NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information

NAME Silence Dogood LLC

ADDRESS 211 Franklin Street

CITY/TOWN Olean ZIP CODE 14760

PHONE 716-913-7878 FAX 716-372-6864 E-MAIL jeff.belt@solepoxy.com

Is the requestor authorized to conduct business in New York State (NYS)? ☑ Yes ☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and New York State Education Law. **Documents that are not properly certified will not be approved under the BCP.** ☑ Yes ☐ No

NAME OF REQUESTOR'S REPRESENTATIVE Jeff Belt

ADDRESS 35 Newman Place

CITY/TOWN Buffalo ZIP CODE 14210

PHONE 716-913-7878 FAX 716-372-6864 E-MAIL jeff.belt@solepoxy.com

NAME OF REQUESTOR'S CONSULTANT Day Environmental, Inc ATTN: Ray Kampff

ADDRESS 1563 Lyell Avenue

CITY/TOWN Rochester ZIP CODE 14052

PHONE 585-454-0210 FAX 585-454-0825 E-MAIL rkampff@daymail.net

NAME OF REQUESTOR'S ATTORNEY Phillips Lytle LLP ATTN: Adam Walters, Esq.

ADDRESS One Canalside, 125 Main Street

CITY/TOWN Buffalo ZIP CODE 14203

PHONE 716-847-8400 FAX 716-852-6100 E-MAIL awalters@phillipslytle.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT
A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☑ VOLUNTEER
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner ☑ Current Owner ☐ Potential /Future Purchaser ☐ Other_____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☐ Yes ☐ No
-Proof of site access must be submitted for non-owners

211 Franklin Street

Section II. Property Information

Check here if this application is to request significant changes to property set forth in an existing BCA: ☐

Existing BCP site number: _____

PROPERTY NAME 211 Franklin Street (Property or Site)

ADDRESS/LOCATION 211 Franklin Street CITY/TOWN Olean ZIP CODE 14760

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of Olean

COUNTY Cattaragus SITE SIZE (ACRES) 5.787

LATITUDE (degrees/minutes/seconds) 42 ° 5 ' 41.2 " LONGITUDE (degrees/minutes/seconds) 78 ° 26 ' 23.6 "

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☑ MAP HORIZONTAL REFERENCE DATUM:

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
211 Franklin Street, Olean, New York	94	40	1	21	5.787

1. Do the property boundaries correspond to tax map metes and bounds? ☐ Yes ☑ No
   If no, please attach a metes and bounds description of the property.
2. Is the required property map attached to the application? (application will not be processed without map) ☑ Yes ☐ No
3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☐ Yes ☑ No
   For more information please see Empire State Development's website.
   If yes, identify area (name) _____
   Percentage of property in En-zone (check one): ☑ 0-49% ☐ 50-99% ☐ 100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____ ☐ Yes ☑ No

5. Property Description Narrative:

See attached.

6. List of Existing Easements (type here or attach information)

Easement Holder	Description
Columbia Gas of New York	Right of Way

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: AB _____ _____ _____ _____ _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Silence Dogood LLC		
ADDRESS 211 Franklin Street		
CITY/TOWN Olean	ZIP CODE 14760	
PHONE 719-913-7878	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com
OPERATOR'S NAME SolEpoxy, Inc.		
ADDRESS 211 Franklin Street		
CITY/TOWN Olean	ZIP CODE 14760	
PHONE 716-372-6300	FAX 716-372-6864	E-MAIL jeff.belt@solepoxy.com

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☑ No
2. Is the requestor subject to an existing order relating to contamination at the site? ☐ Yes ☑ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☑ No
4. Has the requestor been determined to have violated any provision of ECL Article 27? ☐ Yes ☑ No
5. Has the requestor previously been denied entry to the BCP? ☐ Yes ☑ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? ☐ Yes ☑ No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐ Yes ☑ No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? ☐ Yes ☑ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☑ No

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

1. Is the property, or was any portion of the property, listed on the National Priorities List? ☐ Yes ☑ No
   If yes, please provide relevant information as an attachment.
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? ☐ Yes ☑ No
   If yes, please provide: Site #_____ Class # _____
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☑ No
   If yes, please provide: Permit type:_____ EPA ID Number:_____
   Date permit issued:_____ Permit expiration date:_____
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? ☐ Yes ☑ No
   If yes, please provide: Order #_____
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☑ No
   If yes, please provide explanation as an attachment.

Section VI. Project Description

What stage is the project starting at? ☑ Investigation ☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Environmental Reports**

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐Yes ☐No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	x			
Chlorinated Solvents					
Other VOCs		x			
SVOCs					
Metals	x	x			
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					x
Chlorinated Solvents					
Other VOCs	x				x
SVOCs	x				
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

☑Above Ground Pipeline or Tank ☐Lagoons or Ponds ☑Underground Pipeline or Tank ☐Surface Spill or Discharge
☑Routine Industrial Operations ☐Dumping or Burial of Wastes ☐Septic tank/lateral field ☑Adjacent Property
☑Drums or Storage Containers ☐Seepage Pit or Dry Well ☐Foundry Sand ☐Electroplating
☐Coal Gas Manufacture ☐Industrial Accident ☑Unknown
Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

☐Coal Gas Manufacturing ☑Manufacturing ☐Agricultural Co-op ☐Dry Cleaner ☐Salvage Yard ☐Bulk Plant
☐Pipeline ☐Service Station ☐Landfill ☐Tannery ☑Electroplating ☐Unknown
Other: _____

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐Residential ☐Commercial ☑Industrial ☐Vacant ☐Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐Unrestricted ☐Residential ☑Commercial ☑Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	☑Yes ☐No
4. Is the proposed use consistent with applicable zoning laws/maps?	☑Yes ☐No
5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	☑Yes ☐No
6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐Yes ☑No
7. Are there any federal or state land use designations relating to this site?	☐Yes ☑No
8. Do the population growth patterns and projections support the proposed use?	☑Yes ☐No
9. Is the property accessible to existing infrastructure?	☑Yes ☐No
10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	☐Yes ☑No
11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	☐Yes ☑No
12. Are there floodplains within ½ mile?	☑Yes ☐No
13. Are there any institutional controls currently applicable to the property?	☐Yes ☑No
14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.	
15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.	
16. Describe the geography and geology of the site in an attachment.	

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am _____(title) of _____(entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 1/16/14 Signature: _____ Print Name: Jeffrey Belt

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

211 Franklin Street
Brownfield Cleanup Program Application Supplement

The following exhibits and supplemental information is attached hereto in support of the 211 Franklin Street (Property or Site) Brownfield Cleanup Program ("BCP") Application.

Attachment A	Corporate Entity Information
Attachment B	USGS Quadrangle Map
	Property Base Map
	Survey
	Tax Map
Attachment C	NYSDEC Data Sheet
Attachment D	Corrective Action Prior to Loss of Interim Status Inspection Report
Attachment E	Termination of Permit #NYD042569079
Attachment F	NYSDEC Site Briefing Report
Attachment G	Brownfield Opportunity Area Map
Attachment H	Current Zoning Map
Attachment I	Water Bodies, Flood Plans, and Wetlands Map
Attachment J	Regional Aquifer Map
Attachment K	2012 Annual Drinking Water Quality Report
Attachment L	Document Repository Letter
Attachment M	Resolution of Silence Dogood LLC

The following information supplements specific Sections, as noted:

Section I: Requestor Information

1. Corporation Entity Information included as Attachment A.

Section II: Property Information

Tax Parcels:

Address	Parcel No.	Acreage
211 Franklin Street	94.040-1-21	5.787

See attached tax map, survey and legal description (Attachment B).

Property Description Narrative:

The approximate 5.787 acre Site is developed with a one and two-story industrial building with a partial basement, and the building footprint covers approximately 90% of the Site. Decorative landscaping/lawn areas are located between the building and Franklin Street to the north and an asphalt-paved parking lot and vacant land is located on the north side of Franklin Street. Generally, strips of stone/gravel covered land are located adjacent to the west and south sides of the building with the Southern Tier Railroad Authority railroad Right-of Way beyond. A grass-covered area is located immediately to the east of the building with residential properties beyond. The western terminus of West Connell Street is located adjacent to the southeast corner of the Site.

Section V: Property Eligibility

2. As identified on the attached NYSDEC data sheet (Attachment C), 211 Franklin is identified by the NYSDEC as a Resource Conservation and Recovery Program Site (Code: 905038) with a C (completed) classification. A predecessor to the current owner applied for a USEPA TSDF permit (# NYD042569079) as an Interim Status Facility prior to 1981, so that hazardous wastes could be stored at the facility for more than 90 days. An initial request to the USEPA by the facility to withdraw the application for permit # NYD042569079 was submitted on September 14, 1981. A "Corrective Action Prior to Loss of Interim Status" (CAPT LOIS) inspection of the facility was conducted by PRC Environmental Management on behalf of the USEPA, and a report of the findings, dated October 28, 1988 is attached (Attachment D). Termination of permit # NYD042569079 was approved by the NYSDEC on May 8, 1989, and a copy of the approval letter is also attached (see Attachment E). A copy of a Site Briefing Report prepared by the NYSDEC that was received on October 15, 2013 for the 211 Franklin Street property is included as Attachment F. This report indicates: "Due to wastes generated by the historic and current operations of facilities on this Site, a permit was issued under the Resource Conservation and Recovery Act (RCRA). The facility no longer has an active operating permit, and the corrective action program is complete."

Section VI. Project Description

- **Purpose and Scope of the Project:** The purpose of this project is to remediate 211 Franklin Street and permit the continued operation of the facility at the Site for the manufacture of specialized epoxy coatings for use in computers and other electronic equipment with the possible use of portions of the facility for commercial operations (specific uses to be based on tenant/market demands). The scope of the project will include a Remedial Investigation (RI) to evaluate environmental conditions in sufficient detail to complete a Remedial Alternatives Analysis (RAA) of potential remedial actions (RA). Following the evaluation of potential RAs by the New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH), and input from the public, the selected RA will be implemented. The work will be done in accordance with NYSDEC DER-10 guidelines.

  As described in detail in the RI/RAA Work Plan prepared for this Site, the proposed Project scope will include:

  - Assessment of basement and vault areas within the building at the Site to identify potential sources of contamination and impacts to subsurface materials;
  - A geophysical survey at select exterior portions of the Site to identify possible buried structures, vessels, etc.;
  - Soil vapor screening beneath the floor slabs of the building at the Site to determine whether actions are needed to address exposures to VOC contamination related to soil vapor intrusion, and to identify possible contaminant source areas;
  - Assessment of active and former utility infrastructure to identify possible preferred contamination pathways;
  - Collection and analytical laboratory testing of surface soil samples to characterize the exposed soil/fill;

- Advancement of soil borings, collection and screening of subsurface soil samples, and analytical laboratory testing of select subsurface soil samples to characterize subsurface conditions;
- Monitoring well installation, development, collection of groundwater samples, and in-situ/analytical laboratory testing of groundwater samples to characterize groundwater conditions;
- Physical testing of monitoring wells to determine hydraulic conductivity and groundwater flow patterns;
- Completion of an elevation and location survey of test/sample locations for reporting purposes;
- Collection of subsequent quarterly groundwater samples for analytical laboratory testing to assess seasonal variations;
- Closure via excavation, and removal with subsequent confirmatory testing of an underground storage tank (UST) located at the Site as an interim remedial measure (IRM) to remove a potential source area of contamination;
- Data usability summary report (DUSR) preparation for samples tested by an analytical laboratory to validate the samples tested; and
- Preparation of the RI/RAA report describing the studies completed and presenting an evaluation of potential RA.

The scope of work to develop and implement the remedial actions will depend on the findings of the RI.

- **Estimated Project Schedule**: Work will be initiated subsequent to acceptance into the BCP and approval of the final RI/RAA Work Plan by the NYSDEC, and the estimated project schedule is presented below:

  - Begin Remedial Investigation (RI)
    Projected start date: March 17, 2014

  - Fieldwork and Analytical Laboratory Testing for RI
    Projected timeframe:
    - *March 17, 2014 through July 4, 2014 (includes initial groundwater sampling event and UST Removal IRM)*
    - *August 1, 2014 through September 12, 2014 (includes sampling and receipt of analytical laboratory results for second quarterly round of groundwater samples)*

  - Submit Draft combined RI/RAA Report
    Projected submittal date: August 7, 2014

  - NYSDEC and NYSDOH Review, Finalization of RI/RAA Report, Remedy Selection and Issuance of a Decision Document by the NYSDEC
    Projected date of Decision Document: October 16, 2014

- Remedial Action Work Plan (RAWP)
  Projected submittal date: December 11, 2014

- Construction/Implementation of Remedy
  Projected date of completion: May 29, 2015

- Draft Final Engineering Report (FER) and Create/Record Institutional Controls and Engineering Controls (ICs/ECs)
  Projected date of completion: June 30, 2015

- NYSDEC and NYSDOH Review and Finalization of the FER and ICs/ECs
  Projected date of completion: September 30, 2015

- Issuance of Certificate of Completion (COC)
  Projected date of receipt: October 15, 2015

Section VII: Property's Environmental History

1. Environmental Reports.

   A Phase I Environmental Site Assessment (Phase I ESA) report dated November 1, 2013 prepared in accordance with *ASTM E 1527 Standard Practice for Environmental Site Assessments Phase I Environmental Site Assessment Process*, and a Preliminary Phase II Environmental Site Assessment (Phase II ESA), dated October 17, 2013 are enclosed. A final investigation report has not been prepared.

2. Sampling Data.

   Copies of the analytical laboratory reports are included as Appendix B of the October 17, 2013 Preliminary Phase II ESA.

3. Suspected Contaminants.

   As described in the November 1, 2013 Phase I ESA, the chemicals, hazardous substances and waste products used/generated during historical industrial manufacturing activities conducted at the Site since at least 1886, included:

   - Manufacture and storage of acids and fuels;
   - materials/wastes from glass manufacturing;
   - electroplating and painting materials and wastes from metal furniture manufacturing;
   - materials and wastes generated during resin/coating manufacturing (solvents [MIBK, acetone, etc.]), raw materials containing metals [arsenic, chromium, mercury, etc.]);
   - petroleum products, coal, and ash associated with power plants/boilers fueling operations at these facilities.

   Additional suspected contaminants could be found near the railroad spurs on the Site. Railroad ballast material may be present beneath portions of the building at the Site. The railroad ballast may contain elevated concentrations of SVOCs (i.e., PAHs)

Additional suspected contaminants could be related to potential releases from gasoline, No. 2 fuel oil/diesel, resin, and waste resin tanks/tank systems currently or formerly located at the Site.

Since historic disposal practices of the above materials are unknown, although not confirmed by testing completed to date, it is possible that soil may also be impacted by other VOCs and SVOCs. Finally, since soil gas has not been evaluated and petroleum/VOC impact is present at the Site, impacts to the soil gas are also possible.

4. Known or suspected sources of contaminants.

As described in the Phase I ESA report dated November 1, 2013, several basement or vault areas are present beneath the central/southern portions of the building at the Site. These basements/vaults are historical building features and the former uses are not completely known, although some of these structures contain tanks that were apparently used to store raw materials. The potential for hazardous substance/petroleum products/waste storage or discharge into these subsurface basements/vaults cannot be ruled out based on the available information.

Former operations at the facility may have discharged hazardous materials/petroleum products to drains, and the discharge point(s) of former drains. Some of the more recent operations in these areas included liquids mixing, liquid reactor cleaning, solvent distilling, and flammables storage.

According to a 2007 Phase I ESA report, rinse water, which contained a flammable solvent and was used for cleaning reactor vessels, had been discharged to the sewer for an undocumented period of time prior to 2005. It is not known what, if any, impact the disposal of the solvent into the sanitary sewer system has had on the environment.

It was reported that there is a trench drain in the flammables storage room located near the northwestern corner of the building at the Site. A valve within this drain can be opened to discharge the drain contents to the ground surface outside of the building wall. Given the unknown condition/functionality of the valve that would prevent exterior spillage, and given unknown historical practices, potential exterior spillage via the trench drain cannot be ruled out.

The historical use of the adjoining and nearby properties revealed a long history of industrial use of the area. Specifically:

- An oil refinery, which extended to the northeast, north, northwest, west and southwest of the Site, and numerous oil storage tanks, processing equipment and pipelines were located on the refinery complex.
- A Sinclair Refining Company facility, which included petroleum storage tanks, adjoined the southwestern corner of the Site.
- Other industries that were located in the vicinity of the Site, and which may have used, stored and disposed of hazardous/petroleum products/wastes included: Acme Glass, Seaman Container Manufacturing, Wheeling Corrugating Co, and Empire Mills.
- The NYSDEC spills database identified four spills at off-Site properties, including: These four spills were attributed to the historic presence of an oil refinery operated by a predecessor to ExxonMobil. Off-Site contaminant migration, potentially toward the Site, was identified at each of these spill Sites

5. Past land uses are based on the information identified in the November 1, 2013 Phase I ESA report.

6. Previous Owner/Operators at the Site, as identified in the November 1, 2013 Phase I ESA are as follows:

Company	Owner/Operator	Last Known Address	Telephone Number	Relationship to Requestor
Olean Chemical Company	Owner/Operator 1882 - 1920's	Unknown	Unknown	None
Olean Metal Cabinet Works	Owner/Operator 1930's	Unknown	Unknown	None
Daystrom Furniture Corporation	Owner/Operator 1930's - 1960's	Daystrom Furniture, Inc.'s license with the NYS Division of Corporations was surrendered on September 9, 1982. The address given for service is: S&H Group, Inc. 330 Madison Avenue New York, New York, 10017	Unknown	None
Hysol Corporation	Owner/Operator 1970's - 1990's	Unknown	Unknown	None
Dexter Corporation	Owner/Operator 1991 - 2006	Dexter Corporation's license with the New York State Division of Corporations was terminated on February 5, 2002. The address given for service is: C T Corporation System 111 Eighth Avenue New York, New York, 10011	Unknown	None
Henkel Corporation	Owner/Operator 2006 - 2010	One Henkel Way Rocky Hill, Connecticut, 06067	Unknown	Goodban Belt Inc. purchased the Site from Henkel Corporation in 2010.
Goodban Belt LLC	Owner 2010 - 2013	35 Newman Place, Buffalo, New York 14210	716-913-7878	There is no direct relationship between Goodban Belt LLC and Silence Dogood LLC, other than as seller and buyer of 211 Franklin Street. However, Goodban Belt LLC is a sole purpose LLC, which is owned by Jeff Belt. Jeff Belt is also the manager of Silence Dogood LLC. Silence Dogood LLC was created to internally facilitate the Brownfield Cleanup Program process. The Phase I and II indicate that Goodban Belt LLC purchased the Property well after the potential historic contamination existed and either Goodban Belt LLC or Silence Dogood LLC could apply as a volunteer to the Brownfield Cleanup Program.
SolEpoxy Inc.	Operator 2010 - Current	211 Franklin Street, Olean, New York 14760	716-372-6300	SolEpoxy Inc. operates the business at 211 Franklin Street.
Silence Dogood LLC	Owner 2013 - Current	211 Franklin Street, Olean, New York 14760	716-913-7878	Requestor.

Section VIII. Contact List Information

John R. Searles, Cattaraugus County Administrator
303 Court Street
Little Valley, New York 14755

William J. Aiello, Mayor
City of Olean
101 East State Street
P.O. Box 668
Olean, New York 14760

Thomas Barnes, Chairperson
City of Olean Planning Board
101 East State Street
P.O. Box 668
Olean, New York 14760

Olean Times Herald
639 Norton Drive
Olean, New York 14760

Tom Windus, Director of Public Works
101 East State Street
P.O. Box 668
Olean, New York 14760

Adjacent Properties

Southern Tier Railroad Authority
4039 Route 219
Salamanca, New York 14779

Schools and Daycare Facilities within ½ mile of the Site

New Life Christian School (located at 102 West Forest Avenue)
Mailing Address: P.O. Box 102 Olean, New York 14760
Dwight Coords, School Administrator

St. John's Roman Catholic
Church/Religious Education Facility
921 North Union Street
Olean, New York 14760
Ann Sorokes, Director of Religious Education

Olean Head Start Childcare Facility (located at 210 East Elm St)
Administrative Office Mailing Address:
101 South 19th Street
Olean New York, 14760
Roberta Veno – Administrator

Document Repository

Olean Public Library
134 North 2nd Street
Olean, New York 14760

The document repository letter is found in Attachment L.

Section IX: Land Use Factors

1. The Site is currently used for industrial purposes to manufacture specialized epoxy coatings for use in computers and other electrical equipment.

2. The Site will be used for industrial operations similar to those currently completed, but portions of the Site may be used for commercial uses, post remediation.

3. Development patterns support the proposed use. Refer to New York State Department of State (NYSDOS) Brownfield Opportunity Area (BOA) Map (Attachment G) and current zoning map from Cattaraugus County GIS website (Attachment H). The Site is within the City of Olean, Northwest BOA.

4. The proposed use is consistent with applicable zoning laws. See Attachment H.

5. The proposed use is consistent with the BOA plans and land use plans. The NYSDOS BOA Community Projects Website states: "*City of Olean, Northwest - Step 2. The City of Olean and the Cattaraugus Empire Zone Corporation will complete a Nomination for a 457-acre area that is located in the northwest portion of the City. The primary community revitalization objectives include fostering economic growth in terms of new business, jobs and an expanded tax base and enhancing a gateway link between the Interstate 86 corridor and the City's central business district.*"

6. There are no known environmental justice concerns.

7. There are no known federal or state land use designations.

8. Yes, the population growth patterns and projections will support the existing and proposed use.

9. The Property is accessible to utilities, roads, city services, etc.

10. No known cultural resources were found. Sources checked include: National Register of Historical Places; NYS Office of Parks, Rec. & Historic Preservation; Seneca Nation Website; general search for Native American religious sites in Olean NY.

11. There are no known important natural resources within ½ mile of the Site. See water bodies, floodplain and wetland map from Cattaraugus County GIS website (Attachment I). Olean Creek (Urban portion NYSDEC listed as a Class C water body) less than ½ mile to the east. Two Mile Creek/unnamed creek (NYSDEC listed as Class D water body) less than ½ mile to the WNW. No NYSDEC or Federal wetlands within ½ mile of the Site.

12. There are flood plans within ½ mile. See the water bodies, floodplain and wetland maps from Cattaraugus County GIS website. See Attachment I.

13. No Federal or State Institutional controls were identified for the Site in the November 1, 2013 Phase I ESA report.

14. The Site is located in an urban area within the City of Olean. Real property currently used for residential use is located approximately 150 feet to 200 feet east/northeast from the eastern boundary of the Site, and approximately 300 feet to the southeast from the southern boundary of the Site. A recreational area is located about 200 feet to the north of the northeastern corner of the Site, and residential property is located east/northeast of the recreational area. A railroad corridor is located adjacent to the Site to the south and west. Industrial properties are located adjacent to northeast of the Site and to the west and southwest beyond the railroad corridor. The nearest commercial area is located within the residential area southeast of the Site (i.e., beginning approximately 450 feet from the southeastern boundary of the Site). Agricultural areas are not located in the vicinity of the Site.

15. As described in Attachment J, the Site is located within the area designated by the USGS as a primary water supply aquifer (Olean). One source of potable water for the City of Olean is Olean Creek, and, according to the City of Olean 2012 Annual Drinking Water Quality Report (included as Attachment K) the water intake is located at the River Street water treatment plant, located approximately 2,000 feet to the east of the Site. Based on groundwater flow patterns determined during the 2013 Preliminary Phase II ESA, the treatment plant is located in a hydraulically upgradient position relative to the Site.

16. The Site is located within the river valley of Olean Creek, near the confluence Olean Creek and the Allegheny River. The ground surface across the Site and in the vicinity is relatively flat. However, the edge of the Olean Creek/Allegany river valley is located approximately 1,500 feet to the northwest of the Site, past which point wooded hills rise to elevations approximately 550 feet above the valley floor. Two mile creek flows toward the southwest along this edge of the valley. Olean Creek is located approximately 2,400 feet to the east of the Site, and flows to the south towards the Allegheny River.

    Based on the results of the 2013 Preliminary Phase II ESA, soil at the Site consists of fill material that extends from the surface to depths between approximately 2 feet along the southern edge of the Site to approximately 11 feet below a portion of the building at the Site. This fill generally consists of reworked native soil (sand and gravel), and contains some brick, concrete, ash, and coal fragments. Native soils consist of varying proportions of fine to coarse sand and gravel (with larger aggregate suspected to be present) to depths of at least 33 feet below ground surface. The uppermost water-bearing unit is within an unconfined sand and gravel layer. The depth to groundwater, from ground surface, ranges between 20 to 24 feet. Groundwater in the uppermost water-bearing unit generally flows toward the east southeast, towards Olean Creek. Bedrock underlying the vicinity of the Site consists of inter-bedded soft gray shale and siltstone (i.e., the Ellicott member of the Chadakoin Formation) and is located at depths greater than 33 feet below the ground surface.

EXHIBIT A

Corporate Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 29, 2013.

Selected Entity Name: SILENCE DOGOOD LLC

Selected Entity Status Information

Current Entity Name:	SILENCE DOGOOD LLC
DOS ID #:	4483399
Initial DOS Filing Date:	NOVEMBER 06, 2013
County:	CATTARAUGUS
Jurisdiction:	NEW YORK
Entity Type:	DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status:	ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

SILENCE DOGOOD LLC
211 FRANKLIN STREET
OLEAN, NEW YORK, 14760

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 06, 2013	Actual	SILENCE DOGOOD LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

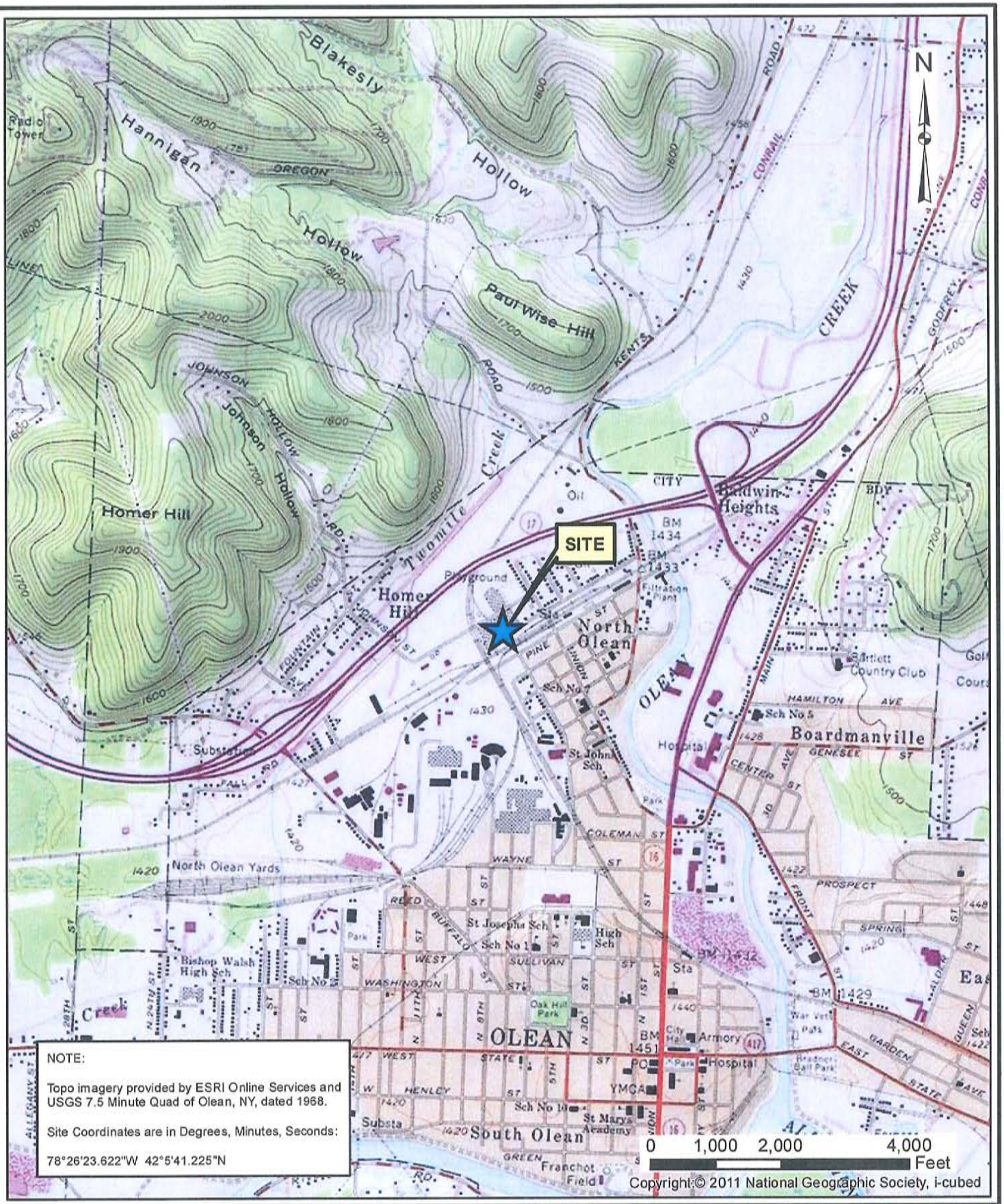
NOTE: New York State does not issue organizational identification numbers.

Search Results New Search

Services/Programs | Privacy Policy | Accessibility Policy | Disclaimer | Return to DOS Homepage | Contact Us

EXHIBIT B

USGS Quadrangle Map



NOTE:

Topo imagery provided by ESRI Online Services and USGS 7.5 Minute Quad of Olean, NY, dated 1968.

Site Coordinates are in Degrees, Minutes, Seconds:

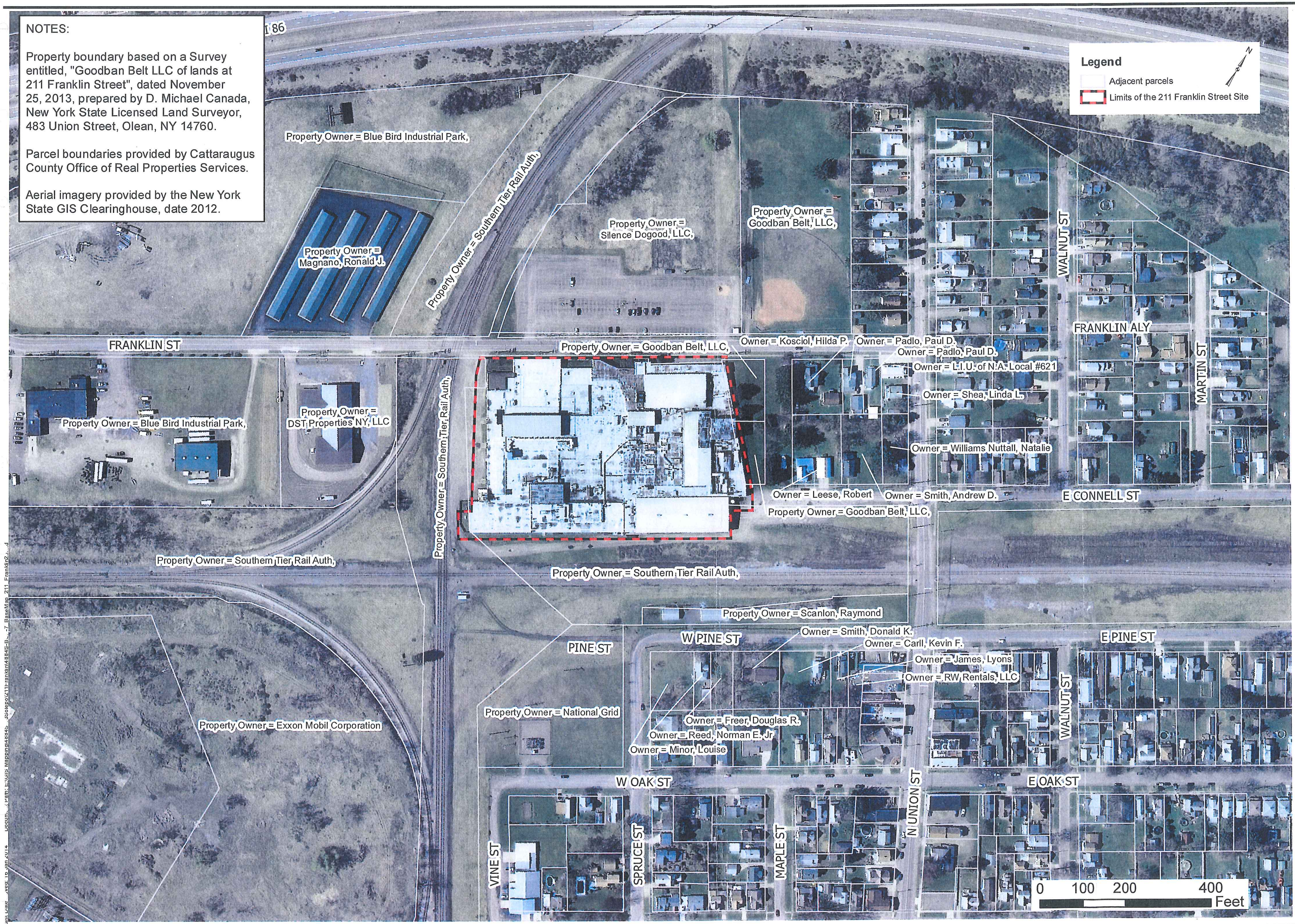
78°26'23.622"W 42°5'41.225"N

Document Path: E:\GIS Mapping\4884S-13\Solepo\211FranMin4884S-BCP-5_Locus_211_Franklin.mxd

Last Date Saved: 03 Jan 2014

Date: 1-2-2014	day DAY ENVIRONMENTAL, INC. Environmental Consultants Rochester, New York 14606 New York, New York 10170	Project Title: 211 FRANKLIN STREET OLEAN, NEW YORK BCP APPLICATION	Project No.: 4884S-13
Drawn By: CAH			
Scale: AS NOTED		Drawing Title: Project Locus Map	

Property Base Map


NOTES:
Property boundary based on a Survey entitled, "Goodban Belt LLC of lands at 211 Franklin Street", dated November 25, 2013, prepared by D. Michael Canada, New York State Licensed Land Surveyor, 483 Union Street, Olean, NY 14760.
Parcel boundaries provided by Cattaraugus County Office of Real Properties Services.
Aerial imagery provided by the New York State GIS Clearinghouse, date 2012.
Legend
Adjacent parcels
Limits of the 211 Franklin Street Site
I 86
Property Owner = Blue Bird Industrial Park,
Property Owner = Magnano, Ronald J.
Property Owner = Southern Tier Rail Auth.
Property Owner = Silence Dogood, LLC,
Property Owner = Goodban Belt, LLC,
FRANKLIN ST
Property Owner = Goodban Belt, LLC,
Owner = Kosciol, Hilda P.
Owner = Padlo, Paul D.
Owner = Padlo, Paul D.
Owner = L.I.U. of N.A. Local #621
Owner = Shea, Linda L.
Owner = Williams Nuttall, Natalie
Owner = Leese, Robert
Owner = Smith, Andrew D.
Property Owner = Goodban Belt, LLC,
WALNUT ST
FRANKLIN ALY
MARTIN ST
E CONNELL ST
Property Owner = Blue Bird Industrial Park,
Property Owner = DST Properties NY, LLC
Property Owner = Southern Tier Rail Auth.
Property Owner = Southern Tier Rail Auth.
Property Owner = Southern Tier Rail Auth.
Property Owner = Scanlon, Raymond
PINE ST
W PINE ST
E PINE ST
Owner = Smith, Donald K.
Owner = Carll, Kevin F.
Owner = James, Lyons
Owner = RW Rentals, LLC
Property Owner = National Grid
Property Owner = Exxon Mobil Corporation
Owner = Freer, Douglas R.
Owner = Reed, Norman E. Jr
Owner = Minor, Louise
WALNUT ST
W OAK ST
E OAK ST
N UNION ST
VINE ST
SPRUCE ST
MAPLE ST
0 100 200 400
Feet

DESIGNED BY RLK		DATE 1-2014
DRAWN BY CAH		DATE DRAWN 1-2014
SCALE AS NOTED		DATE ISSUED 1-2-2014

day
DAY ENVIRONMENTAL, INC.
Environmental Consultants
Rochester, New York 14606
New York, New York 10170

Project Title
211 FRANKLIN STREET
OLEAN, NEW YORK

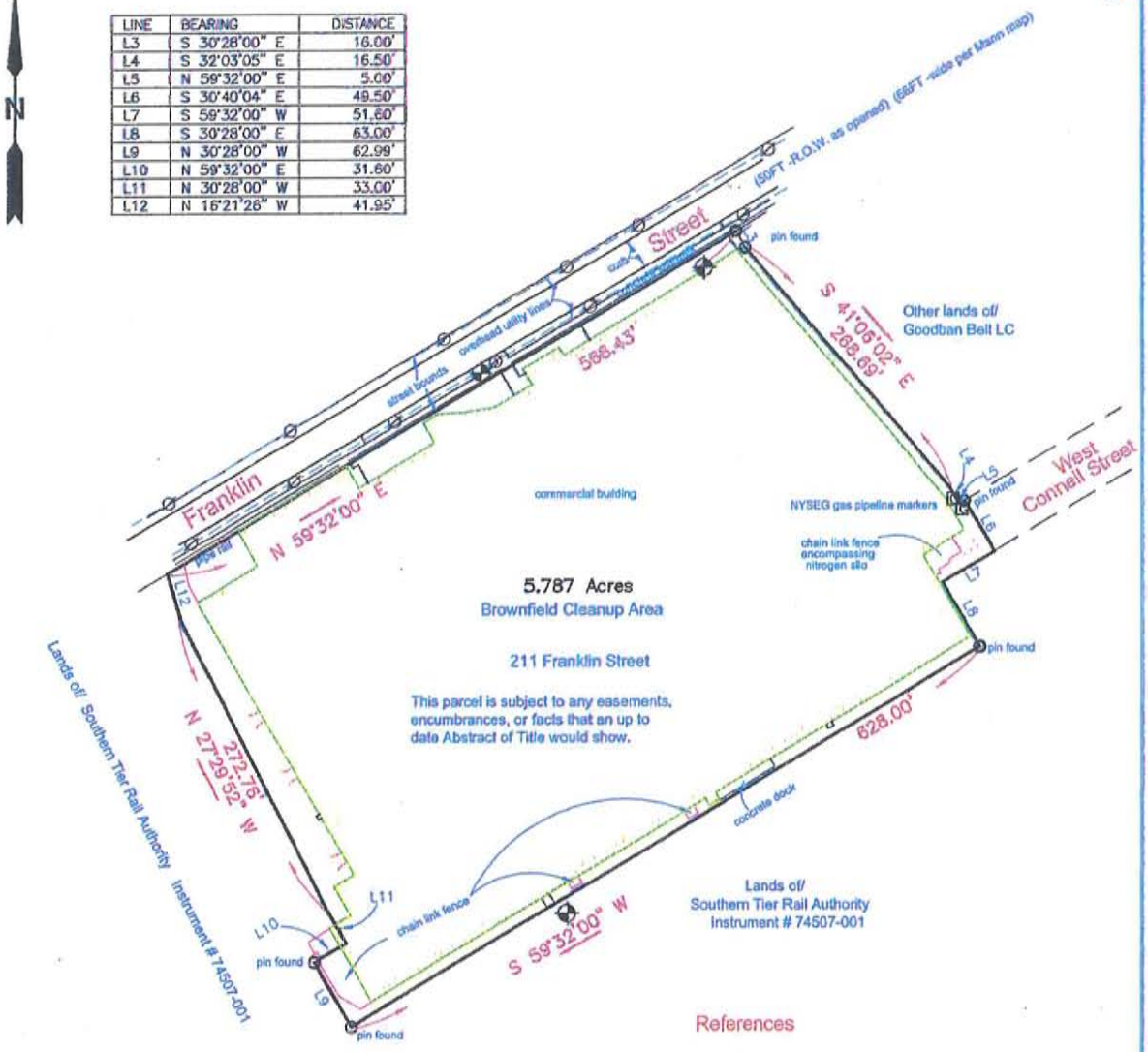
BCP APPLICATION

Drawing Title
Property Base Map

Project No.
4884S-13

Survey

LINE	BEARING	DISTANCE
L3	S 30°28'00" E	16.00'
L4	S 32°03'05" E	16.50'
L5	N 59°32'00" E	5.00'
L6	S 30°40'04" E	49.50'
L7	S 59°32'00" W	51.60'
L8	S 30°28'00" E	63.00'
L9	N 30°28'00" W	62.99'
L10	N 59°32'00" E	31.60'
L11	N 30°28'00" W	33.00'
L12	N 16°21'26" W	41.95'



Environmental Easement description
211 Franklin Street

Beginning at the intersection of the south bounds of Franklin Street with the east bounds of lands of Southern Tier Rail Authority LLC, thence N 59-32-00 E along the south street bounds of Franklin Street, a distance of 568.43' to a point, thence through the lands of Goodban Belt, LLC:
1) S 41-06-02 E, a distance of 268.69' to a point
2) S 30-28-00 E, a distance of 16.00' to a point
3) S 32-03-05 E, a distance of 16.50' to a point on the north bounds of West Connell Street, thence N 59-32-00 E along the north bounds of West Connell Street, a distance of 5.00' to a point, thence S 30-40-04 E crossing West Connell Street, a distance of 49.50' to a point, thence S 59-32-00 W along the south bounds of West Connell Street, a distance of 51.60' to a point, thence along the bounds of lands now or formerly of Southern Tier Rail Authority:
1) S 30-28-00 E, a distance of 63.00' to a point
2) S 59-32-00 W, a distance of 628.00' to a point
3) N 30-28-00 W, a distance of 63.00' to a point
4) N 59-32-00 E, a distance of 31.60' to a point
5) N 30-28-00 W, a distance of 33.00' to a point
6) N 27-29-52 W, a distance of 272.76' to a point
7) N 16-21-26 W, a distance of 41.95' to the point of beginning

Contains 5.787 acres+/-

300 200 100 0
1IN=100FT

91.44 60.96 30.48 0
1IN=30.48METERS

References

1) Title Search/
Dated: December 20, 2010
File #5005973
Policy #7430732-8296035
Frontier Abstract & Research Services, Inc.

2) Deed/
Henkel Corporation to Goodban Belt LLC
Instrument # 145975-001
Dated: August 31, 2010
Recorded: September 1, 2010

3) Survey/
for Dexter Corporation
Dated: August 2, 1979
by M.C. Ackerman, LS 23028

Typical Symbols
-hydrant
-utility pole
-light pole
-monitor well
d. -deed distance
m. measured distance

This survey is certified to the following/

1) New York State Department of Environmental Conservation

Map and Survey for:
Goodban Belt LLC
of lands at
211 Franklin Street

Part of Lots 4 & 6, Section 5, Twp.# 2, Range # 4 of the Holland Land Co.'s Survey
Blocks 64 and 74 and part of Blocks 63, 65, 73, 75, 80, 81, and 82
Part of Franklin, Washington, Vine, and Spruce streets, and other lands
according to the "Mann Map of Olean Depot"
City of Olean
Cattaraugus County, New York
Date: November 25, 2013
Scale: 1IN = 100FT

Prepared By:
D. Michael Canada
New York State
Licensed Land Surveyor
483 North Union Street
Olean, NY 14760
N.Y.S. Lic. No.49215
716-379-7918

Job Number: 7526

Tax Map

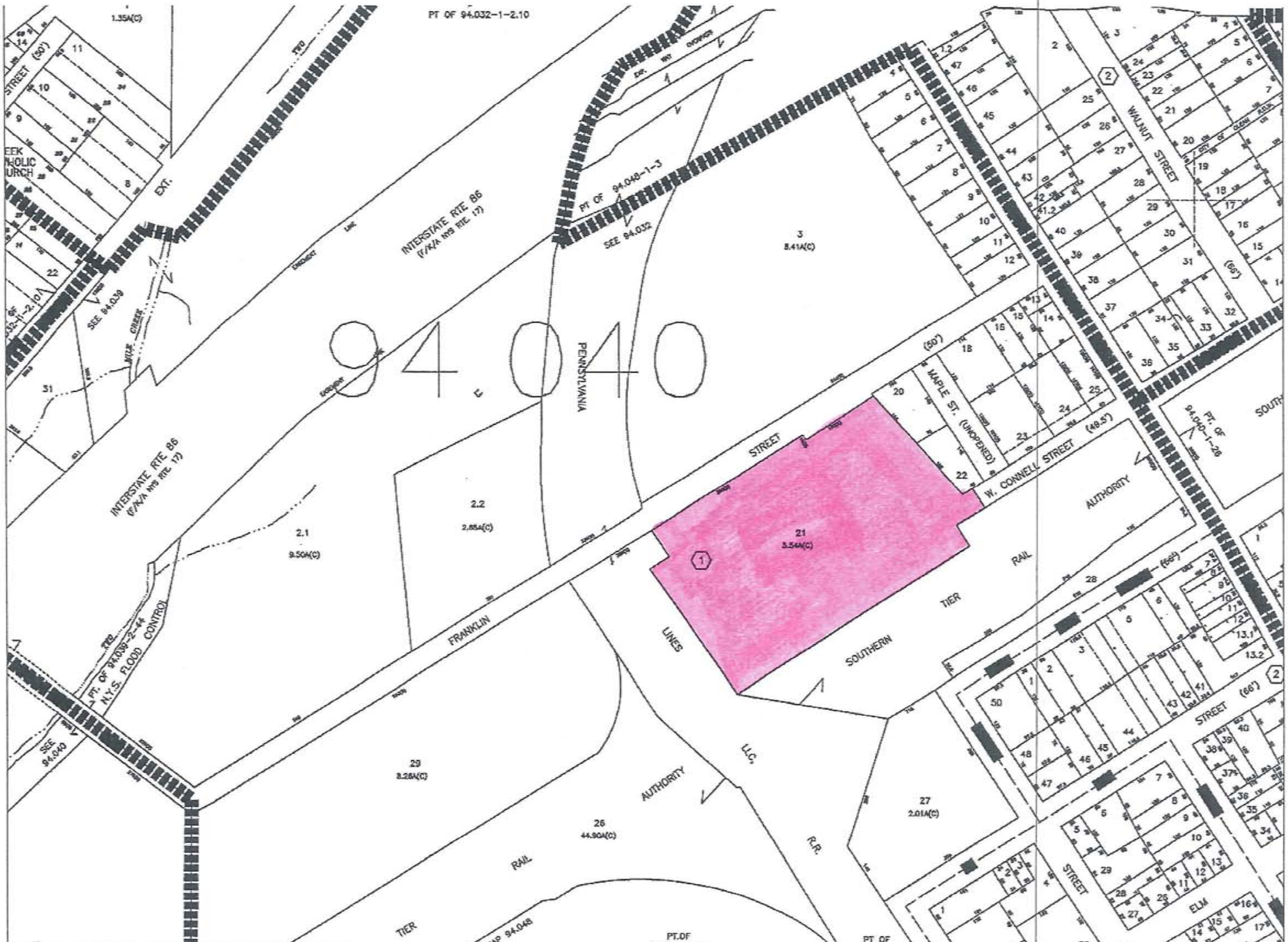

94.040
PT OF 94.032-1-2.10
WALNUT STREET
INTERSTATE RTE 86 (F/K/A NYS RTE 17)
PT OF 94.048-1-3
SEE 94.032
SEE 94.039
PENNSYLVANIA
3
8.41A(C)
MAPLE ST. (UNOPENED)
W. CONNELL STREET
FRANKLIN
STREET
21
3.54A(C)
2.2
2.65A(C)
2.1
9.50A(C)
29
3.26A(C)
26
44.90A(C)
27
2.01A(C)
SOUTHERN
TIER
RAIL
AUTHORITY
LINES
LLC.
R.R.
PT. OF 94.040-1-26
PT. OF 94.039-2-44
N.Y.S. FLOOD CONTROL
SEE 94.040
ELM
EXT.
PT OF
PT.OF
MAP 94.048

EXHIBIT C

NYSDEC Data Sheet

NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Solepoxy Inc
Site Code: 905038
Program: Resource Conservation and Recovery
Classification: C
EPA ID Number:

Location

DEC Region: 9
Address: 211 Franklin Street
City: Olean Zip: 14760
County:CATTARAUGUS
Latitude:
Longitude:
Site Type:
Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Site Description

Location: This site is located at 211 Franklin Street in Olean, Cattaraugus County. Site Features: The main feature of this site is a large manufacturing structure. Current Zoning/Use(s): This site is currently occupied by SolEpoxy Inc and is zoned for high-tech manufacturing purposes. Historical Use(s): This site was originally occupied by the Daystrom Furniture Corporation. In 1966, the site was acquired by the Hysol Corporation that manufactured epoxy materials. The site was utilized by Dexter-Hysol (1967 merger) until 2000, when the property was purchased by the Henkel Corporation, an adhesive manufacturer. In 2010, SolEpoxy acquired the property and is currently manufacturing epoxy-based specialty materials.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Site Environmental Assessment

Nature and Extent of Contamination: Due to wastes generated by the historic and current operation of facilities on this site, a permit was issued under the Resource Conservation and Recovery Act (RCRA). The facility no longer has an active operating permit, and the corrective action program is complete.

For more Information: E-mail Us

Back to Search Results

Refine Current Search

EXHIBIT D

Corrective Action Prior to Loss of Interim Status Inspection Report

2-3

prc

Planning Research Corporation

PRC Environmental Management, Inc.
Suite 500
303 East Wacker Drive
Chicago, IL 60601
312-856-8700
FAX# 938-0118
October 28, 1988

Ms. Margaret Emile
Hazardous Waste Compliance Branch
U.S. EPA Region 2
26 Federal Plaza
New York, New York, 10278

Re: Work Assignment 934
Contract No. 68-01-7331
Facility Name: The Dexter Corporation, Hysol Division
EPA I.D. No.: NYD 042569079

Dear Ms. Emile:

This letter summarizes the findings of a corrective action prior to loss of interim status (CAPT LOIS) inspection conducted by PRC Environmental Management, Inc., at the Dexter Corporation, Hysol Division, facility in Olean, New York. The draft report is attached. The CAPT LOIS inspection consisted of file review and a site visit. The objective of the inspection was to evaluate solid waste management units (SWMU) and other areas of concern at the facility to determine the need for corrective action.

The Hysol facility manufactures epoxy resins for use as electrical insulation. Most of the hazardous waste is dirty solvents generated in cleaning the process machinery, with small amounts of wastes generated from its laboratory and during renovations (such as PCB transformers). Hysol submitted a RCRA Part A permit application for its solvent storage area. It now holds waste for no more than 90 days and recently filed a revised closure plan. During the file review and site visit, PRC identified four SWMUs at Hysol: (1) the container storage area, (2) a former solvent reclamation unit, (3) a former container storage area, and (4) a former waste solvent area. PRC also identified two resins underground storage tanks and one off-spec storage tank at the Hysol facility.

PRC identified no known or suspected releases from the SWMUs or the areas of concern at the Hysol facility. Therefore, PRC recommends no further action be taken.

If you have any questions concerning this letter and report, please call me at 312/856-8700.

Sincerely,

Eddy S. Lin

ESL/kag

Attachment

CORRECTIVE ACTION PRIOR TO LOSS OF INTERIM STATUS INSPECTION

THE DEXTER CORPORATION
HYSOL DIVISION
OLEAN, NEW YORK

FINAL REPORT

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Waste Programs Enforcement
Washington, D.C. 20460

Work Assignment No.	:	934
EPA Region	:	2
Site No.	:	NYD 042569079
Date Prepared	:	October 28, 1988
PRC No.	:	026-0934-00
Prepared by	:	PRC Environmental Management, Inc. (Harry Ellis)
Telephone No.	:	312/856-8700
EPA Primary Contact	:	Margaret Emile
Telephone No.	:	212/264-5175

TABLE OF CONTENTS

1.0 INTRODUCTION

CDM Federal Programs Corporation (CDM FPC) received Work Assignment No. 934 from U.S. EPA, under Contract No. 68-01-7331 (TES III), to conduct up to 50 corrective action prior to loss of interim status (CAPT LOIS) inspections in the State of New York. CDM FPC has directed its TES III team member, PRC Environmental Management, Inc. (PRC), to provide the necessary assistance under this work assignment.

A CAPT LOIS inspection is organized similar to a RCRA facility assessment (RFA). A CAPT LOIS inspection consists of (1) a file review, similar to a preliminary review, and (2) a site visit, similar to a visual site inspection. For this reason, a CAPT LOIS inspection sometimes is referred to as a "limited RFA."

PRC conducted a CAPT LOIS inspection at the Dexter Corporation, Hysol Division, facility in Olean, New York. As the first phase of the inspection, PRC conducted a file review at U.S. EPA Region 2 and New York State Department of Environmental Conservation (NYSDEC) offices. Based on the information obtained during the file review, PRC prepared and submitted a preliminary report to U.S. EPA on August 4, 1988. As the second phase of the CAPT LOIS inspection, PRC conducted a site visit on September 7, 1988. PRC conducted the site visit to verify the information in the preliminary report, identify additional solid waste management units (SWMU) or other areas of concern, and observe evidence of releases from the SWMUs or other areas of concern. Based on the results of the site visit, PRC prepared and submitted a draft report dated October 1, 1988, to U.S. EPA to reflect the actual conditions at the Hysol facility. This final report describes the facility; discusses the findings of the file review and site visit; and responds to comments received from U.S. EPA, NYSDEC, and CDM FPC.

Pertinent information on the facility is presented below:

Facility Name:	Dexter Corporation Hysol Division
U.S. EPA I.D. No.:	NYD 042569079
Address:	211 Franklin Street Olean, NY 14760
Facility Contact:	James P. Hornburg Manager, Special Services
Telephone:	716/372-6300

2.0 FACILITY DESCRIPTION

The Hysol Division of the Dexter Corporation is located at 211 Franklin Street in Olean, Cattaraugus County, New York (Hysol, 1980). The facility is located by a residential area.

Hysol manufactures various epoxy resins, both liquid and solid, for use as electrical insulation in the manufacture of a variety of electric and electronic equipment. A number of solvents are used for cleaning equipment between batches, and a few are used in the facility's laboratory. Presently, all used solvents and other wastes are disposed of off-site. In 1986, Hysol reclaimed most of the solvent spent in a batch distillation unit and only disposed of the still bottoms off-site. However due to the operation cost, Hysol ceased reclamation operation in 1986. In addition, unreclaimable solvents and some miscellaneous wastes were disposed of off-site (NYSDEC, 1985; Hysol, 1986).

On November 13, 1980, Hysol filed a RCRA Part A permit application with EPA for its storage area. On February 13, 1985, NYSDEC approved Hysol's revised closure plan. Hysol asked EPA to call in and deny its Part B permit on July 11, 1985. On September 15, 1986, EPA informed Hysol that its RCRA "interim status is withdrawn, but not formally terminated". On March 10, 1988, NYSDEC told Hysol

that its RCRA status is "future closure,". The facility submitted a revised closure plan to NYSDEC on September 2, 1988.

3.0 SOLID WASTE MANAGEMENT UNITS

PRC identified four solid waste management units (SWMU) at the Hysol facility: (1) a container storage area, (2) a former solvent reclamation unit, and (3) a former waste solvent area and (4) a former container storage area. Figure 1 shows the facility layout.

During the site visit, PRC personnel used an HNu photoionization detector to detect the presence of volatile vapors at the Dexter facility. No readings above background were observed. In addition, PRC took photographs of each SWMU. Copies are included the appendix.

The following sections describe each SWMU, the status of each unit, the types of waste handled, Hysol's waste management procedures, known and suspected releases, and remedial actions (if any) taken in response to releases.

3.1 CONTAINER STORAGE AREA

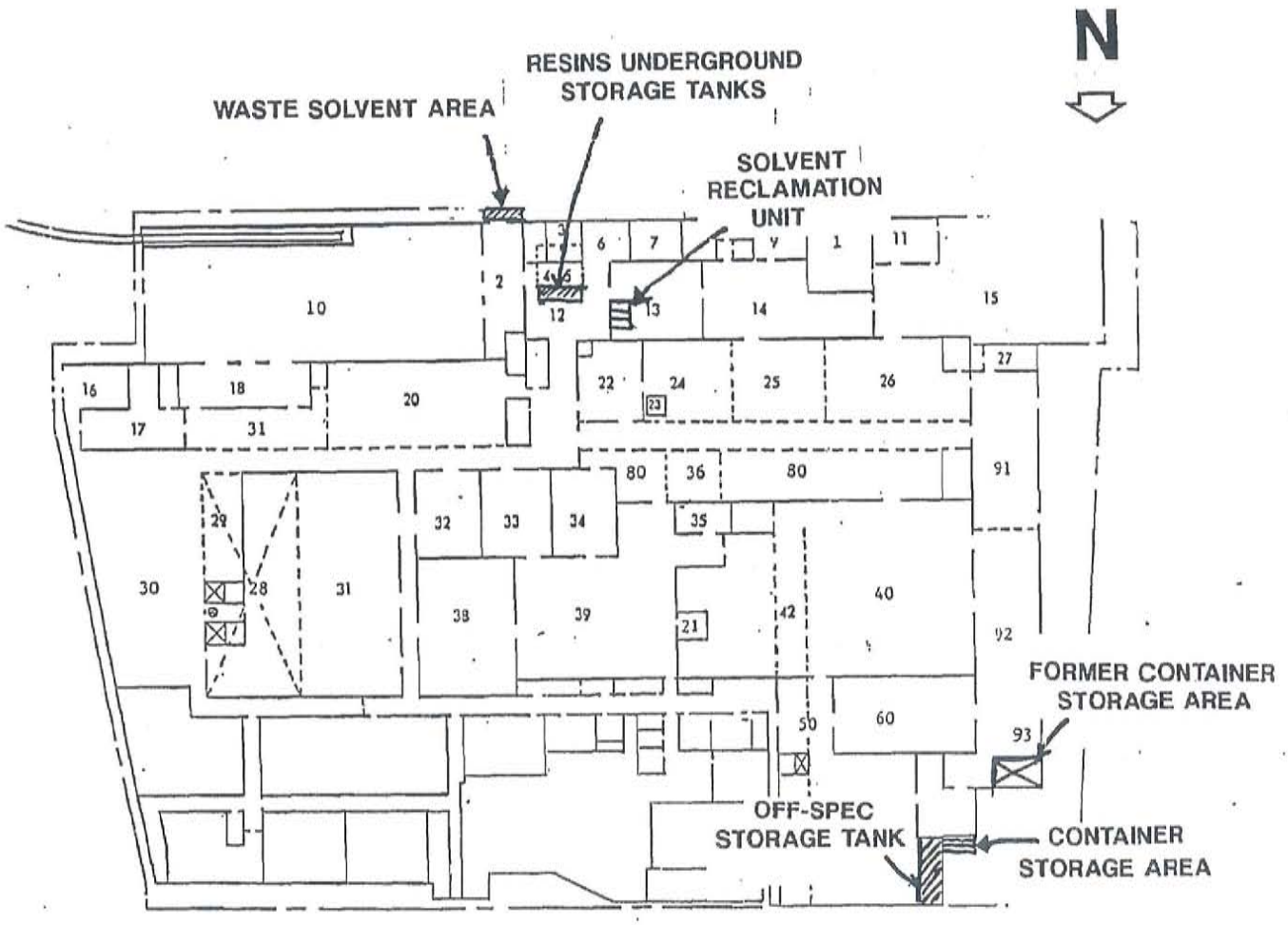
Description:

This is an 8 by 21-foot area, adjacent to a 30-foot square solvent (raw material) storage area near the loading dock (photo No. 1). Its concrete floor is 6 inches below the level of the rest of the plant floor and has a trough in the middle of the room to collect spills (photo No. 2).

Status:

Active. Hysol has operated this area since January, 1986.

FIGURE 1
FACILITY LAYOUT



1. Boiler Room
2. Raw Material Storage
3. Oven #1
4. Underground Resin Storage
5. Underground Resin Storage
6. Bulk Resin Storage
7. Solvent Storage
8. Liquid Supply Room
9. Liquid Production
10. Raw Material Storage
11. Maintenance Office
12. Raw Material Storage
13. Liquid Production
14. Liquid Production
15. Maintenance Shop
16. Raw Material Storage
17. Powder Pilot Plant
18. Trash Dock
19.
20. Raw Material Storage
21. Powder Supply Room
22. LED Production
23. LED Cooler
24. Cast Products Production
25. Cable Splice Production
26. Liquid Packaging & Specialty Production
27. Materials Equipment
28. Powder Assembly & Preblend Area
29. Pilot Plant Storage
30. Raw Material Storage
31. Powder Production
32. Blending & Preforming Area
33. Powder Production
34. Refrigerated Storage
35. Hot Room
36. Grommet Area
37.
38. Powder Finishing Area
39. Powder Blending & Packaging Area
40. Raw Material Storage
41.
47. Basement Cooler
43.
44.
45. Records Storage
50. Raw Material Storage
60. Refrigerated Storage
70. Refrigerated Storage
80. Finished Goods Storage
91. Receiving Dock
92. Shipping Dock
93. Hazardous Waste Storage

Source: Hysol, 1980.

Waste Types:

This area contains solvents that were used to clean process machinery. The spent solvents include acetone, ethylene glycol monomethyl ether, methyl isobutyl ketone, methyl ethyl ketone, toluene, methylene chloride, ethanol, and tetrahydrofuran (Hysol, 1986, NYSDEC, 1985, 1988). Occasionally, other waste, such as PCB - containing electrical components, are stored here.

Waste Management:

Waste solvents are collected in 55-gallon steel drums that are stacked two-high on pallets. Periodically, they are sent to Frontier Chemical for fuel blending. At the time of the site visit, nine drums were in the area.

Known or Suspected Releases:

During the site visit, Hysol stated that no spill had occurred in this area. Furthermore, no sign of spill was observed during the site visit.

3.2 FORMER SOLVENT RECLAMATION UNIT

Description:

Hysol operated a distillation unit to reclaim solvents. The unit had a capacity of 150 gallons per day. At times, a 500-gallon reactor (process equipment) had been used as a supplementary distillation unit to reduce backlog (Hysol, 1986). The area has a concrete floor with a nearby drain (photo No. 5); the drain was plugged and Hysol periodically cleaned the drain and disposed of collected liquid off-site.

Status:

The unit was only operated in 1986. It was recently dismantled and the pieces were in a dumpster at the time of the site visit (photo No. 6).

Waste Type:

The unit distilled various solvents, such as acetone, ethylene glycol monomethyl ether, methyl isobutyl ketone, methyl ethyl ketone, toluene, methylene chloride, ethanol, and tetrahydrofuran. These solvents are used for cleaning process equipment (Hysol, 1986, NYSDEC, 1985, 1988).

Waste Management:

Reclaimed solvents were returned to storage for reuse. Still bottoms were drummed and stored in the container storage area until disposed of off-site at Frontier Chemical facility in Niagara Falls, New York (Hysol, 1983).

Known and Suspected Releases:

During the site visit, Hysol personnel stated that the floor drain was regularly cleaned out and the washwater was shipped off-site for disposal. Furthermore, PRC did not observe signs of a spill at this area.

3.3 FORMER WASTE SOLVENT AREA

Description:

Hysol operated a waste solvent area immediately outside a raw material storage area (area No. 2 in Figure 1). The area measures 7 by 9 feet and is about 3 feet above grade, and has a concrete floor. The area is now occupied by a baghouse.

Status:

Inactive. This area was last used in 1983.

Waste Type:

Hysol stored various waste solvents (see section 3.1) in this area awaiting shipment off-site.

Waste Management:

This area held drummed waste solvents until they were shipped off-site for disposal.

Known and Suspected Releases:

During the site visit, Hysol stated that no spill had occurred in this area. Furthermore, no sign of spill was observed during the site visit.

3.4 FORMER CONTAINER STORAGE AREA

Description:

The container storage area was a 12 by 24-foot section of the shipping area, designated by a yellow boundary line and hazardous waste storage area signs. It had a capacity of 80 55-gallon drums (Hysol, undated). The area has a concrete floor, with neither curb nor floor drains. The area is located nearby a loading dock and is about 4-feet above the ground level.

Status:

The area is active as a storage area for nonhazardous waste, but is inactive as a storage area for hazardous waste; it was closed in December 1985.

Waste Types:

The major wastes were solvents awaiting reclamation (see Section 3.2). Other wastes included still bottoms from the reclamation process and miscellaneous wastes, such as waste PCB transformers and waste toluene diisocyanate (NYSDEC, 1985, 1988). Currently stored wastes include aluminum chloride solution, rags, metal screens, expired stock, and laboratory wastes.

Waste Management:

All nonhazardous wastes are stored in 55-gallon steel drums or fiber board drums. These drums are placed on pallets and stacked up to four-high. The area is inspected daily (Hysol, 1986; NYSDEC, 1985, 1988).

Known and Suspected Releases:

During the site visit, Hysol stated that no spill had occurred in this area. Futhermore, PRC did not observe any sign of spillage during the site visit.

4.0 AREAS OF CONCERN

PRC identified two areas of concern during the site visit: (1) an off-spec storage tank, and (2) resins underground storage tanks.

4.1 OFF-SPEC STORAGE TANK

Hysol used an former underground storage tank for storage of solid, nonhazardous off-specification products. The tank is steel, with a 30,000-gallon capacity, sitting in a concrete vault (photo No. 9). As requested by NYSDEC, Hysol removed the soil surrounding the tank and some of the off-spec products in the last quarter of 1987. The tank still contains with off-spec product. Eventually, Hysol will remove the tank and dispose of it off-site.

4.2 RESINS UNDERGROUND STORAGE TANKS

Two 10,000-gallon underground storage tanks are located in a concrete vault under the factory floor at the south side of the facility. These two storage tanks were installed before Hysol moved into the building in 1967. However, Hysol did not use these two tanks until two years ago. At the time of the site visit, one tank held about 1,000 gallons of resins and the other was empty. Each tank is equipped with a volume meter. At the time of the site visit, no liquid was observed in the concrete vault.

5.0 SUMMARY AND CONCLUSIONS

During the file review and site visit, PRC identified four solid waste management units (SWMU): a container storage area, a former solvent reclamation

unit, a former waste solvent area, and a former container storage area. PRC also identified two areas of concern: an off-spec storage tank and two resins underground storage tanks. Hysol stated that no releases had occurred from these SWMUs or areas of concern. During the site visit, PRC did not observe any signs of release.

REFERENCES

Hysol, undated. Preparedness and Prevention Plan.

Hysol, 1980. Part A permit application. November 13, 1980.

Hysol, 1983. Letter from James Hornburg to NYSDEC. October 25, 1983.

Hysol, 1986. Letter from Jon A. Kirk to NYSDEC on correction of Hazardous Waste Violations. February 7, 1986.

Hysol, 1988. Letter from James P. Hornburg to NYSDEC enclosing modified Closure Plan. September 2, 1988.

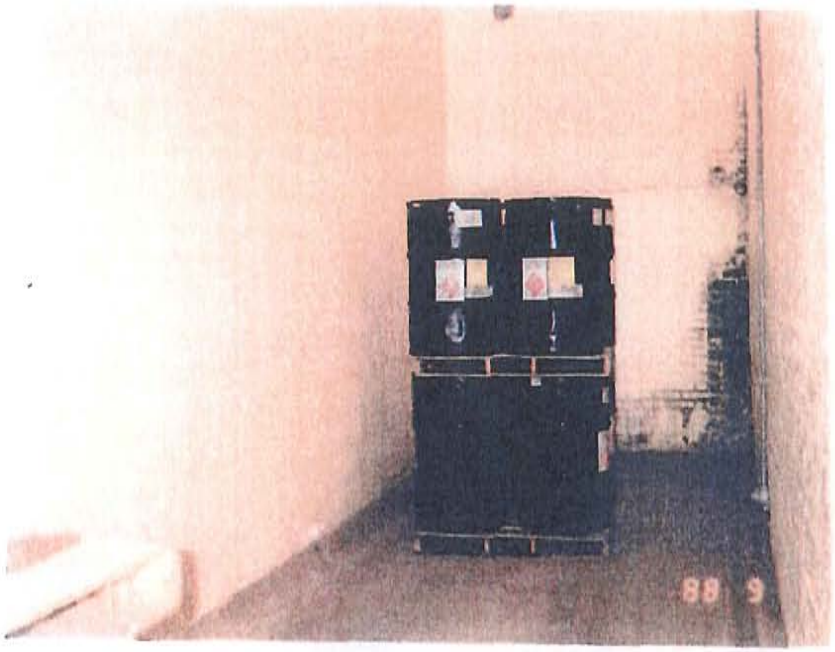
NYSDEC, 1985. Hazardous waste inspection form. October 16, 1985.

NYSDEC, 1988. Letter from John L. Middelkoop to EPA enclosing inspection report on Hysol. March 23, 1988.

APPENDIX

PHOTOGRAPHS TAKEN DURING THE SITE VISIT

Photo No. 1



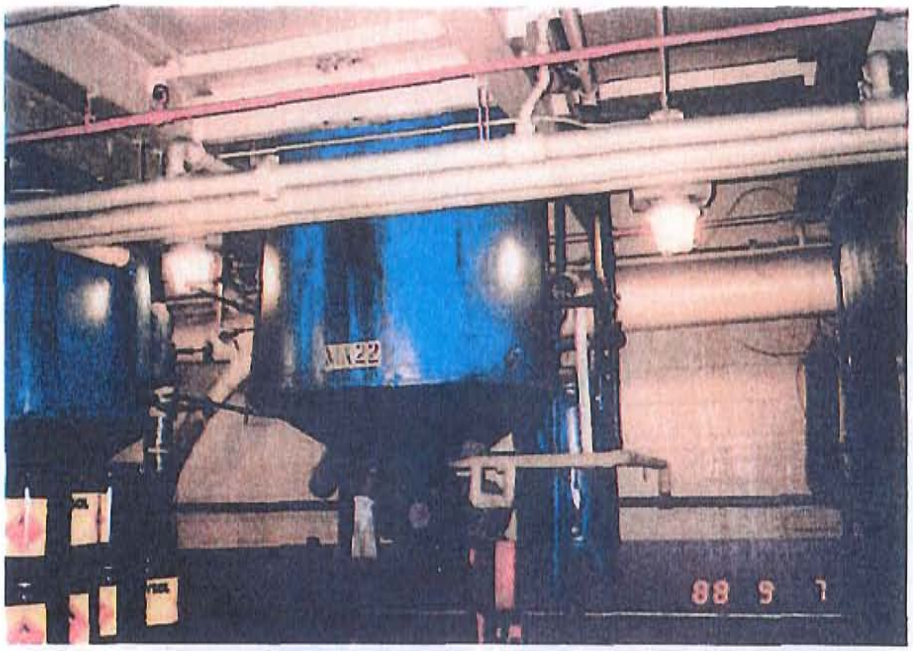
99-

Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: East
Picture Description: Container storage area

Photo No. 2

Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: West
Picture Description: The trough in the solvent storage room

Photo No. 3

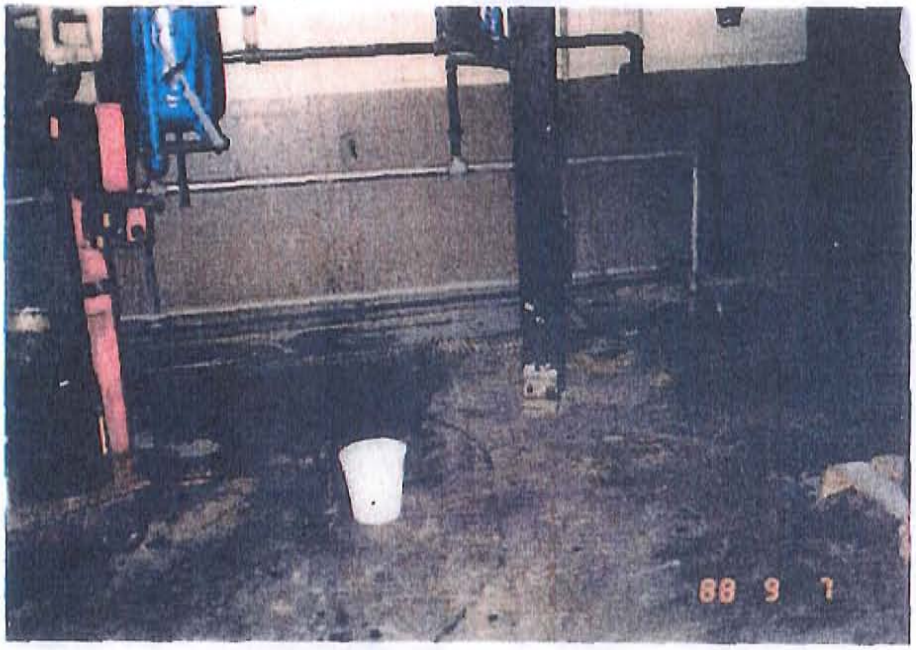


Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: North
Picture Description: 500-gallon reactor

Photo No. 4

Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: East
Picture Description: The location of former solvent reclamation unit.

Photo No. 5

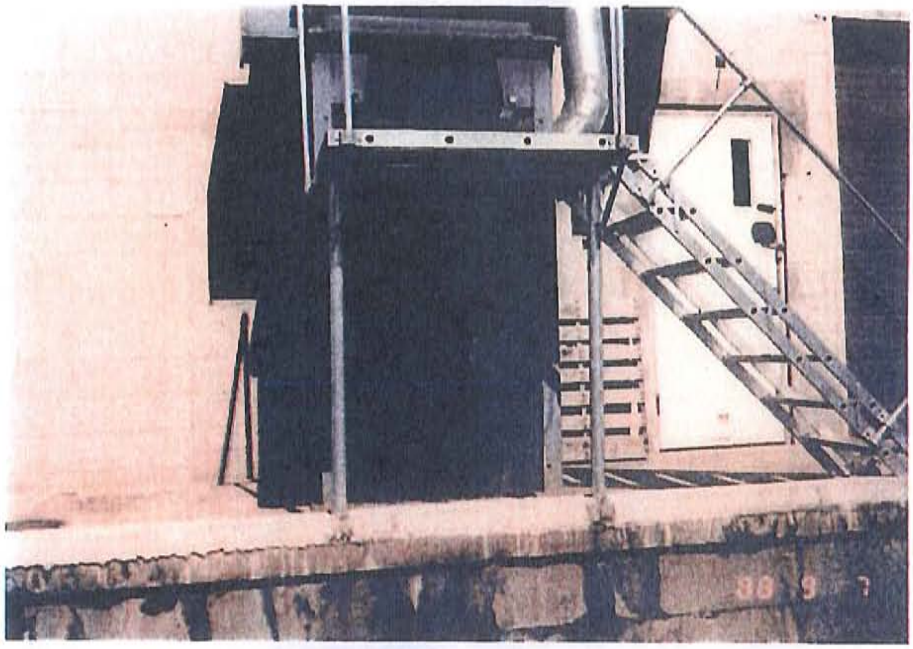


Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: _____
Picture Description: The drain in the form solvent reclamation unit area.

Photo No. 6

Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: North
Picture Description: Former solvent reclamation unit (blue box).

Photo No. 7

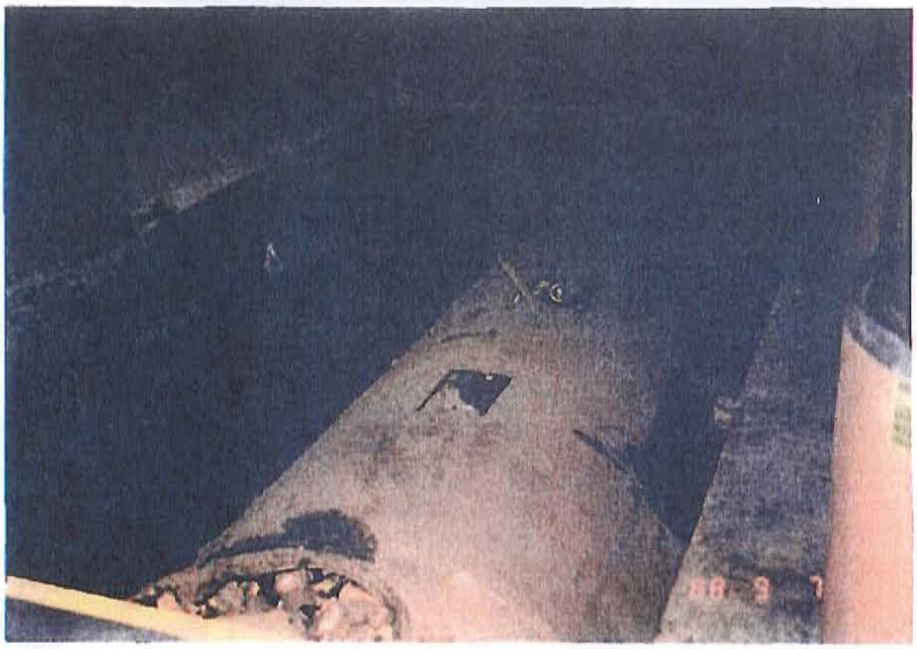


Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: North
Picture Description: Location of the former waste solvent area.

Photo No. 8

Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: North
Picture Description: Former container storage area.

Photo No. 9



Date: 9/7/88 Picture Taken By: E. Lin Direction Facing: North
Picture Description: Off-spec storage tank

EXHIBIT E

Termination of Permit #NYD042569079

FILE COPY

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Thomas C. Jorling
Commissioner

May 8, 1989

Mr. James P. Hornburg
Dexter Corporation - Hysol Division
211 Franklin Street
Olean, New York 14760

RE: Closure of Dexter Corporation - Hysol Division
EPA Identification Number: NYD042569079

Dear Mr. Hornburg:

This letter is to confirm the receipt of owner/operator and independent professional engineer's certification dated April 24, 1989 of RCRA closure for this facility. We now consider this facility officially closed. Your authority to operate as a Treatment, Storage, and Disposal Facility (TSDF) is terminated.

Please be advised that the United States Environmental Protection Agency has determined that the corrective action provisions of the Hazardous and Solid Waste Amendments (HSWA) Section 3008(h) apply to all TSDF's which have acquired interim status.

The New York State Department of Environmental Conservation has established a program to evaluate the corrective action measures necessary at closed and closing facilities within the State. Once the corrective action provisions of HSWA have been met by the facility or determined not to be necessary at the facility, the facility can have their interim status terminated.

If you have any questions regarding your closure or regulatory status, please contact Mr. Thomas J. Killeen, of my staff, at (518) 457-3274.

Sincerely,

James Sibbald Moran, P.E.
Chief, RCRA Program Support Section
Bureau of Hazardous Waste Program Development
Division of Hazardous Substances Regulation

cc: L. Livingston, USEPA
John Gorman, USEPA
J. Desai, Albany
T. Cullen, Region 9

EXHIBIT F

NYSDEC Site Briefing Report

10/15/2013

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION
Site Briefing Report

Site Code	905038	**Site Name**	Solepoxy Inc		
Classification	C	**Address**	211 Franklin Street		
Region	9	**City**	Olean	**Zip**	14760
Latitude		**Town**	Olean (c)	518-402-9813	
Longitude		**County**	Cattaraugus	**Project Manager**	Thomas Festa
Disposal Area				**Estimated Size**	

Site Description

Location: This site is located at 211 Franklin Street in Olean, Cattaraugus County.

Site Features: The main feature of this site is a large manufacturing structure.

Current Zoning/Use(s): This site is currently occupied by SolEpoxy Inc and is zoned for high-tech manufacturing purposes.

Historical Use(s): This site was originally occupied by the Daystrom Furniture Corporation. In 1966, the site was acquired by the Hysol Corporation that manufactured epoxy materials. The site was utilized by Dexter-Hysol (1967 merger) until 2000, when the property was purchased by the Henkel Corporation, an adhesive manufacturer. In 2010, SolEpoxy acquired the property and is currently manufacturing epoxy-based specialty materials.

Contaminants of Concern (Including Materials Disposed) **Quantity Disposed**

Analytical Data Available for :

Applicable Standards Exceeded for:

Site Environmental Assessment

Nature and Extent of Contamination: Due to wastes generated by the historic and current operation of facilities on this site, a permit was issued under the Resource Conservation and Recovery Act (RCRA). The facility no longer has an active operating permit, and the corrective action program is complete.

Site Health Assessment

EXHIBIT G

Brownfield Opportunity Area Map

NW Quadrant
REVITALIZATION PLAN

LEGEND

- Current BOA Boundary
- Pre-Nomination Study Area

0 250 500 1,000 Feet

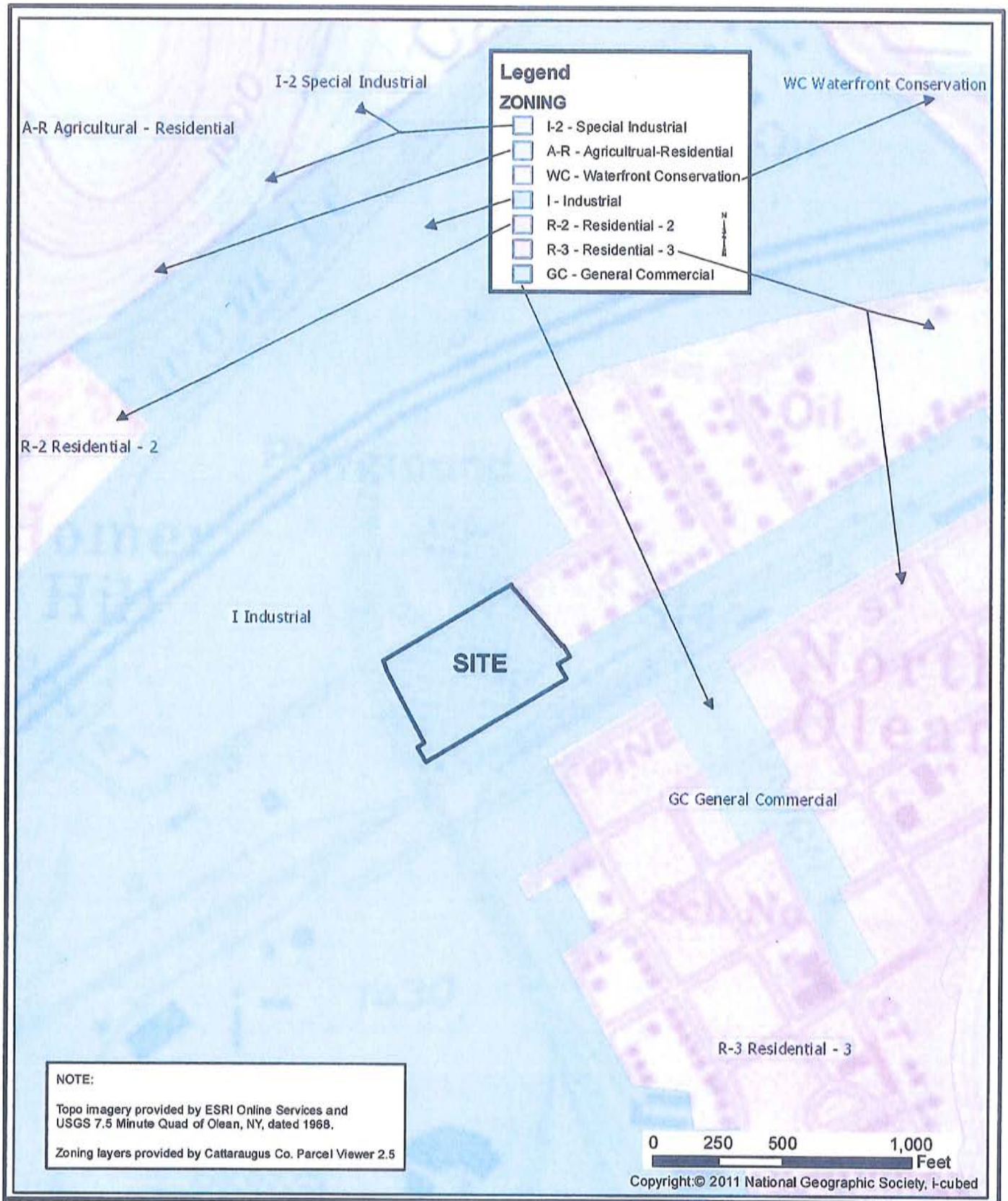
City of Olean

Map 2: Project Boundary

Bergmann

EXHIBIT H

Current Zoning Map



NOTE:

Topo imagery provided by ESRI Online Services and USGS 7.5 Minute Quad of Olean, NY, dated 1968.

Zoning layers provided by Cattaraugus Co. Parcel Viewer 2.5

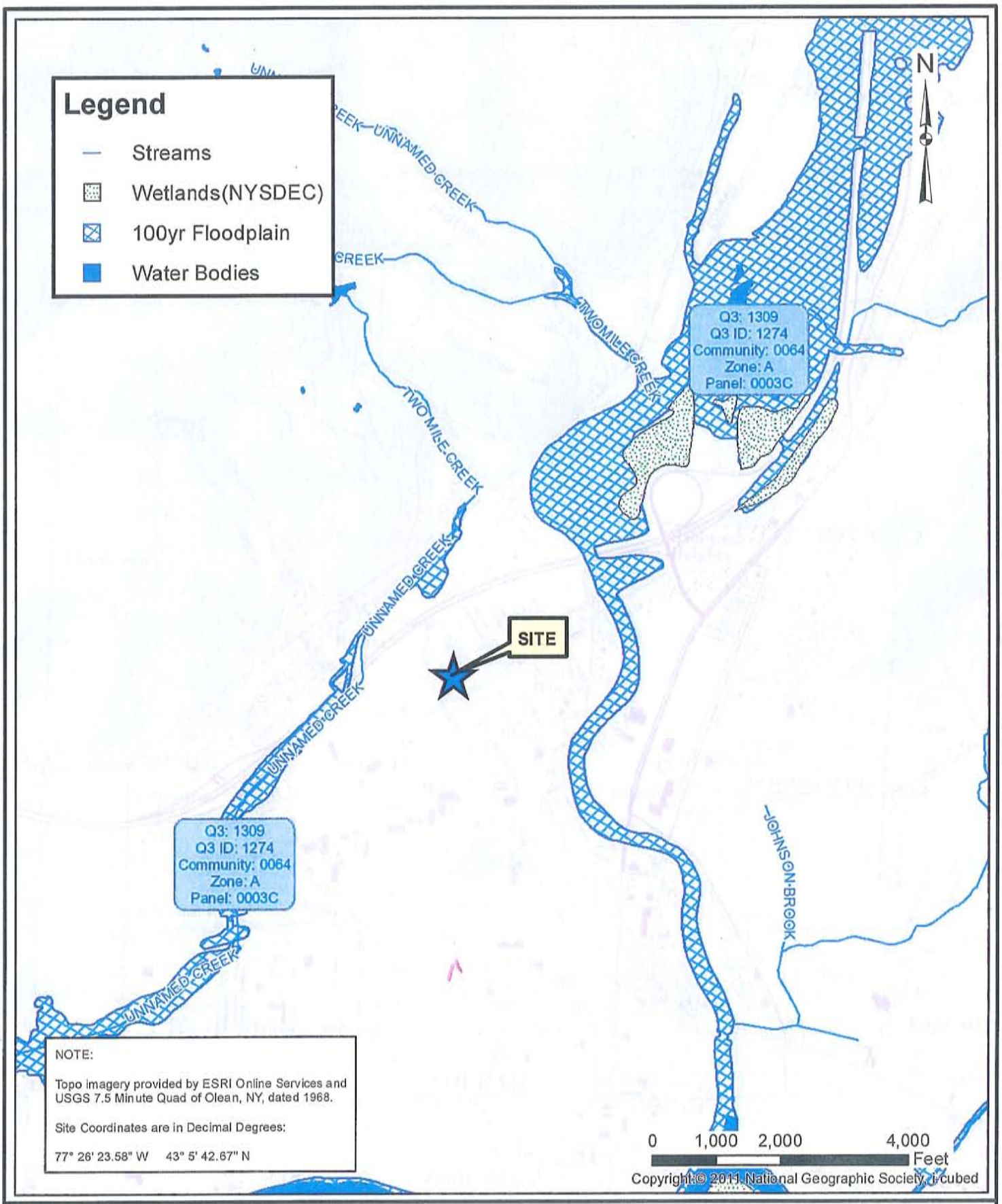
Document Path: E:\GIS Mapping\4884S-13Solepo\211FranklinZoning2.mxd

Last Date Saved: 03 Jan 2014

Date: 12-31-2013 Drawn By: CAH Scale: AS NOTED	**day** **DAY ENVIRONMENTAL, INC.** Environmental Consultants Rochester, New York 14606 New York, New York 10170	Project Title: 211 FRANKLIN STREET OLEAN, NEW YORK BCP APPLICATION Drawing Title: Current Zoning Map	Project No.: 4884S-13

EXHIBIT I

Water Bodies, Floor Plans and Wetlands Map



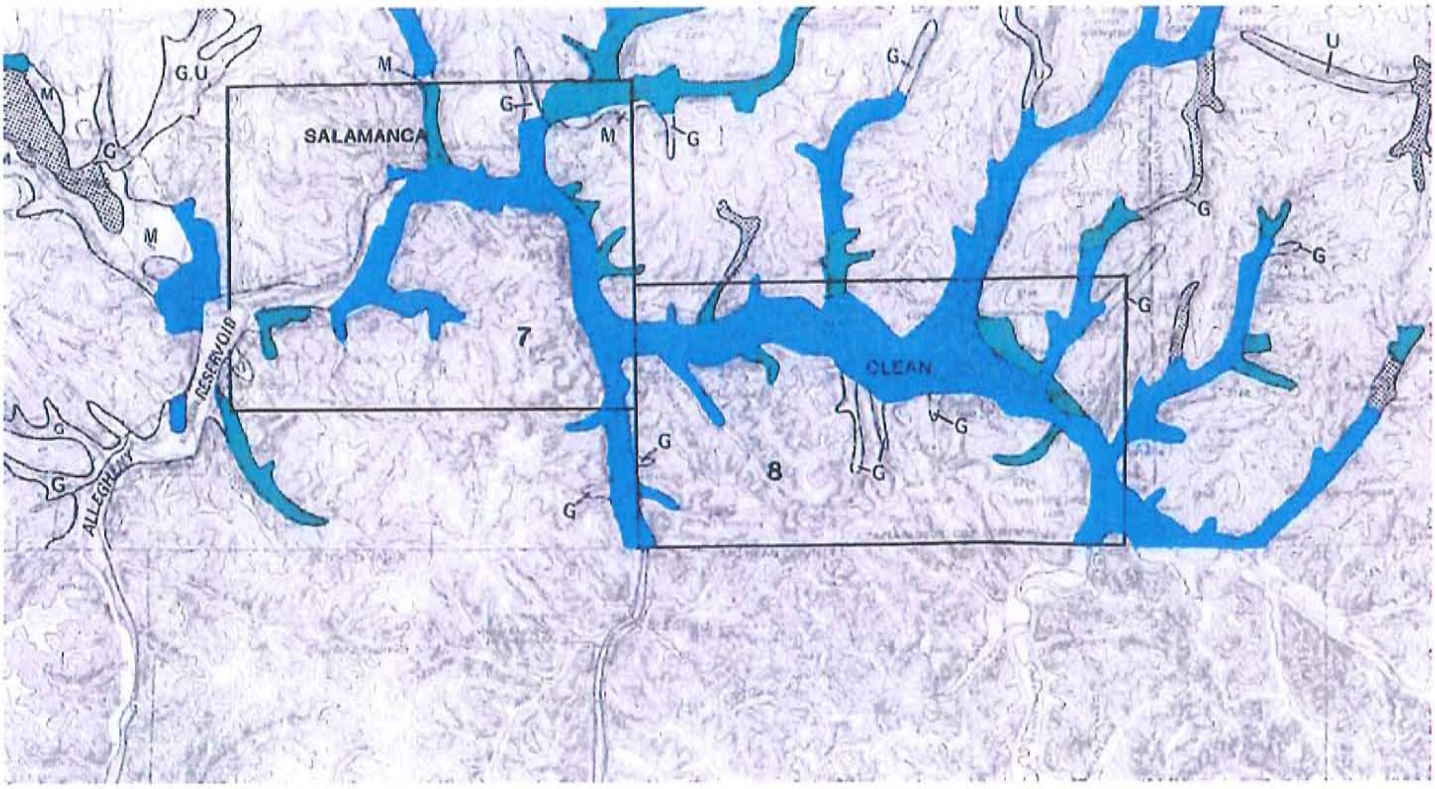
Document Path: E:\GIS Mapping\4884S-13Solepo\211Franklin\4884S-BCP-1 - 211Franklin\Wetlands.mxd

Last Date Saved: 03 Jan 2014

Date: 12-31-2013	day DAY ENVIRONMENTAL, INC. Environmental Consultants Rochester, New York 14606 New York, New York 10170	Project Title: 211 FRANKLIN STREET OLEAN, NEW YORK BCP APPLICATION	Project No.: 4884S-13
Drawn By: CAH		Drawing Title: Water Bodies, Floodplains and Wetlands Map	
Scale: AS NOTED			

EXHIBIT J

Regional Aquifer Map


SALAMANCA
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EXPLANATION

POTENTIAL YIELD OF WATER FROM WELLS THAT TAP UNCONSOLIDATED AQUIFERS

UNCONFINED AQUIFERS, 10 TO 100 GALLONS PER MINUTE -- Sand and gravel with saturated zone generally less than 10 ft thick or thicker but with less permeable silty sand and gravel. Yields in area adjacent to streams may exceed 100 gal/min (gallons per minute) through pumping-induced infiltration, but these areas are too small to show at this scale.

UNCONFINED AQUIFERS, MORE THAN 100 GALLONS PER MINUTE -- Sand and gravel of high transmissivity and with saturated thickness greater than 10 ft. Many such areas are associated with a surface-water source that can provide additional water through pumping-induced recharge.

CONFINED AQUIFER UNDERLYING UNCONFINED AQUIFER, 5 TO MORE THAN 500 GALLONS PER MINUTE (from confined aquifer) -- Areas where a relatively impermeable till or lacustrine, very fine sand, silt, or clay layer separates the buried sand and gravel aquifer from an overlying surficial aquifer.

CONFINED AQUIFER, 5 TO MORE THAN 500 GALLONS PER MINUTE – Sand and gravel overlain by till, very fine sand, silt, or clay, but without a surficial aquifer.

AQUIFERS OF UNKNOWN POTENTIAL -- Areas of sand and (or) sand and gravel for which little or no well data are on file to determine yield potential. Letter symbols, explained below, indicate the type of deposit .

Lacustrine or eolian deposits – Fine to medium sand that probably yields less than 10 gal/min

Kame, kame terrace, kame moraine, outwash, or alluvium – Sand and gravel of unknown thickness or saturation. Yield potential is greater where streams are present.

Moraine – Mostly till and lacustrine deposits (very fine sand, silt, clay) capped in some places with unsaturated sand and gravel. Thin, scattered confined aquifers of sand and gravel in some places.

Confined aquifer – Areas of lacustrine deposits or till possibly underlain by sand and gravel aquifers. Depth and saturation thickness of aquifer not investigated.

PRIMARY WATER-SUPPLY AQUIFER – A highly productive aquifer that is being used as a source of water supply in major public-supply systems. Number

indicates name of aquifer area (see key below) and report number in list of related publications. Reports and maps cited describe these aquifers in detail.

Primary aquifer Number	Aquifer area
6	Batavia
1	Jamestown
8	Olean
7	Salamanca

POTENTIAL YIELDS OF WELLS IN UNCONSOLIDATED AQUIFERS IN UPSTATE NEW YORK

INTRODUCTION

Development of ground-water-protection and management policies by Federal, State and local agencies requires information at the location and extent of unconsolidated aquifers. (Bedrock aquifers, although a source of water in many areas, are not addressed here.) A review of ground-water- resource maps of many New York State counties and river basins that were prepared by the U.S. Geological survey in cooperation with New York State Department of Environmental Conservation during the 1950's and the 1960's revealed that the maps are inconsistent in scale, format, and amount of detail. Statewide maps that show aquifers at scales of 1:1,000,000 (Heath, 1964) and 1:750,000 (Kantrowitz and Snavely, 1982) have insufficient detail for development of most aquifer protection plans.

In 1986, the U.S. Geological survey, in cooperation with the New York State Department of Environmental conservation, began a study to compile and publish a set of five maps at scale 1:250,000 showing the location and potential well yield of the unconsolidated aquifers in upstate New York (excluding New York City and Long Island). The maps also indicate the parts of those aquifers that are heavily used for public-water supplies and that have been designated as "Primary Water Supply Aquifers" by the State (New York State Department of Environmental Conservation, 1985).

This map is one in that series of five that together shows the distribution of unconsolidated aquifers in upstate New York. TO meet the needs of State and local water resource managers and policymakers, the maps have a uniform scale of 1:250,000, are based on the most recent information publicly available, and use the same symbols to identify the unconsolidated aquifers and potential well yields.

The "primary" aquifers, which were mapped in detail during a study in the early 1980's in cooperation with New York State Department of Health and published at 1:24,000 scale,

are outlined and are keyed by number to the corresponding published references. The small map (at right) shows the major river basins and indicates other areas covered in the ground-water reports used in this data compilation.

The scale of 1:250,000 was selected for this map series because it is the scale of the surficial and bedrock geology maps prepared by the New York State Geological Survey (Muller, 1977, Muller and Cadwell, 1986, and Fisher and others, 1970). Together these maps present a consistent set of geologic and hydrologic information for use in regional management of the ground-water resources of the State.

These maps show the general extent of the unconsolidated aquifers but are not intended to replace detailed site evaluations. Additional information for use in site-specific evaluations is given in the list of related references above, but to determine the precise location and well yield from a given aquifer may require onsite investigations. Ground water also may be obtained from unconsolidated aquifers that are too small to be shown at this scale and from till, from buried unconsolidated aquifers not yet identified, and from the underlying bedrock. Construction of wells that have an adequate yield for domestic use (3 to 5 gallons per minute) may be developed in any of these geologic settings. in some areas, bedrock aquifers are important and warrant consideration in the appraisal of ground-water resources. Several reports cited in the list of related publications include information on bedrock aquifers.

WELL YIELDS

The U.S. Geological Survey, in cooperation with many State and local government agencies, has mapped and appraised several aquifer systems in New York since the mid-1940's. The aquifer boundaries shown here were determined from published hydrogeologic and surficial geology maps, numerous well records, and interpretation of topographic maps. Potential well yields were estimated from information presented in eight published reports and from pumpage data on file with the U.S. Geological Survey.

Well yields represent the range of potential yields from individual wells properly screened and developed in the aquifer. Yields may not represent sustained withdrawals from the aquifer but, rather, the potential short-term withdrawal yields in many areas are based on aquifer and well-capacity-test data and on reported yields from drillers and homeowners. Yields in some areas are estimates based on geologic logs, saturated thickness, and relation between grain size and hydraulic conductivity. Actual yields may differ from those indicated.

Aquifers to which no range of yield is assigned are in areas from which data on wells or hydrogeologic properties were insufficient to estimate the yield. These areas are underlain by coarse granular material, however, (Muller, 1977) and should be considered aquifers of unknown potential.

The colored areas represent unconfined aquifers of sand and gravel. Dark blue indicates aquifers with high potential well yields; green indicates aquifers with moderate potential well yields. High well yields are defined here as greater than 100 gallons per minute (gal/min), and moderate as 10 to 100 gal/min. These aquifers are recharged rapidly by water that infiltrates through the permeable overlying material to the zone of saturation. The stippled pattern indicates the location of confined aquifers of sand and gravel, these aquifers are confined beneath a relatively impermeable layer of till or lacustrine very fine sand, silt, and clay that minimizes direct recharge from land surface. A stippled pattern within a colored area indicates the presence of both an unconfined and confined aquifer. Uncolored areas with a letter designation represent sand and gravel deposits (Muller, 1977) that may be aquifers but have insufficient data to provide estimates of yield. The letters designate the type of material, as indicated in the explanation. Uncolored areas without letter designations are underlain by till, or by lacustrine very fine sand, silt, and clay, or by bedrock. Small patches of unconsolidated aquifers (0.5 square mile or less) may underlie the area but are too small to plot at this scale. Dug wells in till or lacustrine deposits may be capable of yielding 1 to 5 gal/min.

REFERENCES CITED

Fisher, D. W., Isachsen, Y.W., and Rickard, L. V., 1970, Geologic map of New York: New York State Museum and Science Service Map and Chart Series no. 15, 6 Sheets, scale 1:250,000.

Heath, R. C., 1964, Ground water in New York: New York State Water Resources Commission Bulletin GW-51, 1 Sheet, scale 1: 1,000,000.

Kantrowitz, I. H., and Snavely, D. S., 1982, Availability of ground water from aquifers in upstate New York: U.S. Geological survey Open-File Report 82-437, 2 sheets, scale 1:750,000.

Muller, E. H., 1977, Quaternary geology of New York, western New York Sheet: New York State Museum and Science Map and Chart Series no. 28, scale 1:250,000.

Muller, E. H., and Cadwell, D. H., 1986, Surficial geologic map of New York, Finger Lakes Sheet: New York State Museum - Geological survey Map and Chart Series No. 40, scale 1:250,000.

New York State Department of Environmental Conservation, 1985, Draft-Upstate New York groundwater management program: New York State Department of Environmental Conservation, 237 p.

EXHIBIT K

2012 Annual Drinking Water Quality Report

2012 Annual Drinking Water Quality Report
City of Olean Water Filtration Plant
1332 River Street
Olean, NY 14760

City of Olean Water Division; Public Water Supply #0400345
Town of Olean Water District; Public Water Supply #0422400
Town of Portville Water District; Public Water Supply #0430089

CONTACT INFORMATION:

Mark Whiteman
City of Olean Water Superintendent
OR
Dale Walker
Senior Water Plant Operator
Olean Water Plant
1332 River Street
Olean, NY 14760
716-376-5697 or 716-376-5699
mwhiteman@cityofolean.org
dwalker@cityofolean.org

Proud Member of:

AWWA MEMBER

New York Rural Water Association

Dear Water Customer,

To comply with New York State regulations, the City of Olean publishes an annual report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. We are proud to report that our system did not violate any maximum contaminant level for any of the samples collected and analyzed. This report provides an overview of last year's water quality. We have included details about where your water comes from, what it contains, and how it compares to New York State standards.

If you have any questions about this report or the water system in general, please feel free to contact one of the individuals listed above. We want you to be informed about your drinking water and are willing to help with any questions or concerns you may have. Another way you can learn more is to attend any of the City of Olean Common Council meetings in the City of Olean Municipal Building. They are held at 7:30pm on the second and fourth Tuesday of the month with the exception of holidays.

WHERE DOES OUR WATER COME FROM?

In general, the sources of drinking water (both tap and bottled) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive materials, and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The State Health Department's and the FDA's regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

The City of Olean utilizes four water sources: Well site M18 on Richmond Ave; Well sites M37 and M38 on the East River Road; and the water treatment plant on River Street, which draws water from the Olean Creek. During 2012 we had no water restrictions at any time.

The water from the well sites is pumped through air-stripper towers to remove volatile contaminants from the water. Chlorine and fluoride are added before the water is pumped out to the distribution system. Process monitoring equipment relay the information to the operators at the water plant.

The water plant treats the water from the Olean Creek. Chemicals are added to help settle particles out of the water. After the larger particles have settled out, the water is chlorinated and filtered through anthracite (removes taste and odor) and sand. After filtering, fluoride (for dental health), caustic soda (pH adjustment for corrosion control), and chlorine are added to the filtered water. The water then travels through a large clearwell in the plant (allowing the chlorine proper time to disinfect the water) and is pumped out to the distribution system.

SOURCE WATER ASSESSMENT SUMMARY

The State of New York maintains a program called the Source Water Assessment Program, in which the State evaluates each source of drinking water used for public drinking water for possible and actual threats to its quality. The summary chart below shows the potential sources of contamination for each source, the likelihood that the contaminants will reach the treatment facility, and an overall susceptibility rating for each contaminant. A detailed copy of the report is available from the contacts listed at the beginning of this document.

Contaminant Category	City of Olean Wells M18, M37, M38		City of Olean – Olean Creek	
	Sensitivity	Susceptibility	Sensitivity	Susceptibility
Halogenated Solvents	High	Very High	Medium	Medium
Petroleum Products	High	High	Medium	Medium
Herbicides/Pesticides	High	High	Medium	Medium
Other Industrial Organics	High	High	Medium	Medium
Metals	High	High	Medium	Medium
Nitrates	High	High	Medium	Medium
Protozoa	Medium	Medium	High	High
Enteric Bacteria	Medium	Medium	High	Medium – High
Enteric Viruses	Medium	Medium	High	Medium – High
Cations/Anions (Salts, Sulfate)	High	High	Medium	Medium
Sediments/Turbidity	N/A	N/A	High	Very High
DBP Precursors	N/A	N/A	Medium	Medium

Adapted from New York State Source Water Assessment Report for System #NY0400345, May 8, 2003

ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your water for numerous contaminants. The contaminants include, but are not limited to: total coliform, turbidity, inorganic compounds, nitrate, lead and copper, volatile organic compounds, total trihalomethanes, haloacetic acids, radiological; and synthetic organic compounds. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The table included with this document lists only the contaminants that we have detected. All others that are NOT detected are NOT listed. More information is available from the contacts listed in this document.

It should be noted that all drinking water, including bottled water, may be reasonably expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline at 1-800-426-4791 or the Cattaraugus County Department of Health at 716-373-8050.

DO I NEED TO TAKE SPECIAL PRECAUTIONS?

Although our drinking water met or exceeded state and federal regulations, some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from

infections. These people should seek advice from the health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by microbial pathogens are available from the Safe Drinking Water Hotline at 1-800-426-4791.

INFORMATION ABOUT LEAD IN DRINKING WATER

As you can see from the table of detected contaminants, our system had no violations. We have learned through our testing that some contaminants have been detected but they were detected at levels below New York State requirements. We are required to present the following information on lead in drinking water:

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in the construction of your home's plumbing. The City of Olean is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline at 1-800-426-4791 or at http://www.epa.gov/safewater/lead

INFORMATION ON FLUORIDE ADDITION

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at a properly controlled level. To ensure that the fluoride supplement in your water provides optimal dental protection, we monitor fluoride levels on a daily basis to make sure the fluoride is maintained at a target level of 1.0 mg/L. During 2012 routine monitoring showed that fluoride levels in your water were in the optimal range in 86% of the effluent samples collected while no results showed fluoride levels near the 2.2 mg/L MCL for fluoride.

WATER USAGE INFORMATION

Our water system serves approximately 15,000 people in the City of Olean, Town of Olean, and Town of Portville through over 6,400 metered connections. The total water produced in 2012 was 893,183,727 gallons, with an average daily demand of 2,440,834 gallons and a maximum daily demand of 3,328,460 gallons on June 21, 2012. The total amount of water metered and delivered to customers equaled 560,191,751 gallons. This leaves 332,991,976 gallons of unaccounted-for water, or 37.3%.

Unaccounted-for water includes water used to fight fires, flush mains, leaks in the system, used by City facilities that is not metered, and inaccurate water meters in need of replacement.

Breaking down production from the different sources, we find that Well Site M18 produced 321 million gallons; Well Site M37/38 produced 336 million gallons; and the Filtration Plant produced 236 million gallons.

Water Rate Breakdown for 2012

	First 8,000 gallons (Min. Charge)	Next 30,000 gallons (per 1000 gallons)	Next 40,000 gallons (per 1000 gallons)	Thereafter (per 1000 gallons)
Residential	**$62.65**	**$6.50**	**$5.80**	**$5.20**
Commercial	**$62.65**	**$7.20**	**$6.50**	**$5.20**

DISTRIBUTION SYSTEM AND FACILITY MODIFICATIONS AND UPGRADES

In 2012 we replaced the submersible well pumps at wells M37 and M38. These newer pumps and motors were installed in an effort to improve efficiency and reduce electrical costs. These new motors are also designed to have variable speed drives attached to them – that project is expected to be completed in 2013 and will provide even more efficiency and more flexibility in operations leading to improved water quality.

The cost of this project was approximately $46,000 and we are expecting a payback on the project in 3-4 years. Further improvements will add to the cost but should lessen the payback period.

Repairs continue at the water plant. The City of Olean has been working with the engineering firm that designed and oversaw the construction of the plant to repair the concrete issues on the back wall of the plant. The cold weather has pushed completion of the project into the summer of 2013. Once completed, the water plant will be back to full capacity.

Line replacement in the distribution system continued with work on West Fall Road and West Riverside Drive. The aging line on West Riverside was experiencing breaks on a regular basis due to aging lines – 1,763 feet were replaced. A 1,550 foot section of line was replaced on West Fall Road, with the remaining length of line on the schedule for replacement later in the spring of 2013. This new line should improve pressure and water quality in that neighborhood.

WHY SAVE WATER AND HOW TO AVOID WASTING IT?

Although our system has an adequate amount of water to meet present and future demand, there are a number of reasons why it is important to conserve water:

- Saving water saves energy and some of the costs associated with both of these necessities of life;
- Saving water reduces the cost of energy required to pump water and the need to construct costly new wells, pumping systems, and water towers;
- Saving water lessens the strain on the water system during a dry spell or drought, helping to avoid severe water use restrictions so that essential fire fighting needs are met.

You can play a role in conserving water by becoming conscious of the amount of water your household is using, and by looking for ways to use less whenever you can. It is not hard to conserve water. Conservation tips include:

- Automatic dishwashers use 15 gallons for every cycle, regardless of how many dishes are loaded. So get a run for your money and load it to capacity.
- Turn off the tap when brushing your teeth.
- Check every faucet in your home for leaks. Just a slow drip can waste 15 to 20 gallons a day. Fix it and you can save almost 6,000 gallons per year.
- Check your toilets for leaks by putting a few drops of food coloring in the tank, watch for a few minutes to see if the color shows up in the toilet. It is not uncommon to lose up to 100 gallons a day from one of these otherwise invisible toilet leaks. Fix it and you can save more than 30,000 gallons a year.
- Consider upgrading older washing machines or dishwashers to newer, more efficient models.
- Use your water meter to detect hidden leaks. Simply turn off all taps and water using appliances, and then check the meter after 15 minutes. If it moved then you have a leak.

IS OUR WATER SYSTEM MEETING OTHER RULES THAT GOVERN OPERATIONS?

During 2012, our system was in compliance with applicable State drinking water operating, monitoring, and reporting requirements

Detected Contaminants - Distribution System						
Parameter	**Violation (Yes/No)**	**Sample Date (or date of highest result)**	**MCL**	**MCLG**	**Level Detected and Highest Level Detected**	**Likely Source of Contamination**
Distribution Turbidity [1]	NO	4/30/2012	Monthly Average < 5 NTU	n/a	0.05 to 4.60 NTU; Highest Monthly Average = 0.29 NTU (April)	Deposits in Distribution System; Precipitation of minerals in water
Distribution System Free Chlorine Residual	NO	4/30/2012	MRDL = 4.0 mg/L	MRDLG = 4 mg/L	ND to 1.60 mg/L; High = 1.60 mg/L	Added for disinfection
Total Trihalomethanes	NO	7/3/2012	RAA < 80 ug/L	n/a	ND to 70.8 ug/L; RAA Max= 26.07 ug/L	By-products of water disinfection (chlorine)
Total Haloacetic Acids	NO	11/7/2012	RAA < 60 ug/L	n/a	ND to 30.2 ug/L; RAA Max= 9.20 ug/L	
Copper [2,3]	NO	8/31/2011	1300 ug/L (A.L.)	1300 ug/L	9.5 to 428 ug/L; 90th percentile = 316 ug/L	Corrosion of household plumbing; Erosion of natural deposits
Lead [2,3]	NO	8/31/2011	15 ug/L (A.L.)	0 ug/L	ND to 14.2 ug/L; 90th percentile 4.5 ug/L	

Detected Contaminants - Well sites and Water Plant						
Parameter	**Violation (Yes/No)**	**Sample Date (or highest result)**	**MCL**	**MCLG**	**Level Detected**	**Likely Source of Contamination**
Entry Point Turbidity [1]	NO	12/17/2012	n/a	n/a	0.05 to 0.20 NTU; High = 0.20 NTU	Soil Runoff
Combined Filter Turbidity [1] (Water Plant Only)	NO	n/a	TT = 95% of monthly samples ≤ 0.30 NTU	n/a	100% of samples were <0.30 NTU	Soil Runoff
	NO	7/30/2012 and 8/31/2012	TT ≤ 1.0 NTU	n/a	Highest Level Detected = 0.25 NTU	
Entry Point Fluoride	NO	4/4/2012	2.2 mg/L	2.2 mg/L	0.10 to 1.67 mg/L; High = 1.67 mg/L	Naturally occurring and added to help prevent tooth decay
Nitrates	NO	7/3/2012	10 mg/L	10 mg/L	0.27 to 1.37 mg/L; High = 1.37 mg/L	Runoff from fertilizer use; Leaching from septic tanks; sewage; Erosion of natural deposits.
Total Organic Carbon – Treated (Water Plant Only)	NO	5/2/2012 and 11/7/2012	TT	n/a	1.0 to 1.9 mg/L; High = 1.9 mg/L Highest RAA = 1.6, 4th quarter 2012	Naturally present in the environment
Sodium [3]	NO	12/19/2012	*SEE NOTE 4*	n/a	16.8 to 20.7 mg/L; High = 20.7 mg/L	Naturally occurring; Road salt; Water softeners; Animal waste.
Silica [3]	NO	5/22/2008	n/a	n/a	4.1 to 11.0 mg/L; High = 11.0 mg/L	Erosion of natural deposits.
Sulfate [3]	NO	5/22/2008	250.0 mg/L	n/a	11.3 to 23.5 mg/L; High = 23.5 mg/L	Naturally occurring.
Chloride [3]	NO	5/22/2008	250 mg/L	n/a	35.0 to 51.2 mg/L; High = 51.2 mg/L	Naturally occurring or indicative of road salt contamination.
Barium [3]	NO	5/22/2008	2,000 ug/L	2,000 ug/L	24 to 45 ug/L; High = 45 ug/L	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
Magnesium [3]	NO	5/22/2008	n/a	n/a	5.0 to 11.2 mg/L; High = 11.2 mg/L	Erosion of natural deposits of indicative of road salt contamination.

NOTES

1. Turbidity is a measure of the cloudiness of the water and is a good indicator of the effectiveness of our filtration system.
2. For lead and copper, we are required to take 30 samples from the system (City and Town Districts combined). From the test results we look at the 90th percentile reading and use that as an indicator of meeting the ACTION LIMIT (A.L.) No lead or copper samples exceeded the action limit and the 90th percentiles of both lead and copper samples were below the action limit.
3. The State allows us to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old.
4. Water containing more than 20 mg/L of sodium should not be used for drinking by persons with severely restricted sodium diets.

DEFINITIONS

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as possible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water which below there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant that is allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Action Level (A.L.): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Non-detects (ND): Laboratory analysis did not find the constituent at a level above their detection limit.

Nephelometric Units (NTU): A measure of the cloudiness of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Milligrams per liter (mg/L): Corresponds to one part of liquid in one million parts of liquid (parts per million – ppm.)

Micrograms per liter (ug/L): Corresponds to one part of liquid in one billion parts of liquid (parts per billion – ppb.)

Picocuries per Liter (pCi/L): Measure of radioactivity in a liquid.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.

Running Annual Average (RAA): This is a calculation of the average of all the readings in the year preceding the date of sampling. This is NOT site specific and averages all results for a particular parameter.

n/a: Not applicable.

EXHIBIT L

Document Repository Letter

Fax

from the **Olean Public Library** 134 N. 2nd St. Olean NY 14760
ph (716) 372-0200 fax (716) 372-8651

To: Jennifer Dougherty **From:** Lance Chaffee

Company: ~~Phillips Lytle LLP~~ **Pages:** 2 includes cover

Address: **Date:** 12/9/13

Phone: FAX 716 852 6100

Re: Silence Dogood LLD - document repository

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Phillips Lytle LLP

Via Fax (716-372-8651)
Olean Public Library
134 North 2nd Street
Olean, New York 14760

December 6, 2013

Re: Public Document Repository

Dear Sir or Madam:

We represent Silence Dogood LLC, which owns property located at 211 and 202 Franklin Street in Olean, NY. Silence Dogood LLC is applying for entrance into a New York State program. As part of its application, they will be creating a set of documents, which are to be available for public review. We are writing to request permission to place these documents for public review at the Olean Public Library.

As part of the application, Silence Dogood LLC is required to submit proof that the documents are on file at a specific facility. If the Olean Public Library will accept the documents, please sign the acknowledgment below and fax it to my attention at 716-852-6100.

Thank you in advance for your consideration.

Very truly yours,

Phillips Lytle LLP
By

Jennifer Dougherty
Doc #01-2736251.1

The Olean Public Library will allow Standard Portable to create and place a document repository at the Olean Public Library located at 134 North 2nd Street, Olean, New York 14760.

Approved by: Lance Chaffee
Date: 12/9/13

Jennifer Dougherty
Direct 716 504 5789 jdougherty@phillipslytle.com

hp LaserJet 4345mfp series

Fax Call Report 1

Phillips Lytle
716-852-6100
Dec-09-2013 09:43 AM

Job	Date/Time	Type	Identification	Duration	Pages	Result
24697	Dec-09-2013 09:42 AM	Receive	7163728651	0:35	2	Success

EXHIBIT M

Resolution of Silence Dogood LLC

UNANIMOUS WRITTEN CONSENT
OF THE SOLE MANAGER OF
SILENCE DOGOOD LLC

The undersigned, as sole manager of Silence Dogood LLC (the "Manager"), a New York limited liability company (the "Company"), does hereby consent to the resolutions and the taking of the following actions without a meeting by way of unanimous written consent, pursuant to Section 408 of the New York Limited Liability Company Law.

WHEREAS, the Company desires to submit an application for the New York Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program with respect to certain real property commonly referred to as 211 Franklin Street, City of Olean, State of New York (the "Property") (the "Application"); and

WHEREAS, the undersigned believes it to be in the best interests of the Company for the Company to prepare and submit the Application to NYSDEC and to execute and deliver to NYSDEC the Application and such other documents required to be executed and delivered in connection with the Application (the Application and such other documents collectively, the "Application Documents").

NOW, THEREFORE, BE IT RESOLVED, that the preparation, execution, submission, delivery and performance by the Company of the Application Documents be, and hereby are, authorized, approved and ratified in all respects; and be it further

RESOLVED, that the Manager is hereby authorized to prepare, execute, submit and deliver to NYSDEC on behalf of the Company, the Application Documents, along with such changes, additions and modifications as he shall approve, such execution, submission and delivery to be conclusive evidence of such approval on behalf of the Company; and be it further

RESOLVED, that the Manager is hereby authorized to do any and all other acts necessary or desirable to effectuate the foregoing resolutions (the necessity or desirability thereof to be evidenced conclusively by the taking of such action by the Manager); and be it further

RESOLVED, that the Manager is hereby authorized to enter into any contracts or other arrangements, and to make, execute, file and deliver any and all documents, consents, instruments, amendments, papers or writings in connection therewith, for the purpose of effecting the foregoing resolutions; and be it further

RESOLVED, that any and all acts and actions previously taken and any and all agreements or documents previously executed or delivered in connection with the foregoing resolutions be, and they hereby are, approved and ratified as the true acts and deeds of the Company with the same force and effect as if each such act or agreement had been specifically authorized in advance by the Manager.

[*the remainder of this page is intentionally left blank*]

IN WITNESS WHEREOF, the undersigned has executed this Consent as of the date(s) set forth below.

Dated: Dec 4, 2013

Jeffrey Belt
Manager

Doc #01-2734032.1