

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

Mr. Paul Neureuter
Olean Gateway LLC
4 Centre Drive
Orchard Park, NY 14127

DEC 02 2016

Mr. Paul Werthman
Olean Gateway LLC
4 Centre Drive
Orchard Park, NY 14127

Re: Certificate of Completion
Site Name: Olean Redevelopment Parcel 1
Site No.: C905031
City of Olean, Cattaraugus County

Dear Messrs. Neureuter and Werthman:

Congratulations on having satisfactorily completed the remedial program at the Olean Redevelopment Parcel 1 site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the 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 copy of the recorded notice should be provided to the Department's project manager. 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. Please return the proof of recording to:

Chief, Site Control Section



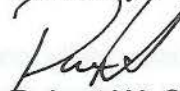
Department of
Environmental
Conservation

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 March 2018.

If you have any questions regarding any of these items, please contact Benjamin McPherson at 716-851-7220.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

P. Neureuter (pneureuter@krogcorp.com)

P. Werthman (pwerthman@benchmarkturnkey.com)

M. Lesakowski (MLesakowski@turnkeyllc.com)

M. Nisengard (MNisengard@hselaw.com)

K. Anders - NYSDOH

M. Forcucci - NYSDOH

ec w/o enc.:

B. McPherson

C. Staniszewski

M. Cruden

J. Dougherty

G. Heitzman

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Olean Gateway LLC

Address

4 Centre Drive, Orchard Park, NY 14127

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 08/15/12 **Agreement Execution:** 10/16/12 **Agreement Index** C905031-08-12

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C905031 **Site Name:** Olean Redevelopment Parcel 1

Site Owner: Olean Gateway, LLC.

Street Address: 1404-1406 & 1420 Buffalo Street

Municipality: Olean **County:** Cattaraugus **DEC Region:** 9

Site Size: 25.099 Acres

Tax Map Identification Number(s): 94.047-2-29, 94.047-2-30

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 25 %.

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 25 %.

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 Cattaraugus County as 239339-003.

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

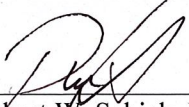
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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 is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:


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

Date: December 02, 2016

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Olean Redevelopment Parcel 1, Site ID No. C905031
1404-1406 & 1420 Buffalo Street, Olean, NY 14760

City of Olean, Cattaraugus County, Tax Map Identification Number(s) 94.047-2-29 and 94.047-2-30

PLEASE TAKE NOTICE, 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) to Olean Gateway LLC for a parcel approximately 25.099 acres located at the 1404-1406 & 1420 Buffalo Street in the City of Olean, Cattaraugus 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 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.

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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ 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 Cattaraugus County as 239339-003.

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 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

Olean Redevelopment Parcel 1, #C905031, 1404-1406 & 1420 Buffalo Street, Olean, NY 14760

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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 only 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 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 9 located at 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Olean Gateway LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Olean Gateway LLC
4 Centre Drive
Orchard Park, NY 14127



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/7/2016



SITE DESCRIPTION

SITE NO. C905031

SITE NAME Olean Redevelopment Parcel 1

SITE ADDRESS: 1404-1406 & 1420 Buffalo Street **ZIP CODE:** 14760

CITY/TOWN: Olean

COUNTY: Cattaraugus

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/30/2018

Description of Institutional Control

Olean Gateway, LLC

4 Centre Drive

1404-1406 Buffalo Street

Environmental Easement

Block: 2

Lot: 29

Sublot:

Section: 94

Subsection: 047

S_B_L Image: 94.047-2-29

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

1420 Buffalo Street

Environmental Easement

Block: 2

Lot: 30

Sublot:

Section: 94

Subsection: 047

S_B_L Image: 94.047-2-30

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Olean Gateway, LLC

4 Centre Drive

1404-1406 Buffalo Street

Environmental Easement

Block: 2

Lot: 29

Sublot:

Section: 94

Subsection: 047

S_B_L Image: 94.047-2-29

Air Sparging/Soil Vapor Extraction

Cover System

Groundwater Treatment System

Vapor Mitigation

1420 Buffalo Street

Environmental Easement

Block: 2

Lot: 30

Sublot:

Section: 94

Subsection: 047

S_B_L Image: 94.047-2-30

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Block: 2

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Sublot:

Section: 94

Subsection: 047

S_B_L Image: 94.047-2-30

Air Sparging/Soil Vapor Extraction

Cover System

Groundwater Treatment System

Vapor Mitigation

SCHEDULE "A" PROPERTY DESCRIPTION

Legal Description
Olean Redevelopment Parcel 1
BCP Site No. C905031

Tax Parcels:

94.047-2-29 #1404-1406 Buffalo Street, Olean, New York
and
94.047-2-30 #1420 Buffalo Street, Olean, New York

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Olean, County of Cattaraugus, and State of New York being more particularly bounded and described as follows:

BEGINNING at a point on the northeasterly line of Buffalo Street, said point being the northeasterly corner of lands appropriated by the State of New York for the City of Olean Northwest Arterial as shown on Acquisition Map 10 Parcel 15;

Thence along the northeasterly line of Map 10 Parcel 15 and the northeasterly line of Map 10 Parcel 16 the following two (2) courses and distances:

1) North 47 deg. 24 min. 34 sec. West 494.50 feet to a point; and
2) North 44 deg. 52 min. 03 sec. West 171.31 feet to its intersection with the division line between the lands now or formerly of Olean Gateway LLC designated as Parcel 2 in Instrument Number 208402-004 on the southeast and the lands now or formerly of New York Telephone Company as described in Book 750 of Deeds at Page 555 on the northwest;

Thence North 57 deg. 56 min. 47 sec. East, along said division line, 17.11 feet to its intersection with the division line between said Parcel 2 in Instrument Number 208402-004 on the southeast, and other lands of Olean Gateway LLC designated as Parcel 1 in Instrument Number 208402-004 on the northwest;

Thence North 58 deg. 31 min. 16 sec. East, along said division line, 85.44 feet to its intersection with the division line between said Parcel 1 in Instrument Number 208402-004 on the northwest and other lands now or formerly of Olean Gateway LLC designated as Parcel 3 in Instrument Number 208402-004 on the southeast;

Thence North 57 deg. 22 min. 02 sec. East, along said division line, 1065.32 feet to its intersection with the division line between said Parcel 3 in Instrument Number 208402-004 on the southeast and other lands now or formerly of Olean Gateway LLC designated as Parcel 4 in Instrument Number 208402-004 on the northwest;

Thence North 57 deg. 11 min. 49 sec. East, along said division line, 159.14 feet to its intersection with the division line between said Parcel 3 in Instrument Number 208402-004 on the east and said Parcel 4 in Instrument Number 208402-004 on the west;

Thence North 00 deg. 19 min. 57 sec. East, along said division line, 61.48 feet to its intersection with the division line between said Parcel 3 in Instrument Number 208402-004 on the south and the lands now or formerly of Dresser Rand Company as described in Book 869 Page 644 on the

north;

Thence South 89 deg. 55 min. 21 sec. East, along said division line, 82.15 feet to its intersection with the division line between said Parcel 3 in Instrument Number 208402-004 on the west and the said lands of Dresser Rand Company on the east;

Thence along the last described division line, and in part by a boundary line agreement described in Book 691 of deeds at Page 256, the following five (5) courses and distances:

- 1) South 00 deg. 07 min. 57 sec. West 1046.64 feet to a point; thence
- 2) North 89 deg. 30 min. 09 sec. East 49.75 feet to a point; thence
- 3) South 00 deg. 40 min. 26 sec. East 469.40 feet to a point; thence
- 4) South 89 deg. 07 min. 41 sec. West 258.50 feet to a point; and
- 5) South 42 deg. 22 min. 12 sec. West 123.24 feet to its intersection with the northeasterly line of Buffalo Street, said point being the northeasterly corner of lands appropriated by the State of New York for the City of Olean Northwest Arterial as shown on Acquisition Map 9 Parcel 13;

Thence along the northeasterly line of Map 9 Parcel 13 and the northeasterly line of Map 9 Parcel 14 the following two (2) courses and distances:

- 1) North 60 deg. 55 min. 18 sec. West 44.04 feet to and point; and
- 2) North 47 deg. 24 min. 34 sec. West 528.00 feet to the point and place of beginning containing 25.099 acres of land more or less.

Intending to describe all of the lands comprising City of Olean Tax Map Parcel 94.047-2-30 conveyed to Olean Gateway LLC from Exxon Mobil Corporation designated as Parcel 2 by deed dated December 6, 2013 and recorded December 9, 2013 in the Cattaraugus County Clerk's Office in Instrument Number 208402-004,

AND

all of the lands comprising City of Olean Tax Map Parcel 94.047-2-29 conveyed to Olean Gateway LLC from Exxon Mobil Corporation designated as Parcel 3 by deed dated December 6, 2013 and recorded December 9, 2013 in the Cattaraugus County Clerk's Office in Instrument Number 208402-004.

10/1/2010

The first step in the site survey process is to identify the location of the site. This is done by obtaining a map of the area and identifying the site location. The next step is to conduct a visual inspection of the site. This involves walking around the site and observing the surrounding area. The final step is to conduct a detailed survey of the site. This involves taking measurements and collecting data on the site's characteristics.

The purpose of the site survey is to determine the suitability of the site for the proposed project. This involves assessing the site's location, size, shape, and other characteristics. The survey also identifies any potential problems or constraints that may affect the project. The results of the survey are used to develop a site plan and to obtain the necessary permits for the project. The site survey is a critical step in the project development process and is essential for ensuring the success of the project.

The site survey is conducted by a qualified professional who has experience in site surveying. The survey is conducted in accordance with the standards and practices of the profession. The results of the survey are documented in a report that is submitted to the client. The report includes a description of the site, a map of the site, and a list of the survey findings. The report also includes recommendations for the project and a list of the resources that are required for the project.

The site survey is a key component of the project development process. It provides the information that is needed to make decisions about the project. The survey also identifies the risks that are associated with the project and provides a means for managing those risks. The site survey is a critical step in the project development process and is essential for ensuring the success of the project.

10/1/2010

The site survey is a key component of the project development process. It provides the information that is needed to make decisions about the project. The survey also identifies the risks that are associated with the project and provides a means for managing those risks. The site survey is a critical step in the project development process and is essential for ensuring the success of the project.

