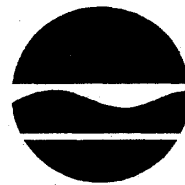


New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9577
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting Commissioner

MEMORANDUM

TO: Maurice Moore, Project Manager, Region 9-South
Ed Belmore, NYSDEC - DER Remedial Bureau D
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Marty Doster, Regional Hazardous Waste Remediation Engineer, Region 9
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Joe Ryan, DEE Program Attorney, Region 9
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Anne Hohenstein, NYSOSC
Susanne Wither, NYSDEC, Bureau of Technical Support

FROM: Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support *Kelly Lewandowski*

SUBJECT: Brownfield Cleanup Program Application
Tecumseh Phase I Business Park, C915197

DATE: JUN 15 2005

The attached Brownfield Cleanup Program Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Brownfield Cleanup Program procedures. If you require additional copies or the complete series of the related application's attachments, please contact the project manager, Maurice Moore at 716-851-7220.

The Time and Activity Code for the subject site is: N850 (onsite); N851 (offsite).

Attachments
MB/ca

Distribution

Original (with all attachments) to:

Maurice Moore, NYSDEC - Region 9-South

Copy (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Joe Ryan, DEE Program Attorney, Region 9

Ed Belmore, NYSDEC DER Remedial Bureau D

Anne Hohenstein, NYSOSC

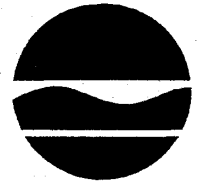
Susanne Wither, NYSDEC, BTS

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

Mr. Keith Nagel
Tecumseh Redevelopment, Inc.
4020 Kinross Lakes Parkway
Richfield, OH 44286

JUN 15 2005

Re: Brownfield Cleanup Application
Tecumseh Phase I Business Park, BCP No. 915197

Dear Mr. Nagel:

The New York State Department of Environmental Conservation (Department) is in receipt of your application for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the Department and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a thirty day public comment period is to be commenced upon the Department's determination that an application is complete. During the comment period the Department will be evaluating the eligibility of the project and determine the status regarding this as soon as possible. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the requestor, you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide a legal notice for the newspaper of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than June 29, 2005.

Additionally, all of the above-mentioned mailings should be completed no later than June 28, 2005. To the extent that the mailings and publications are not completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation - Region 9
182 East Union Street, Suite 3
Allegany, New York 14706
Attn: Maurice Moore

The Department will make every effort to determine your eligibility and status under the BCP forty-five (45) days from the date of this letter. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

MB/ca
Enclosures

Electronic copy w/enclosures:

M. Moore, Project Manager, Region 9
G. Litwin, NYSDOH
A. Quartararo
S. Wither

Copy w/o enclosures:

S. Bolesky (application only)

Brownfield Cleanup Program Public Notice Instructions

A. Instructions to Requestor¹

Newspaper

1) The enclosed public notice must be published, without modification, in a local newspaper of general circulation that services the area that includes the site no later than the date specified in the Division of Environmental Remediation's (DER) cover letter. The notice must be located prominently in the community bulletin section or comparable local section of the newspaper. The notice must be published in English and in any other language spoken by a significant number of people within the site community.

2) A proof of publication of the newspaper notice must be submitted to DER by the date specified in the DER cover letter.

Site Contact List

1) The enclosed public notice must be mailed, without modification, to the parties on the Site Contact List included with the application. The mailing must be performed by the date specified in the DER cover letter. No other materials can be mailed with this notice.

2) A certificate of mailing must be completed and submitted to DER by the date specified in the DER cover letter. (See enclosed certificate of mailing form)

Repository

1) Application package (application and appropriate documents) must be put in the site document repository specified in the public notice prior to the start of the public comment period.

B. Requestor's Instructions to Newspapers Regarding Printing the Public Notice

The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), the public notice must be located prominently in the community bulletin section or similar local section of the newspaper. The public notice must be published by the date specified.

C. Requestor's Instructions to Parties on the Site Contact List Receiving the Public Notice

The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), a public notice announcing the receipt of an application must be sent to parties on the Site Contact List. Please read the enclosed public notice and review the application package in the site document repository for further information.

¹ A requestor is a person who has submitted an application to participate in the BCP whose eligibility has not yet been determined by the Department of Environmental Conservation.

**PUBLIC NOTICE
FACT SHEET**

BROWNFIELD CLEANUP PROGRAM

Site Name: Tecumseh Phase I Business Park
Site Address: 1951 Hamburg Turnpike
Lackawanna, New York 14281
County: Erie
Site No.: C915197
Requestor: Keith A. Nagel

The New York State Department of Environmental Conservation (NYSDEC) administers the Brownfield Cleanup Program (BCP) pursuant to State Environmental Conservation Law (ECL) 27-1400 et seq. The BCP was created to encourage the remediation and redevelopment of contaminated properties known as brownfields. The requestor indicated above has submitted a BCP application for investigation of the site indicated above.

NYSDEC will accept public comments concerning the application. A copy of the application and other appropriate documents (application package) is available in the site document repository located at the address indicated below.

Please note the application package includes the Remedial Draft Investigation Work Plan which describes the remedial activities to be conducted to investigate and determine the nature and extent of the contamination related to the site.

NYSDEC will review the application package and public comments received and then make a determination on the eligibility of the application.

Comments should be submitted by July 29, 2005, to:

New York State Department of Environmental Conservation
Division of Environmental Remediation - Region 9
182 East Union Street, Suite 3
Allegany, New York 14706
Attention: Maurice Moore

Repository address:

Lackawanna Public Library
560 Ridge Road
Lackawanna, New York 14218
Attn: Salvatore Bordonaro, Director

Tecumseh Phase I Business Park
C915197

CERTIFICATION OF MAILING

I certify that I mailed on _____ a copy of the attached
_____ by first class mail upon the person(s) on the attached
mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in
the Post Office box at

_____ in the
City of _____, New York, which box is under the
exclusive care and custody of the United States Post Office Department:

Signature

Date

Brownfield Cleanup Program Application

for Phase I Business Park Area

*Tecumseh Redevelopment, Inc.
Lackawanna, New York*

May 2005

0071-006-100

Prepared By:



726 Exchange Street, Suite 624, Buffalo, New York | phone: (716) 856-0599 | fax: (716) 856-0583

**BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION**

ECL ARTICLE 27, TITLE 14

9/3/04

APPLICANT INFORMATION		
NAME Tecumseh Redevelopment, Inc. (Keith A. Nagel, General Manager)		
ADDRESS 4020 Kinross Lakes Parkway		
CITY/TOWN Richfield, Ohio		ZIP CODE 44286
PHONE 330-659-9165	FAX 330-659-7434	E-MAIL keith.nagel@mittalsteel.com
NAME OF APPLICANT'S REPRESENTATIVE TurnKey Environmental Restoration, LLC (Paul H. Werthman, P.E., Site Mgr)		
ADDRESS Suite 624, 726 Exchange Street		
CITY/TOWN Buffalo, NY		ZIP CODE 14210
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com
THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: ☐ PARTICIPANT An applicant 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 An applicant other than a participant, including an applicant 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 applicant 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.		
Applicant Relationship to Property (check one): ☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____		
OWNER'S INFORMATION		
OWNER'S NAME (if different from applicant)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from applicant) TurnKey Environmental Restoration, LLC (Paul H. Werthman, P.E., Site Manager)		
ADDRESS Same as above		
CITY/TOWN Same as above		ZIP CODE 14210
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com

SITE NAME Tecumseh Redevelopment, Inc. Lackawanna - Phase I Business Park (a.k.a., "Parcel B")

SITE ADDRESS 1951 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

COUNTY Erie

SITE SIZE (ACRES) 102

LATITUDE (degrees/minutes/seconds) 42° 48' 58.6"

LONGITUDE (degrees/minutes/seconds) 78° 51' 16.4"

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☐ YES ☒ NO
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) ☐ YES ☒ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? FOR MORE INFORMATION GO TO: http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp ☒ YES ☐ NO
IF YES, IDENTIFY AREA (NAME) Census Tract 012200

1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? ☐ YES ☒ NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? ☐ YES ☒ NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? ☐ YES ☒ NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? ☐ YES ☒ NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☒ NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? ☐ YES ☒ NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? ☐ YES ☒ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), 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

1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? ☒ YES ☐ NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? ☐ YES ☒ NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? ☐ YES ☒ NO
IF YES, PLEASE PROVIDE: SITE # _____ CLASS # _____
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? ☐ YES ☒ NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? ☐ YES ☒ NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☒ NO

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT
- ESTIMATED PROJECT SCHEDULE

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**

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. **OWNERS**

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").

3. **OPERATORS**

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

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

*Please describe: _____

Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Other VACANT

Future Use: ☐ Residential ☒ Commercial ☒ Industrial ☒ Other (PASSIVE RECREATIONAL / BICYCLIST BIKE PATH)

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

Yes No Unknown

1. Do current historical and/or recent development patterns support the proposed use?

☒ ☐ ☐

2. Is the proposed use consistent with applicable zoning laws/maps?

☒ ☐ ☐

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	☐	☒	☐
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	☒	☐	☐
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐	☒	☐
6. Are there any federal or State land use designations relating to this site?	☐	☒	☐
7. Do the population growth patterns and projections support the proposed use?	☒	☐	☐
8. Is the site accessible to existing infrastructure?	☒	☐	☐
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	☐	☒	☐
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	☒	☐	☐
11. Are there floodplains proximate to the site?	☒	☐	☐
12. Are there any institutional controls currently applicable to the site?	☒	☐	☐
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.			
15. Describe on attachment the geography and geology of the site.			
(Note: the 16 th criteria relates to comments from the public, which would not be received at the time of application)			

Statement of Certification

(By applicant who is an individual)

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 applicant other than an individual)

I certify that I am **GEN. MGR.** (title) of **TECOMSEH** (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; and 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: **5/20/05** Signature: **Keith Nagel** Print Name: **KEITH NAGEL**

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, 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) hard 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: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCP SITE NO: _____ BCP SITE T&A CODE: _____ PROJECT MANAGER: _____

NY State Department of Environmental Conservation

Brownfield Cleanup Program Application

Tecumseh Redevelopment, Inc. Lackawanna – Phase I Parcel

List of Application Attachments

<u>Attachment No.</u>	<u>Description</u>
1	Tax Map, Quadrangle Map, Planned Redevelopment Master Plan Map
2	Metes and Bounds Description
3	En-Zone Census Designation Map
4	Project Description and Schedule
5	Phase I ESA
6	Listing of Previous Site Owners
7	Listing of Previous Site Operators
8	Contact List Information
9	Environmental Factors and Historic Land Use Considerations
10	<i>Institutional Control Information</i>
11	Nearby Land Use Map
12	Groundwater Vulnerability Assessment
13	Description of Site Geography/Geology

ATTACHMENT 1

TAX MAP, QUADRANGLE MAP, PLANNED REDEVELOPMENT
MASTER PLAN MAP

SCALE: 1 INCH = 500 FEET
SCALE IN FEET
(approximate)

TECUMSEH - REDEVELOPMENT MASTER PLAN

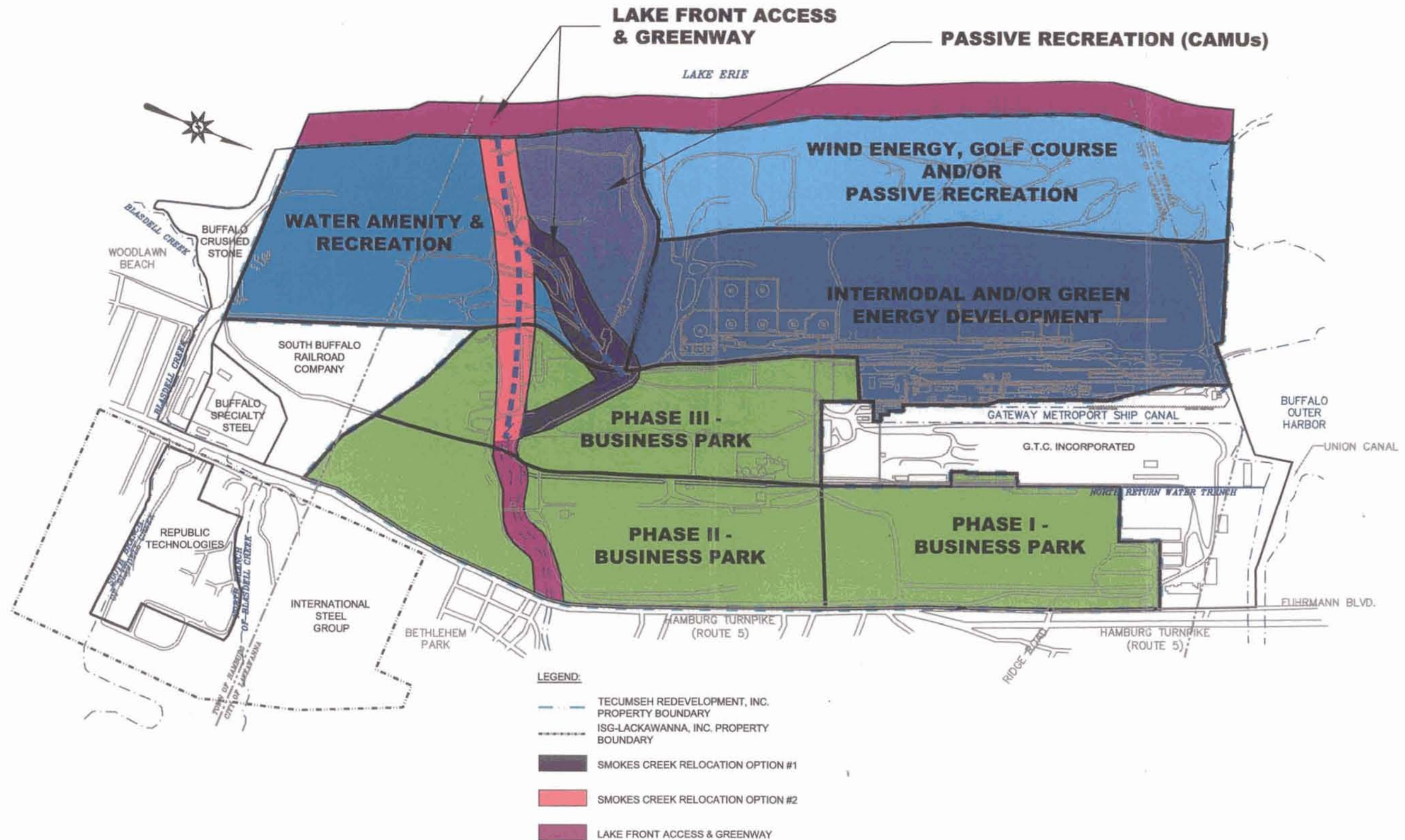


Figure A-2

Attachment 1

Tax Map of Parcel B and surrounding land

SBL Number shown on parcel (same as SBL for entire BSC Site)

May 12, 2005

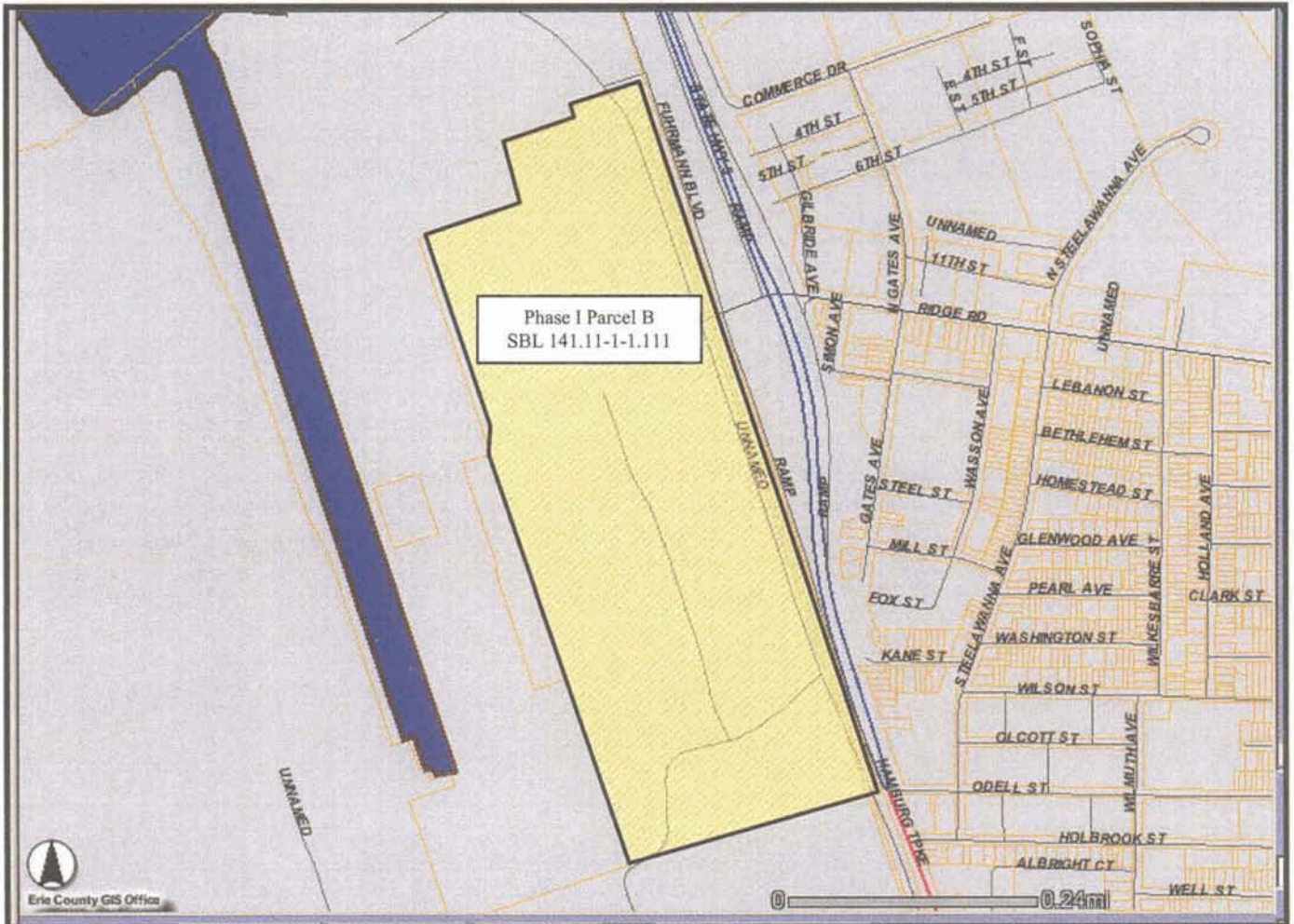
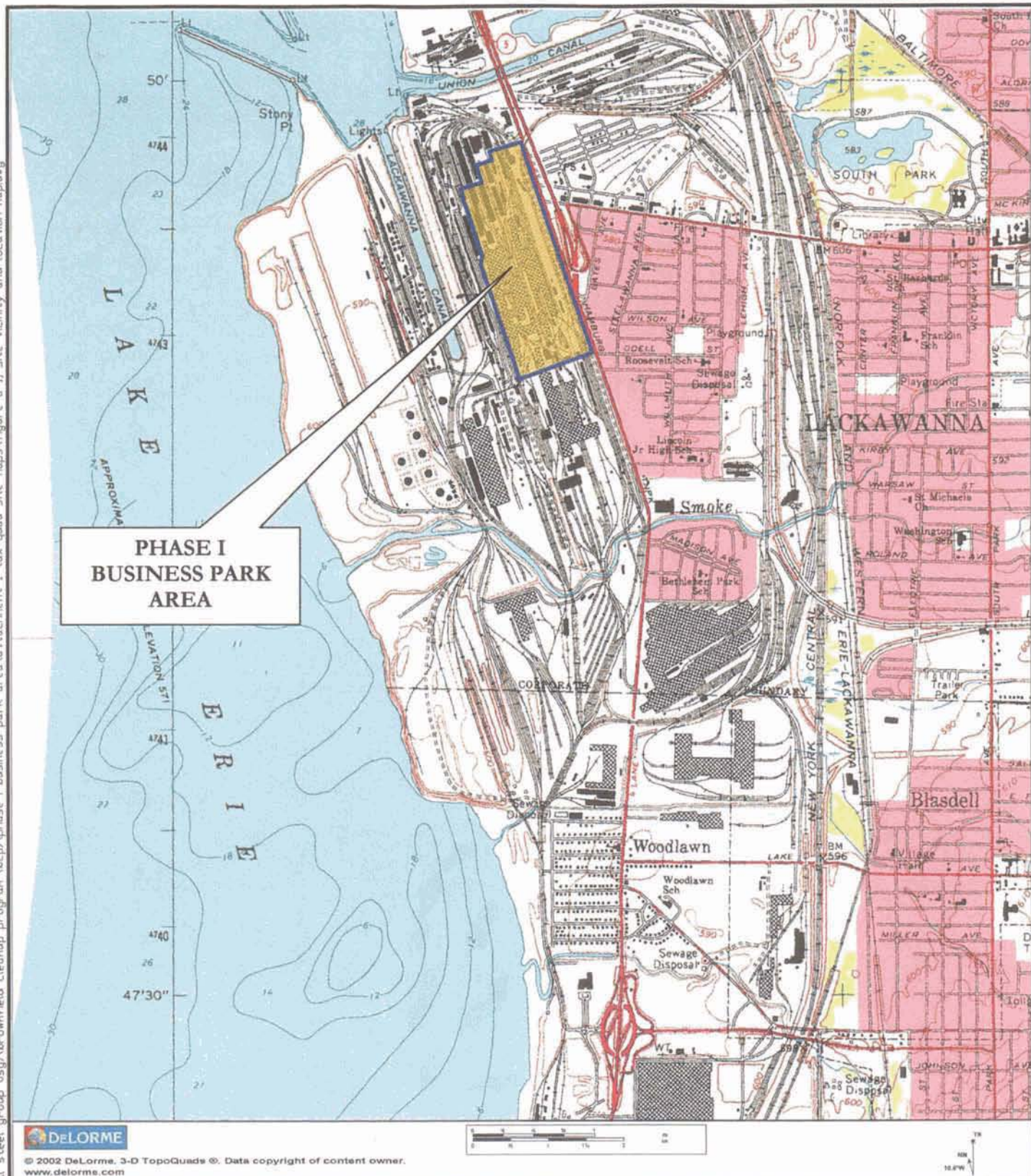


FIGURE A-1



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-635

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

PHASE I BUSINESS PARK AREA
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT, INC.

PROJECT NO.: 0071-006-100

DATE: MAY 2005

DRAFTED BY: BCH

FILEPATH: g:\brownfield cleanup program (bcp)\phase i business park area\attachment i tax quad site maps\figure a-1\ site vicinity and location map.dwg

ATTACHMENT 2

METES AND BOUNDS DESCRIPTION

Bethlehem Steel

All that tract or parcel of land situate in the city of Lackawanna, County of Erie and State of New York, being parts of lot numbers 21, 22, 23, 24 and 25 of the Ogden Gore tract and also part of Lot 36, Township 10, Range 8 of the Buffalo Creek Reservation and more particularly bounded and described as follows:

Commencing at a stone monument on the westerly line of the right of way of the Hamburg Turnpike, 66 feet wide, said stone also being on the southerly line of the City of Buffalo and the northerly line of the city of Lackawanna and also being the northerly property line now or formerly of Gateway Trade Center Inc.; thence, southerly along the westerly right of way of Hamburg Turnpike, south 19°29'01" east a distance of 548.15 feet to the POINT OF BEGINNING; said point also being at the intersection with the division line between the property now or formerly of Bethlehem Steel Corporation on the south and the property now or formerly of Gateway Trade Center Inc.; thence, continuing southerly along the westerly line of Hamburg Turnpike the following 21 courses and distances:

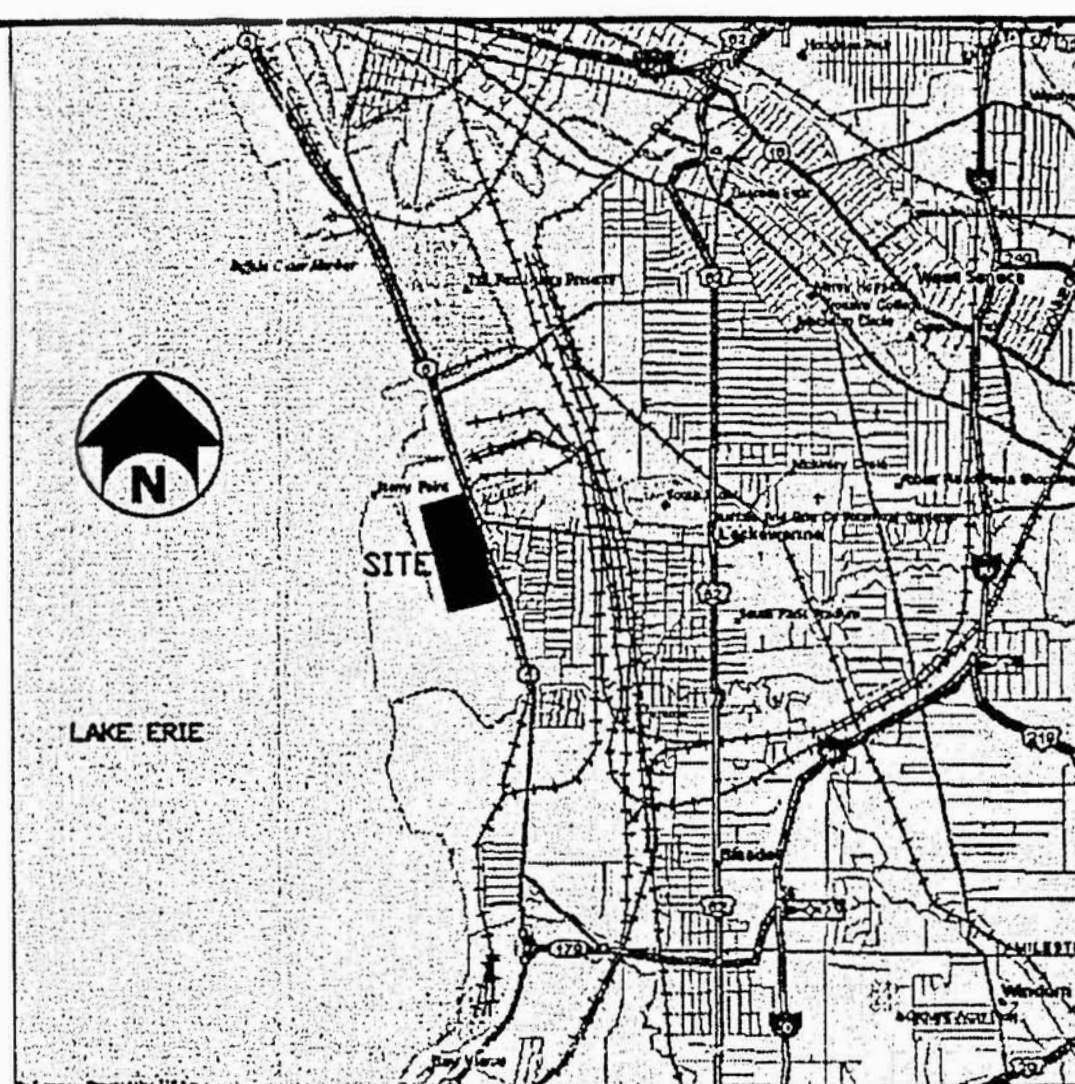
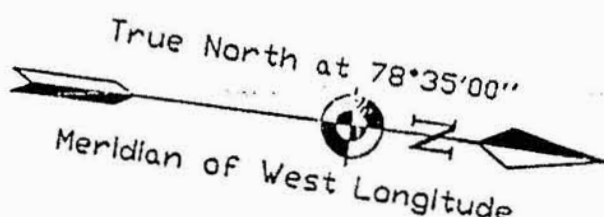
- 1.) South 19°29'01" east a distance of 279.01 feet to a point; thence,
- 2.) South 16°06'12" east a distance of 482.30 feet to a point; thence,
- 3.) South 18°29'57" east a distance of 30.00 feet to a point; thence,
- 4.) South 18°29'57" east a distance of 355.00 feet to a point; thence,
- 5.) South 71°34'27" west a distance of 2.00 feet to a point; thence,
- 6.) South 18°29'57" east a distance of 223.00 feet to a point; thence,
- 7.) South 22°18'49" east a distance of 150.35 feet to a point; thence,
- 8.) South 18°29'57" east a distance of 512.00 feet to a point; thence,
- 9.) South 16°39'05" east a distance of 260.12 feet to a point; thence,
- 10.) South 18°23'32" east a distance of 793.00 feet to a point; thence,

- 11.) South 71°34'43" west a distance of 4.00 feet to a point; thence,
- 12.) South 18°02'39" east a distance of 132.00 feet to a point; thence,
- 13.) North 71°33'26" east a distance of 4.67 feet to a point; thence,
- 14.) South 18°19'14" east a distance of 38.00 feet to a point; thence,
- 15.) South 71°35'15" west a distance of 4.86 feet to a point; thence,
- 16.) South 18°02'36" east a distance of 160.00 feet to a point; thence,
- 17.) North 71°34'14" east a distance of 9.80 feet to a point; thence,
- 18.) South 18°25'38" east a distance of 159.00 feet to a point; thence,
- 19.) South 71°34'11" west a distance of 3.89 feet to a point; thence,
- 20.) South 18°23'33" east a distance of 180.00 feet to a point; thence,
- 21.) South 20°45'19" east a distance of 8.40 feet to a point; thence through the property of Bethlehem Steel the following four courses and distances:
- 1.) North 71°30'18" west a distance of 1251.00 feet to a point; thence,
- 2.) North 18°23'21" west a distance of 2030.00 feet to a point; thence,
- 3.) North 9°39'15" east a distance of 106.50 feet to a point; thence,
- 4.) North 18°24'57" west a distance of 1250.00 feet to a point on the division line between the property now or formerly of Bethlehem Steel Corporation on the south and the property now or formerly of Gateway Trade Center Inc. on the north; thence, along the said division line the following 4 courses and distances:
- 1.) South 71°42'10" east a distance of 424.95 feet to a point; thence,
- 2.) North 18°17'50" west a distance of 314.71 feet to a point; thence,
- 3.) North 71°12'25" east a distance of 386.47 feet to a point; thence,
- 4.) North 18°17'50" west a distance of 70.00 feet to a point; thence,
- 5.) North 71°12'25" east a distance of 400.43 feet to the POINT OF BEGINNING;

Containing 101.842 acres or 4,436,244 square feet more or less.

LEGEND

- PROPERTY LINE 101.842 ACRES PILOT PROJECT
- BETHLEHEM STEEL CORP. PROPERTY LINE
- SAN SANITARY SEWER
- W WATER LINE
- FW FIRE WATER LINE
- ELEC ELECTRIC LINE
- O/H ELEC OVERHEAD ELECTRIC LINE
- O/H TELE OVERHEAD TELEPHONE LINE
- U/G TELE UNDERGROUND TELEPHONE LINE
- OIL OIL LINE
- POSSIBLE BUILDING FOUNDATION
- PIN WITH CAP FOUND
- RAILROAD SPIKE FOUND
- RIGHT-OF-WAY MONUMENT FOUND
- *X* CUT FOUND



Bethlehem Steel Corporation

Bethlehem Steel
Lackawanna, New York

Bethlehem Steel Corporation

Martin Tower
Bethlehem, PA 18016



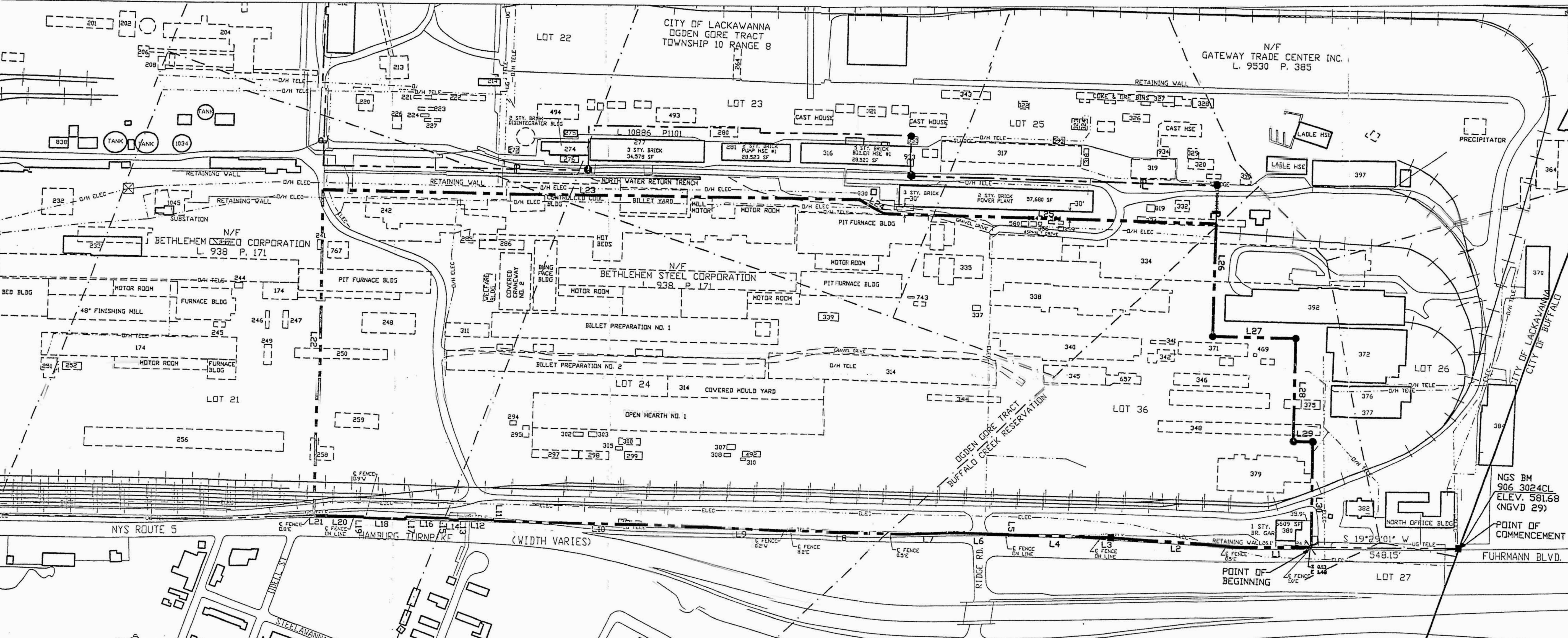
BERGMANN
associates

Engineers / Architects / Surveyors

REVISIONS				
NO.	DATE	DESCRIPTION	REV.	CKD

NOTE:
Unauthorized alteration or addition to this drawing is a violation of the New York State Education Law Article 145, Section 7209.

ALTA/ACSM LAND TITLE SURVEY



LINE	DIRECTION	DISTANCE FT	LINE	DIRECTION	DISTANCE FT
L1	S19°29'01"E	279.01	L17	N71°34'14"E	9.80
L2	S16°06'12"E	482.30	L18	S18°25'38"E	159.00
L3	S18°29'57"E	30.00	L19	S71°34'11"W	3.89
L4	S18°29'57"E	355.00	L20	S18°23'33"E	180.00
L5	S71°34'27"W	2.00	L21	S20°45'19"E	8.40
L6	S18°29'57"E	223.00	L22	S71°30'18"W	1251.00
L7	S22°18'49"E	150.35	L23	N18°23'21"W	2030.00
L8	S18°29'57"E	512.00	L24	N09°39'15"E	106.50
L9	S16°39'05"E	260.12	L25	N18°24'57"W	1250.00
L10	S18°23'32"E	793.00	L26	N71°42'10"E	424.95
L11	S71°34'43"W	4.00	L27	N18°17'50"W	314.71
L12	S18°02'39"E	132.00	L28	N71°12'25"E	386.47
L13	N71°33'26"E	4.67	L29	N18°17'50"W	70.00
L14	S18°19'14"E	38.00	L30	N71°12'25"E	400.43 (Meas.)
L15	S71°35'15"W	4.86			400.00 (Deed)
L16	S18°02'36"E	160.00			

TOTAL AREA = 101.842 +/- ACRES

REFERENCES

1. MAP 40-R-2 PARCEL NO. 44 as acquired by the People of the State of New York for highway purposes
2. Survey A-834 prepared by KREHBIEL ASSOCIATES and dated 6-17-94
3. Subdivision maps:
 - Bradford Tract filed under Map cover 685
 - Subdivision map of Ogden Gore tract filed under Map cover 749
4. NYSDOT ROW plans for Hamburg Turnpike.
5. Aerial Photography, from NYSDOT for PIN 5044.01

NOTES

1. The underground structures and utilities shown on this drawing have been plotted from record drawings supplied by Bethlehem Steel. They are not certified to the accuracy of their location or their completeness.
2. Aerial Photography used for topography. Fences and existing buildings on site located with ground survey
3. Survey completed without benefit of Abstract of Title.
4. The surveyed parcel is located in Zone C on the FEMA Community Panel No. 2470002E.

CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with Minimum Standard Detail Requirements for ALTA/ACSM and NSPS. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation and adequate survey personnel were employed in order to achieve results comparable to those outlined in the Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys.

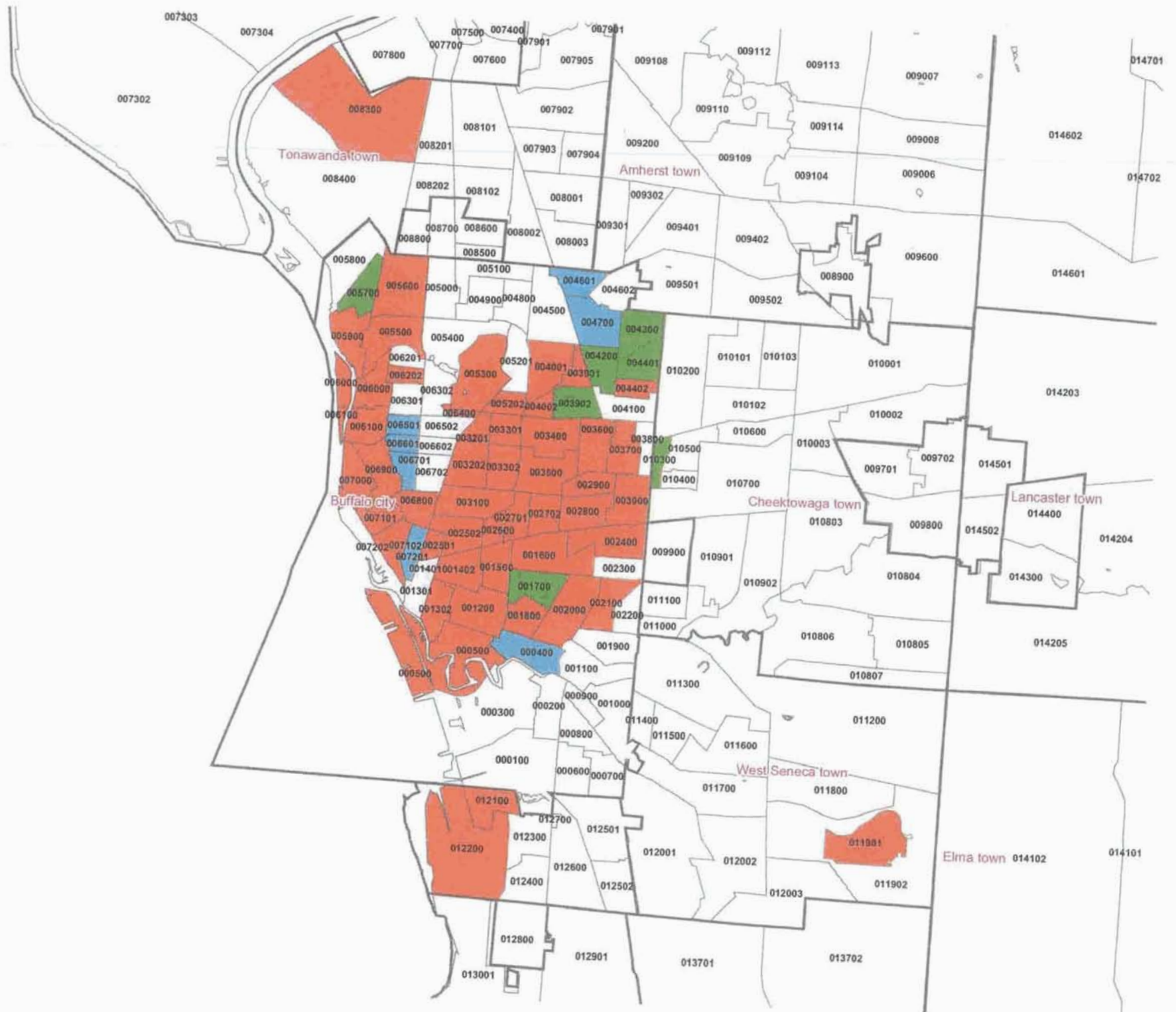
Mark A. Fors, P.L.S. Date
No. 050025



Project Manager:	SMB
Designed by:	MAF
Drawn by:	TSB
Checked by:	MAF
Date Issued:	SEPTEMBER 20, 2000
Scale:	1" = 200'
Project Number:	
File Name:	
Drawing Number:	

ATTACHMENT 3

EN-ZONE CENSUS DESIGNATION MAP



ATTACHMENT 4

PROJECT DESCRIPTION AND SCHEDULE

**Tecumseh Redevelopment, Inc.
Phase I Business Park Parcel
Brownfield Cleanup Program Application**

Project Description and Schedule

Background

Tecumseh Redevelopment, Inc. (Tecumseh) owns an approximately 1,100-acre parcel of land located on the west side of NYS Route 5 in the City of Lackawanna, NY. The property was formerly used for the production of steel, coke and related products by Bethlehem Steel Corporation (BSC). Steel production on the property was discontinued in 1983. The coke oven closed down in 2000. Tecumseh acquired the property, along with other Bethlehem assets, out of bankruptcy in 2003. A number of solid waste management units (SWMUs) are present on the property. A RCRA Facility Investigation (RFI) of these SWMUs was initiated by BSC under an Administrative Order issued by the United States Environmental Protection Agency (USEPA) in 1990. Tecumseh completed the RFI in December 2004. USEPA and the New York State Department of Environmental Conservation (NYSDEC) are reviewing the RFI for completion. Tecumseh is currently negotiating an Order on Consent with the NYSDEC to undertake corrective measures at certain SWMUs on the property.

Tecumseh has signed a Memorandum of Understanding (MOU) with Erie County and the City of Lackawanna to promote and implement redevelopment of the former BSC property following cleanup. The conceptual redevelopment plans for the entire 1,100-acre site are illustrated in the Redevelopment Master Plan included as Figure 1 of Attachment 1. As shown, a portion of the Redevelopment Master Plan incorporates a Business Park area along NYS Route 5. Phase I of the Business Park, encompassing approximately 102 acres, will be completed first. Phases II and III, encompassing approximately 173 and 128 acres, respectively, will follow.

This Brownfield Cleanup Program (BCP) Application is specific to the 102-acre Phase I Business Park area. A separate application has been prepared for Phases II and III of the Business Park.

Known and Suspected Environmental Conditions

The subject 102-acre Phase I Business Park Area was formerly used to house a portion of BSC's steel making operations. Specific processes and steel making facilities performed on the Phase I Business Park Area parcel included:

- Open Hearth furnaces
- Blooming Mill
- Billet Preparation Mills
- Roughing Mills
- Rail Mills

- Foundary
- Water Treatment Plant

Twelve SWMUs (i.e., P-43 through 53 and P-64) were identified on the subject 102-acre area during the RCRA Facility Assessment (RFA) that preceded the RFI. BSC performed assessments for all twelve 12 of these SWMUs. Based on the assessment findings, USEPA Region II issued "No Further Assessment" designations for 11 of the SWMUs in December of 1990. A "No Further Assessment" designation was issued for the twelfth SWMU in September 1991. Accordingly, all 12 SWMUs located within the proposed Phase I Business Park were excluded from the RFI Order by the USEPA in January 2001 (see attached correspondence from the USEPA to BSC).

A Phase I Environmental Site Assessment (ESA) was completed for the subject 102-acre Area by BSC in 2001. The parcel was at that time designated by BSC as "Parcel B." The ESA is included as Attachment 5 of the BCP application. The results of the assessment indicated several potential environmental conditions based on historic site uses, adjacent site uses, and field observations. These include:

- The likely impact of surface soils by base-neutral semi-volatile organic compounds (SVOCs) associated with greases, lubricating and hydraulic oils, and fuels associated with the operation of steel mills, foundry, petroleum bulk storage and other historic steel manufacturing operations. Portions of the subject parcel exhibit visible petroleum staining at the ground surface.
- The potential impact of surface and subsurface soils by metals associated with steel manufacturing operations.
- The potential impact of surface and subsurface soils by PCBs from transformers and railyards in discrete areas of the parcel.
- Potential soil and groundwater impacts from volatile organic compounds associated with gasoline storage in discrete onsite areas, and historic off-site gasoline releases upgradient of the property.

A site investigation will be performed in support of the BCP to determine the nature and extent of impacts from these known and suspect environmental conditions.

Schedule

A proposed Project Schedule is attached.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 23 2001

Mr. Leo Kaercher, Director
Environmental Engineering
Bethlehem Steel Corporation
Martin Tower, Room 1207
Bethlehem, PA 18016

Re: BSC's Request to Remove Portions of the BSC Facility from the Administrative Order On Consent; Docket No. II RCRA 90-3008(h)-0201

Dear Mr. Kaercher:

I have enclosed an original copy of the Amendment to the Administrative Order on Consent (Docket No. II RCRA 90-3008 (h)-0201) signed by both the U.S. Environmental Protection Agency (EPA) and the Bethlehem Steel Corporation (BSC). As you know, the Amendment will remove the 102 acres from the requirements of the Order and is effective as of the date of EPA's signature.

If you have any questions concerning this information, please call me at (212) 637-4180.

Sincerely,

A handwritten signature in black ink, which appears to read "Dale J. Carpenter", is written over a printed name and title.

Dale J. Carpenter, Acting Chief
New York Section

Enclosure

cc: R. Murphy, NYSDEC - Albany, w/encl.
L. Thomas, NYSDEC - Albany w/encl.
S. Radon, NYSDEC - Region 9 w/encl.
P. Grasso, NYSDEC - Region 9 w/encl.
C. O'Connor, NYSDOH - Buffalo w/encl.
L. Rossman, NOAA w/encl.
C. Pawenski, Erie County w/encl. \

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
IN THE MATTER OF THE)
BETHLEHEM STEEL CORPORATION)
LACKAWANNA, NEW YORK 14218-0310)
)
EPA I.D. NO. NYD002134880)
)
) AMENDMENT TO
) ADMINISTRATIVE ORDER
) ON CONSENT
Respondent.)
) DOCKET NO.
) II-RCRA-90-3008 (h) -
) 0201
)
)
-----X

I. AMENDMENT

1. Pursuant to Section XXIV of the above-referenced August 13, 1990 Administrative Order on Consent ("Order"), 101.842 acres (generally referred to as "102 acres") of the BSC Lackawanna facility, which are delineated and described herein and as parcel B in the Attachment¹ to this Amendment, are hereby excluded from any further requirements under the Order. The excluded acreage consists of the 102 acre rectangular plot located in the northeast corner of the Lackawanna facility. Specifically, the plot is adjacent to the Gateway Trade Center, Inc. boundary line on the north, extending approximately 3800 feet south, and adjacent to the Hamburg Turnpike (Route 5) on the west and approximately the North Water Return Trench on the east. No water courses are included in the excluded acreage. The exact parameters of the excluded acreage are set forth in the October 13, 2000 ALTA/ASCM Land Title Survey, prepared by Bergman associates, a copy of which is located in EPA Region 2's files

¹ The attachment incorrectly indicates that parcel B is 108 acres; parcel B actually consists of 101.842+/- acres.

and in BSC's files.

IT IS SO AGREED:


Signature
Bethlehem Steel Corporation

DATE: 12-18-00

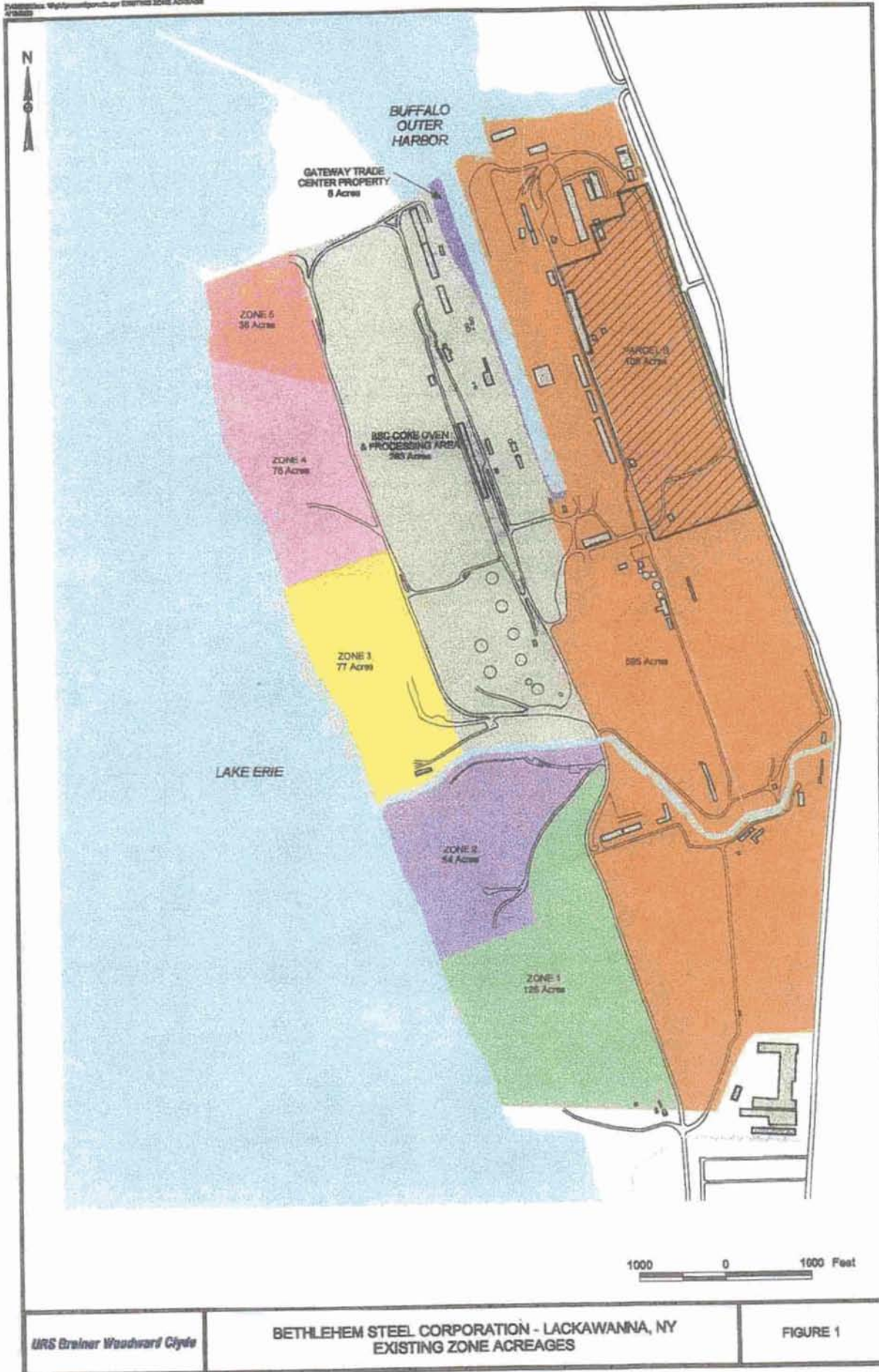
David E. Tomlinson
Signatory's Name (print)

General Manager, SAFETY, HEALTH & ENVIRONMENT
Signatory's Title (print)

IT IS SO ORDERED:

Kathleen C. Callahan
Kathleen C. Callahan, Director
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency - Region 2

DATE: 1/12/01



PROJECT SCHEDULE
TECUMSEH REDEVELOPMENT, INC.
PHASE I BUSINESS PARK
BROWNFIELD CLEANUP AND REDEVELOPMENT

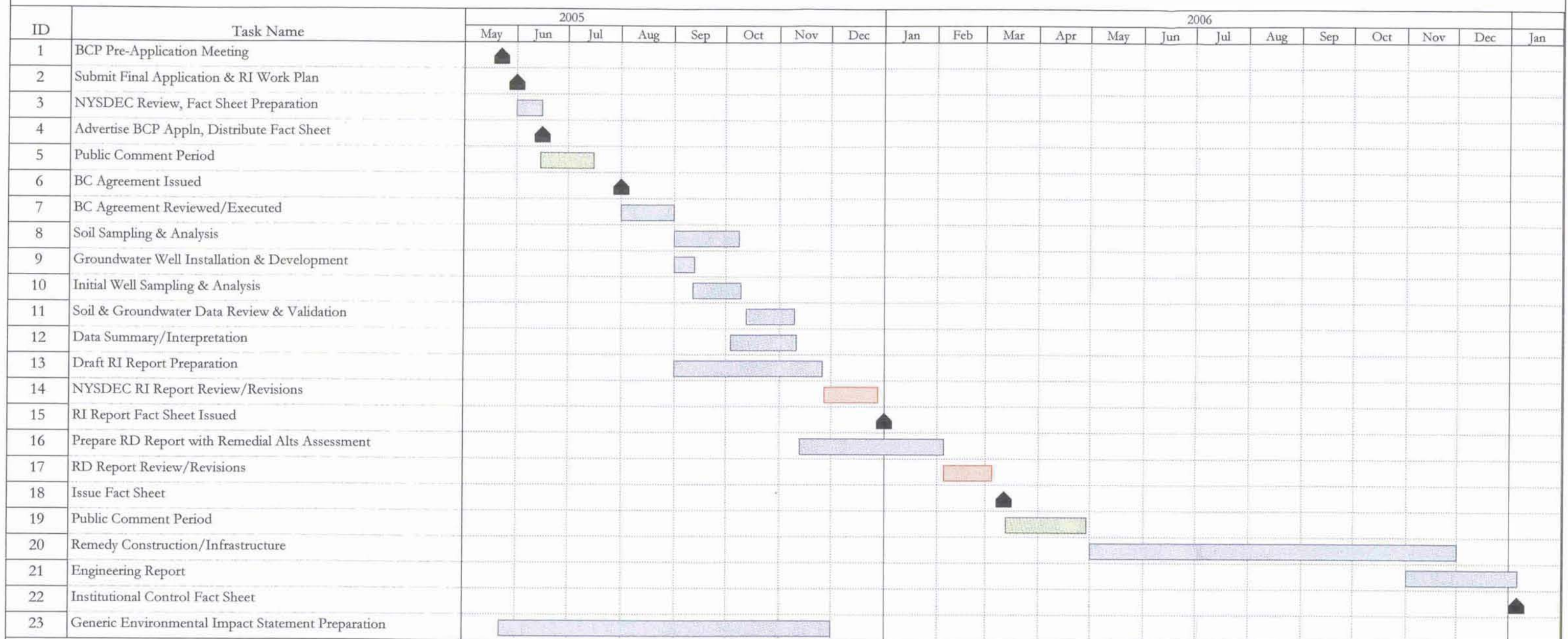


FIGURE 4-1

**TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION**

ATTACHMENT 5

PHASE I ESA

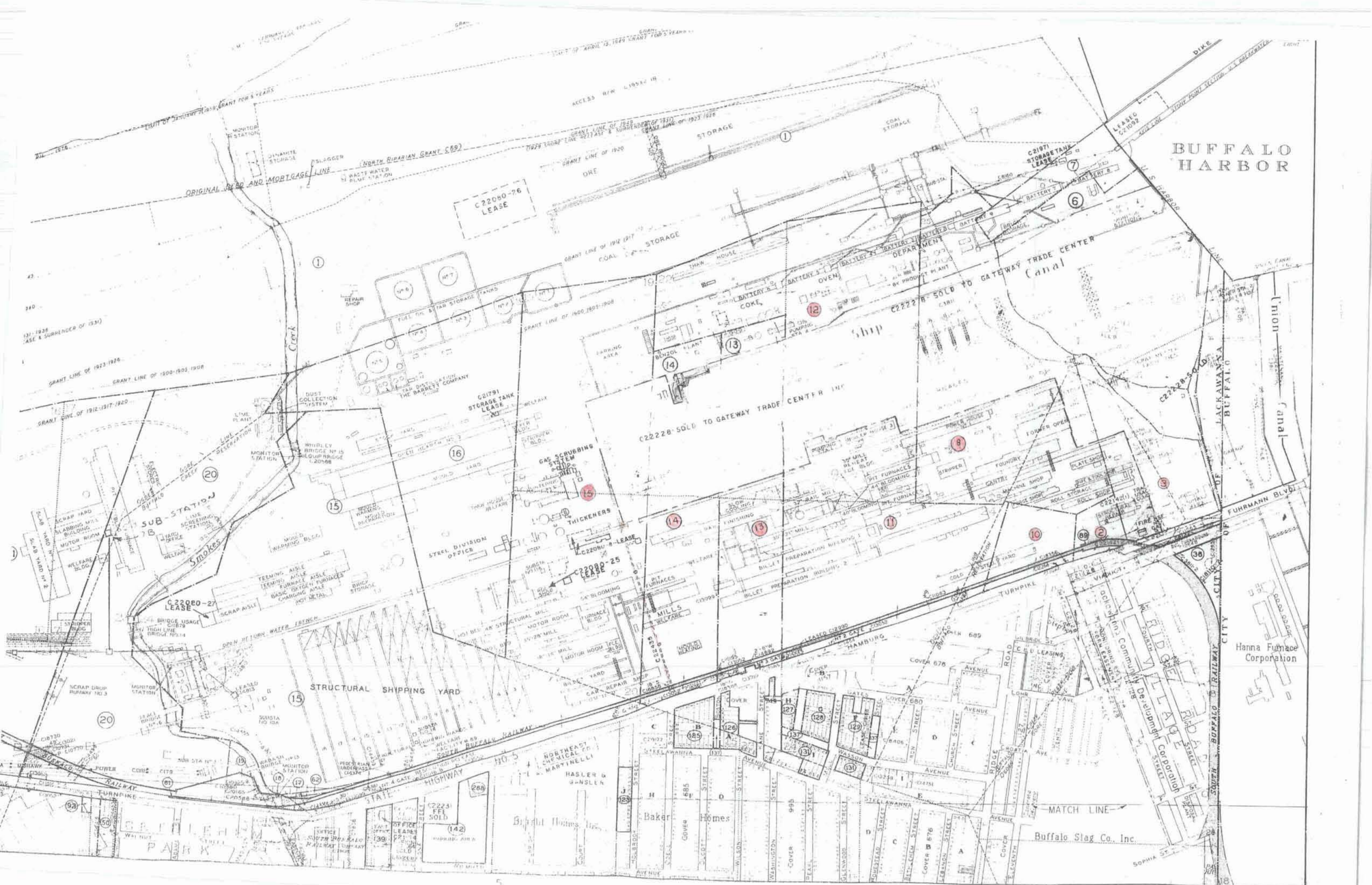
Due to the size of the Phase I ESA, a copy has been submitted to the Regional office of the New York State Department of Environmental Conservation under separate cover. An electronic copy has been submitted with the electronic BCP application.

ATTACHMENT 6

LISTING OF PREVIOUS SITE OWNERS

**TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION**

A copy of the Real Estate Records for the appropriate Tract Nos. show the ownership of the property. The overall Tract Sketch is used to locate each tract. Currently, Tecumseh Redevelopment, Inc. owns the property. As indicated on the Records for each Tract, Tecumseh has owned the property since 2003.

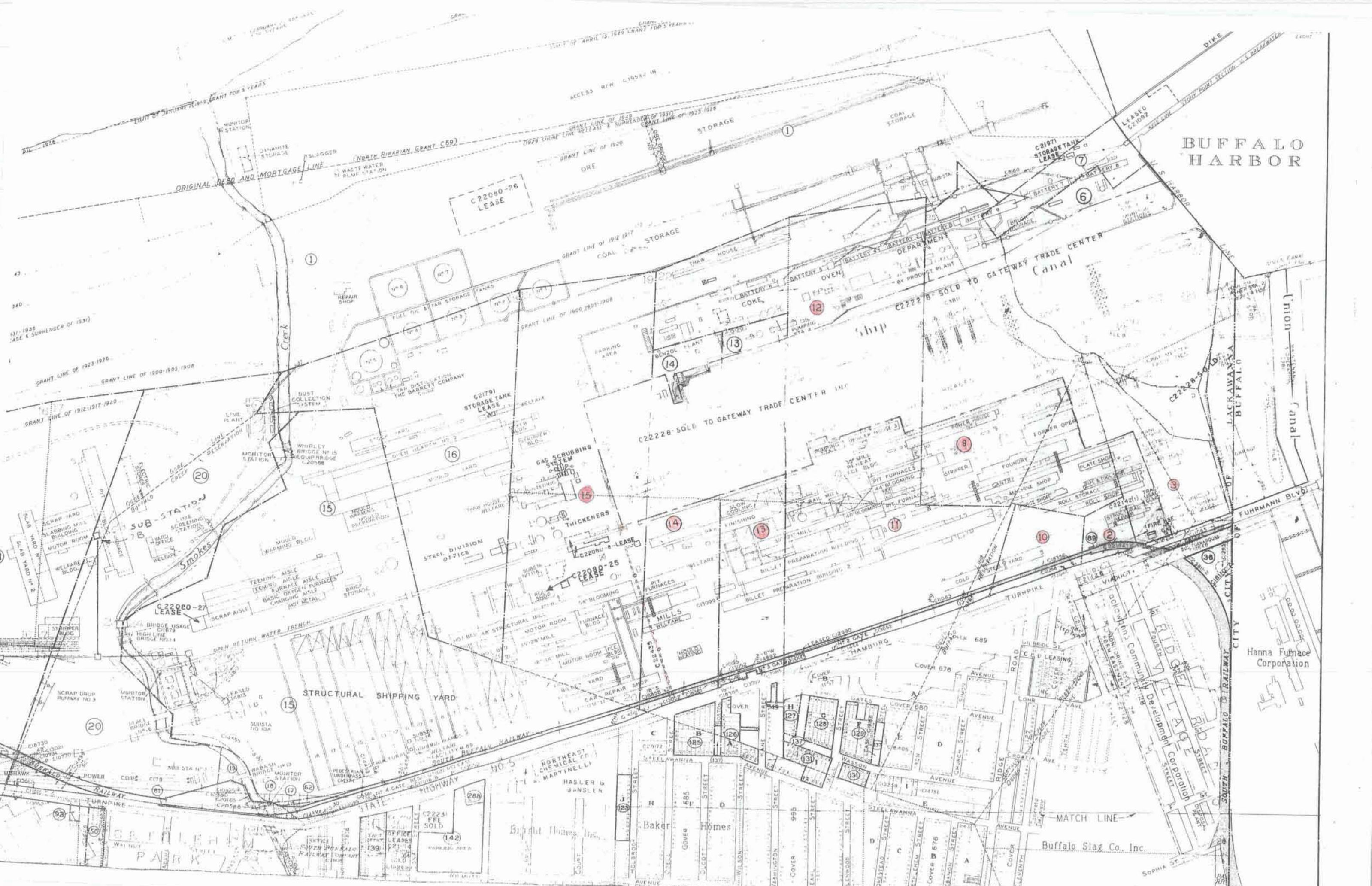


BUFFALO HARBOR

LACKAWANNA RAILROAD

Hanna Furnace Corporation

Buffalo Slag Co. Inc.



Subsidiary Companies of Bethlehem Steel Corporation

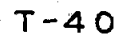
REAL ESTATE RECORD

OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation Bethlehem-Steel-Company	Lackawanna	City of Lackawanna Erie County, N. Y.	1 9-6-2	
DESCRIPTION:- Tract of land on west side of Hamburg Road south of Main Office. Formerly 6-6-T-2.		CLASSIFICATION Fee	AREA 3.03 Ac.	
FOR LOCATION SEE KEY MAP No.		1 9-6-500-2		
DATE	TITLE CHAIN			
1/8/1901	M. S. Wasson to L. I. & S. Co. D6-4			
4/29/1902	L. I. & S. Co. to L. S. Co. NY-D-16			
10/10/1922	L. S. Co. to B. S. Co. of N. Y. & Name change to B. I. & S. Corp. D6-1			
5/13/1924	B. I. & S. Corp. to B. S. Co. of Pa. to B. I. & S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B. I. & S. Corp. to B. S. Co. D9-247			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813 2.612 Ac.			
9/15/1989	South Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp.	C 11016C	0.333 Ac.	2.697 Ac.
6/29/1962	New York State Department of Public Works (Appropriated 7/28/60)	C 17985-F	0.085 Ac.	2.612 Ac.
9/15/1989	South Buffalo Railway Company to B.S.Corp. (PURCHASE)	D1-1148	0.420 Ac.	3.032 Ac.
5/6/2003	Tecumseh Redevelopment Inc.			

C 4878

~~8/14/1988~~

1)



DECL. BY J V P

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
SCALE- 1"=100' DATE SEPTEMBER 11, 1942

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

Page 1 of 2

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem-Steel-Company		Lackawanna	City of Lackawanna Erie County, N. Y.	1 6-6-3
DESCRIPTION:-			CLASSIFICATION	AREA
Tract of land west of Hamburg Road. Main Office on this tract Formerly <u>6-6-T-3</u>			Fee	15.10 Ac.
FOR LOCATION SEE KEY MAP No. 1 9-6-500 -2				
DATE	TITLE CHAIN			
5/5/99	City of Buffalo to J.J. Albright D6-5			
6/30/99	J.J. Albright to Stony Point Land Co. see Abstract D6-5			
7/26/00	Stony Point Land Co. to L.I. & S. Co. D6-8			
4/29/02	L.I. & S. Co. to L.S. Co. ~~D6-8~~ D6-47			
10/10/22	L.S. Co. to B.S. Co. of N.Y. & Name changed to B.I. & S. Corp. D6-1			
5/13/24	B.I. & S. Corp. to B.S. Co. of Pa. to B.I. & S. Corp. 7/28/24 D6-2 & D9-435			
7/12/35	B.I. & S. Corp. to B.S. Co. D9-247			
12/31/1964	B.S. Co. merged into B.S. Corp. C 18813			
9/15/1989	South Buffalo Railway Company to B.S. Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/31/1985	Gateway Trade Center, Inc.	C 22228	11.471 Ac.	3.629
9/15/1989	South Buffalo Railway to B.S. Corp. (PURCHASE)	D1-1148	0.02 Ac.	3.649 Ac.
5/ 2/1995	Gateway Trade Center, Inc. (Quitclaim Deed)	C 22228	1.55 Ac.	2.099 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

Subsidiary Companies of Bethlehem Steel Corporation

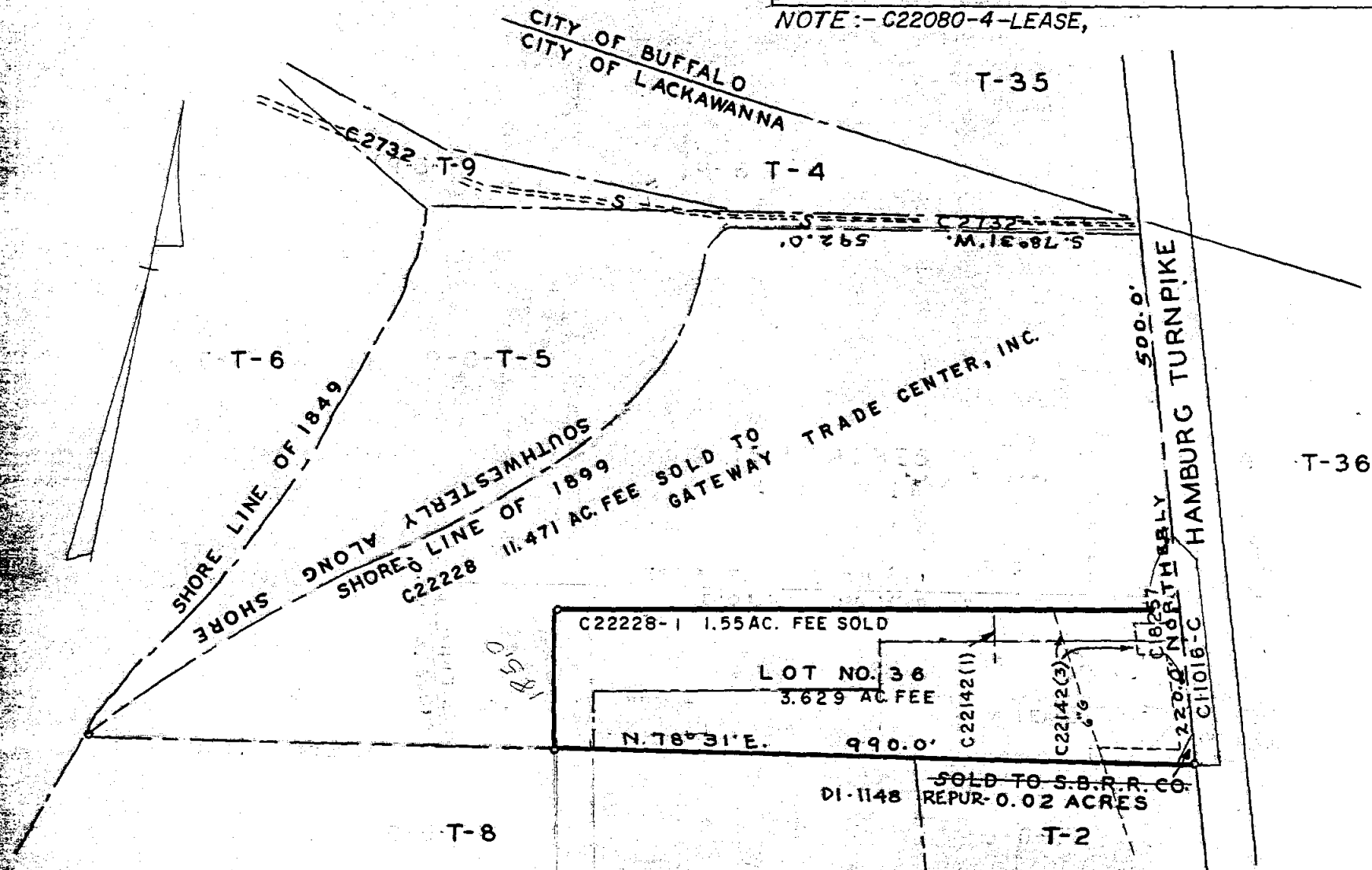
REAL ESTATE RECORD

Page 2 of 2

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation		Lackawanna	City of Lackawanna, Erie County, NY	1-5-3
DESCRIPTION:-			CLASSIFICATION	AREA
5. C 4878 1--6-21948 20/85 Can. 12/8 Wed 3/30/ Jan 12/31 12/6/88				
FOR LOCATION SEE KEY MAP No.			TITLE CHAIN	
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
22142 9/28 12/31/198				

BETHLEHEM STEEL CORPORATION

NOTE:- C22080-4-LEASE,



15.12 ACRES - 2 PARCELS
0.02 " SOLD-D33-19
15.10 ACRES NET

11.471 AC. SOLD-C22228
3.629 AC. FEE NET
0.02 AC. REPURCHASED-DI-1148
3.649 AC. NET

NET - 3.649 AC. FEE
1.550 AC. SOLD C22228-1
NET - 2.099 AC. FEE

REAL ESTATE DEPT.
DIV. LACKAWANNA
TR. NO. 3
BY JVP

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
SCALE- 1"= 200' DATE NOVEMBER 16, 1942

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

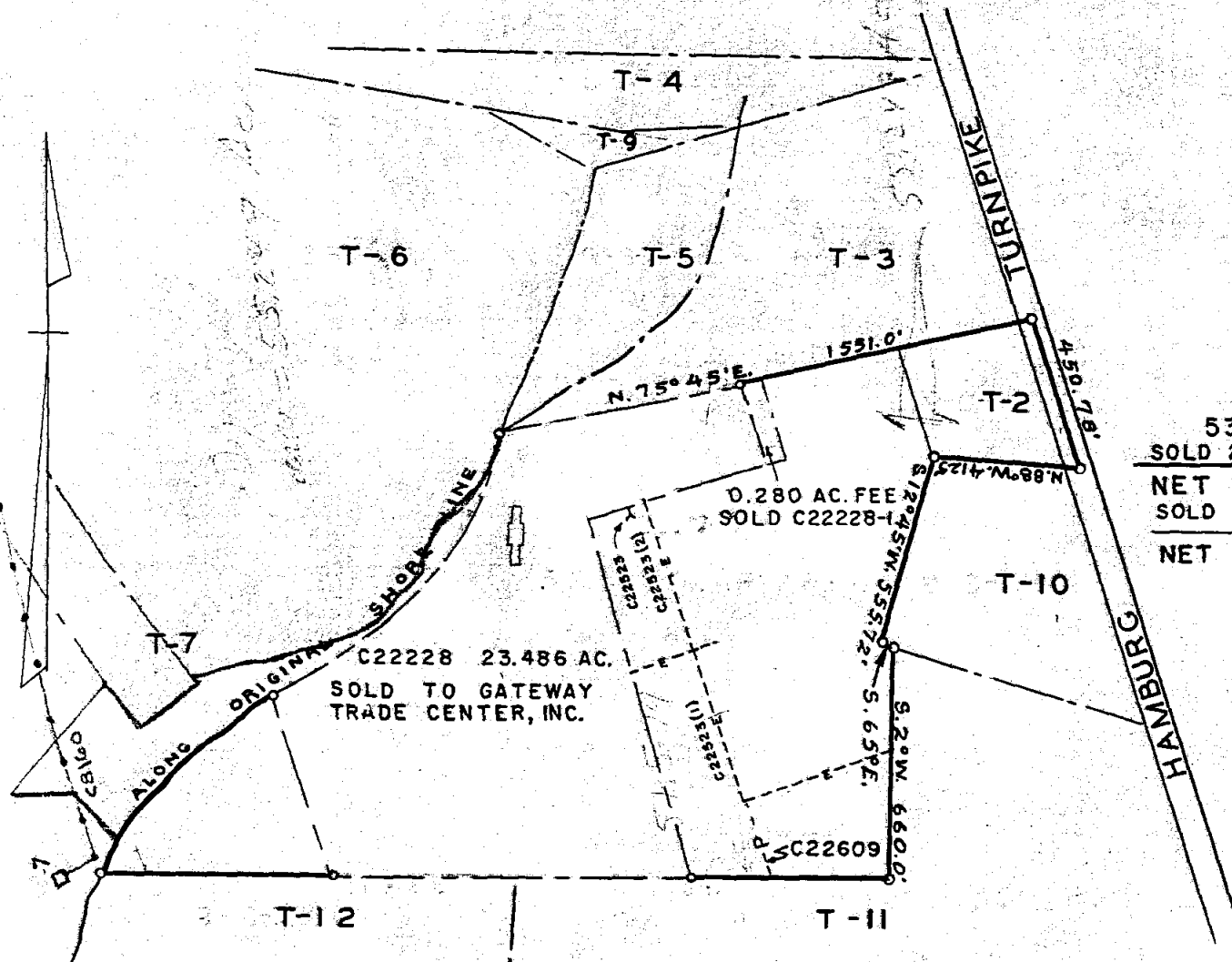
OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation Bethlehem-Steel-Company	Lackawanna	City of Lackawanna Erie County, N. Y.	1 9-6-8	
DESCRIPTION:-		CLASSIFICATION	AREA	
Tract of land partly in the Ogden Gore and partly in Buffalo Creek Indian Reservation. Formerly 6-6-T-8		Fee	53.40 Ac.	
FOR LOCATION SEE KEY MAP No. ¹ 9-6-500-2				
DATE	TITLE CHAIN			
7/26/00	Stony Point Land Co. to L.I. & S.Co. D6-8			
4/29/02	L.I. & S.Co. to L.S.Co. ~~N.Y.D-18~~ D6-47			
10/10/22	L.S.Co. to B.S.Co. of N.Y. & Name changed to B.I. & S.Corp. D6-1			
5/13/24	B.I. & S.Corp. to B.S.Co. of Pa. to B.I. & S.Corp. 7/28/24 D6-2 & D9-435			
7/12/35	B.I. & S.Corp. to B.S.Co. D9-247			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/31/1985	Gateway Trade Center Inc.	C 22228	23.486 Ac.	29.914 Ac.
5/ 2/1995	Gateway Trade Center, Inc. (Quitclaim Deed)	C 22228-1	0.280 Ac.	29.634 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION

A-16/51

1928
1987
6/21/21
6/21/21
1976
005

2887



53.40 AC. FEE
SOLD 23.486 AC. FEE - C22228
NET 29.914 AC. FEE
SOLD 0.280 AC. FEE C22228-1
NET 29.634 AC. FEE

C22228 23.486 AC.
SOLD TO GATEWAY
TRADE CENTER, INC.

0.280 AC. FEE
SOLD C22228-1

REAL ESTATE DEPT.
DIV. LACKAWANNA
TR. NO. 8
DR. BY JVP

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
SCALE: 1" = 500' DATE NOVEMBER 4. 1942

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem-Steel-Company		Lackawanna	City of Lackawanna, Erie County, N. Y.	1 S-6-10
DESCRIPTION:-			CLASSIFICATION	AREA
Tract of land along westerly side of Hamburg Road opposite Ridge Road. Formerly 6-6-T-10			Fee	7.90 Ac.
FOR LOCATION SEE KEY MAP No. 1 9-6-500-2				
DATE	TITLE CHAIN			
7/26/00	Stony Point Land Co. to L.I. & S. Co. D6-8			
4/29/02	L.I. & S. Co. to L.S. Co. ~~N.T.D-16~~ D6-47			
10/10/22	L.S. Co. to B.S. Co. of N.Y. & Name change to B.I. & S. Corp. D6-1			
5/13/24	B.I. & S. Corp. to B.S. Co. of Pa. to B.I. & S. Corp. 7/28/24 D6-2 & D9-435			
7/12/35	B.I. & S. Corp. to B.S. Co. D9-247			
12/31/1964	B.S. Co. merged into B.S. Corp. C 18813 7.456 Ac.			
9/15/1989	So. Buffalo Rwy. Co. to B.S. Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp.	C 11016-3	0.404 Ac.	7.496 Ac.
6/29/1962	New York State Department of Public Works (Appropriated 7/28/60)	C 17985-F	0.040 Ac.	7.456 Ac.
9/15/1989	South Buffalo Railway Company to B.S. Corp. (PURCHASE)	D1-1148	0.410 Ac.	7.866 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION

8.31 AC. MAP
0.41 " SOLD - D33-19
7.90 AC. NET

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
SCALE- 1"=200' DATE NOVEMBER 5, 1942

REAL ESTATE DEPT.
CITY. LACKAWANNA
TR. NO. 10
DR. BY JVP

T-8

T-2

T-3

7.90 ACRES
0.404 AC. SOLD
7.496 AC. NET
0.410 AC. REPURCHASED
7.866 AC. NET

0.040 AC. SOLD
C17985-F

0.404 AC. SOLD
C11016-C

TEMPORARY
EASEMENT

REPURCHASE D1-11482
0.41 ACRES

OGDEN GORE LINE
S. 70° 54' E.
740.0'

HAMBURG TURNPIKE
NORTHERLY
33-8-T-19
10' GAS
C18351(2)

C22523 (4)

S. 17° 38' W.
524.0'

N. 84° 37' E.
412.50'

761.50'

4878

3

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

Page 1 of 2

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem Steel Company	Lackawanna	City of Lackawanna, Erie County, N.Y.	1 8-6-11
DESCRIPTION:-		CLASSIFICATION	AREA
Tract of land along west side of Hamburg Road. <u>Formerly 6-6-T-11</u>		Fee	59.53 Ac.
FOR LOCATION SEE KEY MAP No. <u>1</u> <u>9-6-500.-2</u>			

DATE	TITLE CHAIN
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8
4/29/1902	L.I.&S. Co. to L.S. Co. ~~N.Y. D-10~~ D6-47
10/10/1922	L.S. Co. to B.S. Co. of N.Y. & Name changed to B.I.&S. Corp. D6-1
5/13/1924	B.I.&S. Corp. to B.S. Co. of Pa. to B.I.&S. Corp. D6-2 & D9-435 7/28/1924
7/12/1935	B.I.&S. Corp. to B.S. Co. D9-247
12/31/1964	B.S. Co. merged into B.S. Corp. C 18813 57.764 Ac.
9/15/1989	So. Buffalo Railway Company to B.S. Corp. D1-1148 C 22424

DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp.	C 11016-3	1.816 Ac.	57.764 Ac.
12/31/1985	Gateway Trade Center Inc.	C 22228	12.764 Ac.	45.000 Ac.
9/15/1989	South Buffalo Railway Company to B.S. Corp. (PURCHASE)	D1-1148	0.920 Ac.	45.920 Ac.
5/ 2/1998	Gateway Trade Center Inc. to B.S. Corp. (Repurchase)	C22228-1	0.662 Ac.	46.582 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

NET AREA

BETHLEHEM STEEL CORPORATION

NET - 45.920 AC. FEE
C22228-1 - 0.662 AC. REPURCHASE

NET - 46.582 AC. FEE

T-8

T-10

OGDEN

31.72'

970°54'E.

7400'

1.8 AC. "MAP"
GORE 901.56'

C22523(4)

660.0'

C22609

56.5 ACRES "DEED" 58.7 AC. "MAP"

59.58 ACRES-TOTAL

1.816 AC. SOLD

57.764 AC. NET

12.764 AC. SOLD - C22228

45.000 AC. FEE NET

0.920 AC. REPURCHASED

45.920 AC FEE NET

T-12

C22228 - 12.764 AC. FEE SOLD
TO GATEWAY TRADE CTR.

REPURCHASED
C22228-1

T-13

2241.32'

REPURCHASED
DI-1148

1.816 AC. SOLD
CI1016-C

CI3484

TURNPIKE

ALONG
C22523(4)

C22523(4)

REAL ESTATE DEPT.
DIV. LACKAWANNA
TR. NO. 11
DR. BY JVP

LOCATION SEE GENERAL PLAN NO. 1-6-500-②
1" = 400' DATE NOVEMBER 6, 1942

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER	PLANT	CITY	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem Steel Company	Lackawanna	Lackawanna, Erie County, N. Y.		1 8-6-12

DESCRIPTION:-

Tract of land along the waters of Lake Erie part of Lot 22 & 23 of the Ogden Gore Survey. Formerly 6-6-T-12.

CLASSIFICATION

Fee

AREA

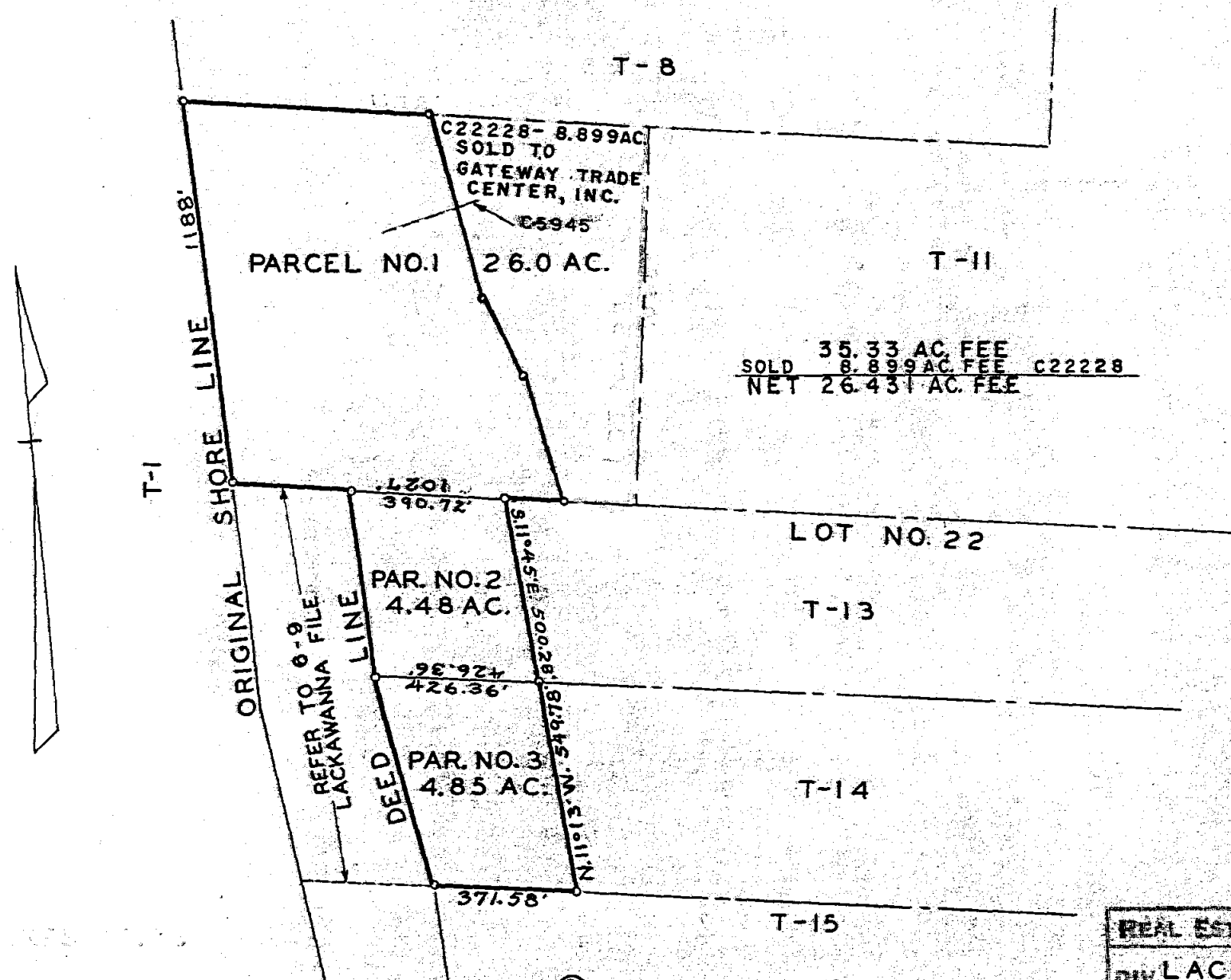
35.33 Ac.
3 Tracts

FOR LOCATION SEE KEY MAP No. ¹-9-6-500-2

DATE	TITLE CHAIN
6/30/1897	J.J. Albright to Stony Point Land Co.
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8
4/29/1902	L.I.&S. Co. to ~~L.S. Co.~~ ~~N.Y. D-18~~ D6-47
10/10/1922	L.S.Co. to B.S.Co. of N. Y. & Name change to B.I.&S. Corp. D6-1
5/13/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-3 & D9-435
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813

DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/31/1985	Gateway Trade Center Inc.	C 22228	8.899 Ac.	26.431 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION



FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
 SCALE- 1" = 400' DATE NOVEMBER 9, 1942

REAL ESTATE DEPT.
 DIV. LACKAWANNA
 TR. NO. 12
 DR. BY JVP

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation ~~Bethlehem Steel Company~~	Lackawanna	City of Lackawanna, Erie County, N. Y.	1 9-6-13	
DESCRIPTION:-		CLASSIFICATION	AREA	
Along west side of Hamburg Road. Part of Lots 21 & 22 of Ogden Gore. Formerly 6-6-T-13.		Fee	29.02 Ac.	
FOR LOCATION SEE KEY MAP No.		1 9-6-500-2		
DATE	TITLE CHAIN			
6/30/1899	J. J. Albright to Stony Point Land Co. <i>Amended D6-14</i>			
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8			
4/29/1902	L.I.&S. Co. ~~N. Y. D-16~~ to L.S. Co. D6-47			
10/10/1922	L.S.Co. to B.S.Co. of N. Y. & Name changed to B.I.&S. Corp. D6-1			
5/13/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 <i>Title Depleted 9-12-35 48043-5</i>			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813 28.254 Ac.			
9/15/1989	So. Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp.	C 11016-3	0.711 Ac.	28.309 Ac.
6/29/1962	New York State Department of Public Works (Appropriated 9/26/1960)	C 17985-F	0.055 Ac.	28.254 Ac.
12/31/1985	Gateway Trade Center Inc.	C 22228	11.204 Ac.	17.050 Ac.
9/15/1989	South Buffalo Railway Company to B.S.Corp. (PURCHASE)	D1-1148	0.290 Ac.	17.340 Ac.
5/ 2/1995	Gateway Trade Center Inc. to B.S.Corp. (Repurchase)	C 22228-1	1.186 Ac.	18.526 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

[illegible]

REAL ESTATE DEPT
DIV. LACKAWANNA
TR. NO. 13
PR. BY JVP

FOR LOCATION SEE GENERAL REF. NO. 1-6-500-②
SCALE 1"=400 DATE NOVEMBER 6, 1942

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

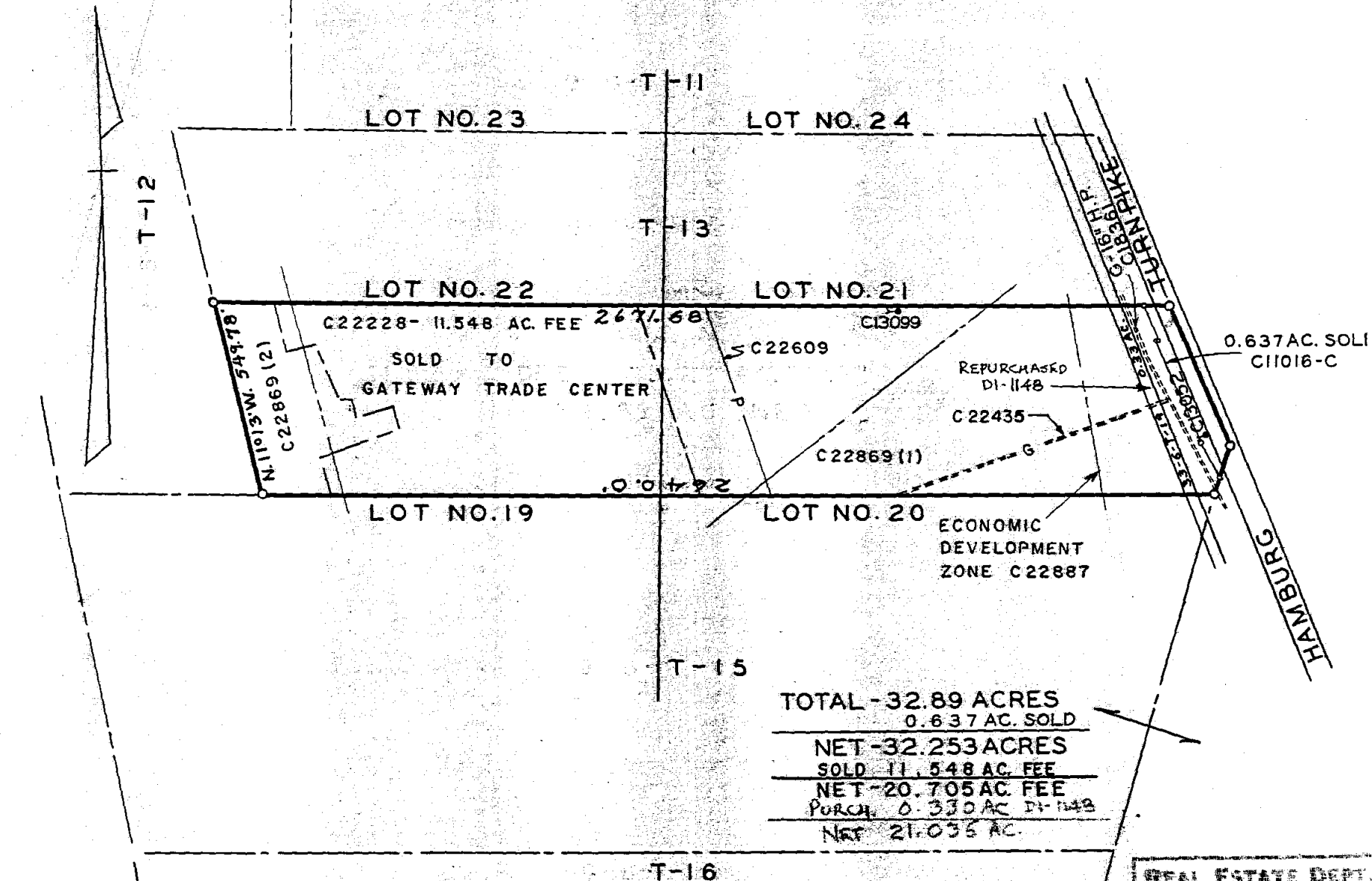
Page 1 of 2

OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation ~~Bethlehem Steel Company~~	Lackawanna	^{City of} Lackawanna, Erie County, N. Y.	1 9-6-14	
DESCRIPTION:-	CLASSIFICATION	AREA		
Along west side of Hamburg Road. Part of Lots 21 & 22. Ogden Gore Survey. <i>Journal 6-5-7-11</i>	Fee	32.89 Ac.		
FOR LOCATION SEE KEY MAP No. ¹ 9-6-500-2				
DATE	TITLE CHAIN			
6/30/1899	J.J. Albright to S.P.L. Co. <i>D6-15</i>			
7/26/1900	S.P.L. Co. to L.I.&S. Co. D6-8			
4/29/1902	~~L.I.&S. Co. to L.S.Co. N.Y. 9-13~~ <i>D6-47</i>			
10/10/1922	L.S.Co. to B.S.Co. of N. Y. & Name changed to B.I.&S. Corp. D6-1			
5/13/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 <i>Title Copy 9-12-35 C.B.M.</i>			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813 32.253 Ac.			
9/15/1989	South Buffalo Rwy. Co. to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp.	C 11016C	0.637 Ac.	32.253 Ac.
12/31/1985	Gateway Trade Center Inc.	C 22228	11.548 Ac.	20.705 Ac.
9/15/1989	South Buffalo Railway Company to B.S.Corp. (PURCHASE)	D1-1148	0.330 Ac.	21.035 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

DATE	MORTGAGE
~~5/12/24~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5~~
3/18/1952	Release of Mtg. - G.T.Co. to Buffalo Tank Corp. C 637 Ae. - D36-5
DATE	EASEMENTS
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878
~~6/13/30~~	~~C 6756. Lunch Stand Agr. to W.W. Cease. Cancelled 10/28/1965~~
5/15/1950	Agreement for telephone line to New York Telephone Co. C 13099.
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052.
11/21/1961	Easement for gas pipelines to Iroquois Gas Corp. C 18361 Amended 7/9/1962 Amended 8/13/1963, 1/21/2000
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Term. 9/14/1983~~
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052
~~1/31/1985~~	~~Lease - Storage Space - Ciesia Electric Construction Company, Inc. C 22080 14 Amended 8/7/88 11/18/1991 Cancelled 9/30/1991~~
12/31/1985	Bill of Sale - Gateway Trade Center Inc. C 22228
12/31/1985	Easement Agmt. - Gateway Trade Center Inc. C 22228
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362.
4/ 5/1988	Letter Agmt. - National Fuel Gas Distribution Corporation C 22435.
6/27/1988	R/W Agmt. - 16" gas line from B.S. Corp. and So. Buffalo Rwy. Co. to National Fuel Gas Distribution Corporation C 22435 Assigned to B.S. Corp. 9/15/1989
1/ 9/1962	R/W Agmt. - South Buffalo Railway Company and Iroquois Gas Corporation C 18361
9/15/1989	Agmt. - South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Company to Bell Telephone Co. of Buffalo C 10868
6/ 7/1991	R/W - Niagara Mohawk Power Corporation C 22609
~~11/ 1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated~~
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation C 22609
11/30/1993	Agreement - B.S. Corp., Gateway Trade Center, Inc. and Buffalo Crushed Stone, Inc. C22228-1
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (Ore Conveyer System)
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (Galley Conveyer Bldg.)
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (water pipelines)
2/11/1987	City of Lacakwanna Local Law No. 3 establishing New York State Economic Development Zone C 22887 Amended 3/16/1987

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation	Lackawanna	City of Lackawanna, Erie County, New York	1-6-14
DESCRIPTION:-		CLASSIFICATION	AREA
Along west side of Hamburg Road. Part of Lots 21 and 22. Ogden Gore Survey. (Formerly 6-6-T-14) FOR LOCATION SEE KEY MAP No. 1-6-500-2		FEE	32.89 Ac.
DATE	TITLE CHAIN		
DATE	DISPOSITION	FILE No.	AREA SOLD
			NET AREA

BETHLEHEM STEEL CORPORATION



FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②
 SCALE- 1" = 400' DATE NOVEMBER 7, 1942

REAL ESTATE DEPT.
 DIV. LACKAWANNA
 TR. NO. 14
 DR. BY JVP

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

Page 1 of 3

OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation ~~Bethlehem Steel Company~~	Lackawanna	~~City of~~ Lackawanna, Erie County, N. Y.	1	9-6-15
DESCRIPTION:-		CLASSIFICATION	AREA	
Situating on waters of Lake Erie. Comprising Lots 19 & 20 of Ogden Gore. Survey and Lot 24 of the Buffalo Creek Indian Reservation. Formerly 6-6-T-15.		Fee	185.98 Ac.	
FOR LOCATION SEE KEY MAP No. 9-6-500-2 & 5				
DATE	TITLE CHAIN			
6/30/1899	J. J. Albright to Stony Point Land Co. Abstract D6-16			
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8			
4/29/1902	L.I.&S. Co. to L.S.Co. ~~N.Y. D-18~~ D6-47			
10/10/1922	L.S.Co. to B.S.Co. of N. Y. & Name changed to B.I.&S. Corp. D6-1			
5/15/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 Title Opinion 9-1236 C6-405			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813			
9/15/1989	So. Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/18/41	South Buffalo Railway Co.	C 10380	0.24 Ac.	185.74 Ac.
10/11/1954	Buffalo Tank Corp.	C 11016-3	2.074 "	183.666 Ac
12/31/1985	Gateway Trade Center Inc.	C 22228	8.784 Ac.	174.882 Ac
9/15/1989	So. Buffalo Railway Company to B.S.Corp. (PURCHASE)	D1-1148	2.3367 Ac.	177.2187 A
5/ 6/2003	Tecumseh Redevelopment Inc.			

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

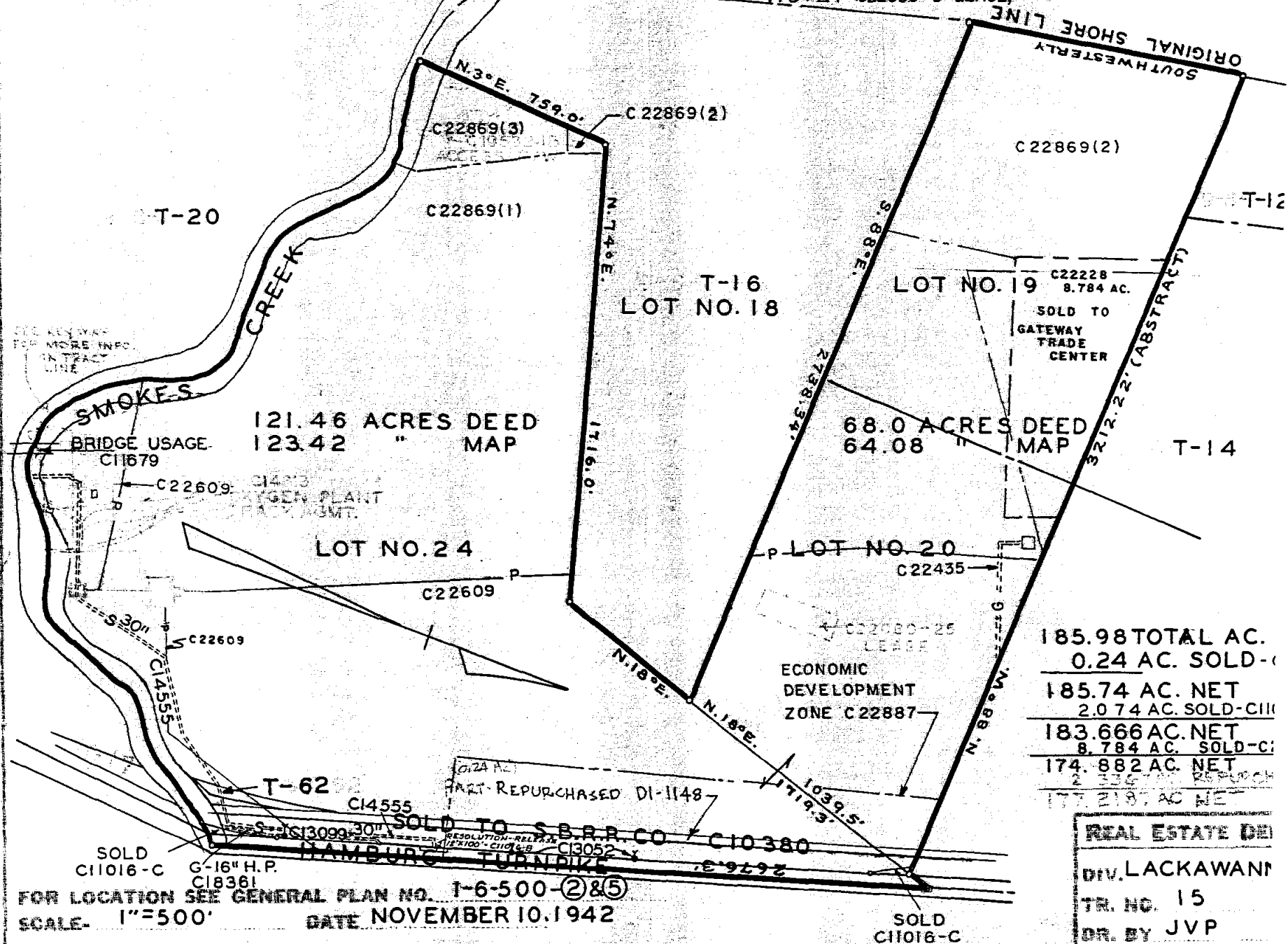
Page 2 of 3

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation ~~Bethlehem Steel Company~~	Lackawanna	<i>City of</i> Lackawanna, Erie County, N.Y.	1-6-15
DESCRIPTION:-		CLASSIFICATION	AREA
		Fee	185.98 Ac.
DATE	FOR LOCATION SEE KEY MAP No.	TITLE CHAIN	
DATE	DISPOSITION	FILE No.	AREA SOLD
			NET AREA

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation	Lackawanna	City of Lackawanna, Erie County, New York	1-6-15
DESCRIPTION:- Situated on waters of Lake Erie. Comprising Lots 19 and 20 of Ogden Gore. Survey and Lot 24 of the Buffalo Creek Indian Reservation. Formerly 6-6-T-15.			CLASSIFICATION FEE
FOR LOCATION SEE KEY MAP No. 9-6-500-2 & 5			AREA 185.98 Ac.
DATE	TITLE CHAIN		
DATE	DISPOSITION	FILE No.	AREA SOLD
			NET AREA

BETHLEHEM STEEL CORPORATION

NOTE: - C22080-8-LEASE,



ATTACHMENT 7

LISTING OF PREVIOUS SITE OPERATORS

TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

In addition to the Owners in Attachment 6, attached are Real Estate Records from the Title Chain and Tract that list Mortgages and Easements for specific Tracts on the property. Tract Nos. and sketches are shown on the cover sheet in Attachment 6.

TRACT No 2

DATE	MORTGAGE
~~5/12/24~~	~~Consolidated Mortgage (B. S. Corp.) 5th Suppl. C 6046-5 DISCHARGED 1/1/1979~~
~~3/18/1952~~	~~Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 0.333 Ae. D36-5~~
~~7/23/1962~~	~~Gen. Release of Mtg. - M.G.T.Co. to B.S.Co. 0.085 Ae. C 17985-F & H~~
~~8/28/1902~~	~~EASEMENTS~~
~~3/29/1907~~	~~Easement for power line west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878~~
~~5/15/1950~~	~~R/W Agmt. - Lackawanna Steel Co. to Bell Telephone Co. of Buffalo C 10868~~
~~2/29/1984~~	~~Agreement for telephone line to New York Telephone Co. C 13099~~
~~9/11/1985~~	~~Lease - Office And Aterage Space the F.L.R. Co., Inc. C 22080-1~~
~~3/17/1989~~	~~Lease - Bldg. 9A - Metal Purchasing Co., Inc. C 22080-17 Can. 2/17/1988 (occupancy til 8/14/1988)~~
~~9/15/1989~~	~~Lease - Donald J. Braasch Construction, Inc. C 22080-17 Term. 12/31/1990~~
~~11/ 1/1991~~	~~Agreement - South Buffalo Railway Company C 22424(16)~~
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~3/17/1989~~	~~License - Herbert F. Darling, Inc. C 22443(2) <i>terminated</i>~~
2/17/1994	R/W Agmt. - National Fuel Gas Distribution Corporation C 22142(3)
2/11/1987	Bill of Sale - water pipelines - Gateway Trade Center, Inc. C 22228-7
2/20/1996	City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone C 22887 Amended 3/16/1987
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel C C 22869(3)
11/10/1999	Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land C 22869(1)
	~~License Agreement - Herbert F. Darling, Inc. C 22443~~

TRACT NO. 3

3

DATE	MORTGAGE
~~5/12/24~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046 5~~ ~~W. R. SATISFIED AND DISCHARGED 1/1/1978~~
~~8/28/1902~~	~~Easement for power line - west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878~~
~~6/13/36~~	~~Lunch Stand agr. to W. W. Cease C 8753 Canceled 10/28/1965~~
~~3/20/1961~~	~~Easement for relocation of power line facilities to Niagara Mohawk Power Corp. C 18257~~
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Can. 3/1/1985~~
~~2/29/1984~~	~~Lease - Office and Storage Space - The F. L. R. Company, Inc. C 22080 1 Canceled 11/28/85~~
~~7/1/1984~~	~~Lease - Medical Bldg. - H. Schwippert, M.D., P.C. C 22080 5 Amended 7-1-1984, 3/11/1985 Can. 12/31/1985~~
~~8/10/1984~~	~~Lease - Staroba Plastic and Metal Products of New York, Inc. C 22080 4 Can. 12/31/1985~~
~~12/1/1984~~	~~Lease - Storage Space - The F.L.R. Company, Inc. C 22080 1 Canceled 11/28/85~~
~~5/1/1985~~	~~Lease - Portion of Building 10A - Umbra, U.S.A., Inc. C 22080 15 Can. 12/31/1985~~
~~8/15/1985~~	~~Lease - Bldg. 6B - Staroba Plastic and Metal Products of New York, Inc. C 22080 4 Amended 8/30/1985~~
~~9/11/1985~~	~~Lease - Bldg. 9A - Metal Purchasing Co., Inc. C 22080 17 Can. 2/17/88 (occ. til 8/14/88) Can. 12/31/1985~~
~~11/1/1985~~	~~Lease - 1,000 sq. ft., Pipe Shop Bldg. - Furness Division of Admet Co., S.I. C 22080 20 Amended 10/22/87~~
~~11/1/1985~~	~~Lease - Plate Shop Bldg. - Main Pro Coatings, Inc. C 22080 13 Canceled 8/31/1986 10/6/88 Term. 6/30/89~~
12/31/1985	Bill of Sale - Gateway Trade Center, Inc. C 22228
12/31/1985	Easement agreement - Gateway Trade Center Inc. C 22228
~~6/30/1988~~	~~Bill of Sale - National Fuel Gas Distribution Corporation C 22412 (2) Term. 9/29/1989 Canceled~~
~~6/30/1988~~	~~R/W Agmt. - National Fuel Gas Distribution Corporation - 4" & 6" gas main and meter C 22142 9/29/89~~
6/30/1988	R/W Agmt. - National Fuel Gas Distribution Corporation - 2" gas service line C 22142(1)
6/30/1988	R/W Agmt. - National Fuel Gas Distribution Corporation - 2" gas service line C 22142(2)
~~3/17/1989~~	~~Lease - Donald J. Braasch Construction, Inc. C 22080 17 Terminated 12/31/1990~~
3/17/1989	R/W Agmt. - National Fuel Gas Distribution Corporation C 22142(3)
9/15/1989	Agmt. - South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Co. to Bell Telephone Company of Buffalo C 10868
~~11/1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
<u>APPURTENANCE</u>	
~~1/21/1944~~	~~Agmt. - Buffalo Niagara Electric Corporation and Bethlehem Steel Company C 11065 Can. 12/31/1985~~

TRACT NO. 3

DATE

MORTGAGE

DATE

EASEMENTS

~~1/10/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2)~~
12/30/1993	Agmt. - B.S.Corp., Gateway Trade Center, Inc., and Buffalo Crushed Stone, Inc. C 22228-1
2/17/1994	Bill of Sale - water pipelines - Gateway Trade Center, Inc. C 22228-7
2/11/1987	City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone C 22887 Amended 3/16/1987
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land C 22869(1)
~~11/10/1999~~	~~License Agreement - Herbert F. Darling, Inc. C 22443~~

DATE	MORTGAGE
5/12/24	Consolidated Mortgage (B.S.Corp.) - 5th Suppl. C 6046-5 ~~W. M. SATISFIED AND DISCHARGED 2/1/87~~
	EASEMENTS
4/16/1934	R/W Agmt. - United States of America, Dept. of Commerce, Lighthouse Service C 8160
6/18/1947	~~C 12100 Lease (letter Agrmt) - 42% of space, Welfare Bldg. to So. Buffalo Ry. Co. Cancelled 2/16/51~~
3/5/1973	C 20005 Bill of Sale from South Buffalo Railway Co. to B.S.Corp.
~~10/27/1980~~	~~Bill of Sale from Gateway Trade Center Inc. to B.S.Corp.~~
9/27/1982	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928~~
1/18/1985	~~Lease Office and Warehouse Space Main Pro Coatings, Inc. C 22080-13 Amended 1/22/86 to 10/23/87~~
8/30/1985	~~Lease Portion of Bldg. 7D - Wellington Technical Services, Inc. C 22080-13 Amended 8/30/85 to 10/25/87~~
~~11/1/1985~~	~~Lease 1,000 sq. ft. Pipe Shop Bldg. - Division of Marine Company, Inc. C 22080-13 Amended 11/1/85 to 10/25/87~~
~~11/1/1985~~	~~Lease 1,000 sq. ft. Pipe Shop Bldg. - Division of Marine Company, Inc. C 22080-13 Amended 11/1/85 to 10/25/87~~
~~11/1/1985~~	~~Lease 1,000 sq. ft. Pipe Shop Bldg. - Division of Marine Company, Inc. C 22080-13 Amended 11/1/85 to 10/25/87~~
12/31/1985	Bill of Sale - Gateway Trade Center Inc. C 22228
12/31/1985	Easement agreement - Gateway Trade Center Inc. C 22228
4/3/1987	Cooling Water Agreement - County of Erie and B.S.Corp. C 22362
~~7/31/1989~~	~~R/W Agmt. - Niagara Mohawk Power Corporation C 22523~~
2/11/1987	City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone C 22887 Amended 3/16/1987
5/24/1990	R/W for power line to Niagara Mohawk Power Corporation C 22523(2)
6/7/1991	R/W - Niagara Mohawk Power Corporation C 22609
8/16/1991	R/W - Niagara Mohawk Power Corporation C 22523
6/17/1992	Bill of Sale - Niagara Mohawk Power Corporation C 22609
12/30/1993	Agmt. - B.S.Corp., Gateway Trade Center, Inc. and Buffalo Crushed Stone, Inc. C 22228-1
2/17/1994	Bill of Sale - water pipelines - Gateway Trade Center, Inc. C 22228-7
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land C 22869(1)

TRACT No 10

DATE	MORTGAGE
~~5/12/24~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5~~
~~3/18/1952~~	~~Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 0.404 Ae. - D36-5~~
~~7/23/1962~~	~~Gen. Release of Mtg. - M.G.T.Co. to B.S.Co. 0.040 Ae. C 17985-F & H~~
	EASEMENTS
~~8/28/1902~~	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878
~~5/26/10~~	~~Guy Lines - Buffalo Niagara Tr. Corp. C 8750 Can. 10/9/1951~~
~~10/28/47~~	~~R/W for pole anchor placement to Buffalo Niagara Electric Corp. C 12268 Can. 10/9/1951~~
~~11/16/1961~~	~~R/W for telephone pole, etc. to Niagara Mohawk Power Corp. et al. C 18356~~
~~7/6/1989~~	~~License - State of New York, Dept. of Transportation C 22463~~
~~7/31/1989~~	~~R/W Agmt. - Niagara Mohawk Power Corporation C 22523~~
~~8/10/1989~~	~~R/W Agmt. - National Fuel Gas Distribution Corporation C 18361(2)~~
~~7/26/1989~~	~~Letter Agreement (License) - South Buffalo Railway Company and State of New York,~~
	~~Dept. of Transportation C 22463-3~~
~~7/31/1989~~	~~Agreement - South Buffalo Railway Company and New York State Dept. of Transportation C 22463-3~~
~~9/15/1989~~	~~Agreement - South Buffalo Railway Company C 22424(16)~~
~~7/31/1989~~	~~R/W Agmt. - South Buffalo Rwy. Co., Now B.S. Corp., and Niagara Mohawk Power Corp. C 22523(1)~~
~~3/29/1907~~	~~R/W Agmt. - Lackawanna Steel Company to Bell Telephone Co. of Buffalo C 10868~~
~~6/29/1989~~	~~Agmt. - New York State, Dept. of Transportation C 22463-3~~
~~11/1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated~~
~~8/31/1993~~	~~R/W - Niagara Mohawk Power Corporation C 22523(4)~~
~~2/11/1987~~	~~City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone~~
	~~C 22887 Amended 3/16/1987~~
~~2/20/1996~~	~~Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land C 22869(1)~~
~~11/10/1999~~	~~License Agreement - Herbert F. Darling, Inc. C 22443 Terminated~~

TRACT NO 11

DATE	MORTGAGE
~~5/12/24~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5~~
~~3/18/1952~~	~~Release of Mtg. - G.T. Co. to Buffalo Tank Corp. 1.816 Ac. - D36-5~~
~~3. M. SATISFIED AND DISCHARGED 1/1/1979~~	
DATE	EASEMENTS
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878
8/28/40	Guy Lines - Buffalo Niagara El Corp. - C 9750 (On Tract 10 only)
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052
4/18/1947	Permit to place anchor to Buffalo Niagara Elec. Corp. C.13484.
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928~~
~~4/ 7/1950~~	~~Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052~~
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052
12/31/1985	Bill of Sale - Gateway Trade Center Inc. C 22228
12/31/1985	Easement Agmt. - Gateway Trade Center Inc. C 22228
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362
6/19/1989	R/W - 4" sanitary sewer pipeline - Erie County Industrial Development Agency C 22493
~~7/ 6/1989~~	~~License State of New York, Dept. of Transportation C 22463~~
7/31/1989	R/W Agmt. - Niagara Mohawk Power Corporation C 22523
8/10/1989	R/W Agmt. - National Fuel Gas Distribution Corporation C 18361(2)
~~7/26/1989~~	~~Letter Agmt. (License) - South Buffalo Railway Company and State of New York, Dept. of Transportation C 22463-3~~
7/31/1989	Agreement - South Buffalo Railway Company and New York State Dept. of Transportation C 22463-3
9/15/1989	Agreement - South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Company to Bell Telephone Company of Buffalo C 10868
~~6/29/1989~~	~~Agmt. - New York State, Department of Transportation C 22463-3~~
6/ 7/1991	R/W - Niagara Mohawk Power Corporation C 22609
~~11/ 1/1991~~	~~License Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/10/1992~~	~~License Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~1/27/1992~~	~~License Herbert F. Darling, Inc. C 22443(2) Terminated~~
6/17/1992	Bill of Sale - Niagara Mohawk Power Corporation C 22609
8/31/1993	R/W - Niagara Mohawk Power Corporation C 22523(4)

TRACT NO 11

DATE

MORTGAGE

DATE

EASEMENTS

12/30/1993
5/ 2/1995
2/11/1987

Agreement - B.S.Corp., Gateway Trade Center, Inc., and Buffalo Crushed Stone, Inc. C 22228-1
Agmt. - railroad tracks - Gateway Trade Center, Inc. C 22228-1 -
City of Lackawanna Local Law No. 3 establishing New York State Economic
Development Zone C 22887 Amended 3/16/1987

2/20/1996

Declaration of Conditions, Coveaants and Restrictions - Parcel A, Frontage Land C 22869(1)

11/10/1999

~~License Agreement - Herbert F. Drilling, Inc. C 22443~~ *terminated*

12.

$\frac{d}{dt} \left(\frac{1}{\sqrt{1-v^2/c^2}} \right) = \frac{v}{c^2} \frac{dv}{dt}$

TRACT NO. 13

DATE	MORTGAGE	
~~5/12/1924~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5~~	~~E. E. SATISFIED AND DISCHARGED 1/1/1974~~
~~3/18/1952~~	~~Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 0.711 Ac. - D36-5~~	
~~7/23/1962~~	~~Gen. Release of Mtg. - M.G.T.Co. to B.S.Co. 0.055 Ac. C 17985 F & H~~	
DATE	EASEMENTS	
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Electric Co.	C 4878
5/15/1950	Agreement for telephone line to New York Telephone Co.	C 13099
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co.	C 13052
11/21/1961	Easement for gas pipelines to Iroquois Gas Corp.	C 18361 Amended 7/9/1962 Amended 8/13/1963, 1/21/2000
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C-21928~~	~~Term.~~
~~4/ 7/1950~~	~~Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052~~	~~9/14/83~~
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp.	C 13052
12/31/1985	Bill of Sale - Gateway Trade Center Inc.	C 22228
12/31/1985	Easement Agmt. - Gateway Trade Center Inc.	C 22228
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp.	C 22362
8/10/1989	R/W Agmt. - National Fuel Gas Distribution Corporation	C 18361(2)
1/ 9/1962	R/W Agmt. - South Buffalo Railway Company and Iroquois Gas Corporation	C 18361
9/15/1989	Agmt. - South Buffalo Railway Company	C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Company to Bell Telephone Company of Buffalo	C 10868
6/ 7/1991	R/W - Niagara Mohawk Power Corporation	C 22609
~~11/ 1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~	
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~	
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated~~	
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation	C 22609
12/30/1993	Agmt. - B.S. Corp., Gateway Trade Center, Inc., and Buffalo Crushed Stone, Inc.	C 22228-1
2/11/1987	City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone	C 22887 Amended 3/16/1987
5/ 2/1995	Agmt. for railroad tracks to Gateway Trade Center, Inc.	C 22228-1
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land	C 22869(1)
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel B, Coke Ovens	C 22869(2)
~~11/10/1999~~	~~License Agreement - Herbert F. Darling, Inc. C 22443~~	~~Terminated~~

TRAC No 14

DATE	MORTGAGE
~~5/12/34~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5~~
3/18/1952	Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 0.637 Ac. - D36-5
DATE	EASEMENTS
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Electric Co. C 4878
~~6/18/30~~	~~C 6756. Lunch Stand Agr. to W.W. Cease. Cancelled 10/28/1965~~
5/15/1950	Agreement for telephone line to New York Telephone Co. C 13099.
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052.
~~11/21/1961~~	~~Easement for gas pipelines to Iroquois Gas Corp. C 18361 Amended 7/9/1962 Amended 8/13/1963, 1/21/2000~~
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Term. 9/21/1983~~
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052
~~1/31/1983~~	~~Lease - Storage Space - Ciesla Electric Construction Company, Inc. C 22080-14 Amended 6/7/88, 11/18/1991~~
12/31/1985	Bill of Sale - Gateway Trade Center Inc. C 22228
12/31/1985	Easement Agmt. - Gateway Trade Center Inc. C 22228
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362.
4/ 5/1988	Letter Agmt. - National Fuel Gas Distribution Corporation C 22435
6/27/1988	R/W Agmt. - 16" gas line from B.S. Corp. and So. Buffalo Rwy. Co. to National Fuel Gas Distribution Corporation C 22435 Assigned to B.S. Corp. 9/15/1989
1/ 9/1962	R/W Agmt. - South Buffalo Railway Company and Iroquois Gas Corporation C 18361
9/15/1989	Agmt. - South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Company to Bell Telephone Co. of Buffalo C 10868
6/ 7/1991	R/W - Niagara Mohawk Power Corporation C 22609
~~11/ 1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~3/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) <i>Terminated</i>~~
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation C 22609
11/30/1993	Agreement - B.S. Corp., Gateway Trade Center, Inc. and Buffalo Crushed Stone, Inc. C22228-1
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (Ore Conveyer System)
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (Galley Conveyer Bldg.)
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. C 22228-7 (water pipelines)
2/11/1987	City of Lacakwanna Local Law No. 3 establishing New York State Economic Development Zone C 22887 Amended 3/16/1987

TRACT NO 14

DATE

MORTGAGE

DATE

EASEMENTS

2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Frontage Land	C 22869(1)
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel B, Coke Ovens	C 22869(2)
11/10/1999	~~License Agreement - Herbert F. Darling, Inc. C 22443~~	

TRACT No. 15

DATE	MORTGAGE
~~5/13/31~~	~~Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5 DISCHARGED 1/1/1979~~
~~3/18/1952~~	~~Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 2.074 Ac. - D36-5~~
DATE	EASEMENTS
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878
5/15/1950	Agreement for telephone line to New York Telephone Co. C 13099
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052
1/5/1951	City of Lackawanna releases all interest in strip of land 12' x 100' at Gate No. 4 C 11016-B
10/1/1947	Roadway rights on railroad bridge - South Buffalo Railway Co. to B. S. Co. C 11679
9/10/1956	R/W for sanitary sewer to City of Lackawanna C 14555 (1) Amended 11/14/1963
~~1/20/1956~~	~~Agreement and lease for oxygen supply system to Linde Air Products Co. C 14813 Superseded 6/15/61 & 3/2/64~~
10/15/1958	Side track agreement - S.B.Rwy.Co., B.S.Co. and Linde Company. C 14813
11/21/1961	Easement for gas pipelines to Iroquois Gas Corp. C 18361 Amended 7/9/1962 Amended 8/13/1963, 1/21/2000
~~11/10/1961~~	~~Agreement - Right of Entry - B.S.Co. and The United States of America - C 12023 Cancelled 10/20/70~~
~~3/2/1964~~	~~Agreement and lease for oxygen supply system to Union Carbide Corp., Linde Div. - C 14813 Canc'd 7/11/1966~~
~~7/11/1966~~	~~Agreement & lease for oxygen supply system site to Union Carbide Corp., Linde Div. - C 14813 Amend. 11/5/1974~~
~~3/31/1967~~	~~Memo. of Agreement - Concession Site to Cease Commissary Services, Inc. - C 6756 Can. 5/31/1983 Can. 1/1/81~~
~~7/19/1967~~	~~Easement for Sewer Line & Water Line - South Buffalo Railway Co. - C 19456 to B.S. Corp Can. 9/15/1989~~
~~1/9/1981~~	~~Agmt. & Lease for oxygen supply site to Union Carbide C 14813 Cancelled 8/31/1988~~
~~9/27/1982~~	~~License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Term. 5/14/1983~~
4/7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052
~~9/20/1984~~	~~Lease to Amadori Construction, Inc. C 22080-8 Amended 10/23/87, 8/11/88, 7/24/89 Term. 9/30/1990~~
~~3/1/1986~~	~~Lease - 54" Roll Shop Office - Power Electric Company C 22080-24 Amend. 3/4/88, 2/1/89, 1/21/90~~
~~6/5/1986~~	~~License Letter Agreement - Williams Hand Tool Inc. - C 22080-9 Can. 7/10/1986 Term. 4/30/1990~~
12/31/1985	Bill of Sale - Gateway Trade Center Inc. C 22228
12/31/1985	Easement Agmt. - Gateway Trade Center Inc. C 22228
~~12/19/1986~~	~~Lease - Murdock Wakelam, Inc. C 22080-25 Amend. 5/3/1991 Term. 12/31/1991~~
4/3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362
9/8/1987	License - permission to enter lands for inspection and improvements - Penn Iron and Metal Company C 22080-27
~~10/15/1987~~	~~Lease - Penn Iron and Metal Company, Inc. - C 22080-27 Amended 4/12/1989 Cancelled 10/14/1992~~
~~4/5/1988~~	~~Ltr. Agmt. - National Fuel Gas Distribution Corporation C 22435~~

Page No 15

DATE	MORTGAGE
DATE	EASEMENTS
6/27/1988	R/W Agmt. - 16" gas line - B.S.Corp. and So. Buffalo Rwy. Co. to National Fuel Gas Distribution Company C 22435 Assigned to B.S.Corp. 9/15/1989
~~5/5/1989~~	~~Letter Agmt. (License) - Shooters Marina, Incorporated C 22443 Expired 8/1/1989~~
7/10/1989	Letter of Intent - Gateway Trade Center, Inc. C 22521(1)
~~7/26/1989~~	~~License - Eric Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Terminated 9/30/1989~~
~~7/26/1989~~	~~License - Eric Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Amended 11/9/1989 Terminated 12/31/1989~~
~~1/31/1985~~	~~Lease - Storage Space - Ciesla Electric Construction Company, Inc. C 22688 1st Amended 3/13/1986 10/23/1987, 9/7/1988, 11/18/91 Cancelled 9/30/1994~~
9/24/1956	R/W Agmt. - South Buffalo Railway Company and City of Lackawanna C 14555(2) Assigned to B.S.Corp. 9/15/1989
9/15/1989	Agmt. - South Buffalo Railway Company C 22424(16)
3/29/1907	R/W Agmt. - Lackawanna Steel Company to Bell Telephone Company of Buffalo C 10868
~~1/16/1974~~	~~Agmt. - B.S.Corp. and Erie County C 20335 Cancelled 2/18/1991~~
2/11/1987	City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone C22887 Amended
6/7/1991	R/W - Niagara Mohawk Power Corporation C 22609 3/16/1987
6/17/1991	Bill of Sale - Niagara Mohawk Power Corporation C 22609
~~11/1/1991~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991~~
~~1/10/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992~~
~~1/27/1992~~	~~License - Herbert F. Darling, Inc. C 22443(2) Terminated~~
~~5/13/1992~~	~~License - Advance Metals Recycling C 22080 30 Term. 6/30/1992~~
~~7/1/1992~~	~~Lease - Advance Metals Recycling C 22080 30 Terminated 6/30/1994~~
~~10/14/1992~~	~~Lease - Amsource C 22080 27 Terminated 10/15/1993 Amend. 2/25/1994, Term. 5/31/1994~~
12/30/1993	Agmt. - B.S.Corp., Gateway Trade Center, Inc., and Buffalo Crushed Stone, Inc. C 22228-1
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. - Ore Conveyor System C 22228-7
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. - Crusher Station 1s Bldg.) C 22228-7
2/17/1994	Bill of Sale - Gateway Trade Center, Inc. - water pipelines C 22228-7
2/20/1996	Declaration of Conditions, Covenants and Restrictions-Parcel C, Filled Lands C 22869(3)

TRACT NO. 15

DATE

MORTGAGE

DATE

EASEMENTS

2/20/1996

Declaration of Conditions, Covenants and Restrictions - Parcel A Coke Ovens C 22869(2)

2/20/1996

Declaration of Conditions, Covenants and Restrictions - Parcel A Frontage Land C 22869(1)

~~11/10/1999~~

~~License Agreement - Herbert F. Darling, Inc. C 22443~~

12/ 9/1999

Agreement for Advance Payment - Commissioner of Transportation for the People of
the State of New York C 23309

TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

ATTACHMENT 8

CONTACT LIST INFORMATION

TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

New York State Contacts

Director Gerald Mikol
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Maurice Moore
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Michael Podd
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Cameron O'Connor
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202

Senator Charles Schumer
U.S. Senate, Room 620
111 West Huron Street
Buffalo, NY 14202

Senator Hillary Rodham-Clinton
U.S. Senate, 203 Guaranty Bld
28 Church Street
Buffalo, NY 14202

Senator William Stachowski
58th District, N.Y.S. Senate
2030 Clinton Street
Buffalo, NY 14206



TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

Congressman Jack Quinn
30rd Dist., Attn: Ms. Palmer
403 Main Street
Buffalo, NY 14203

Assemblyman Richard Smith
146th Assembly District
3812 South Park Avenue
Blasdell, NY 14219

Assemblyman Brian Higgins
145th Assembly District
306 Abbott Road
Buffalo, NY 14220

Erie County Contacts

Commissioner Anthony Billittier
Erie Co. Health Dept., Rm 931
95 Franklin Street
Buffalo, NY 14202

Mr. Peter Camaratta
Erie County Industrial Development Agency
275 Oak Street
Buffalo, NY 14203

Honorable Joel Giambra
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Kranz
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202



TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

Mr. Christopher S. Pawenski
Erie County Department of Environment and Planning
Rath County Office Building
95 Franklin Street, Room 1056
Buffalo, NY 14202

Edward J. Kuwik
Erie County Legislator – District 1
609 Ridge Road
Lackawanna, New York 14218

City of Lackawanna

Mayor Norman L. Polanski, Jr.
714 Ridge Road
Lackawanna, NY 14218

Supplier of Potable Water

Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, NY 14203

Local News Media

The Buffalo News
1 News Plaza
Buffalo, NY 14240

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Pkwy
Suite 200
Buffalo, NY 14226

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202



TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

Document Repository

Lackawanna Public Library
560 Ridge Road
Lackawanna, NY 14218
Attn: Salvatore Bordonaro, Director
Phone: (716) 823-0630

Nearby School

Queen of All Saints RC School
Administrator
206 Ridge Road
Buffalo, NY 14218
Phone: (716)826-7566



Property Owners - Individuals

Property Address		Owner 1		Owner 2		Mailing Address				
No.	Street	First Name	Last Name	First Name	Last Name	No.	Street	City	State	Zip
109	Gates Ave.	Stephen	Yerkovich	c/o Edward	Yerkovich	6180	Old Lake Shore Rd	Lakeview	NY	14085
113	Gates Ave.	Stephen	Yerkovich	c/o Edward	Yerkovich	6180	Old Lake Shore Rd	Lakeview	NY	14085
13	Kane St.	Angel R.	Mercado			13	Kane St.	Lackawanna	NY	14218
18	Kane St.	James O.	Harbert			18	Kane St.	Lackawanna	NY	14218
23	Kane St.	Ellen M.	Pauley-Blaze			23	Kane St.	Lackawanna	NY	14218
30	Kane St.	Gobran	Albanna			60	Holland Ave.	Lackawanna	NY	14218
33	Kane St.	Joseph J.	Pajak			33	Kane St.	Lackawanna	NY	14218
36	Kane St.	Daniel S.	Cizdziel			5304	Big Tree Rd.	Orchard Park	NY	14127
37	Kane St.	Joseph J.	Pajak			33	Kane St.	Lackawanna	NY	14218
38	Kane St.	Daniel S.	Cizdziel			5304	Big Tree Rd.	Orchard Park	NY	14127
39	Kane St.	Daniel S.	Cizdziel			5304	Big Tree Rd.	Orchard Park	NY	14127
42	Kane St.	Daniel S.	Cizdziel			5304	Big Tree Rd.	Orchard Park	NY	14127
46	Kane St.	Daniel S.	Cizdziel			5324	Big Tree Rd.	Orchard Park	NY	14127
48	Kane St.	Daniel S.	Cizdziel			5324	Big Tree Rd.	Orchard Park	NY	14127
0	N. Gates Ave.	Penelope E.	Mathews						NY	
121	N. Gates Ave.	Ralph	Giambra			121	N. Gates Ave.	Lackawanna	NY	14218
50	Ridge Rd.	Carlo M.	Perfetto			581	Ridge Rd.	Lackawanna	NY	14218
143	Steelawanna Ave.	Barbara A.	Peoples			26	Wilson St.	Lackawanna	NY	14218
145	Steelawanna Ave.	Elnora	Williams			2295	Ferrier Rd.	Eden	NY	14057
149	Steelawanna Ave.	Lena Pearl	Flippen			20	Holland Ave.	Lackawanna	NY	14218
155	Steelawanna Ave.	Annie & Tom	Morman			88	Wasson	Lackawanna	NY	14218
161	Steelawanna Ave.	Milicia (estate)	Evanovich	James	Evanovich	161	Steelawanna Ave.	Lackawanna	NY	14218

Property Owners - Companies & Organizations

Property Address		Owner 1	Owner 2	Mailing Address				
No.	Street	Name	Name	No.	Street	City	State	Zip
60	Commerce Dr.	One Commerce Drive Properties, Inc.		60	Commerce Dr.	Lackawanna	NY	14218
100	Commerce Dr.	LCDC		640	Ridge Rd.	Lackawanna	NY	14218
170	Commerce Dr.	Crown Atlantic Co., LLC	PMB	4017	Washington Rd.	McMurray	PA	15317
0	Gates Ave.	LCDC		640	Ridge Rd.	Lackawanna	NY	14218
47	Gates Ave.	Lackawanna Municipal Housing A		135	Odell	Lackawanna	NY	14218
123	Gates Ave.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
129	Gates Ave.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
0	Hamburg Tpke.	Gateway Trade Center, Inc.			P.O. Box 880	Buffalo	NY	14224
2256	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2274	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2278	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2282	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2286	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2290	Hamburg Tpke.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
2300	Hamburg Tpke.	Andolino Properties, LLC		2300	Hamburg Tpke.	Lackawanna	NY	14218
2350	Hamburg Tpke.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
2770	Hamburg Tpke.	State of New York		182	E. Union St.	Allegany	NY	14706
17	Kane St.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
21	Kane St.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
10	N. Gates Ave.	Punto Franco Ltd. c/o Lincoln Securities Corp.		155	Great Arrow Dr.	Buffalo	NY	14207
31	N. Gates Ave.	Safety Kleen Systems, Inc. c/o Burr Wolf			P.O. Box 27713	Houston	TX	77227
41	N. Gates Ave.	Safety Kleen Systems, Inc. c/o Burr Wolf			P.O. Box 27713	Houston	TX	77227
70	N. Gates Ave.	Marotta Leasing, Inc.		70	N. Gates Ave.	Lackawanna	NY	14218
17	Odell St.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
0	Ridge Rd.	BGI Interiors, Inc.						
10	Ridge Rd.	Henneberry William Ten In Co.	Mentor Rober	187	Willmuth	Lackawanna	NY	14218
43	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
47	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218

Property Owners - Companies & Organizations								
Property Address		Owner 1	Owner 2	Mailing Address				
No.	Street	Name	Name	No.	Street	City	State	Zip
55	Ridge Rd.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
15	Simon Ave.	City of Lackawanna		714	Ridge Rd.	Lackawanna	NY	14218
36	Simon Ave.	Twenty One Gates Ave.		S4774	Clifton Pkwy.	Hamburg	NY	14075
0	Steelawanna Ave.	Andolino Properties, LLC		2300	Hamburg Tpke.	Lackawanna	NY	14218
243	Steelawanna Ave.	RAF Supply, Inc.		2350	Hamburg Tpke.	Lackawanna	NY	14218
0		Downtown Development, Inc.						
		One Commerce Drive Property						
		South Buffalo Railway						

ATTACHMENT 9

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS

TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

Information related to ‘important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats or endangered or threatened species proximate to the site was researched and reported in the “Draft RCRA Facility Investigation Report, Part III: Ecological Risk Assessment” Bethlehem Steel Corporation, July 1998. Excerpts from this reference are included in this attachment for inclusion into the BCP Application. The following provides a brief summary of the attachment:

- There are no wetlands on the site.
- The site is “adjacent to a Significant Coastal Fish and Wildlife Habitat, Smokes Creek Shoals”. The significance is due to the importance of Smokes Creek Shoals as a walleye spawning area.
- There are no threatened or endangered species, nor important plant habitats listed at the site.

identify potential runoff pathways from the site SWMUs to the on-site and off-site watercourses (discussed on a SWMU-by-SWMU basis in Parts V and VI of this RFI report). The slag fill is generally very porous, meaning that precipitation typically is taken into the slag before substantial runoff occurs. Exceptions include precipitation that falls on the shoreline embankments (e.g., along Lake Erie) that slope towards a water body.

There is a state-regulated wetland area to the northeast of the site, approximately 1 mile from the site boundary, but other than some riparian wetlands along the margins of Smokes Creek, there are no wetlands on the site itself (see Figure 3-5). This nearby offsite wetland appears to be a remnant of what was probably, before industrialization of the area, a much larger wetland associated with the Buffalo River. Part of this wetland lies within the Tiffit Farm Nature Preserve operated by the Buffalo Museum of Science.

WETLANDS

Natural Resources Information Review

Information concerning the natural resources of the site vicinity was requested from the U.S. Fish and Wildlife Service and the following New York State Department of Environmental Conservation (NYSDEC) entities:

- Natural Heritage Program
- Significant Habitats Program
- Bureau of Fisheries, Lake Erie Unit
- Environmental Disturbance Investigation Unit
- Toxic Substances Monitoring Program.

Information was obtained also from the State University College at Buffalo. The type of information obtained from these entities is identified in the following paragraphs; the complete information is available from these entities or is attached hereto.

The NYSDEC's Natural Heritage Program provided a letter stating that the site is "adjacent to a Significant Coastal Fish and Wildlife Habitat, Smokes Creek Shoals" (Appendix A). According to Floyd Cornelius of the Bureau of Fisheries, Lake Erie Unit (Dunkirk, NY), the Smokes Creek Shoals habitat is mainly important as a walleye spawning area. In the 1994 Annual Report, the Lake Erie Unit asserted that "the Buffalo Harbor muskellunge fishery is truly exceptional and of

SEE
ATTACHED
LETTER

statewide significance." The letter from the Natural Heritage Program office also indicated that there were no threatened or endangered species listed at the site.

NYSDEC's Toxic Substances Monitoring Program reported the results of tissue analyses on fish taken from Lake Erie at Lackawanna for chlorinated organics, mercury and arsenic in 1978; PCBs and some pesticides in 1979 and 1980; and PCBs, mercury, and some pesticides in 1987. Fish tissues obtained from this area had concentrations of these substances that were not different from other relatively uncontaminated areas. In 1994, the NYSDEC Division of Fish and Wildlife added polycyclic aromatic hydrocarbons (PAHs) to the list of analytes for the first time (NYSDEC 1994). Concentrations of PAHs in young-of-the-year fish collected at Smokes Creek were below detection limits (acenaphthene, acenaphthylene, anthracene, fluoranthene, fluorene, chrysene, benzo(a)anthracene, benzo(b)anthracene, benzo(a)pyrene, pyrene) or quantitation limits (benzo(k)anthracene, phenanthrene). This document is included as Appendix B.

NYSDEC's Division of Fish and Wildlife sent five reports in response to BSC's request for information. These reports are included as Appendix C. They describe historical accounts of fish mortality near the site. No reports dated after 1975 were received from NYSDEC, and the NYSDEC did not provide fish mortality reports pertaining to other incidents near the site but not attributed to BSC discharges.

The State University College at Buffalo conducted field studies at Smokes Creek in 1985 and 1986 in order to investigate potential toxicity in the creek and occurrence of walleye spawning (Appendix D). The location of stations in these studies is shown on Figure 3-6. In the 1985 field study, the benthic fauna were characterized, sediment toxicity testing was conducted, and walleye spawning was assessed.

More recent studies of the water quality in Smokes Creek (except as performed as part of this RFI) are not available; however, information from toxicity testing (for SPDES permit purposes) of the BSC Galvanized Products Division discharges at outfalls 216 and 217, a non-contact cooling and operating water discharge from the Coke Oven operations (outfall 223) in 1992 and 1993 concluded that there was no evidence of acute toxicity to test organisms from these discharges (Appendix E). In addition, in 1991 New York State reclassified Smokes Creek from a Class D stream to a Class C stream as a result of water quality improvements.

New York State Department of Environmental Conservation
270 Michigan Avenue, Buffalo, New York 14203-2999
(716) 851-7010



Michael D. Zagata
Commissioner

July 18, 1995

Mr. Bill Starkel
Six Piedmont Center
Suite 500
3525 Piedmont Road
Atlanta, GA 30305

Natural Heritage Request
Bethlehem Steel RCRA Facility
City of Lackawanna, Erie County

Dear Mr. Starkel:

I have reviewed our Natural Heritage Data for Significant Habitats and threatened and endangered species at the above location.

The referenced project is adjacent to a Significant Coastal Fish and Wildlife Habitat; Smoke Creek Shoals.

For more information, contact Mr. Steve Mooradian, Regional Fisheries Manager, NYSDEC Region 9, 128 South Street, Olean, NY 14760; phone (716) 372-0645.

There are no threatened or endangered species listed at the site. The Significant Habitat and Natural Heritage files are continually changing. The information in this letter should not be substituted for an on-site survey that may be required for environmental assessment.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kandel".

Mark Kandel
Sr. Wildlife Biologist

MK/dah

cc: Mr. Steve Mooradian, Regional Fisheries Manager

Many of the important species were identified floristically, but because the site is generally characterized by simple communities in early stages of primary succession, many habitats were characterized on a floristic basis as well. Annual and perennial life histories were assessed for important species using information presented in Fernald (1970) and United States Soil Conservation Service (1982). Bare ground was included as a cover type because it can be indicative of stress to vegetation. Estimates of the height of shrubs and trees were also made. Surficial materials were described qualitatively including observational parameters such as color, grain size, thickness, and moisture condition.

Because both physical and chemical stressors may result in vegetational changes, notes were made on signs of physical disturbance and estimates of the length of time since the disturbance. SWMU boundary conditions tended to be similar to surrounding habitat, so descriptions of the vegetation around 26 SWMUs provided the information needed for habitat characterization. A vegetation map prepared in 1993 for the SFA (Appendix E) and site-wide observations of wildlife and vegetation were also used for assessing habitat extent and resource quality. Photographs were taken to document surface conditions on or around each SWMU.

Prior to the 1995 observations, an ecological survey of the SFA was performed in May 1993 (Appendix E). The map of the SFA vegetation referenced earlier was produced, and notes were made of the animal species observed, including their relative abundance and behavior. Most conspicuous was a large nesting colony of ring-billed gulls observed around the Corps of Engineers spoil disposal area off of the north end of the site. Nesting colonies of bank swallows and rough-winged swallows were also noted at several locations along the SFA where the slag formed cliffs or steep banks.

Little evidence was observed to indicate frequent use of the terrestrial portion of the site by wildlife. Given the disturbed nature of terrestrial habitat on the site, this is not surprising. Some wildlife species such as beaver, deer, fox, rabbits and raccoons would be expected to forage in some of the less disturbed portions of the site for food such as forbes and small trees by deer, and small rodents, beetles and forbes by the other species. Small insectivores or seed-eating birds would also forage on the site for beetles, flying insects and seeds.

The survey made use of the Erie County Waterfront Master Plan (Saratoga Associates 1991) for information about natural resources in the study area, which included the coastal zone for the entire county. Lists of animals and plants expected to inhabit the study area, in both aquatic and

↓
Summary

terrestrial environments, are also included in this resource. Important habitats for fish are presented therein as well. According to Saratoga Associates (1991), and based on on-site observations, there are no wetlands of appreciable size, threatened or endangered species, nor important plant habitats at this site.

The results of the survey indicated that most of the SFA is not vegetated (Figure 3-9). Almost all of the vegetated areas are in very early stages of primary succession, where the dominant plants are typically hardy and fast-growing, and have seeds that disperse over a large area. The most frequently encountered plants around the SWMUs are goldenrods (*Solidago* spp.), wild carrot (*Daucus carota*), staghorn sumac (*Rhus typhina*) and eastern cottonwood (*Populus deltoides*). Although cottonwoods were frequently seen, they were usually young. Little cover was provided by trees around the SWMUs (Table 3-1). The majority of the areas are typified by a perennial forb cover or bare ground. The patterns of cover seen around the SWMUs were typical of the SFA in general. Only a few locations, such as SWMU S-4 and a small area on the northwest edge of SWMU-22, have been undisturbed long enough to develop small woodlots.

Although there is evidence of recent and ongoing physical disturbance, mainly from environmental investigations, many areas in Zones 2, 3 and 4 have probably been substantially undisturbed for the 14 years since the cessation of steel-making on the site in 1983. Given this length of time, the dominance of herbs and persistence of bare ground indicate that the plant community in the SFA is developing at a slow pace characteristic of primary succession in this climate and on this type of substrate. In addition to disturbance, seed dispersal and substrate quality undoubtedly contribute to the observed successional rate.

Seed dispersal appears to be somewhat important to the development of the site's vegetation community. Nearly all the trees on the SFA, large and small, are in the willow family (Salicaceae). The willow family is characterized by seeds with long, silky down that enables them to be carried considerable distances by the wind. However, herbs mature much faster than trees, and coverage of bare ground by diverse herbs would be expected to have occurred within the 14 years since disturbances related to steel making operations ceased. As discussed below, potentially toxic materials in soils (if those effects can actually be distinguished from physical effects of site-related materials) appeared to be important only within SWMUs, leaving continued disturbance and substrate quality as the most likely explanation for lack of a diverse herb community at the site.

ATTACHMENT 10

INSTITUTIONAL CONTROL INFORMATION

① THIS IS NOT
A BILL

Erie County Clerk's Office
County Clerk's Recording Page

Return To:

BOX 374 JAP

BETHLEHEM STEEL CORPORATION

COUNTY	\$	56.00
	\$	.00
	\$	5.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	61.00

STATE OF NEW YORK
Erie County Clerk's Office

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
DO NOT DETACH

DAVID J SWARTS
County Clerk

Control # 199602210963

Index DEED LIBER

Book 10897 Page 6053

No. Pages 0017

Instrument DECL RSTRCT COV

Date : 2/21/1996

Time : 2:52:44

MORTGAGE TAX

Serial #		
City/Town	\$	.00
S.M.A.	\$	.00
Trans. Auth.	\$	.00
Total	\$	.00

TRANSFER TAX

Transfer Tax	\$	.00
Amount	\$	.00
Transfer Tax #		

D108976053

Box 374

JAF

**DECLARATION
OF
CONDITIONS, COVENANTS AND RESTRICTIONS**

Made By: Bethlehem Steel Corporation
1170 Eighth Avenue
Bethlehem, Pennsylvania 18016-7699

Dated: February 20, 1996

R 292929

779-16 RR 963

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

THIS DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS, made this 20th day of February, 1996, by Bethlehem Steel Corporation, a corporation duly formed and existing under the laws of the State of Delaware, authorized to do business in the State of New York, and having its principal place of business in the City of Bethlehem, Lehigh County, Pennsylvania, with a mailing address of 1170 Eighth Avenue, Bethlehem, Pennsylvania 18016-7699 (hereinafter "BSC"),

W I T N E S S E T H:

WHEREAS, BSC is the owner of certain noncontiguous lands adjacent to the eastern shore of Lake Erie situate partly in the City of Lackawanna, partly in the Town of Hamburg and partly in the Village of Blasdell, all in the County of Erie, State of New York, containing in the aggregate approximately 1,215 acres, and encompassing approximately 2.5 miles in an approximate north-south direction and approximately 1.4 miles in an approximate east-west direction, which were formerly part of the site of an integrated steel plant, and a portion of which lands is described and delineated more particularly in SCHEDULE B herein (said portion shall be hereinafter referred to as the "Premises"); and

WHEREAS, the history of the Premises is described more fully in SCHEDULE A herein; and

WHEREAS, certain governmental agencies and BSC have conducted environmental investigations at and near the Premises, the scope, result and impact of each of which are described more fully in SCHEDULE A herein; and

WHEREAS, BSC seeks to impose conditions, covenants and restrictions on the Premises for the purpose of promoting, benefitting, preserving and protecting the health and safety of the public and the environment all as related to the foregoing.

NOW, THEREFORE, (i) BSC, on behalf of itself, its successors and assigns, hereby declares and (ii) each and every person or entity who shall be an owner of the Premises or any part thereof, hereby covenants and agrees on behalf of itself, its successors and assigns, that the Premises or any part thereof shall be held, transferred, sold, conveyed, occupied and developed subject to the following conditions, covenants and restrictions:

1. The Premises or any part thereof shall be limited to industrial use only, which shall include manufacturing, assembling, warehousing, and related railroad, port and shipping activities, together with office space and other facilities including laboratories incidental to such uses, but incidental uses such as day care centers, nursery schools or other facilities that are designed or intended to be primarily for use or occupancy by multiple numbers of persons under the age of eighteen (18) years shall not be permitted.
2. No wells for the extraction or use of water from beneath the surface of the Premises or any part thereof shall be installed, built, permitted or utilized on the Premises or any part thereof for any purpose whatsoever; provided, however, that BSC may install, use, operate and maintain monitoring wells and treatment wells, including the extraction and treatment of water therefrom, solely for the purpose of monitoring, treating or remediating such water; and provided, further, that any other owner of the Premises or any

part thereof may install, use, operate and maintain monitoring wells and treatment wells, including the extraction and treatment of water therefrom, on the part of the Premises so owned by such owner, solely for the purpose of monitoring, treating or remediating such water.

3. Any activity or use not specifically permitted hereby or any activity prohibited pursuant hereto shall be forbidden.

A. Purpose.

It is the intent of BSC by means of said conditions, covenants and restrictions to promote, benefit, preserve and protect the health and safety of the public and the environment by preventing any activity or use not specifically permitted above or any activity prohibited pursuant to paragraphs 1 and 2 above.

B. Conditions, Covenants and Restrictions to Run with the Premises.

Said conditions, covenants and restrictions shall run with the Premises and every part thereof and shall bind all owners and occupiers of the Premises or any part thereof, and their respective successors and assigns; all parties claiming by, through, or under them or any of them shall be taken to hold, agree and covenant with all owners of the Premises or any part thereof, and their respective successors and assigns and each of them, to conform to and observe said conditions, covenants and restrictions.

C. Enforceability.

Said conditions, covenants and restrictions shall inure to the benefit of and be enforceable by BSC and by each and every person or entity, including BSC,

who shall be an owner of the Premises or any part thereof, and their respective successors and assigns, and shall also benefit BSC, its successors and assigns, for so long as BSC shall (i) own any property either adjacent or proximal to the Premises or any part thereof or (ii) be responsible under any law, ordinance, rule or regulation for the presence of hazardous wastes or hazardous constituents or both upon or within the Premises or any part thereof or in said property adjacent or proximal to the Premises or any part thereof but said conditions, covenants and restrictions shall not give rise, by implication or otherwise, to a reciprocal condition, covenant or restriction burdening or binding upon the other lands or any part thereof of BSC benefitted hereby, by actions at law or by suits in equity. As it may be impossible to measure monetarily the damages which may accrue to the beneficiaries hereunder by reason of a violation of this Declaration, any beneficiary hereunder shall be entitled to relief by way of injunction or specific performance, as well as any other relief available at law or in equity, to enforce the provisions hereof.

The failure of any beneficiary hereunder to enforce any provision of this Declaration shall in no event be construed as a waiver of the right of that beneficiary or any other beneficiary hereunder to do so thereafter, as to the same or a similar violation occurring prior or subsequent thereto. No liability shall attach to BSC or any subsidiary or other affiliate of BSC (or any officer, director, employee, member, agent, committee or committee member of any of them) or to any other beneficiary hereunder

(excepting, however, the subject owner in breach) for failure to enforce the provisions of this Declaration.

If BSC or any other beneficiary hereunder successfully brings an action to extinguish a breach or otherwise enforce the provisions of this Declaration, the costs of such action, including legal fees, shall become a binding, personal obligation of the owner in breach.

D. Amendments and Termination.

Any amendment or termination of this Declaration affecting any part of the Premises shall require the written consent of all owners of the Premises or any part thereof, which consent shall not be unreasonably withheld, and of BSC, or its successors or assigns, whose consent may be withheld in its sole discretion.

Any amendment or termination of this Declaration shall not become effective until the instrument evidencing such change has been duly recorded in the Erie County Clerk's Office.

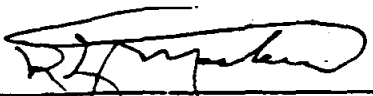
Neither this Declaration nor any amendment to this Declaration shall be interpreted as permitting any action or thing prohibited by the applicable laws, ordinances, rules or regulations of any governmental authority having jurisdiction over the part of the Premises affected or by specific restrictions imposed by any other instrument relating to the Premises or to such part of the Premises.

No change of conditions or circumstances shall operate to amend this Declaration, and this Declaration may be amended only in the manner provided herein.

The determination by any court of competent jurisdiction that any provision of this Declaration is unenforceable invalid or void shall not affect the enforceability or validity of any other provision hereof.

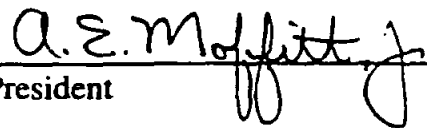
IN WITNESS WHEREOF, BSC has executed this Declaration as of the day and year first above written.

ATTEST:



Assistant Secretary

BETHLEHEM STEEL CORPORATION,
by

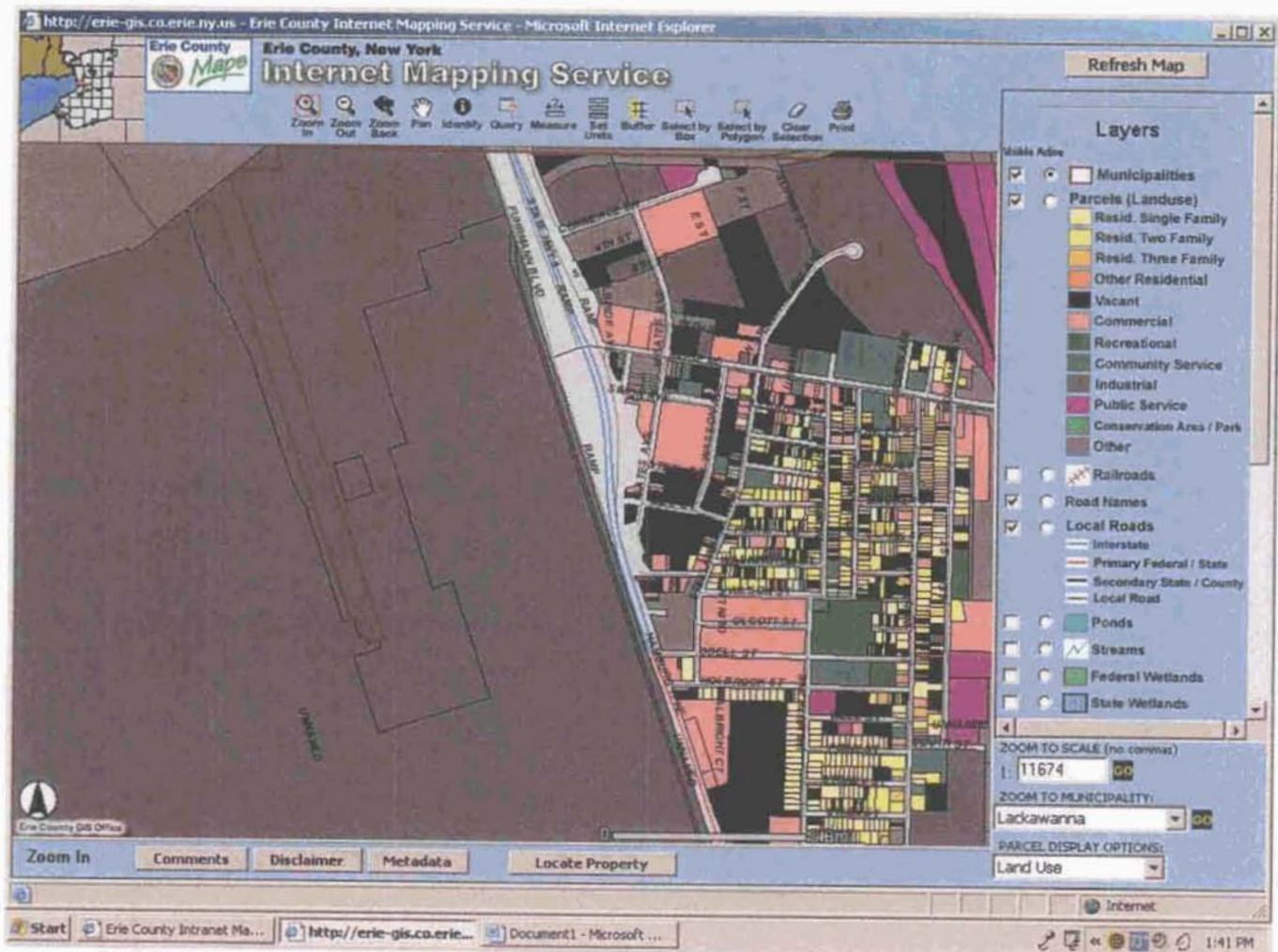


Vice President

ATTACHMENT 11

NEARBY LAND USE MAP

Attachment 11
Land Use Map, near Parcel B
Lackawanna, New York



ATTACHMENT 12

GROUNDWATER VULNERABILITY ASSESSMENT

TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

Potential Vulnerability of Groundwater to Contamination

The historical use of the site would indicate that groundwater is likely contaminated. There is a deed restriction (Attachment 10) on the use of groundwater from the entire approximately 1,100-acre BSC site and groundwater supply wells are not present on the site. Regionally, groundwater in the area has not been developed for industrial, agriculture, or public supply purposes. Municipal potable water service is provided offsite and onsite by the Erie County Water Authority. Groundwater vulnerability would potentially be related to potential environmental impacts on the offsite area to the east of the site, and related to the discharge of groundwater to Lake Erie.

Groundwater Flow/Recharge

Groundwater elevation maps completed during the RFI (Reference 1) indicate that groundwater flows west across Parcel B towards the Gateway Metroport Ship Canal and Lake Erie (Reference 2). As such, groundwater does not flow toward the off-site properties to the east; however does flow toward Lake Erie and eventually discharges into the Lake.

Recommendations

Further work is required to supplement the two wells that exist on this property. Additional wells to refine the groundwater flow patterns; discharge rates and the water quality will be needed.

**TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION**

References:

1. United States Environmental Protection Agency (USEPA), National Enforcement Investigation Center (NEIC). 1988. RCRA Facility Assessment, Bethlehem Steel Corporation, Lackawanna, New York, September.
2. 'Phase I Environmental Site Assessment Report, Parcel B', Bethlehem Steel Corporation, March 2001.



ATTACHMENT 13

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY

**TECUMSEH REDEVELOPMENT, INC.-PHASE I PARCEL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION**

Information related to the geography/geology/hydrogeology of the site was reported in the "Parcel B, Phase II Sampling Investigation Work Plan, Bethlehem Steel Corporation, Lackawanna, New York" August, 2001. Excerpts from this reference are included in this attachment to inclusion into the BCP Application.

and a garage (former Fire Department Headquarters). A chain-link fence that borders the property along Route 5 and a 24-hour guardhouse restrict access to the property.

Parcel B was the former location of steel-making operations that were fully integrated into the entire BSC Lackawanna steel facility (Figure 2). Most facility operations ceased in 1983, with a majority of the entire facility being demolished in subsequent years.

A1.2 Regional Geology/Hydrogeology

Drilling logs from monitoring wells constructed on or near Parcel B indicate that the upper two feet (east side) to eight feet (west side) is typically composed of steel and iron-making slag and/or other fill material. The fill is underlain by lacustrine clays and silts that is in turn underlain by shale or limestone bedrock. Bedrock is about 60 feet below grade near the eastern perimeter of Parcel B, and about 40 feet below the surface in the western portions of Parcel B.

Historically, due to the proximity of Lake Erie, groundwater in the area has not been developed for industrial, agriculture, or public supply purposes. There is a deed restriction that prohibits the use of groundwater on the property. Consequently, no groundwater supply wells are present. Measurements taken in several monitoring wells on or near Parcel B indicate that the water table is 5 to 6 feet below grade. Monitoring wells MW-8A and MW-8B are located in the northeast corner of Parcel B (Figure 3). Groundwater elevation contour maps completed during the RFI indicate that groundwater flows west across Parcel B towards the Gateway Metroport Ship Canal and Lake Erie.

A1.3 Previous Investigations

Previous investigations were conducted as part of the RFI in the early 1990s and were summarized in the Phase I ESA. The investigations included the assessment of twelve Solid Waste Management Units (SWMUs) on Parcel B that the USEPA identified during a 1988 RCRA Facility Assessment. The SWMUs were process water pits associated with the plant operations conducted on Parcel B. Following investigation of the SWMUs, the USEPA determined no further assessment was required. The Phase I ESA determined that the former SWMUs did not present a Recognized Environmental Condition on Parcel B (BSC, 2001).