

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

DEC 11 2012

DST Properties NY, LLC
Attention: Crystal Wiech
301 Franklin Street
Olean, New York 14760

RE: Certificate of Completion
Site Name: Scott Rotary Seals
Olean, Cattaraugus County
Site No.: C905036

Dear Ms. Wiech:

Congratulations on having satisfactorily completed the remedial program at the Scott Rotary Seals Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) 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.

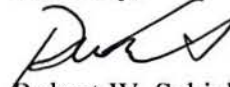
Please note that you are required to perform the following tasks:

- 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 DEC-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 DEC 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 DEC on January 26, 2014; 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.

If you have any questions regarding any of these items, please contact Mr. Chad Staniszewski at (716) 851-7220.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: K. Anders, DOH
M. Forcucci, DOH
C. Staniszewski, DEC
M. Doster, DEC
M. Cruden, DEC
T. Mucha, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

DST Properties NY, LLC

Address

301 Franklin Street, Olean, NY 14760

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/9/10 **Agreement Execution:** 3/24/10 **Agreement Index No.:** C905036-03-10

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION

Site No.: C905036 **Site Name:** Scott Rotary Seals

Site Owner: DST Properties NY, LLC

Street Address: 301 Franklin Street

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

Site Size: 2.000 Acres

Tax Map Identification Number(s): 94.040-1-29.02

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 182302-001.

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

Date: December 14, 2012

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

Scott Rotary Seals, Site ID No. C905036
301 Franklin Street, Olean, NY 14760
City of Olean, Cattaraugus County, Tax Map Identification Number 94.040-1-29.02

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 DST Properties NY, LLC for a parcel approximately 2 acres located at 301 Franklin Street in the City of Olean and 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):

- ☐ 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 Instrument Number 182302-001.

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 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.

Scott Rotary Seals Site, C905036, 301 Franklin Street, Olean, 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 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 Office located at 270 Michigan Avenue, Buffalo, NY 14203 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

DST Properties NY, 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:
DST Properties NY, LLC
Attn: Crystal Wiech
4775 Route 16
Hinsdale, New York 14743

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/4/2012



SITE DESCRIPTION

SITE NO. C905036

SITE NAME Scott Rotary Seals

SITE ADDRESS: 301 Franklin 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Report Submitted Date: 01/26/2014		

Description of Institutional Control

DST Properties NY, LLC

13829 Jay Street NW

301 Franklin Street

Environmental Easement

Block: 1

Lot: 29

Sublot: 02

Section: 94

Subsection: 040

S_B_L Image: 94.040-1-29.02

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

DST Properties NY, LLC

13829 Jay Street NW

301 Franklin Street

Environmental Easement

Block: 1

Lot: 29

Sublot: 02

Section: 94

Subsection: 040

S_B_L Image: 94.040-1-29.02

Air Sparging/Soil Vapor Extraction

Cover System

Groundwater Treatment System

Vapor Mitigation

EXHIBIT A

PROPERTY DESCRIPTION

Address: 301 Franklin Street, City of Olean, Cattaraugus County, New York
Tax Map: 94.40-1-29

All that tract or parcel of land, situate in the City of Olean, County of Cattaraugus and State of New York, being a portion of Great Lot No. 4, Section No. 5, Township 2, Range 4, of the Holland Land Company's Survey, also being a portion of Blocks 65 and 66 of the Olean Depot. according to a map by Joseph Mann. Esq. In 1853, bounded and described as follows:

Commencing at a point in the center of Franklin Street being N 56°07'00" E a distance of 661.03 feet from the west line of Great Lot No. 4, Section 5; thence S 33°10'00" E a distance of 25.0 feet to the southeast bounds of said street, being the point or place of beginning; thence N 56°07'00" E along said southeast bounds a distance of 180.30 feet to an angle point therein; thence N 59°15'00" E continuing along said southeast bounds a distance of 94.70 feet to the westerly bounds of lands now or formerly owned by Pennsylvania Lines, LLC Railroad; thence S 33°10'00" E along the westerly bounds of said railroad a distance of 185.86 feet to a point on the westerly bounds of lands deeded to Consolidated Rail Corporation, as recorded on July 11, 1980 in Liber 803 of Deeds at Page 194; thence along said Consolidated Rail Corporation lands on a curve to the right having a Radius of 578.07 feet, an Arc Length of 225.38 feet and a Chord Course of S 08°01'38" W with a distance of 222.36 feet to the northerly bounds of lands now or formerly owned by Southern Tier Rail Authority; thence S 57°00'00" W along the northerly bounds of said Southern Tier Rail Authority a distance of 128.45 feet to an iron set; thence N 33°10'00" W a distance of 354.55 feet to the point or place of beginning, containing 2.000 acres of land more or less, all in accord with a plan of survey prepared by Michael A. Roeske, Licensed Surveyor, as last dated December 2, 2008.

FRANKLIN (50' WIDE) STREET



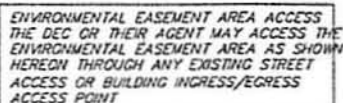
Commencing at a point in the east of Franklin Street being N 34°57'00" E a distance of 881.63 feet from the west line of Great Lot No. 4, Section 5, Thence S 37°10'00" E a distance of 213.10 feet to the southeast corner of said street, from the point or place of beginning, thence N 36°00'00" E along said southeast corner a distance of 180.32 feet to an angle point thence, thence N 39°10'00" E continuing along said southeast corner a distance of 84.70 feet to the westerly corner of lots now or formerly owned by Phosphate Lines, LLC thence S 37°10'00" E along the westerly boundary of said railroad a distance of 155.86 feet to a point on the westerly boundary of lands owned by Consolidated Rail Corporation, as recorded on July 15, 1987 in LBR 053 of Deeds at Page 134; thence said Consolidated Rail Corporation lands on a curve to the right having a Radius of 278.00 feet, on its arc length of 222.38 feet and a central angle of 45.56 degrees to a point on the north line of said railroad, thence N 37°10'00" E along the north line of said Rail Authority, thence S 37°10'00" E along the westerly boundary of said Consolidated Rail Authority a distance of 126.43 feet to an iron nail, thence N 37°10'00" E a distance of 334.58 feet to the point or place of beginning, containing 2,030 more or less more or less, of or interest with a plan of survey prepared by Michael A. Fleury, Licensed Surveyor, on last dated September 2, 2004.

EASEMENT NOTE:

UTILITY EASEMENT TO NIAGARA MOHAWK POWER CORPORATION BY LINE 1024 DEEDS PAGE 263 (AS DESCRIBED EXACT LOCATION NOT PLOTTABLE)

The Environmental Assessment was for BOP Site #000003M - Scott Bakery Sales Site, has a street address of 331 Franklin Street, City of Orem, Salt Lake County NE.

THE ENGINEERING AND INSTUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, STATE CONTROL SECTION, 625 BROADWAY, ALBANY, N.Y. 12233 OR AT derweb@w.dec.state.ny.us



EXPERIENCE / ASSISTING GENERAL

- * Groundwater line - the use or withdrawal of the groundwater for drinking, irrigation or other nonagricultural purposes will be prohibited.
- * Water quality - the water resources for future drinking will be protected in accordance with state, federal, requirements and patterns.
- * Sub-Soil Deposition/Extraction System (SDSES) - withdrawal of the active ESD System.
- * Soil Cap System - withdrawal of active soils will occur systems consisting of a combination of 1" and 2" permeable and non-permeable buildings.
- * Soil Cap System (SDSES) - withdrawal of active soils.
- * Land Use - Active and soil will be restricted to Commercial or Industrial purposes.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 38 of Article 91 of the New York Environmental Conservation Law.

"This Survey has been revised with the benefit of Title Report Commitment No. 1113-25215 Dated April 30, 2017, as prepared by Chicago Title Insurance Company."

INSTRUMENTS USED IN DETERMINING LOCATION OF BOUNDAFF LACE *Large Invertebrate*
and *Small Invertebrate* *Collected and* *Released* *on* *1* *January* *1998* *at* *10* *AM*

AMEND: 7/3/12 - ADD ENVIRONMENTAL
EASEMENT AREA NOTE

has been left out and suffered in accordance with the current knowledge for Louis Riel's actions at the end of the 19th century and the events of the 19th century.

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Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 831-5140 - FAX 831-3811

AMEND: 3°
SURVEY DATE: 5-16-12
DRAWING DATE: 5-23-12
SCALE: 1" = 30'
"ALL RIGHTS RESERVED"

"AS BUILT" SURVEY
PART OF LOT 4 SECTION 5 TOWNSHIP 2 RANGE 4 OF THE
Holland Land Company's SURVEY - Cattaraugus COUNTY, N.Y.
SURVEY OF: 301 Franklin Street, City of Olean

LIES MAP HAS UNLAW
 ENCLOSED
 WITH NEW HOME STATE LICENSED LAND
 SURVEYOR'S SEAL, ALTHOUGH NOT ITEM
 ON THIS MAP IS A VIOLATION OF THE
 LAW EXCEPT AS PROVIDED IN SECTION
 7201, PART 2, OF THE NEW HOME
 STATE CONSTITUTION LAW.
 SEE. No. PT 94-40-1-29