics Corporation	Date

By: Name and title (Please Print)
Jason K. Greene EVP
By: Name and title (Please Print)

ec: K. Anders, NYSDOH
B. Callaghan, NYSDOH
R. Reott, rreott@reottlaw.com
B. Kogut, Esq. bkogut@bsk.com
H. Moore, helenmoore@berryplastics.com
M. Ryan, DEC
B. Conlon, DEC
J. Pelton, DEC
M. Cruden, DEC
A.J. White, DEC
B. Putzig, DEC
Y. Ward, DEC
G. Heitzman, DEC

SCHEDULE "A" PROPERTY DESCRIPTION

Physical Address: 112 Main Street, Village of Macedon, County of Wayne, New York
Tax Map Number: 62111-08-948968

ENVIRONMENTAL EASEMENT AREA DESCRIPTION

Reference Instrument #R9069942, Wayne County Clerk's Office

ALL THAT TRACT OR PARCEL OF LAND, SITUATE in the Village of Macedon, Town of Macedon, County of Wayne, State of New York, and being part of Great Lot Twenty-nine (29), Township No. Twelve (12), Range No. Three (3) and being more particularly bounded and described as follows:

BEGINNING at a point in the northerly right-of-way line of Main Street, New York State Route 31, State Highway No. 8037 (width varies), said point being the Point of Beginning as delineated on Conveyance Map No. 1 as conveyed from Doyle to Wayne County and filed in the Wayne County Clerk's Office in Liber 329 of Deeds at Page 75, said point being marked in the field by a found monument 0.2 foot east;

Thence along the northerly right-of-way line of said Route 31 the following six (6) courses and distances: (1) North 19° 24' 58" West, a distance of twenty eight and seventy-six hundredths feet (28.76') to a point marked by a found monument 0.1 foot east, said point being the Terminal Point of Course Number One (1) as delineated on said Conveyance Map No. 1; Thence (2) South 76° 49' 02" West, a distance of one hundred fifty nine and eighteen hundredths feet (159.18') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Conveyance Map No. 1; Thence (3) South 86° 41' 02" West, a distance of fifty seven and forty-one hundredths feet (57.41') to a point marked by a found monument; Thence (4) South 87° 19' 32" West, a distance of one hundred sixty eight and ninety-two hundredths feet (168.92') to a point marked by a found monument 0.1 foot west; Thence (5) South 88° 00' 22" West, a distance of one hundred ninety two and seventy-one hundredths feet (192.71') to a point; Thence (6) South 77° 10' 48" West, a distance of forty seven and seventy-two hundredths feet (47.72') to a point marked by a found monument at the intersection of the northerly right-of-way line of Route 31 with the easterly right-of-way line of Route 350, said point being the Point of Beginning as delineated on Parcel Conveyance Map No. 1-C, Parcel 25 as conveyed by the New York State Department of Public Works to Mobil Oil Corporation and filed in the Wayne County Clerk's Office in Liber 584 of Deeds at Page 395;

Thence along the easterly right-of-way line of said Route 350 the following seven (7) courses and distances: (1) North 63° 38' 09" West, a distance of sixty one and thirty-five hundredths feet (61.35') to a point marked by a found monument, said point being the Terminal Point of Course Number One (1) as delineated on said Conveyance Map No. 1-C, Parcel 25; Thence (2) North 24° 19' 06" West, a distance of two hundred fifty three and seventy-five hundredths feet (253.75') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Conveyance Map No. 1-C, Parcel 25, said point also being the Point of Beginning as delineated on Appropriation Map No. 6-R1, Parcel No. 8 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (3) North 33° 36' 28" West, a distance of seventy eight and twenty-three hundredths feet (78.23') to a point marked by a found granite monument, said point being the Terminal Point of Course Number Three (3) of said Appropriation Map No. 6-R1, Parcel No. 8, said point also being the Point of

Beginning as delineated on Appropriation Map No. 7, Parcel No. 10 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (4) North 39° 44' 57" West, a distance of fifty eight and twenty-two hundredths feet (58.22') to a point marked by a found monument 0.2 foot south, said point being the Terminal Point of Course Number Two (2) as delineated on said Appropriation Map No. 7, Parcel No. 10, said point also being the Terminal Point of Course Number Five (5) as delineated on Appropriation Map No. 4, Parcel No. 6 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (5) North 40° 10' 19" West, a distance of one hundred fifty three and forty-seven hundredths feet (153.47') to a point marked by a found monument 0.2 foot south, said point being the Terminal Point of Course Number Four (4) as delineated on said Appropriation Map No. 4, Parcel No. 6, said point also being the Point of Beginning as delineated on Appropriation Map No. 16, Parcel No. 22 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (6) North 29° 54' 43" West, a distance of nineteen and sixty-five hundredths feet (19.65') to a point marked by a found monument 0.8 foot south, said point being the Terminal Point of Course Number Three (3) as delineated on said Appropriation Map No. 16, Parcel No. 22, said point also being the Point of Beginning as delineated on Appropriation Map No. 9, Parcel No. 12 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office in Liber 527 of Deeds at Page 93; Thence (7) North 23° 28' 55" West, a distance of fifty one and thirty-six hundredths feet (51.36') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Appropriation Map No. 9, Parcel No. 12, said point also being in the southerly line of lands now or formerly of the New York State Barge Canal;

Thence along the said southerly line of lands now or formerly of the New York State Barge Canal the following eight (8) courses and distances: (1) North 83° 26' 32" East, a distance of fifty and twenty hundredths feet (50.20') to a point; Thence (2) North 84° 35' 42" East, a distance of one hundred thirty two and zero hundredths feet (132.00') to a point marked by a found monument 0.1 foot east; Thence (3) North 71° 42' 40" East, a distance of sixty eight and seventy hundredths feet (68.70') to a point marked by a found monument 0.1 foot south; Thence (4) North 78° 36' 54" East, a distance of sixty four and eighty hundredths feet (64.80') to a point; Thence (5) North 84° 35' 32" East, a distance of two hundred sixty four and zero hundredths feet (264.00') to a point; Thence (6) North 85° 19' 02" East, a distance of three hundred two and fifty-one hundredths feet (302.51') to a point; Thence (7) South 04° 40' 58" East, a distance of forty one and ninety-one hundredths feet (41.91') to a point; Thence (8) North 84° 29' 02" East, a distance of two hundred six and forty-six hundredths feet (206.46') to a point, said point being at the division line between the lands of Berry Plastics Corporation (reputed owners) on the west and the lands of Pliant Corporation (reputed owners) on the east;

Thence along the last mentioned division line, the following twenty three (23) courses and distances: (1) South 13° 24' 58" East, a distance of thirteen and thirty-nine hundredths feet (13.39') to a point; Thence (2) South 76° 35' 02" West, along the edge of the upper concrete pad for Silos 7, 8 and 9 and the edge of pad of Silos 31 and 32, a distance of thirty six and zero hundredths feet (36.00') to a point; Thence (3) South 13° 24' 58" East, continuing along the edge of concrete pad and between Silos 9 and 4, a distance of sixteen and zero hundredths feet (16.00') to a point; Thence (4) North 76° 35' 02" East, along the southerly edge of said concrete pad for Silos 7, 8 and 9, a distance of twenty eight and seventy hundredths feet (28.70') to a point; Thence (5) South 13° 51' 58" East, through the wall of an existing building, a distance of nineteen and fifty-one

hundredths feet (19.51') to a point in the center of an 8 inch block wall; Thence (6) South 76° 08' 02" West, along the centerline of the said 8 inch block wall, a distance of five and twenty-one hundredths feet (5.21') to a point on the easterly face of aluminum framing; Thence (7) North 13° 51' 58" West, along said easterly face of aluminum framing, a distance of six and twenty-five hundredths feet (6.25') to the northeasterly corner thereof; Thence (8) South 76° 08' 02" West, along the northerly face of said aluminum framing, a distance of nineteen and forty hundredths feet (19.40') to the northwesterly corner thereof; Thence (9) South 13° 51' 58" East, along the westerly face of said aluminum framing, a distance of six and twenty-five hundredths feet (6.25') to a point in the center of the previously mentioned 8 inch block wall; Thence (10) South 76° 08' 02" West, along the centerline of said wall, a distance of four hundred eight and ninety-two hundredths feet (408.92') to a point; Thence (11) South 13° 51' 58" East, along the centerline of an 8 inch block wall, a distance of sixty four and eighty hundredths feet (64.80') to a point; Thence (12) South 76° 08' 02" West, along the centerline of an 8 inch block wall, a distance of twenty two and seventy hundredths feet (22.70') to a point; Thence (13) South 13° 51' 58" East, along the centerline of a 12 inch block wall, a distance of twenty nine and forty-six hundredths feet (29.46') to a point in the center of an 8 inch block wall; Thence (14) South 75° 59' 32" West, along the centerline of said 8 inch block wall, a distance of thirteen and thirty-four hundredths feet (13.34') to a point on the westerly face of an existing wall; Thence (15) South 14° 00' 28" East, along said westerly face of wall, a distance of one hundred eleven and ten hundredths feet (111.10') to a point in the center of an 8 inch block wall; Thence (16) South 75° 59' 32" West, along the centerline of said 8 inch block wall, a distance of twenty four and thirty-eight hundredths feet (24.38') to a point; Thence (17) South 14° 00' 28" East, along the centerline of an 8 inch block wall, a distance of seventy five and eighty-three hundredths feet (75.83') to a point; Thence (18) North 75° 59' 32" East, along the centerline of an 8 inch block wall, a distance of seven and fifty hundredths feet (7.50') to a point; Thence (19) South 14° 00' 28" East, along the centerline of an 8 inch block wall, and continuing beyond the exterior of the existing building, a total distance of sixty six and seventy hundredths feet (66.70') to a point on line, more or less, of an existing 6 foot chain link fence with barbed wire; Thence (20) North 68° 12' 50" East, a distance of two hundred fifty six and forty-five hundredths feet (256.45') to a point; Thence (21) North 14° 03' 34" West, a distance of thirteen and twenty-four hundredths feet (13.24') to a point; Thence (22) North 77° 05' 29" East, a distance of fifty eight and ninety-eight hundredths feet (58.98') to a point; Thence (23) South 08° 01' 54" East, along the centerline of a driving lane between parking rows, a distance of two hundred ten and eighty-three hundredths feet (210.83') to a point in the first mentioned northerly right-of-way line of Route 31;

Thence South 86° 47' 42" West, along said right-of-way line, a distance of twenty two and thirty-four hundredths feet (22.34') to the point or place of beginning, containing 8.95 acres of land, more or less.

BEING AND HEREBY intending to describe the premises conveyed to Covalence Specialty Materials Corp. (now Berry Plastics Corporation) in deed dated February 16, 2006 and recorded March 28, 2006 in the County of Wayne under instrument no. R9069942.

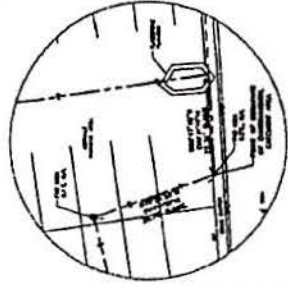
Bearings are referenced to the New York State Plane Coordinate System (Central Zone).

County: Wayne

Site No: C859025

BCA Index No.: B8-0669-04-06

SURVEY



ALTA/ACSM LAND TITLE SURVEY

BOYD PLATTED CORPORATION
1000 12TH AVE. S.W.
MINNEAPOLIS, MN 55403
PHONE 333-1234
FAX 333-5678
E-MAIL BOYD@ALTA.COM

ALTA/ACSM LAND TITLE SURVEY

BOYD PLATTED CORPORATION
1000 12TH AVE. S.W.
MINNEAPOLIS, MN 55403
PHONE 333-1234
FAX 333-5678
E-MAIL BOYD@ALTA.COM

THE ENVIRONMENTAL ECONOMY
ACCESS THE ENVIRONMENTAL ECONOMY
AREA AS SHOWN HEREON AS PROVIDED
LEADER THE ENVIRONMENTAL ECONOMY

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

[illegible]

1) The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved. It is important to understand the context and the stakes of the problem.

2) Once the problem is identified, the next step is to analyze it. This involves breaking the problem down into its components and understanding how they are related. It is important to identify the root cause of the problem, rather than just the symptoms.

3) After analyzing the problem, the next step is to develop a plan. This involves identifying the goals of the solution and the steps that need to be taken to achieve them. It is important to consider the resources available and the potential obstacles to the solution.

4) The final step in the process is to implement the plan. This involves putting the plan into action and monitoring the progress. It is important to be flexible and adjust the plan as needed, based on the results of the implementation.

5) Once the problem has been solved, it is important to evaluate the solution. This involves assessing the effectiveness of the solution and the impact it has had on the organization. It is important to learn from the experience and use the lessons learned to improve future problem-solving efforts.

[illegible]

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It also includes a conclusion that summarizes the main points of the study.

5. The fifth part of the document contains a list of references and a list of figures. The references include a list of books, articles, and other sources used in the study. The figures include a list of tables and graphs that are included in the document.

[illegible]

[The page contains dense handwritten text in two columns, likely bleed-through from the reverse side.]

The following table shows the results of the regression analysis for the dependent variable *Perceived Organizational Support*. The independent variables are *Organizational Commitment* and *Organizational Identification*. The table includes the regression coefficients, standard errors, t-statistics, and p-values for each variable.

Variable	Regression Coefficient	Standard Error	t-Statistic	p-Value
Organizational Commitment	0.12	0.03	3.87	0.000
Organizational Identification	0.08	0.02	3.87	0.000
Constant	1.50	0.10	15.00	0.000
R-squared	0.40			

ALTA/ACSM LAND TITLE SURVEY

The following information is for the purpose of providing a general overview of the project and is not intended to be a substitute for the detailed information provided in the project description.

UPS Corporation

[illegible]

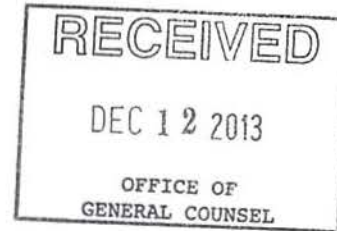
BARRY R. KOGUT
bkogut@bsk.com
P: 315-218-8181
F: 315-218-8481

December 11, 2013

BY OVERNIGHT DELIVERY AND E-MAIL

Yvonne Ward, Esq.
Senior Attorney
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1500

*Re: Macedon Films site, Wayne County, New York
BCP Site No. C859025*



Dear Yvonne:

As a follow-up to my e-mail to you of December 10, I have enclosed the original copy of the BCA Amendment signed by Berry Plastics Corporation that reflects the correct size of the referenced BCP site. As described in my December 11 e-mail to you, please note that this is actually BCA Amendment No. 2. (See the enclosed copy of my December 11 e-mail.)

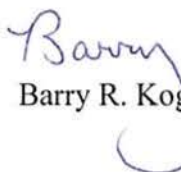
As previously noted, the Certificate of Completion (COC) should be forwarded to Berry Plastics Corporation at the following address:

Jason Greene
Executive Vice President - General Counsel
Berry Plastics Corporation
101 Oakley Street
Evansville, Indiana 47706

Please send me a copy of the COC and the Department's correspondence to Mr. Greene by e-mail. Thank you for your help in finalizing this.

Sincerely,

BOND, SCHOENECK & KING, PLLC


Barry R. Kogut

Yvonne Ward, Esq.
December 11, 2013
Page 2

cc: Jason Pelton, NYSDEC (by e-mail)
Marcus Merriman, Pactiv (by e-mail)
Raymond Reott, Esq. (by e-mail)
Helen Moore, Berry Plastics Corporation (by e-mail)

Kogut, Barry

To: Yvonne Ward
Cc: Benjamin Conlon; Jason Pelton; Marcus C. Merriman; Ray Reott (rreott@reottlaw.com); Helen E Moore
Subject: RE: Macedon Films BCA Amendment 1 120613.pdf - Update: December 11, 2013
Attachments: December 11 letter to Yvonne Ward.pdf; BCA Amendment Signed by Berry Plastics Corporation.pdf; Exhibit B to the SMP.PDF

Yvonne:

As a follow-up to my e-mail below, I have attached a copy of my December 11 letter under cover of which I am forwarding by overnight delivery the original BCA Amendment signed by Berry Plastics Corporation.

In getting the package ready for submittal to you, I see that the re line to the letter refers to this as BCA Amendment No. 1. Actually, it is BCA Amendment No. 2 as Amendment No. 1 related to the Department's approval of adding Berry Plastics Corporation to the BCA – see the attached copy of Exhibit B to the SMP that references that earlier amendment. Am I correct in assuming that you can simply make that correction to the Department's records for this site?

Thank you for your help.

Please call with any questions. **Barry**

Bond Schoeneck & King PLLC
One Lincoln Center, Syracuse, NY, 13202-1355
www.bsk.com

Barry R. Kogut, Esq.
Environmental and Energy Practice Group
315.218.8181 Direct
315.218.8481 Fax
bkogut@bsk.com
[Bio](#)

CONFIDENTIALITY NOTICE:

This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message. Thank you.

IRS CIRCULAR 230 DISCLOSURE:

IRS regulations require us to notify you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code. If you want a further description of this requirement, go to <http://www.bsk.com/disclaimer>.

From: Kogut, Barry
Sent: Tuesday, December 10, 2013 3:50 PM

To: Yvonne Ward

Cc: Benjamin Conlon; Jason Pelton; Marcus C. Merriman; Ray Reott (rreott@reottlaw.com); Helen E Moore

Subject: RE: Macedon Films BCA Amendment 1 120613.pdf - December 10, 2013

Yvonne:

Attached is a copy of the BCA Amendment that has been signed by Jason Greene, the Executive Vice President - General Counsel of Berry Plastics Corporation. Please note that corrections were made on page 1 to the address of Berry Plastics Corporation.

In sum, the Certificate of Completion should be in the name of Berry Plastics Corporation and sent to the attention of Mr. Greene at the following address:

Berry Plastics Corporation
101 Oakley Street
Evansville, Indiana 47706

I will forward the original to you later this week after I receive it from Berry Plastics.

Thank you. **Barry**

Bond Schoeneck & King PLLC

One Lincoln Center, Syracuse, NY, 13202-1355

www.bsk.com

Barry R. Kogut, Esq.

Environmental and Energy Practice Group

315.218.8181 Direct

315.218.8481 Fax

bkogut@bsk.com

[Bio](#)

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-----Original Message-----

From: Yvonne Ward [<mailto:ymward@gw.dec.state.ny.us>]

Sent: Monday, December 09, 2013 10:14 AM

To: Kogut, Barry; Marcus C. Merriman; Ray Reott (rreott@reottlaw.com)

Cc: Benjamin Conlon; Jason Pelton

Subject: RE: Macedon Films BCA Amendment 1 120613.pdf - Adobe Acrobat Standard

Thank you, I will look for it tomorrow.

>>> "Merriman, Marcus C." <mmerriman@pactiv.com> 12/9/2013 10:10 AM >>>

Yvonne,

Here is the BCA amendment to acknowledge the correct parcel size signed by Pactiv.
The original is coming your way via UPS O/N service.

Marcus Merriman

Pactiv Environmental

585-393-5203

585-472-4297 mobile

From: Yvonne Ward [mailto:ymward@gw.dec.state.ny.us]

Sent: Friday, December 06, 2013 4:12 PM

To: Barry Kogut; Merriman, Marcus C.; Ray Reott (rreott@reottlaw.com)

Cc: Jason Pelton

Subject: Macedon Films BCA Amendment 1 120613.pdf - Adobe Acrobat Standard

Here is the complete document!

Yvonne M. Ward

Senior Attorney

NYS Department of Environmental Conservation

Office of the General Counsel

625 Broadway

Albany, New York 12233-5500

(518) 402 - 9507 (Telephone)

(518) 402 - 9018 (Facsimile) (SERVICE BY FACSIMILE IS UNACCEPTABLE)

CONFIDENTIALITY NOTICE - This email including attachments is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message. Thank you.



Pactiv Corporation
2651 Brickyard Road
Canandaigua, NY 14424-7990

August 6, 2013

Mr. Robert Schick, Director Division of Environmental Remediation
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

RE: BCA Amndement
BCP Site No.: C859025
BCP Site Name: Macedon Films
Amendment No. 1

Dear Mr Schick,

Please find the signed acceptance of the BCA amendment for BCP No. C859025, Macedon Films, by Pactiv LLC and Berry Plastics Corporation, to add Berry Plastics Corporation as a volunteer to the BCA. The authorization for the Berry Plastics representative, Jason K Greene, is also included. Please note that Mr. Greene's last name is spelled with an "e" at the end. This was added in on the BCA amendment acceptance letter in the contacts block.

Sincerely,

Marcus Merriman
Pactiv Remediation Manager

cc: Ray Reott – Law Offices of Ray Reott, LLC
Tim Sheehan – Pactiv
Helen Moore – Berry Plastics
Barry Kogut – Bond, Schoeneck & King, PLLC

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



July 29, 2013

Pactiv LLC
Attn: Mr. Steven R. Karl
1900 West Field Court
Lake Forest, IL 60045

Berry Plastics Corporation
Mr. Jason Green, Esq.
Executive Vice President – General Counsel
101 Oakley Street
Evansville, Indiana 47706

Re: BCA Amendment
BCP Site No.: C859025
BCP Site Name: Macedon Films
Amendment No. 1

Dear Applicants:

This letter is forwarded to your attention in response to the amendment application submitted to amend the Brownfield Cleanup Agreement (“BCA” or “Agreement”) signed on October 14, 2004. The amendment application is dated July 10, 2013 and was determined complete by the New York State Department of Environmental Conservation (the “Department”) on May 24, 2013. The application requests that the above referenced BCA be amended to add Berry Plastics Corporation as a Volunteer to the BCA.

The above request is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement effective the date of this letter. Additionally, Paragraph XII(A)(I) of the BCA is hereby amended to add the contact information for the following contacts:

Pactiv LLC
Marcus Merriman
261 Brickyard Rd.
Canandaigua, NY 14424
mmerriman@pactiv.com

Berry Plastics Corporation
Mr. Jason Green, Esq.
Executive Vice President – General Counsel
101 Oakley Street
Evansville, Indiana 47706

This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please have authorized representatives counter sign this letter to acknowledge acceptance of the Amendment, along with submitting proof that the new party executing the BCA Amendment are authorized to bind the Requestors. Please print this Amendment, have it signed, and send the original, with signatures, back to my attention at:

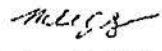
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the BCA Amendment.

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

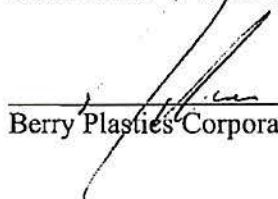
Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,

 for

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

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendments to the BCAs as set forth above:


Berry Plastics Corporation
7/30/13
Date

Jason K. Green
By: Name – please print


Pactiv LLC
8/6/13
Date

Marcus C. Merriman
By: Name – please print

ec: Michael Ryan, DEC
Michael Cruden, DEC
Joseph White, DEC
Jason Pelton, DEC
Bart Putzig, DEC
Benjamin Conlon, DEC
Andrew Guglielmi, DEC
Yvonne Ward, DEC
Kelly Lewandowski, DEC
Sue Bolesky, DEC
Marcus Merriman, mmerriman@pactiv.com
Ray Reott, reott@reottlaw.com
Barry Kogut, Esq., bkogut@bsk.com
Helen Moore, helenmoore@berryplastics.com

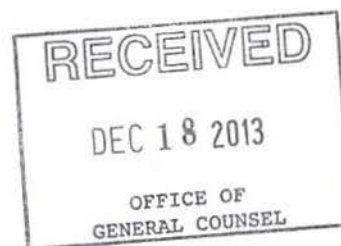
New York State Department of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • Fax: (518) 402-9020
Website: www.dec.ny.gov



Joe Martens
Commissioner

Pactiv LLC
1900 West Field Court
Lake Forest, IL 60045

Barry Plastics Corporation
101 Oakely Street
Evansville, IN 47706



Re: Macedon Films
Site No.: C859025
BCA Index No.: B8-0669-04-06
Request to Amend the Size of Site Parcel
BCA Amendment No. 1



Dear Sir/Madam:

This letter serves as an amendment to the BCA confirming information relating to the size of the above mentioned parcel. The original BCA application the Department has on file indicates the size of the parcel being 6.95 acres. However, based on the Environmental Easement and site Survey, the property is actually 8.95 acres.

This letter confirms that the BCA is amended to include the 8.95 acres as stated in the Schedule "A" property description, which is attached.

Please have the authorized representative(s) counter-sign this letter to acknowledge acceptance of the Amendment. Please print this Amendment, have it signed, and send the original, with signatures, back to my attention at the following address:

New York State Department of Environmental Conservation
Division of Environmental Remediation, 12th Floor
625 Broadway
Albany, New York 12233-7011
Attention: Division Director

Please keep a copy of this letter as proof of the Agreement Amendment. The counter-signed letter will be appended to the BCA to reflect the modifications.

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

The following Applicant, in signing this letter, does hereby acknowledge and accept the amendment to the Agreement as set forth above:

Marcus C. Merriman 12/9/2013
Pactiv, LLC Date

Marcus C. Merriman, Pactiv Associate Engineer
By: Name and title (Please Print)

Berry Plastics Corporation Date

By: Name and title (Please Print)

cc: K. Anders, NYSDOH
B. Callaghan, NYSDOH
R. Reott, rreott@reottlaw.com
B. Kogut, Esq. bkogut@bsk.com
H. Moore, helenmoore@berryplastics.com
M. Ryan, DEC
B. Conlon, DEC
J. Pelton, DEC
M. Cruden, DEC
A.J. White, DEC
B. Putzig, DEC
Y. Ward, DEC
G. Heitzman, DEC

SCHEDULE "A" PROPERTY DESCRIPTION

Physical Address: 112 Main Street, Village of Macedon, County of Wayne, New York
Tax Map Number: 62111-08-948968

ENVIRONMENTAL EASEMENT AREA DESCRIPTION

Reference Instrument #R9069942, Wayne County Clerk's Office

ALL THAT TRACT OR PARCEL OF LAND, SITUATE in the Village of Macedon, Town of Macedon, County of Wayne, State of New York, and being part of Great Lot Twenty-nine (29), Township No. Twelve (12), Range No. Three (3) and being more particularly bounded and described as follows:

BEGINNING at a point in the northerly right-of-way line of Main Street, New York State Route 31, State Highway No. 8037 (width varies), said point being the Point of Beginning as delineated on Conveyance Map No. 1 as conveyed from Doyle to Wayne County and filed in the Wayne County Clerk's Office in Liber 329 of Deeds at Page 75, said point being marked in the field by a found monument 0.2 foot east;

Thence along the northerly right-of-way line of said Route 31 the following six (6) courses and distances: (1) North 19° 24' 58" West, a distance of twenty eight and seventy-six hundredths feet (28.76') to a point marked by a found monument 0.1 foot east, said point being the Terminal Point of Course Number One (1) as delineated on said Conveyance Map No. 1; Thence (2) South 76° 49' 02" West, a distance of one hundred fifty nine and eighteen hundredths feet (159.18') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Conveyance Map No. 1; Thence (3) South 86° 41' 02" West, a distance of fifty seven and forty-one hundredths feet (57.41') to a point marked by a found monument; Thence (4) South 87° 19' 32" West, a distance of one hundred sixty eight and ninety-two hundredths feet (168.92') to a point marked by a found monument 0.1 foot west; Thence (5) South 88° 00' 22" West, a distance of one hundred ninety two and seventy-one hundredths feet (192.71') to a point; Thence (6) South 77° 10' 48" West, a distance of forty seven and seventy-two hundredths feet (47.72') to a point marked by a found monument at the intersection of the northerly right-of-way line of Route 31 with the easterly right-of-way line of Route 350, said point being the Point of Beginning as delineated on Parcel Conveyance Map No. 1-C, Parcel 25 as conveyed by the New York State Department of Public Works to Mobil Oil Corporation and filed in the Wayne County Clerk's Office in Liber 584 of Deeds at Page 395;

Thence along the easterly right-of-way line of said Route 350 the following seven (7) courses and distances: (1) North 63° 38' 09" West, a distance of sixty one and thirty-five hundredths feet (61.35') to a point marked by a found monument, said point being the Terminal Point of Course Number One (1) as delineated on said Conveyance Map No. 1-C, Parcel 25; Thence (2) North 24° 19' 06" West, a distance of two hundred fifty three and seventy-five hundredths feet (253.75') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Conveyance Map No. 1-C, Parcel 25, said point also being the Point of Beginning as delineated on Appropriation Map No. 6-R1, Parcel No. 8 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (3) North 33° 36' 28" West, a distance of seventy eight and twenty-three hundredths feet (78.23') to a point marked by a found granite monument, said point being the Terminal Point of Course Number Three (3) of said Appropriation Map No. 6-R1, Parcel No. 8, said point also being the Point of

Beginning as delineated on Appropriation Map No. 7, Parcel No. 10 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (4) North 39° 44' 57" West, a distance of fifty eight and twenty-two hundredths feet (58.22') to a point marked by a found monument 0.2 foot south, said point being the Terminal Point of Course Number Two (2) as delineated on said Appropriation Map No. 7, Parcel No. 10, said point also being the Terminal Point of Course Number Five (5) as delineated on Appropriation Map No. 4, Parcel No. 6 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (5) North 40° 10' 19" West, a distance of one hundred fifty three and forty-seven hundredths feet (153.47') to a point marked by a found monument 0.2 foot south, said point being the Terminal Point of Course Number Four (4) as delineated on said Appropriation Map No. 4, Parcel No. 6, said point also being the Point of Beginning as delineated on Appropriation Map No. 16, Parcel No. 22 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office and the offices of the New York State Department of Public Works, District Office No. 3, Syracuse, New York; Thence (6) North 29° 54' 43" West, a distance of nineteen and sixty-five hundredths feet (19.65') to a point marked by a found monument 0.8 foot south, said point being the Terminal Point of Course Number Three (3) as delineated on said Appropriation Map No. 16, Parcel No. 22, said point also being the Point of Beginning as delineated on Appropriation Map No. 9, Parcel No. 12 as acquired in fee by the New York State Department of Public Works and filed in the Wayne County Clerk's Office in Liber 527 of Deeds at Page 93; Thence (7) North 23° 28' 55" West, a distance of fifty one and thirty-six hundredths feet (51.36') to a point, said point being the Terminal Point of Course Number Two (2) as delineated on said Appropriation Map No. 9, Parcel No. 12, said point also being in the southerly line of lands now or formerly of the New York State Barge Canal;

Thence along the said southerly line of lands now or formerly of the New York State Barge Canal the following eight (8) courses and distances: (1) North 83° 26' 32" East, a distance of fifty and twenty hundredths feet (50.20') to a point; Thence (2) North 84° 35' 42" East, a distance of one hundred thirty two and zero hundredths feet (132.00') to a point marked by a found monument 0.1 foot east; Thence (3) North 71° 42' 40" East, a distance of sixty eight and seventy hundredths feet (68.70') to a point marked by a found monument 0.1 foot south; Thence (4) North 78° 36' 54" East, a distance of sixty four and eighty hundredths feet (64.80') to a point; Thence (5) North 84° 35' 32" East, a distance of two hundred sixty four and zero hundredths feet (264.00') to a point; Thence (6) North 85° 19' 02" East, a distance of three hundred two and fifty-one hundredths feet (302.51') to a point; Thence (7) South 04° 40' 58" East, a distance of forty one and ninety-one hundredths feet (41.91') to a point; Thence (8) North 84° 29' 02" East, a distance of two hundred six and forty-six hundredths feet (206.46') to a point, said point being at the division line between the lands of Berry Plastics Corporation (reputed owners) on the west and the lands of Pliant Corporation (reputed owners) on the east;

Thence along the last mentioned division line, the following twenty three (23) courses and distances: (1) South 13° 24' 58" East, a distance of thirteen and thirty-nine hundredths feet (13.39') to a point; Thence (2) South 76° 35' 02" West, along the edge of the upper concrete pad for Silos 7, 8 and 9 and the edge of pad of Silos 31 and 32, a distance of thirty six and zero hundredths feet (36.00') to a point; Thence (3) South 13° 24' 58" East, continuing along the edge of concrete pad and between Silos 9 and 4, a distance of sixteen and zero hundredths feet (16.00') to a point; Thence (4) North 76° 35' 02" East, along the southerly edge of said concrete pad for Silos 7, 8 and 9, a distance of twenty eight and seventy hundredths feet (28.70') to a point; Thence (5) South 13° 51' 58" East, through the wall of an existing building, a distance of nineteen and fifty-one

hundredths feet (19.51') to a point in the center of an 8 inch block wall; Thence (6) South 76° 08' 02" West, along the centerline of the said 8 inch block wall, a distance of five and twenty-one hundredths feet (5.21') to a point on the easterly face of aluminum framing; Thence (7) North 13° 51' 58" West, along said easterly face of aluminum framing, a distance of six and twenty-five hundredths feet (6.25') to the northeasterly corner thereof; Thence (8) South 76° 08' 02" West, along the northerly face of said aluminum framing, a distance of nineteen and forty hundredths feet (19.40') to the northwesterly corner thereof; Thence (9) South 13° 51' 58" East, along the westerly face of said aluminum framing, a distance of six and twenty-five hundredths feet (6.25') to a point in the center of the previously mentioned 8 inch block wall; Thence (10) South 76° 08' 02" West, along the centerline of said wall, a distance of four hundred eight and ninety-two hundredths feet (408.92') to a point; Thence (11) South 13° 51' 58" East, along the centerline of an 8 inch block wall, a distance of sixty four and eighty hundredths feet (64.80') to a point; Thence (12) South 76° 08' 02" West, along the centerline of an 8 inch block wall, a distance of twenty two and seventy hundredths feet (22.70') to a point; Thence (13) South 13° 51' 58" East, along the centerline of a 12 inch block wall, a distance of twenty nine and forty-six hundredths feet (29.46') to a point in the center of an 8 inch block wall; Thence (14) South 75° 59' 32" West, along the centerline of said 8 inch block wall, a distance of thirteen and thirty-four hundredths feet (13.34') to a point on the westerly face of an existing wall; Thence (15) South 14° 00' 28" East, along said westerly face of wall, a distance of one hundred eleven and ten hundredths feet (111.10') to a point in the center of an 8 inch block wall; Thence (16) South 75° 59' 32" West, along the centerline of said 8 inch block wall, a distance of twenty four and thirty-eight hundredths feet (24.38') to a point; Thence (17) South 14° 00' 28" East, along the centerline of an 8 inch block wall, a distance of seventy five and eighty-three hundredths feet (75.83') to a point; Thence (18) North 75° 59' 32" East, along the centerline of an 8 inch block wall, a distance of seven and fifty hundredths feet (7.50') to a point; Thence (19) South 14° 00' 28" East, along the centerline of an 8 inch block wall, and continuing beyond the exterior of the existing building, a total distance of sixty six and seventy hundredths feet (66.70') to a point on line, more or less, of an existing 6 foot chain link fence with barbed wire; Thence (20) North 68° 12' 50" East, a distance of two hundred fifty six and forty-five hundredths feet (256.45') to a point; Thence (21) North 14° 03' 34" West, a distance of thirteen and twenty-four hundredths feet (13.24') to a point; Thence (22) North 77° 05' 29" East, a distance of fifty eight and ninety-eight hundredths feet (58.98') to a point; Thence (23) South 08° 01' 54" East, along the centerline of a driving lane between parking rows, a distance of two hundred ten and eighty-three hundredths feet (210.83') to a point in the first mentioned northerly right-of-way line of Route 31;

Thence South 86° 47' 42" West, along said right-of-way line, a distance of twenty two and thirty-four hundredths feet (22.34') to the point or place of beginning, containing 8.95 acres of land, more or less.

BEING AND HEREBY intending to describe the premises conveyed to Covalence Specialty Materials Corp. (now Berry Plastics Corporation) in deed dated February 16, 2006 and recorded March 28, 2006 in the County of Wayne under instrument no. R9069942.

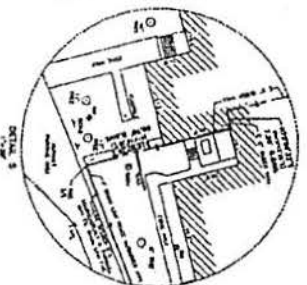
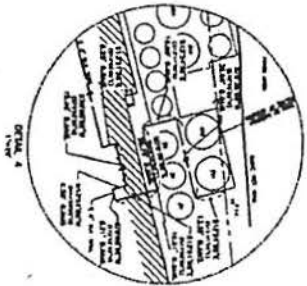
Bearings are referenced to the New York State Plane Coordinate System (Central Zone).

County: Wayne

Site No: C859025

BCA Index No.: B8-0669-04-06

SURVEY



RECEIVED

1. **RESEARCH**—A review of the literature on the use of the term "research" in the field of nursing was conducted. The review was limited to the period 1980-1990 and was conducted using the following criteria:
 - a. The term "research" was used in the title of the article.
 - b. The article was published in a peer-reviewed journal.
 - c. The article was written by a nurse or a nurse researcher.
 - d. The article was written in English.
 - e. The article was written by a nurse or a nurse researcher who was not affiliated with the University of Illinois at Chicago.
2. **RESULTS**—A total of 100 articles were identified and reviewed. The results of the review are presented in the following table:
3. **CONCLUSIONS**—The results of the review suggest that the term "research" is used in a variety of ways in the field of nursing. The most common use of the term is to describe a study that is designed to test a hypothesis. Other uses of the term include describing a study that is designed to explore a new area of research, describing a study that is designed to describe a phenomenon, and describing a study that is designed to describe a process.
4. **REFERENCES**—The following references were used in the review:
5. **APPENDIX**—The following table provides a list of the 100 articles that were reviewed:

1. The first step in the process of the investigation is to identify the problem or issue that needs to be addressed.
2. The next step is to gather information and data related to the problem.
3. Once the information is gathered, it is analyzed to identify the root cause of the problem.
4. The next step is to develop a plan of action to address the problem.
5. The plan of action is then implemented, and the results are monitored and evaluated.
6. If the results are not satisfactory, the process is repeated, starting with identifying the problem.
7. The final step is to document the findings and conclusions of the investigation.

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved. It is important to understand the context and the stakes of the problem.

2. Once the problem is identified, the next step is to analyze it. This involves breaking the problem down into its components and understanding how they are related. It is important to identify the root cause of the problem, rather than just the symptoms.

3. After analyzing the problem, the next step is to develop a plan. This involves identifying the goals of the intervention and the steps that need to be taken to achieve them. It is important to have a clear and realistic plan that takes into account the resources available and the potential obstacles.

4. The final step in the process is to implement the plan. This involves putting the plan into action and monitoring the progress. It is important to be flexible and willing to make adjustments as needed, based on the feedback received.

5. Finally, the last step is to evaluate the results. This involves assessing the impact of the intervention and determining whether the goals have been achieved. It is important to document the results and share them with the relevant stakeholders.

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[illegible]

[The following text is extremely faint and largely illegible due to low contrast and blurring. It appears to consist of several columns of handwritten or typed notes.]

ROBERT PLASTICS CORPORATION
11175 E. 12th Ave.
Denver, CO 80231
Phone: (303) 751-1000

[illegible]