



2024 Periodic Review Report

(Reporting Period: April 28, 2023 to April 28, 2024)

Location:

Tecumseh Phase I Business Park – Sites I-1, I-3, I-5,
I-7, I-9, I-10, & I-11
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site Nos. C915197, C915197C, C915197E,
C915197G, C915197I, C915197J and C915197K

Prepared for:

Buffalo & Erie County Industrial Land Development
Corporation
95 Perry Street, Suite 403
Buffalo, New York

LaBella Project No. 2210164.08

June 2024 (Revised July 2024)

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1.0 EXECUTIVE SUMMARY

This Periodic Review Report (PRR) is a required element of the approved Site Management Plan (SMP) for the Tecumseh Phase I Business Park Sites. This New York State Brownfield Cleanup Program (BCP) site was remediated in accordance with Brownfield Cleanup Agreement (BCA) Index No. B9-0696-05-06(A), which was executed on December 12, 2005 and amended on August 22, 2012 and December 12, 2017. The BCAs for Sites I-9 and I-10 include amendments on August 22, 2012, November 10, 2017, and December 20, 2017. The BCA for Site I-11 includes amendments on August 22, 2012, November 10, 2017, and December 13, 2017. At the request of the New York State Department of Environmental Conservation (NYSDEC) the PRRs for Tecumseh Phase I Business Park Sites I-1, I-3, I-5, I-7, I-9, I-10, and I-11 (BCP Site Nos. C915197, C915197C, C915197E, C915197G, C915197I, C915197J, and C915197K) have been combined and are summarized within this report.

1.1 Site Summary

The seven individual parcels included in this PRR (hereafter referred to as the “Sites”) encompass approximately 64.86 acres of a former industrial site in the City of Lackawanna, Erie County New York that was historically occupied by an integrated steel mill operated by the Bethlehem Steel Corporation (BSC). The Sites include a portion of the former BSC property acquired by the Buffalo and Erie County Industrial Land Development Corporation (ILDC) for redevelopment and use as a business park. Historically, the Sites were part of a large industrial complex that contained numerous buildings and facilities, none of which currently remain on the Sites. The BSC property was the subject of assessments and investigations under the Resource Conservation and Recovery Act (RCRA) and the area containing the Sites received a “No Further Assessment” designation from the U.S. Environmental Protection Agency (USEPA) in the early 1990s and was excluded from the RCRA Order by USEPA in 2001. In 2005, Tecumseh Redevelopment Inc. (Tecumseh) entered an approximate 102-acre portion of the BSC property containing the Sites and referred to as the Phase I Business Park in the BCP. The table below summarizes the IDs, BCP numbers, and associated acreages of each of the Sites included in this PRR.

ID	BCP No.	Acreage
I-1	C915197	5.57
I-3	C915197C	7.63
I-5	C915197E	10.05
I-7	C915197G	10.03
I-9	C915197I	10.01
I-10	C915197J	9.98
I-11	C915197K	11.59

The Remedial Investigation (RI) conducted on the Phase I Business Park property between 2006 and 2008 revealed that contamination associated with historical steel mill operations had impacted the soil/fill on the property, necessitating remedial action. The RI did not identify groundwater impacts on the Phase I Business Park property. Remedial actions were undertaken in 2009 for Business Park I in accordance with a NYSDEC-approved Interim Remedial Measures (IRM) Work Plan. Following completion of the remedial work, some contamination was left in the soil/fill of the Sites, which is hereafter referred to as the “remaining contamination”. The remaining contamination was generally characterized by widespread exceedances of the 6 New York Codes, Rules and Regulation

(NYCRR) Part 375 Soil Cleanup Objectives (SCOs) for un-restricted use for certain metals and polycyclic aromatic hydrocarbons (PAHs) to the approximate native soil depth of 8 feet below the ground surface. The remedial efforts also included development of a SMP to manage the remaining contamination at the Sites in perpetuity or until extinguishment of the Environmental Easement that was placed on the Sites in accordance with Environmental Conservation Law (ECL) Article 71, Title 36. The placement of a cover system comprised of 12 inches of clean soil, stone or NYSDEC-approved material, with a demarcation layer in all areas that are not paved or covered by concrete, or structures was prescribed for the Sites prior to occupancy.

With NYSDEC's approval, Tecumseh subsequently subdivided Business Park I into 11 individual BCP sites (Sites I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, and I-11) in 2012. The original BCA was amended to cover Site I-1, with separate BCAs executed for the remaining 10 BCP sites (i.e., Sites I-2 through I-11). In 2018 the BCA for the Bethlehem Shoreline Trail Site No. C915197L was executed. The Bethlehem Shoreline Trail site is located along the east side of Business Park Phase I. In 2017, the cover system was placed on Sites I-1, I-3, I-5, I-7, I-9, I-10, and I-11, the Sites were acquired by the ILDC and a BCP Certificate of Completion (COC) was issued, signifying satisfactory completion of the remedial program and acceptance of the Final Engineering Report (FER) for the Sites.

1.2 Effectiveness of Remedial Program

Based on a recent inspection of the Sites, the engineering and institutional controls are in place, are performing properly, and remain effective and protective of public health and the environment.

1.3 Non-Compliance

No areas of non-compliance regarding the major elements of the SMP were identified during the preparation of this PRR.

1.4 Recommendations

Overall, the remedial program is viewed to be effective in achieving the remedial objectives for the Sites. No changes to the SMP or the frequency of PRR submissions are recommended at this time.

2.0 SITE OVERVIEW

2.1 Site Description

The Sites are part of a larger property owned by the ILDC and located at 2303 Hamburg Turnpike in the City of Lackawanna, New York. Figure 1 shows the approximate location of the ILDC property, Figure 2 depicts the configuration of the Phase I Business Park and all 11 individual BCP sites, and Figure 3 illustrates the configuration of the seven Sites included in this PRR totaling approximately 64.86 acres. The Sites are bounded to the north and west by the Gateway Trade Center property; to the east by undeveloped land including BCP Site I-2, I-4, I-6, and I-8, the Bethlehem Shoreline Trail site, and Fuhrmann Boulevard; to the south by undeveloped land comprising portions of the Phase II Business Park; and to the southeast by BCP Site II-11 developed with a manufacturing building. Active industrial property is located west of the Site beyond the adjoining parcels, while commercial and residential properties are located east of the Site, beyond Fuhrmann Boulevard and the Hamburg Turnpike (NY Route 5). Lake Erie is situated approximately 4,054 feet to the west of the Sites, while Smoke Creek is located approximately 2,000 feet south of the Sites.

Contaminant source areas in soil/fill on the Sites were remediated and the remaining soil/fill on the Sites was characterized as generally impacted by the historical industrial usage of the BSC property. These impacts were characterized as widespread exceedances of the 6 NYCRR Part 375 SCOs for un-restricted use for certain metals and PAHs to the approximate native soil depth of 8 feet below the ground surface. The impacted soil/fill constitutes the remaining contamination on the Sites. No groundwater contamination necessitating remediation was identified on the Sites.

2.2 Summary of Remedial Actions

In accordance with a NYSDEC-approved IRM Work Plan, an IRM was completed at Site I-3, I-5, I-7, I-9, I-10, and I-11 in 2009 to address “source area” soil/fill. The IRM activities conducted at each of the Sites are summarized below.

- Site I-3: Excavation of approximately 968 cubic yards of petroleum-impacted soil/fill from two areas of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I. The resulting excavations were backfilled with steel slag authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, bio-remediated fill and non-impacted crushed asphalt.
- Site I-5: Excavation of approximately 250 cubic yards of petroleum-impacted soil/fill from one area of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.
- Site I-7: Excavation of approximately 250 cubic yards of petroleum-impacted soil/fill from one area of the Site and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.
- Site I-9: Excavation and proper off-site disposal of approximately 46 tons of lead-impacted soil/fill from one area of the Site.
- Site I-10: Approximately 15 cubic yards of coal tar-impacted fill was excavated from the Site and properly disposed off-site.
- Site I-11: Removal of two Underground Storage Tanks (USTs) from the Site;
- Excavation of approximately 10,200 cubic yards of petroleum-impacted soil/fill from Sites I-9, I-10, and I-11 and treatment in a temporary bio-treatment area constructed on the northern portion of Business Park I.

Excavations were backfilled with steel slag authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, bio-remediated fill, and non-impacted crushed asphalt.

The final remedy implemented at the Sites in 2017 involved the installation of a cover system in accordance with the NYSDEC-approved Remedial Action Work Plan (RAWP). The cover system installed at the Sites consists of a minimum of 12 inches of steel slag, authorized by NYSDEC under Beneficial Use Determination (BUD) #555-9-15, placed over a demarcation layer on Sites I-1 and I-3, and a minimum of 12 inches of NYSDEC-approved soil, placed over a demarcation layer on Sites I-5, I-7, I-9, I-10 and I-11, in areas that are not otherwise covered by rail lines. The cover system installed in the area of the rail lines consists of a minimum of 12 inches of railroad ballast. The existing asphalt and sub-base material associated with the access road that extends along the boundary between Site I-1 and I-3 is also considered a component of the cover system for the Sites. The areas of the different cover systems across the Sites are depicted on Figure 4.

In addition to the cover system, an environmental easement was placed on the Sites, recorded with the Erie County Clerk and mandates compliance with the NYSDEC-approved SMP and all engineering

and institutional controls placed on the Sites. The SMP specifies the procedures required to manage the remaining contamination on the Sites post remediation, including (1) implementation and management of all engineering and institutional controls; (2) media monitoring, if applicable; (3) operation and maintenance of treatment, collection, containment or recover systems, if applicable; (4) performance of periodic inspections, certification of results and submittal of PRRs; and (5) defining criteria for termination of any remaining treatment system operations.

3.0 PERFORMANCE, EFFECTIVENESS & PROTECTIVENESS OF THE REMEDY

All remedial actions prescribed in the RAWP for the Sites were completed and the remedial goals were accomplished through the installation of the Site-wide cover systems to prevent exposure to remaining contamination in the subsurface.

As indicated below in Section 4.1.2, the cover systems were inspected on April 18, 2024. Based on the inspections, the cover systems are intact, functioning effectively throughout the Sites and are protective of public health and the environment.

4.0 INSTITUTIONAL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

4.1 IC/EC Requirements and Compliance

4.1.1 IC Requirements-Site Restrictions

In accordance with the SMP, a series of Institutional Controls (ICs) have been established for the Sites. Adherence to these ICs is required by the Environmental Easements. The Environmental Easements are described on the Boundary Surveys of the Phase I Business Park Sites, included within Appendix 1. These ICs are:

- Compliance with the environmental easement and the SMP by the Owner and the Owner's successors and assigns;
- All Engineering Controls (ECs) must be installed, operated and maintained as specified in the SMP;
- All ECs on the Sites must be inspected at a frequency and in a manner defined in the SMP;
- Environmental or public health monitoring must be performed as defined in the SMP; and
- Data and information pertinent to site management of the Sites must be reported at the frequency and in a manner defined in the SMP.

Institutional Controls identified in the environmental easements may not be discontinued without an amendment to or extinguishment of the environmental easement.

The Sites have a series of ICs in the form of restrictions. Site restrictions that apply are as follows:

- The Sites may only be used for commercial or industrial purposes as defined by Part 375-1.8(g), and that conform to local zoning laws;
- The use of groundwater underlying the Sites is restricted as a source of potable or process water, without necessary water quality treatment, as determined by the New York State Department of Health or Erie County Health Department;
- Compliance with the SMP is required; and

- The owner of the Sites is required to provide an IC/EC certification, prepared and submitted by a professional engineer or environmental professional acceptable to the NYSEC annually or for a period to be approved by the NYSDEC, which will certify that the ICs and ECs put in place are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP.

LaBella has concluded that the ICs are in force and are being adhered to with respect to the condition and use of the Sites and activities conducted thereon.

4.1.2 Engineering Control-Soil Cover System

Exposure to the remaining contamination in soil/fill at the Sites is prevented by the cover systems that were previously placed over the Sites. The cover systems for Sites I-1 and I-3 are comprised of a minimum of 12 inches of BUD #555-9-15 material overlaying a demarcation layer (orange plastic mesh material) over the entire surface of the Sites that is not covered by existing asphalt and sub-base materials associated with the access road located along the boundary between Sites I-1 and I-3. Areas proximate the railroad track along the western margin of Site I-3 consist of a minimum of 12 inches of railroad ballast. The cover systems for Sites I-5, I-7, I-9, I-10, and I-11 are comprised of a minimum of 12 inches of NYSDEC-approved soil material overlaying a demarcation layer (orange plastic mesh material) in all areas of the Sites that are not covered by railroad ballast associated with the rail lines that extend along the western margin of the Sites. The Excavation Work Plan, which appears in Appendix B of the SMP, outlines the procedures that are required to be implemented in the event the cover system is breached, penetrated, or temporarily removed, and any underlying remaining contamination is disturbed. The cover system is a permanent control, and the quality and integrity of this system will be inspected at defined, regular intervals in perpetuity.

On April 18, 2024, Mr. Christopher Finn and Ms. Carly Repka of LaBella conducted the annual Site inspections, which included traversing the Sites on foot to observe the current conditions. The Cover Inspection Forms are included herein as Appendix 2. Appendix 3 includes photographs taken during the Site inspection.

With the exception of the access road corridor that extends along the Site I-1 and I-3 boundary and the rail corridor located along the western margin of the Sites, the Sites are generally vacant and undeveloped, with slag or vegetated soil cover occurring at the ground surface. The cover systems at the time of the Site inspections were observed to be intact and functioning as intended. Furthermore, the asphalt road surface was observed to be in good condition.

During the cover system inspection, an area of cover material was observed to have been removed a top a manhole on the east portion of Site I-1. The cover material was only removed above the manhole and no Site soil/fill materials appear to have been disturbed or exposed. The cover system proximate the manhole appears intact and continues to prevent exposure to underlying soil/fill. Localized areas of sparse vegetation were observed at the Sites with vegetated soil cover systems. The areas of sparse vegetation do not appear to be affecting the integrity of the cover system at this time and the system continues to prevent exposure to underlying soil/fill.

An approximately 12-inch diameter hole in the site cover was observed on the east portion of Site I-11 during the site inspection. On June 11, 2024, the contractor for the utility installation project at

the site filled in the hole with imported crushed stone previously approved by the NYSDEC for the utility installation project.

Stockpiled construction materials were observed on Sites I-1 and I-3 including utility pipes and stone backfill. The materials are stockpiled at the Sites as part of the sewer and waterline project at the Renaissance Commerce Park. Request to Import Soil/Fill forms were submitted to and approved by the NYSDEC.

Utility construction activities are on-going for the Tecumseh Phase I & II Business Park Public Sanitary Sewer & Water Extension project along the south boundary of Site I-1 and north boundary of Site II-12. Stockpiled stone, staged materials and equipment, and frac tanks were observed on Sites I-1 and I-3. A completed portion of the utility project was observed on the east portion of Site I-9. The installation activities appear to have been completed and the cover has been restored with the exception of establishing vegetation. The construction activities are being overseen by C&S Companies (C&S). C&S has indicated that all construction activities are being conducted in accordance with the SMP and EWP. Excavated site soil/fill materials are being transported off-site for disposal and approved imported materials are being used as backfill. The site cover system will be restored when the utility installation work is complete. The construction activities will be summarized by C&S in a Construction Completion Report at the end of the project. A figure is included in Appendix 4 showing the approximate locations of the sewer and water line installations and details of the Water & Sewer Extension project.

4.2 IC/EC Certification

The IC/EC Certification Forms for the Sites were completed in their entirety as all ICs/ECs are in place for the Sites per the SMP. Appendix 5 includes the signed NYSDEC Site Management Periodic Review Report Notice-Institutional and Engineering Controls Certification Forms.

5.0 MONITORING PLAN COMPLIANCE REPORT

5.1 Requirements

The Monitoring Plan is included in Section 3.0 of the SMP and describes the measures for evaluating the performance and effectiveness of: the remedy to reduce or mitigate contamination at the Sites, the soil cover systems, and all affected Site media.

The Monitoring Plan describes the methods to be used for:

- Monitoring the cover system;
- Assessing achievement of the remedial performance criteria;
- Evaluating Site information periodically to confirm that the remedy continues to be effective in protecting public health and the environment; and,
- Preparing the necessary reports for the various monitoring activities.

To adequately address these issues, the Monitoring Plan provides information on:

- Annual inspection and periodic certification.

5.2 Comparisons with Remedial Objectives

Cover system monitoring was performed in accordance with the SMP, and included the annual visual inspection of the cover system components. As described in Section 4.1.2, the cover system was observed to be intact and functioning as intended, and is continuing to satisfy the remedial objectives for the Sites.

5.3 Monitoring Deficiencies

No monitoring deficiencies were noted or experienced during the inspection of the cover system or completion of the PRR.

5.4 Monitoring Conclusions and Recommendations

The procedures utilized to evaluate the performance and effectiveness of the cover system were conducted in accordance with the SMP and verified that the cover system is functioning as intended. No changes to the monitoring plan are recommended.

6.0 OPERATION AND MAINTENANCE PLAN

The remedy for the Sites does not rely on mechanical systems to protect public health and the environment. Therefore, no operation and maintenance requirements apply to the Sites.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Annual inspection of the Sites was performed on April 18, 2024 by LaBella Associates, DPC as prescribed in the SMP. As a result of this inspection, LaBella has determined that the Sites are in compliance with all elements of the SMP, including the Engineering & Institutional Control Plan, the Site Monitoring Plan and the Operations & Maintenance Plan. No deficiencies or failures to satisfy the requirements of the SMP were identified.

As reflected by the signed Institutional and Engineering Controls Certification Forms (Appendix 4), LaBella has concluded that:

- The required EC/ICs are in place, are performing properly, and remain effective;
- The Site Monitoring Plan is being implemented;
- Operation and Maintenance activities are being conducted properly; and
- The remedy continues to be protective of public health and the environment and is performing as specified in the RAWP and FER.

No changes to the inspection, reporting or certification frequency prescribed in the SMP are recommended.

8.0 LIMITATIONS

The conclusions presented in this report are based on information gathered in accordance with generally acceptable professional consulting principles and practices. All conclusions reflect observable conditions existing at the time of the Site inspection. Information provided by outside

sources (individuals, agencies, laboratories, etc.) as cited herein, was used in the assessment of the Site. The accuracy of the conclusions drawn from this assessment is, therefore, dependent upon the accuracy of information provided by these sources. Furthermore, LaBella is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to the performance of services.

This report is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based upon the facts currently available with the limits of the existing data, scope of services, budget and schedule. To the extent that more definitive conclusions are desired by the Client than are warranted by the current available facts, it is specifically Labella's' intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such. LaBella makes no warranties, expressed or implied including without limitation, warranties as to merchantability or fitness of a particular purpose. Furthermore, the information provided in this report is not be construed as legal advice.

This inspection and report have been completed and prepared on behalf of and for the exclusive use of the Buffalo and Erie County Industrial Land Development Corporation. Any reliance on this report by a third party is at such party's sole risk.

9.0 REFERENCES

DER-10/Technical Guidance for Site Investigation and Remediation, NYSDEC, May 3, 2010

Site Management Plan for BCP Tecumseh Phase I Business Park, NYSDEC Site No. C915197 through C915197K, Turnkey Environmental Restoration, LLC, January 2014

Appendix E - Site Management Plan for Tecumseh Phase I Business Park, NYSDEC Site No. C915197 through C915197K, Turnkey Environmental Restoration, LLC, November 2017

Remedial Action Work Plan – Tecumseh Business Parks I and II, Turnkey Environmental Restoration, LLC in associations with Benchmark Environmental Engineering & Science, PLLC, June 2017

\\CASH.LAB\U\PROJECTS\ERIE COUNTY IDA\2241979 - 2023 2024 PRRS FOR 8 BCP SITES\11_REPORTS\BUSINESS PARK PHASE 1\2024 PRR_SITE I-1,I-3,I-5,I-7,I-9,I-10,I-11 (C915197-K)_2024.DOCX

FIGURES

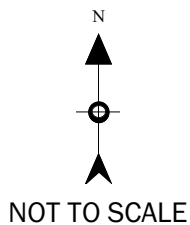


FIGURE 1 SITE LOCATION MAP


Brownfield Cleanup Program
Tecumseh Phase I Business Park
Lackawanna, New York



PROJECT NO. 2210164.08



Legend

 Phase I Business Park Site Boundaries

PROJECT #/DRAWING #/ DATE

2210164.08

FIGURE 2

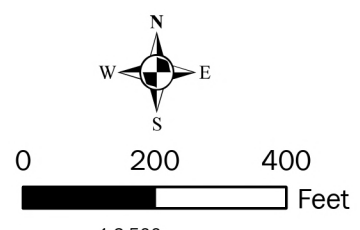
7/16/2024

DRAWING NAME:

PHASE I BUSINESS PARK

PROJECT:

BROWNFIELD CLEANUP PROGRAM
TECUMSEH PHASE I BUSINESS PARK
LACKAWANNA, NEW YORK



0 200 400 Feet

1:3,500
INTENDED TO PRINT AS: 11" X 17"

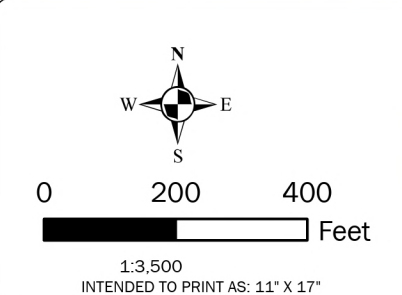




PROJECT #/DRAWING #/ DATE
 2210164.08
 FIGURE 3
 7/16/2024

DRAWING NAME:
 PRR SITE BOUNDARIES

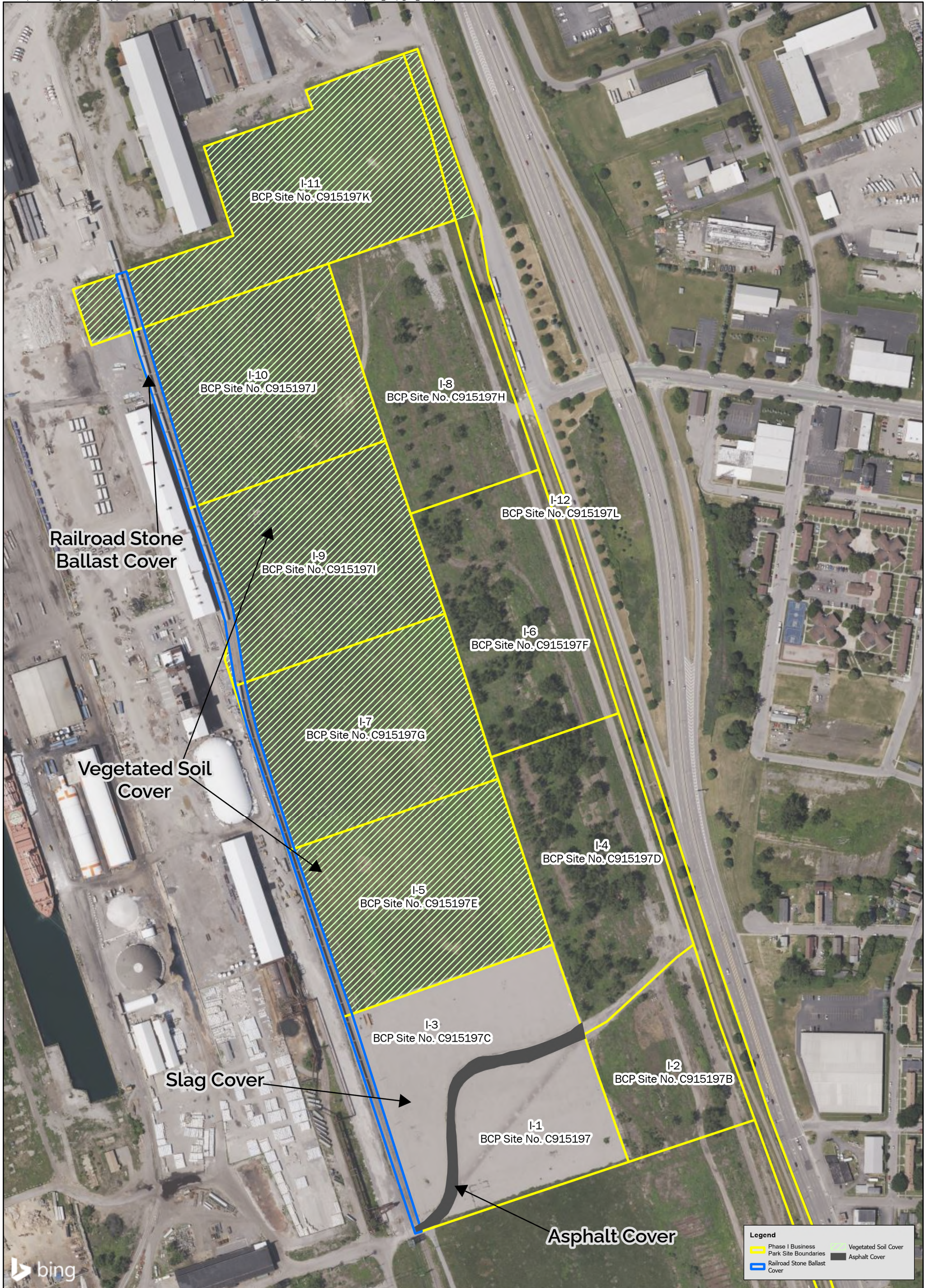
PROJECT:
 BROWNFIELD CLEANUP PROGRAM
 TECUMSEH PHASE I BUSINESS PARK
 LACKAWANNA, NEW YORK



Legend

- Phase I Business Park Site Boundaries
- PRR Sites





PROJECT #/DRAWING #/ DATE

2210164.08

FIGURE 4

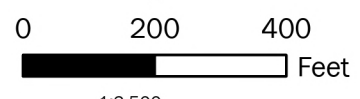
7/16/2024

DRAWING NAME:

Cover Systems

PROJECT:

BROWNFIELD CLEANUP PROGRAM
TECUMSEH PHASE I BUSINESS PARK
LACKAWANNA, NEW YORK



1:3,500
INTENDED TO PRINT AS: 11" X 17"



APPENDIX 1

Boundary Surveys



THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATENY.US.

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915197

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA COUNTY OF ERIE STATE OF NEW YORK, BEING PART OF LOTS 20 & 21 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915197, AS SHOWN ON A MAP OF LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL, MAY 2017, PROJECT NUMBER 411110 (BEING PART OF WENDEL'S PROJECT NUMBER 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 40-R2, PARCEL 44, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5850 OF DEEDS AT PAGE 398, BEING 3721.41 FEET SOUTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TEJUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE SOUTH AND LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1116 ON THE NORTH, MEASURED ALONG SAID WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE;

THENCE ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, S 71°-31'-33" W, A DISTANCE OF 494.27 FEET TO THE POINT OF BEGINNING;

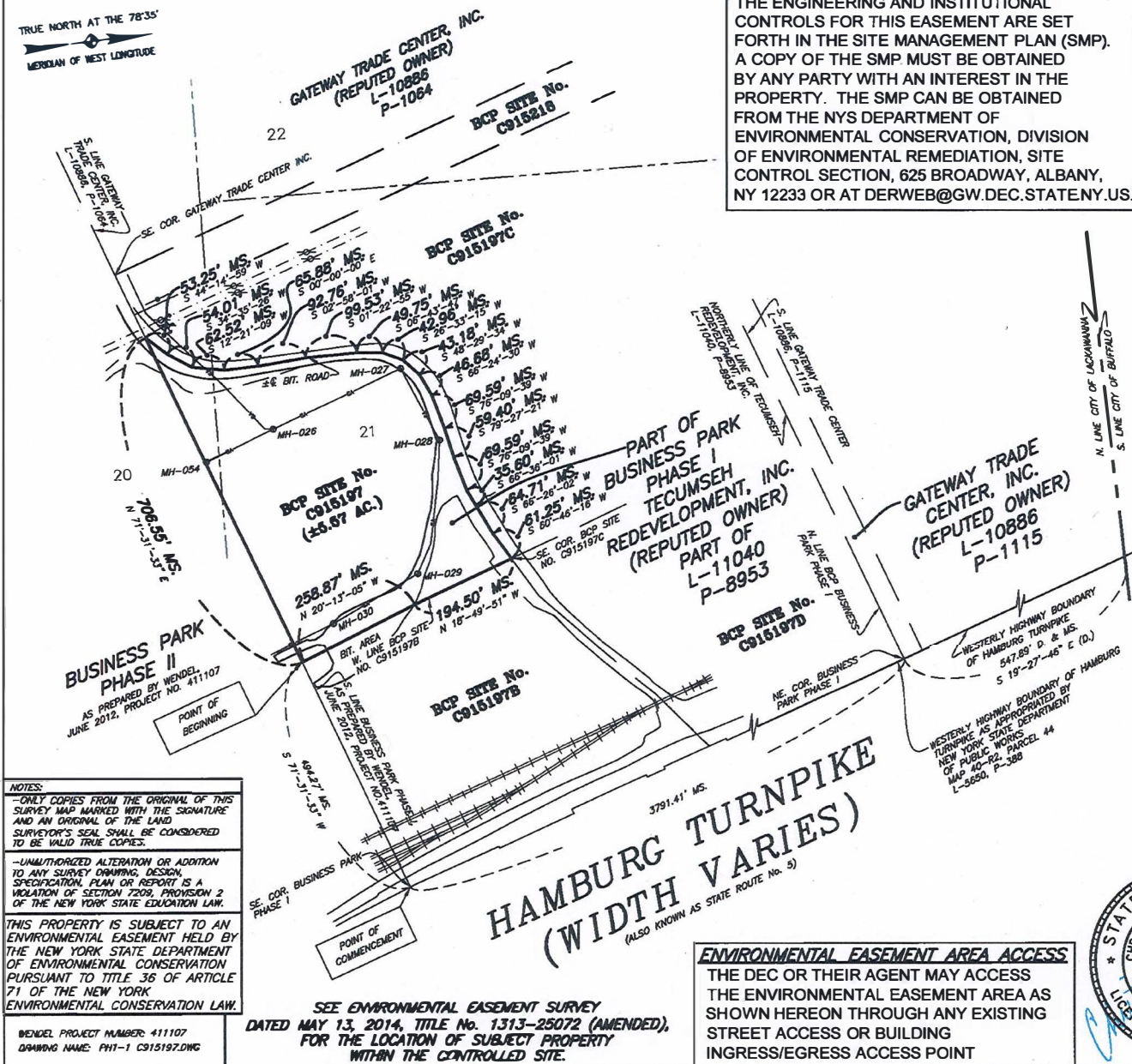
THENCE ALONG THE WESTERLY LINE OF BCP SITE NO. C915197B, N 20°-13'-05" W, A DISTANCE OF 258.87 FEET TO A POINT;

THENCE CONTINUING ALONG THE WESTERLY LINE OF BCP SITE NO. C915197E, N 18°-49'-51" E, A DISTANCE OF 194.50 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF SAID ROAD ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NO. C915197C;

THENCE ALONG THE SOUTHERLY LINE OF BCP SITE NUMBER C915197C AND THE APPROXIMATE CENTERLINE OF SAID ROAD THE FOLLOWING 17 COURSES AND DISTANCES:

1. S 60°-48'-18" W, A DISTANCE OF 61.25 FEET TO A POINT;
2. S 66°-26'-02" W, A DISTANCE OF 64.71 FEET TO A POINT;
3. S 66°-36'-01" W, A DISTANCE OF 35.60 FEET TO A POINT;
4. S 78°-09'-39" W, A DISTANCE OF 69.59 FEET TO A POINT;
5. S 79°-27'-21" W, A DISTANCE OF 59.40 FEET TO A POINT;
6. S 76°-09'-39" W, A DISTANCE OF 69.59 FEET TO A POINT;
7. S 66°-24'-30" W, A DISTANCE OF 48.68 FEET TO A POINT;
8. S 48°-29'-34" W, A DISTANCE OF 43.18 FEET TO A POINT;
9. S 26°-33'-15" W, A DISTANCE OF 42.98 FEET TO A POINT;
10. S 08°-43'-17" W, A DISTANCE OF 43.75 FEET TO A POINT;
11. S 01°-22'-55" W, A DISTANCE OF 99.53 FEET TO A POINT;
12. S 02°-58'-01" W, A DISTANCE OF 92.76 FEET TO A POINT;
13. S 00°-00'-00" W, A DISTANCE OF 65.88 FEET TO A POINT;
14. S 12°-21'-09" W, A DISTANCE OF 62.52 FEET TO A POINT;
15. S 34°-38'-29" W, A DISTANCE OF 54.01 FEET TO A POINT;
16. S 44°-14'-59" W, A DISTANCE OF 53.25 FEET TO A POINT;

THENCE ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE I, S 71°-31'-33" W, A DISTANCE OF 706.85 FEET TO THE POINT OF BEGINNING, CONTAINING 5.57 ACRES OF LAND, MORE OR LESS.



NOTES:
 -ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
 -UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 2209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
 THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

WENDEL PROJECT NUMBER: 411107
 DRAWING NAME: P111-1 C915197.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

ENVIRONMENTAL EASEMENT AREA ACCESS
 THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT



REVISED 11/13/2017; UPDATED MAP

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT

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 Williamsville, New York 14221
 PHONE: 716.688.0766 FAX: 716.625.8325
 WEBSITE: www.wendelcorp.com
 Wendel WD Architecture, Engineering, Surveying and Landscape Architecture P.C.

MAP OF LANDS OF BCA BOUNDARIES & PLANNED SUB-PARCELS GREENFIELD CLEAN-UP PROGRAM IN BUSINESS PARK PHASE I TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SITUATE IN PART OF LOT 20 & 21 OF THE OGDEN GORE TRACT, TOWNSHIP 10, RANGE B OF THE HOLLAND LAND COMPANY'S SURVEY CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK T.M.B. PART OF 141.11-1-1.111

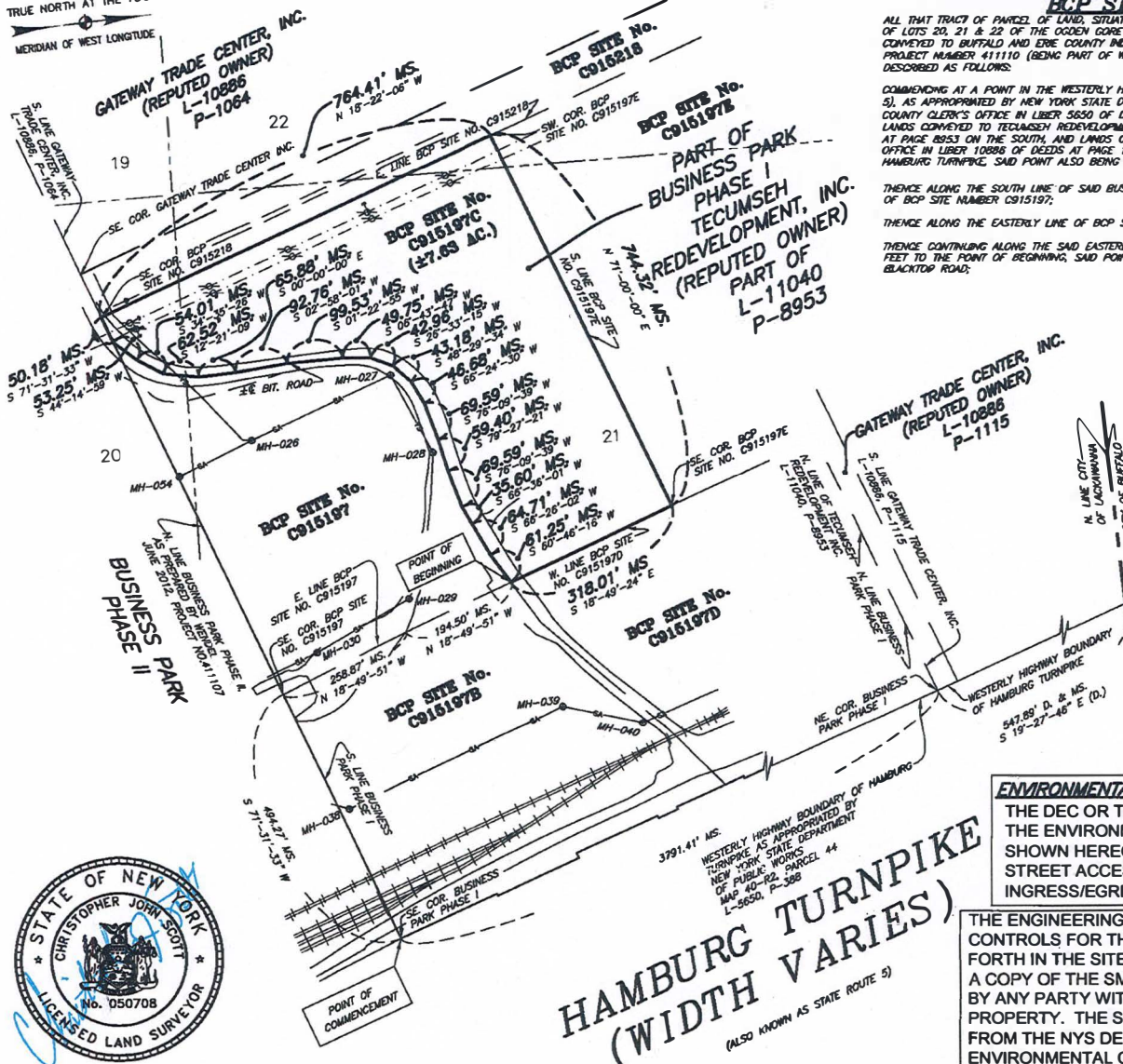
200' 100' 50' 0' 200' 400'
 1 INCH = 200 FEET

1 HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989. FIELD SURVEY COMPLETED JUNE 2017.

CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 11/14/17

SHEET 1 of 11 CHECKED BY: CJS MAP NUMBER BCP SITE No. C915197

TRUE NORTH AT THE 78°35'
MERIDIAN OF WEST LONGITUDE



WENDEL PROJECT NUMBER: 411107
DRAWING NAME: PH1-3 C915197.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014,
TITLE No. 1313-25072 (AMENDED),
FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE

**HAMBURG TURNPIKE
(WIDTH VARIES)**
(ALSO KNOWN AS STATE ROUTE 5)

**ENVIRONMENTAL EASEMENT DESCRIPTION FOR
BCP SITE No. C915197C**

ALL THAT TRACT OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 20, 21 & 22 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915197C, AS SHOWN ON A MAP OF LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL, MAY 2017, PROJECT NUMBER 411110 (BEING PART OF WENDEL'S PROJECT NUMBER 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 40-122, PARCEL 44, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 388, BEING 3791.41 FEET SOUTH OF THE DASHOW LINE BETWEEN LANDS CONVEYED TO TECHMASEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8553 ON THE SOUTH, AND LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10888 OF DEEDS AT PAGE 1115 ON THE NORTH, MEASURED ALONG SAID WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BUSINESS PARK PHASE I;

THENCE ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE I, S 71°-31'-33" W, 494.27 FEET TO THE SOUTHEAST CORNER OF BCP SITE NUMBER C915197;

THENCE ALONG THE EASTERLY LINE OF BCP SITE C915197, N 18°-49'-51" W, A DISTANCE OF 258.87 TO A POINT;

THENCE CONTINUING ALONG THE SAID EASTERLY LINE OF BCP SITE NO. C915197, N 18°-49'-51" W, A DISTANCE OF 194.50 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT IN THE APPROXIMATE CENTERLINE OF A CERTAIN BLACKTOP ROAD;

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID ROAD THE FOLLOWING 17 COURSES AND DISTANCES:

1. S 00°-46'-18" W, A DISTANCE OF 61.25 FEET TO A POINT;
2. S 65°-26'-02" W, A DISTANCE OF 64.71 FEET TO A POINT;
3. S 65°-35'-01" W, A DISTANCE OF 35.60 FEET TO A POINT;
4. S 78°-09'-39" W, A DISTANCE OF 69.59 FEET TO A POINT;
5. S 79°-27'-21" W, A DISTANCE OF 58.40 FEET TO A POINT;
6. S 78°-09'-39" W, A DISTANCE OF 69.59 FEET TO A POINT;
7. S 08°-24'-30" W, A DISTANCE OF 45.88 FEET TO A POINT;
8. S 48°-28'-34" W, A DISTANCE OF 43.18 FEET TO A POINT;
9. S 26°-33'-15" W, A DISTANCE OF 42.96 FEET TO A POINT;
10. S 06°-43'-47" W, A DISTANCE OF 49.75 FEET TO A POINT;
11. S 01°-22'-35" W, A DISTANCE OF 99.53 FEET TO A POINT;
12. S 02°-58'-01" W, A DISTANCE OF 92.78 FEET TO A POINT;
13. S 00°-00'-00" W, A DISTANCE OF 65.88 FEET TO A POINT;
14. S 12°-21'-09" W, A DISTANCE OF 62.52 FEET TO A POINT;
15. S 34°-35'-28" W, A DISTANCE OF 54.01 FEET TO A POINT;
16. S 44°-14'-59" W, A DISTANCE OF 53.25 FEET TO A POINT;
17. S 71°-31'-33" W, A DISTANCE OF 50.18 FEET TO THE SOUTHEAST CORNER OF BCP SITE NO. C915218;

THENCE ALONG THE EASTERLY LINE OF BCP SITE NO. C915218, N 18°-22'-06" E, A DISTANCE OF 764.41 FEET TO A POINT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NUMBER C915197E;

THENCE ALONG THE SOUTHERLY LINE OF BCP SITE NUMBER C915197E, N 71°-00'-00" E, A DISTANCE OF 744.32 FEET TO A POINT IN THE WESTERLY LINE OF BCP SITE NUMBER C915197D;

THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915197D, S 18°-49'-24" E, A DISTANCE OF 318.01 FEET TO THE POINT OF BEGINNING; CONTINUING, 7.03 ACRES OF LAND, MORE OR LESS.

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

NOTES:
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

- UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7208, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

REVISED 11/13/2017; UPDATED MAP

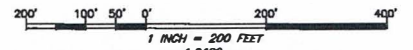
ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



PREPARED BY THE CONSULTANT
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Wendel WD Architecture, Engineering, Surveying and
Landscape Architecture P.C.

MAP OF LANDS OF
BCA BOUNDARIES & PLANNED SUB-PARCELS BRUSHHEAVY CLEAN-UP PROGRAM
IN BUSINESS PARK PHASE I
TO

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SITUATE IN PART OF LOT 20, 21 & 22 OF THE OGDEN GORE TRACT,
TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
T.M.#: PART OF 141.11-1-1.111



I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1988.
FIELD SURVEY COMPLETED JUNE 2017.

CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 11/14/17

SHEET 1 of 1 CHECKED BY: CJS MAP NUMBER BCP SITE No. C915197C

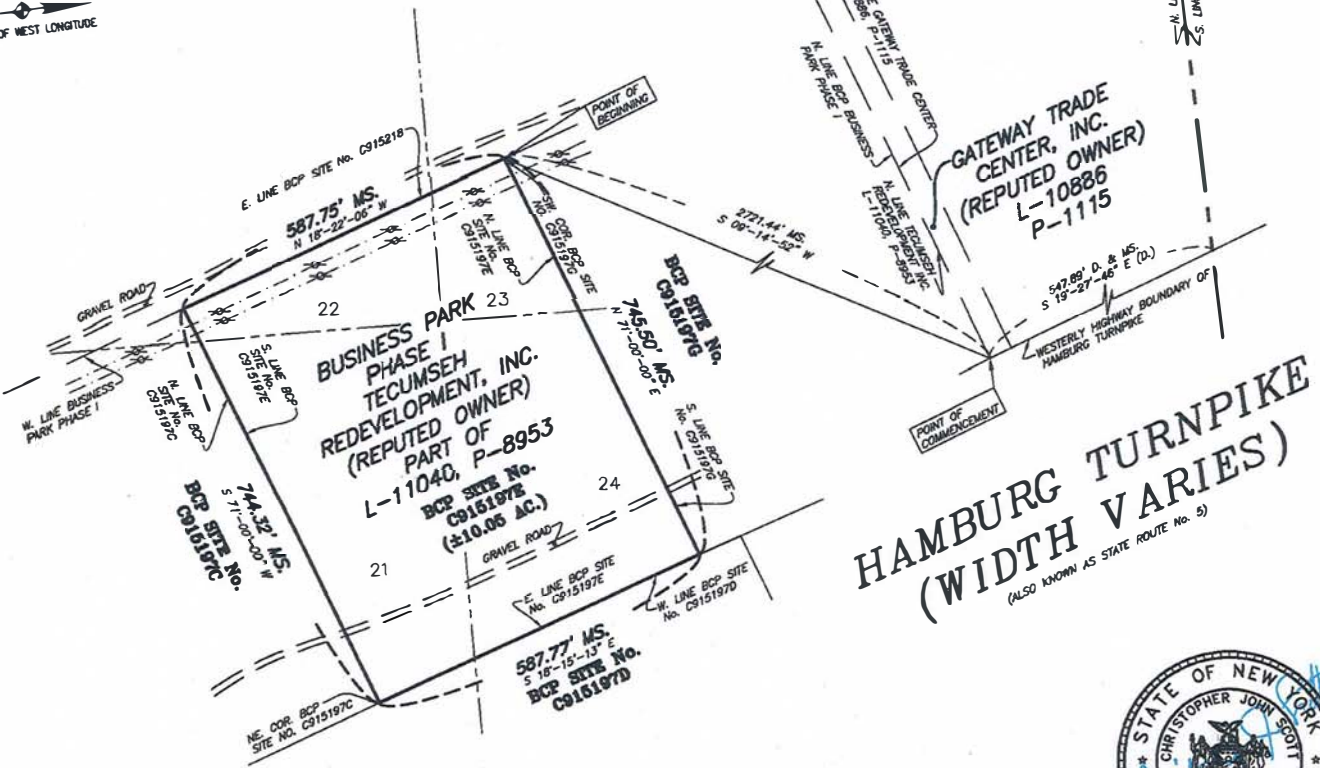
NOTES:
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ENVIRONMENTAL EASEMENT AREA ACCESS
 THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915197E

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 21, 22, 23 & 24 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915197E, AS SHOWN ON A MAP OF LAND TO BE CONVERTED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL, MAY 2017, PROJECT No. 411110 (BEING PART OF WENDEL'S PROJECT No. 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY A DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS, AT PAGE 1115, SAID POINT BEING 547.89 FEET SOUTH OF THE MUNICIPALITY LINE BETWEEN THE CITY OF LACKAWANNA (ON THE SOUTH), AND THE CITY OF BUFFALO (TO THE NORTH) AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE;
 THENCE S 09°-14'-52" W A DISTANCE OF 2721.44 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NO. C915197G;
 THENCE ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197G, IN 71°-00'-00" E, A DISTANCE OF 745.50 FEET TO A POINT ON THE WESTERLY LINE OF BCP SITE NUMBER C915197D;
 THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915197D, S 18°-15'-13" E, A DISTANCE OF 587.77 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C915197C;
 THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915197C, S 71°-00'-00" W, A DISTANCE OF 744.32 FEET TO A POINT ON THE WEST LINE OF SAID BUSINESS PARK PHASE I;
 THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I, IN 18°-22'-00" W, A DISTANCE OF 587.75 FEET TO THE POINT OF BEGINNING, CONTAINING 10.06 ACRES OF LAND, MORE OR LESS.



HAMBURG TURNPIKE (WIDTH VARIES)
 (ALSO KNOWN AS STATE ROUTE No. 5)



WENDEL PROJECT NUMBER: 411107
 DRAWING NAME: PH1-3 C915197E.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-26072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

REVISED 11/2/2017; UPDATE MAP

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT
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 PHONE: 716.888.0766 FAX: 716.825.8825
 WEBSITE: www.wendelcompanies.com
 Wendel W.D. Architecture, Engineering, Surveying and Landscape Architecture P.C.

MAP OF LANDS OF
 BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
 IN BUSINESS PARK PHASE I
 TO
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SITUATE IN PART OF LOTS 21, 22, 23 & 24 OF THE OGDEN GORE TRACT,
 TOWNSHIP 10, RANGE B OF THE HOLLAND LAND COMPANY'S SURVEY
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 T.M.F.: PART OF 141.11-1-1.111

200' 100' 50' 0' 200' 400'
 1 inch = 200 Feet

I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989.
 FIELD SURVEY COMPLETED JUNE 2012.
 Christopher J. Scott
 CHRISTOPHER J. SCOTT, LAND SURVEYOR #080708 DATE 11/7/17

SHEET 1 of 1 CHECKED BY: GJS MAP NUMBER BCP SITE No. C915197E

NOTES:
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THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915197C

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 23 & 24 OF THE OGDEN CORE TRACT, BEING BCP SITE NUMBER C915197C, AS SHOWN ON A MAP OF LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY MENDEL, MAY 2017, PROJECT No. 411110 (BEING PART OF MENDEL'S PROJECT No. 411107), BEING MORE PARTICULARLY BOUNDDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE No. 5) AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY A DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS, AT PAGE 1115, SAID POINT BEING 547.89 FEET SOUTH OF THE MUNICIPALITY LINE BETWEEN THE CITY OF LACKAWANNA (ON THE SOUTH) AND THE CITY OF BUFFALO (TO THE NORTH) AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY;

THENCE ALONG A LINE S 16°-14'-01" W, A DISTANCE OF 2221.44 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NUMBER C915197C;

THENCE ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197C, N 71°-00'-00" E, A DISTANCE OF 750.72 FEET TO A POINT ON THE WEST LINE OF BCP SITE NUMBER C915197C; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NUMBER C915197C;

THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915197C, S 16°-41'-56" E, A DISTANCE OF 182.10 FEET TO A POINT;

THENCE CONTINUING ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915197C AND THE WESTERLY LINE OF BCP SITE NUMBER C915197D, S 17°-28'-19" E, A DISTANCE OF 400.91 FEET TO A POINT; SAID POINT ALSO BEING THE NORTHEAST CORNER OF BCP SITE NUMBER C915197C;

THENCE ALONG THE NORTH LINE OF BCP SITE NUMBER C915197C, S 71°-00'-00" W, A DISTANCE OF 745.90 FEET TO A POINT ON THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I, N 16°-22'-06" W, A DISTANCE OF 582.90 FEET TO THE POINT OF BEGINNING, CONTAINING 10.03 ACRES OF LAND, MORE OR LESS.

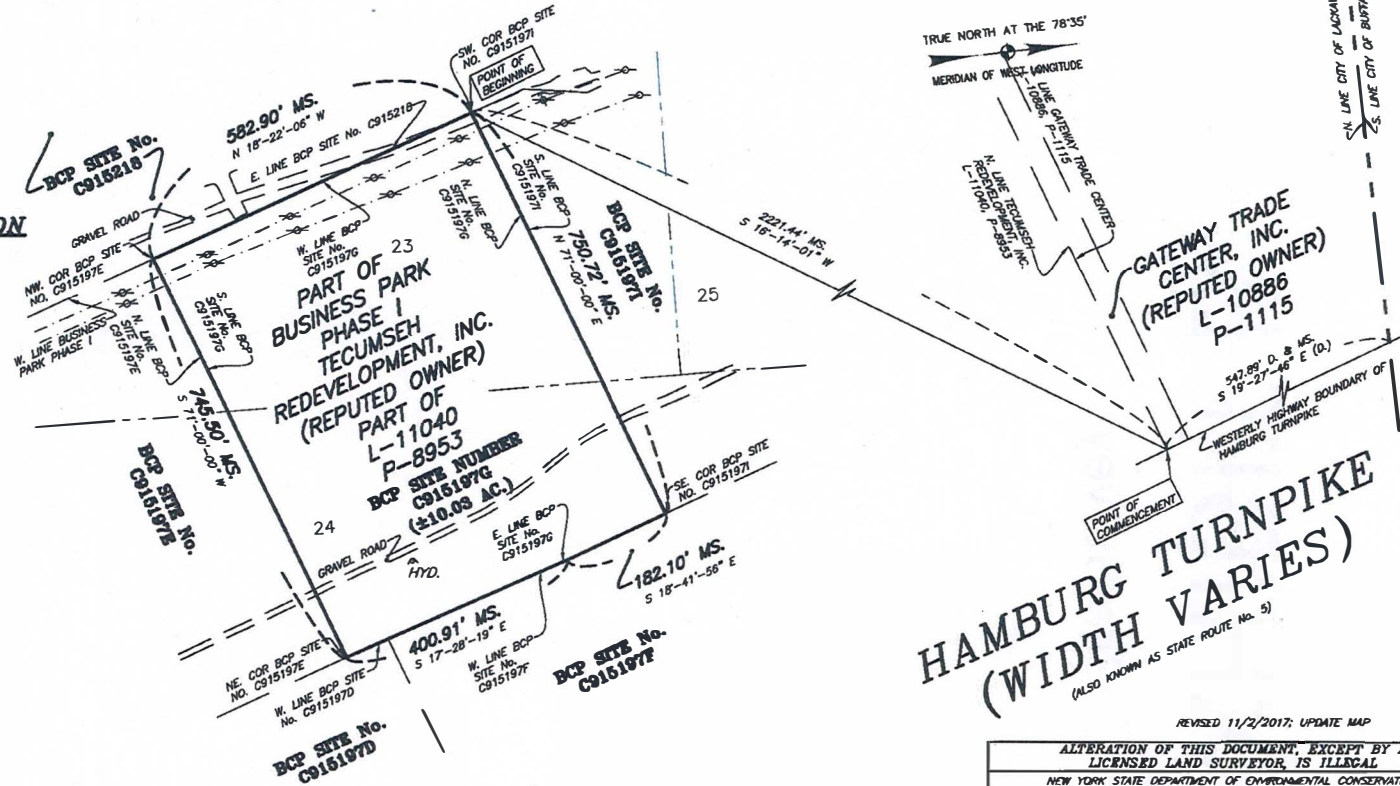
ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

MENDEL PROJECT NUMBER: 411107
 DRAWING NAME: PH1-7 C915197C.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.



REVISED 11/2/2017; UPDATE MAP

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT
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 WEBSITE: www.wendelcorporate.com
 Wendel WD Architecture, Engineering, Surveying and
 Landscape Architecture P.C.

MAP OF LANDS OF
 CENTIPEDE SUB-PARCELS SPRINGFIELD CLEAN-UP PROGRAM
 IN BUSINESS PARK PHASE I
 TO
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SITUATE IN PART OF LOT 23 & 24 OF THE OGDEN CORE TRACT,
 TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 T.M.#: PART OF 141.11-1-1.111

200' 100' 50' 0' 200' 400'
 1 INCH = 200 FEET
 1:2400

I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY
 OBLIGATION FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE
 STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF
 ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989.
 FIELD SURVEY COMPLETED JUNE 2015

CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 4/2/17

SHEET 1 of 1 CHECKED BY: CJS MAP NUMBER BCP SITE No. C915197C

NOTES:
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THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

ENVIRONMENTAL EASEMENT AREA ACCESS
 THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C9151971

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 23, 24 & 25 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C9151971, AS SHOWN ON A MAP OF "LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION", PREPARED BY WENDEL, MAY 2017, PROJECT NUMBER 411110 (BEING PART OF WENDEL'S PROJECT No. 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5) AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY A DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10086 OF DEEDS AT PAGE 11115, SAID POINT ALSO BEING 547.89 FEET SOUTH OF THE MUNICIPALITY LINE BETWEEN THE CITY OF LACKAWANNA (ON THE SOUTH), AND THE CITY OF BUFFALO (TO THE NORTH) AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY;

THENCE S 28°-35'-25" W, A DISTANCE OF 1714.75 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NO. C9151971;

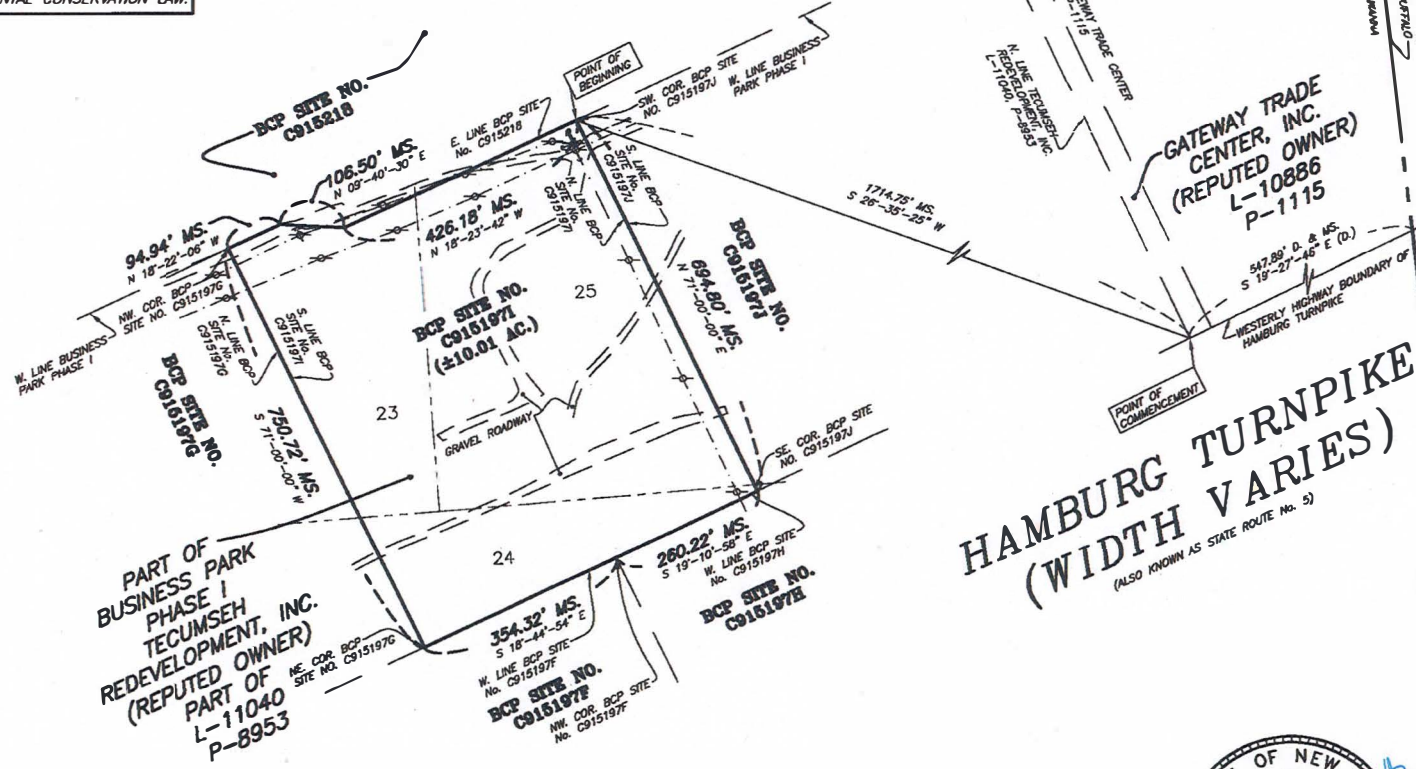
THENCE ALONG THE SOUTHERLY LINE OF BCP SITE NUMBER C9151971, N 71°-00'-00" E, A DISTANCE OF 694.80 FEET TO A POINT ON THE WESTERLY LINE OF BCP SITE NUMBER C9151971;

THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C9151971, S 19°-10'-58" E, A DISTANCE OF 280.22 FEET TO THE NORTHWEST CORNER OF BCP SITE NUMBER C9151971;

THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C9151971, S 18°-44'-54" E, A DISTANCE OF 364.32 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C9151971;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C9151971, S 71°-00'-00" W, A DISTANCE OF 750.72 FEET TO A POINT ON THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I;

THENCE ALONG THE SAID WESTERLY LINE OF BUSINESS PARK PHASE I THE FOLLOWING 3 COURSES AND DISTANCES:
 1. N 18°-22'-06" W, A DISTANCE OF 94.94 FEET TO A POINT;
 2. N 09°-40'-30" E, A DISTANCE OF 106.50 FEET TO A POINT;
 3. N 18°-23'-42" W, A DISTANCE OF 426.18 FEET TO THE POINT OF BEGINNING, CONTAINING 10.01 ACRES OF LAND, MORE OR LESS.



HAMBURG TURNPIKE (WIDTH VARIES)
 (ALSO KNOWN AS STATE ROUTE No. 5)



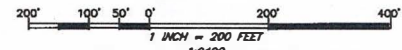
S. LINE CITY OF BUFFALO
 N. LINE CITY OF LACKAWANNA

REVISED 11/2/2017, UPDATE MAP

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL
 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT
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 Williamsville, New York 14221
 PHONE: 716.866.0788 FAX: 716.635.6826
 WEBSITE: www.wendelcompanies.com
 Wendel WD Architecture, Engineering, Surveying and
 Landscape Architecture P.C.

MAP OF LANDS OF
 BCA BOUNDARIES & PLANNED 538- PARCELS BROWNFIELD CLEAN-UP PROGRAM
 IN BUSINESS PARK PHASE I
 TO
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SITUATE IN PART OF LOTS 23, 24 & 25 OF THE OGDEN GORE TRACT,
 TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 T.M.#: PART OF 141.11-1-1.111



1:2400
 I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989.
 FIELD SURVEY COMPLETED JUNE 2017
 Christopher J. Scott
 CHRISTOPHER J. SCOTT, LAND SURVEYOR 050708 DATE 11/2/17



WENDEL PROJECT NUMBER: 411107
 DRAWING NAME: PH1-9 C9151971.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

SHEET 1 of 1 CHECKED BY: CJS MAP NUMBER: BCP SITE No. C9151971

NOTES:

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7203, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915197J

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 24 & 25 OF THE OGDEN GORE TRACT, AND PART OF LOT 38 OF THE BUFFALO CREEK RESERVATION, BEING BCP SITE NUMBER C915197J, AS SHOWN ON A MAP OF LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL, MAY 2017, PROJECT NUMBER 41110 (BEING PART OF WENDEL'S PROJECT No. 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY A DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115, SAID POINT BEING 547.89 FEET S 19°-27'-48" E FROM THE INTERSECTION OF THE SAID WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AND THE MUNICIPALITY LINE BETWEEN THE CITY OF LACKAWANNA (ON THE SOUTH), AND THE CITY OF BUFFALO (TO THE NORTH);

THENCE ALONG THE SOUTHERLY LINE OF LANDS CONVEYED TO THE SAID GATEWAY TRADE CENTER THE FOLLOWING 5 COURSES AND DISTANCES:

1. S 71°-12'-22" W, A DISTANCE OF 400.00 FEET TO A POINT;
2. S 18°-17'-53" E, A DISTANCE OF 700.00 FEET TO A POINT;
3. S 71°-12'-22" W, A DISTANCE OF 388.47 FEET TO A POINT;
4. S 18°-17'-53" E, A DISTANCE OF 314.71 FEET TO A POINT;
5. S 71°-42'-07" W, A DISTANCE OF 388.82 FEET TO THE NORTHWEST CORNER OF SAID BUSINESS PARK PHASE I;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I, S 18°-29'-44" E, A DISTANCE OF 199.75 FEET TO A POINT;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, N 71°-00'-00" E, A DISTANCE OF 143.37 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF BCP SITE NUMBER C915218 AND A POINT ON THE SOUTH LINE OF BCP SITE NUMBER C915197K;

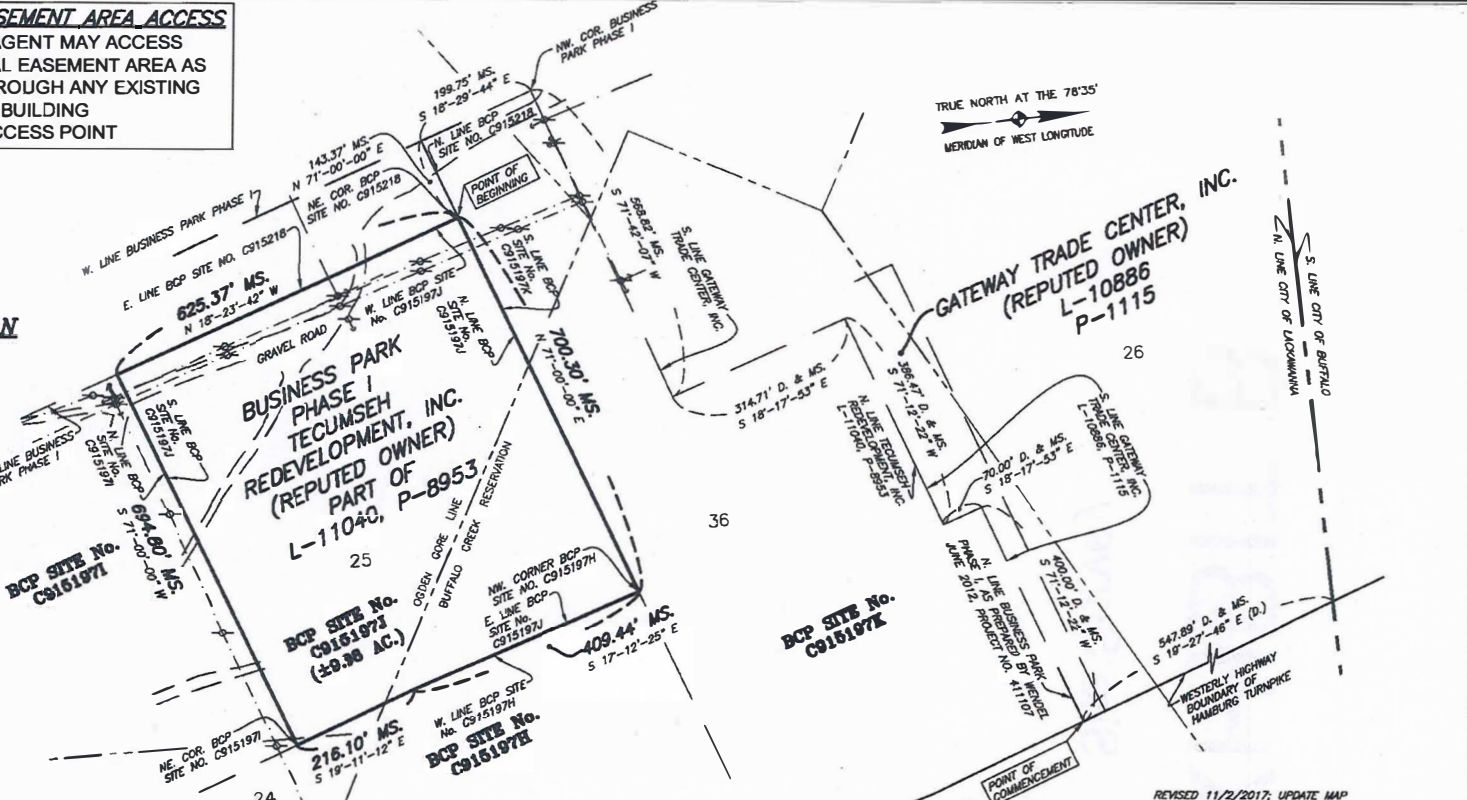
THENCE ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197K, N 71°-00'-00" E, A DISTANCE OF 694.80 FEET TO THE NORTHWEST CORNER OF BCP SITE NUMBER C915197H;

THENCE ALONG THE WESTERLY LINE OF BCP SITE C915197J, S 17°-12'-25" E, A DISTANCE OF 409.44 FEET TO A POINT;

THENCE CONTINUING ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915197H, S 19°-11'-12" E, A DISTANCE OF 216.10 FEET TO A POINT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF BCP SITE NUMBER C915197L;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915197L, S 71°-00'-00" W, A DISTANCE OF 694.80 FEET TO A POINT ON THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE I, N 18°-23'-42" W, A DISTANCE OF 625.37 FEET TO THE POINT OF BEGINNING, CONTAINING 9.58 ACRES OF LAND, MORE OR LESS.



WENDEL PROJECT NUMBER: 411107
DRAWING NAME: PH11-10 C915197J.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

HAMBURG TURNPIKE (WIDTH VARIES)
(ALSO KNOWN AS STATE ROUTE NO. 5)



REVISED 11/2/2017; UPDATE MAP

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT
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 Westhampton, New York 11981
 PHONE: 716.858.0718 FAX: 716.825.8825
 WEBSITE: www.wendelcompanies.com
 Wendel W/D Architecture, Engineering, Surveying and Landscape Architecture P.C.

MAP OF LANDS OF BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM IN BUSINESS PARK PHASE I

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SITUATE IN PART OF LOTS 24 & 25 OF THE OGDEN GORE TRACT, AND PART OF LOT 38 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK. T.M.#: PART OF 141.11-1-1.111

200' 100' 50' 0' 200' 400'
1 inch = 200 Feet

1:2400

I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989. FIELD SURVEY COMPLETED JUNE 2012.

Christopher J. Scott
 CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 11/7/17

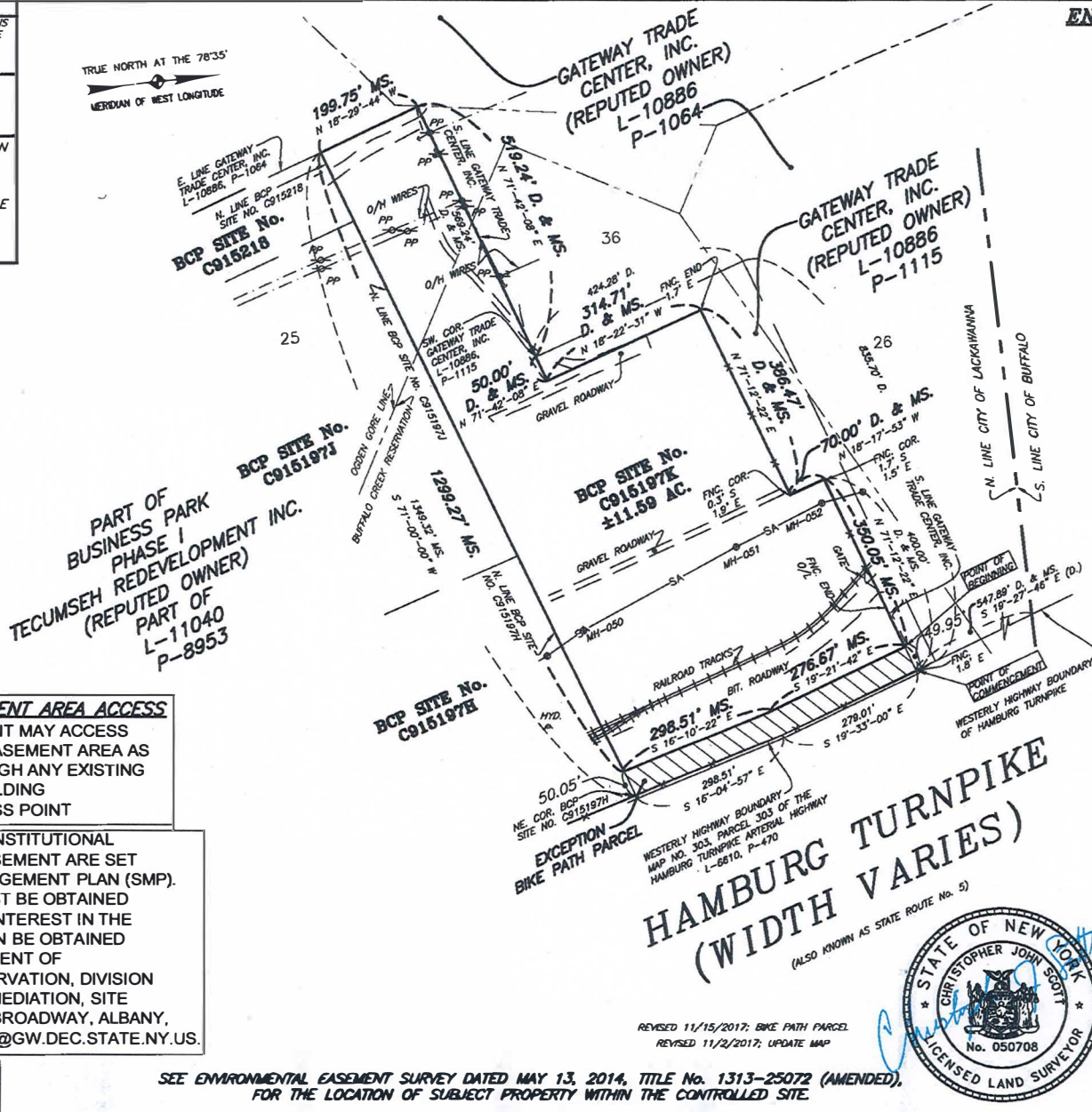
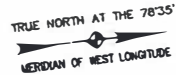
SHEET 1 of 1 CHECKED BY: CJS MAP NUMBER BCP SITE No. C915197J

NOTES:

—ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

—UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.



ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915197K

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 25 OF THE OGDEN GORE TRACT AND PART OF LOT 36 OF THE BUFFALO CREEK RESERVATION, BEING BCP SITE NUMBER C915197K, AS SHOWN ON A MAP OF LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL, MAY 2017, PROJECT NO. 411110 (BEING PART OF WENDEL'S PROJECT NO. 411107), BEING MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE 146) AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115;

THENCE ALONG THE SOUTHERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. S 71°-12'-22" W, A DISTANCE OF 48.95 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHWEST CORNER OF THE BIKE PATH PARCEL.

THENCE ALONG THE WESTERLY LINE OF SAID BIKE PATH PARCEL, S 19°-21'-42" E, A DISTANCE OF 276.67 FEET TO AN ANGLE POINT IN SAID LINE;

THENCE CONTINUING ALONG THE WESTERLY LINE OF THE SAID BIKE PATH PARCEL, S 16°-10'-22" E, A DISTANCE OF 288.51 FEET TO A POINT ON THE NORTH LINE OF BUSINESS PARK PHASE I, BCP SITE NUMBER C915197A;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBERS C915197A, C915197L AND C915218, S 71°-00'-00" W, A DISTANCE OF 1299.27 FEET TO A POINT ON THE EASTERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1064;

THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. THE FOLLOWING 2 COURSES AND DISTANCES:

1. N 18°-29'-44" W, A DISTANCE OF 199.75 FEET TO A POINT;
2. N 71°-42'-08" E, A DISTANCE OF 519.24 FEET TO THE SOUTHWEST CORNER OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115;

THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY SAID DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115 THE FOLLOWING 5 COURSES AND DISTANCES:

1. N 71°-42'-08" E, A DISTANCE OF 50.00 FEET TO A POINT;
2. N 18°-22'-31" W, A DISTANCE OF 314.71 FEET TO A POINT;
3. N 71°-12'-22" E, A DISTANCE OF 386.47 FEET TO A POINT;
4. N 18°-17'-53" W, A DISTANCE OF 70.00 FEET TO A POINT;
5. N 71°-12'-22" E, A DISTANCE OF 350.05 FEET TO THE POINT OF BEGINNING, CONTAINING 11.99 ACRES OF LAND, MORE OR LESS.

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

WENDEL PROJECT NUMBER: 411107
DRAWING NAME: PH1-11 C915197K.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

REVISED 11/15/2017; BIKE PATH PARCEL
REVISED 11/2/2017; UPDATE MAP

**HAMBURG TURNPIKE
(WIDTH VARIES)**
(ALSO KNOWN AS STATE ROUTE No. 5)

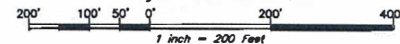


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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT
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Wendel W/O Architecture, Engineering, Surveying and
Landscaping Architecture P.C.

MAP OF LANDS OF
BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
IN BUSINESS PARK PHASE I

TO
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
SITUATE IN PART OF LOT 25 OF THE OGDEN GORE TRACT, AND LOT 36
OF THE BUFFALO CREEK RESERVATION,
TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
T.M.#: PART OF 141.11-1-1.111



1 INCH = 200 FEET
1:2400
I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY
DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE
STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION, SEPTEMBER, 1988.
FIELD SURVEY COMPLETED JUNE 2017.

Christopher J. Scott 11/6/17
CHRISTOPHER J. SCOTT, LAND SURVEYOR 050708 DATE
SHEET 1 of 1 CHECKED BY: CUS MAP NUMBER BCP SITE No. C915197K

APPENDIX 2

Cover Inspection Forms

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-1
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Utility construction activities on going. The construction activities are being overseen by C&S. To our knowledge all work is being conducted in accordance with the SMP and EWP.

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-3
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197C**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVENESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: Unacceptable _____ describe:

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-5
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197E**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-7
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197G**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-9
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197I**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Sewer and water line installation activities were completed on the east portion of the Site. To our knowledge the work was conducted on accordance with the SMP and EWP.

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

_____ Good, area with no vegetation was observed proximate the sewer and water line
_____ installation area. To our knowledge the construction activities were conducted in
_____ accordance with the SMP and EWP and the vegetative cover will be reestablished.

SITE COVER EFFECTIVNESS: As Intended or Needs Repair

_____ As Intended

3. General site conditions at the time of the inspection:

Acceptable: Unacceptable _____ describe:

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-10
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197J**

Date: April 18, 2023

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP

2. An evaluation of the condition and continued effectiveness of the ECs:

SITE COVER CONDITION: Good, Fair, or Poor

Good

SITE COVER EFFECTIVNESS: As Intended or Needs Repair

As Intended

3. General site conditions at the time of the inspection:

Acceptable: Unacceptable: describe:

Annual Site Inspection Form

**Former Bethlehem Steel Business Park Area 1 – Site I-11
2303 Hamburg Turnpike, Lackawanna, New York
NYSDEC Site No. C915197K**

Date: April 18, 2024

Inspector: Carly Repka

Weather: 45° F, Overcast

1. Compliance with all ICs, including site usage:

SITE USAGE: Use of the Site is limited to Commercial & Industrial Uses. Indicate if any other type of use is occurring at the Site.

Undeveloped

GROUNDWATER USAGE: Use of groundwater underlying the Site is prohibited without treatment. Indicate whether groundwater use is occurring at the Site along with any treatment measures being applied.

Groundwater is not used

COMPLIANCE WITH SMP: List Site activities and indicate compliance or non-compliance with SMP.

Site is in compliance with SMP

APPENDIX 3

Photographs



I-1 facing east



I-1 facing north



I-1 water storage



I-1 facing south



I-1 facing west



I-1 hole/tree



I-3 facing south



I-3 facing south



I-3 facing south



I-3 facing north



I-3 facing east



I-5 facing east



I-5 facing west



I-5 facing south



I-7 facing east



I-7 facing southwest



I-7 facing northwest



I-9 facing northeast



I-9 facing west



I-9 facing west
Disturbed area due to water/sewer line installation



I-10 facing north



I-10 facing west



I-10 facing north



I-10 facing south



I-11 facing northeast



I-11 hole



I-11 facing north

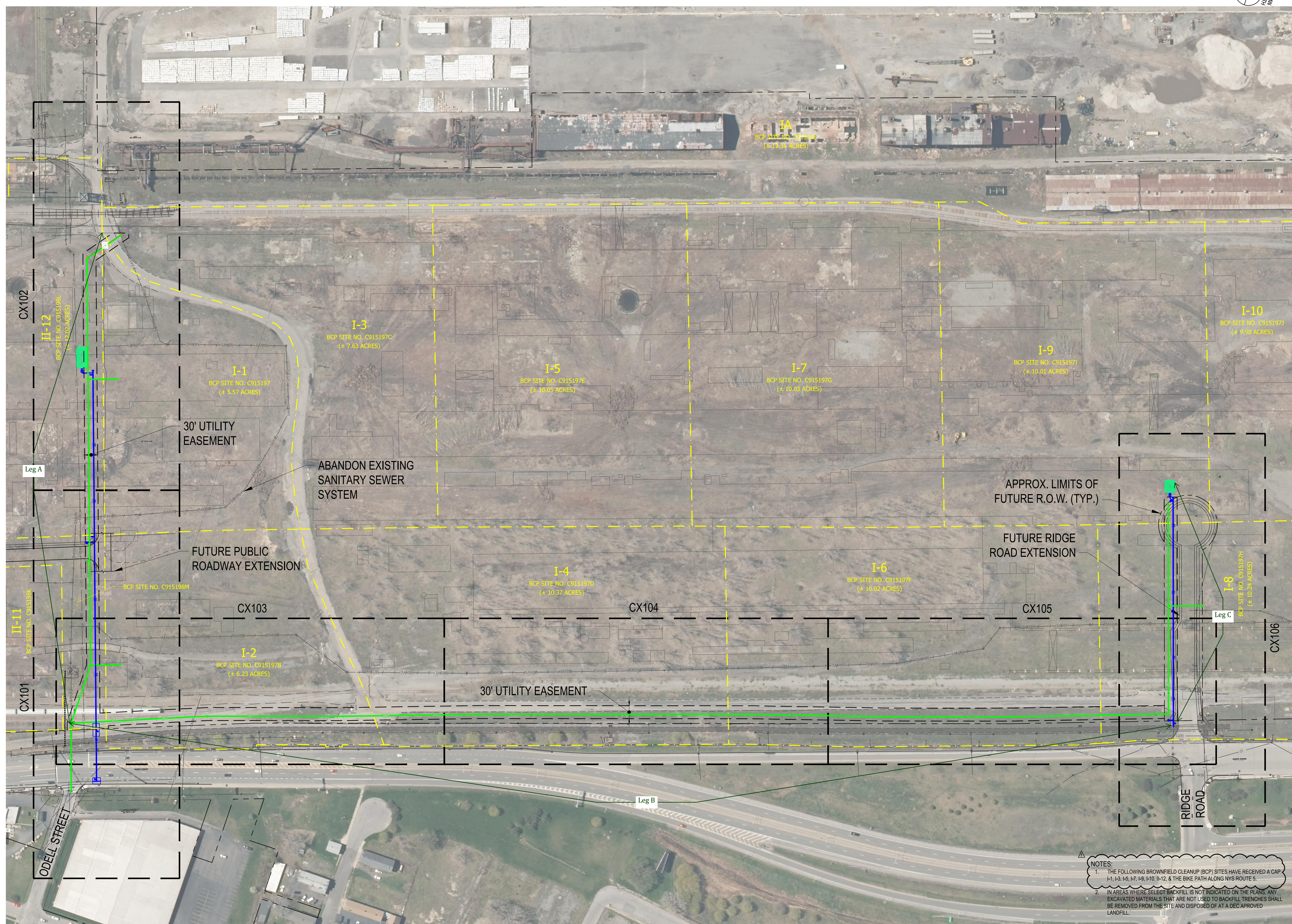


Hole on I-11 filled in

APPENDIX 4

Water and Sewer Extension Project Figure

Mar 31, 2023 - 2:02pm
 F:\Project\135F - Erie County LDC\135F001001 - Bethlehem Water & Sewer\Design\CADD\Sheet Files\135F001001_C1001.dwg



C&S Engineers, Inc.
 141 Elm Street, Suite 100
 Buffalo, New York 14203
 Phone: 716-847-1630
 Fax: 716-847-1454
 www.cscos.com

**FORMER BETHLEHEM STEEL
 PUBLIC SANITARY SEWER AND
 WATER LINE EXTENSIONS
 LACKAWANNA, NY**

MARK	DATE	DESCRIPTION
△	01/27/2023	ROAD B COORDINATION & RFI
△	08/28/2022	ADDENDUM #1

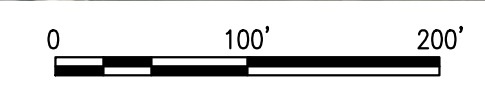
REVISIONS	
EDA PROJECT NO:	01-79-15063
C&S PROJECT NO:	135F.001.001
DATE:	JULY 27, 2022
DRAWN BY:	MRO
DESIGNED BY:	MRO
CHECKED BY:	VJO

NO ALTERATION PERMITTED HEREON
 EXCEPT AS PROVIDED UNDER SECTION
 7209 SUBDIVISION 2 OF THE NEW YORK
 EDUCATION LAW

OVERALL PLAN

C1001

- NOTES:**
- THE FOLLOWING BROWNFIELD CLEANUP (BCP) SITES HAVE RECEIVED A CAP: I-1, I-3, I-5, I-7, I-9, I-10, II-12, & THE BIKE PATH ALONG NYS ROUTE 5.
 - IN AREAS WHERE SELECT BACKFILL IS NOT INDICATED ON THE PLANS, ANY EXCAVATED MATERIALS THAT ARE NOT USED TO BACKFILL TRENCHES SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT A DEC APPROVED LANDFILL.



APPENDIX 5

**Site Management Periodic Review Report Notice-Institutional and
Engineering Controls Certification Forms**



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Site No. **C915197**

Box 1

Site Name **Site I-1 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
 City/Town: Lackawanna
 County: Erie
 Site Acreage: 5.570

Reporting Period: April 28, 2023 to April 28, 2024

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

 Signature of Owner, Remedial Party or Designated Representative

 Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

YES NO

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control

Portion of 141.11-1-52

Buffalo & Erie Co. ILDC

Ground Water Use Restriction
Monitoring Plan
Site Management Plan

Landuse Restriction
Soil Management Plan
IC/EC Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control

Portion of 141.11-1-52

Cover System

Engineering Control Description:

BUD Slag Cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellina at 95 Perry St. Buffalo, NY 14203,
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellina
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/22/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C915197C		
Site Name Site I-3 Tecumseh Phase I Business Park			
Site Address: 2303 Hamburg Turnpike		Zip Code: 14218	
City/Town: Lackawanna			
County: Erie			
Site Acreage: 7.630			
Reporting Period: April 28, 2023 to April 28, 2024			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

 YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

 YES NO

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197C**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

IC/EC Plan
Soil Management Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

BUD Slag cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197C

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/29/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Site No. **C915197E**

Box 1

Site Name **Site I-5 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
 City/Town: Lackawanna
 County: Erie
 Site Acreage: 10.050

Reporting Period: April 28, 2023 to April 28, 2024

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

 Signature of Owner, Remedial Party or Designated Representative

 Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197E**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197E

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/29/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C915197G		
Site Name Site I-7 Tecumseh Phase I Business Park			
Site Address: 2303 Hamburg Turnpike		Zip Code: 14218	
City/Town: Lackawanna			
County: Erie			
Site Acreage: 10.030			
Reporting Period: April 28, 2023 to April 28, 2024			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197G

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

Portion of 141.11-1-52

Buffalo & Erie Co. ILDC

Soil Management Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4

Description of Engineering Controls

Parcel

Engineering Control

Portion of 141.11-1-52

Cover System

Engineering Control Description:

Soil cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197G

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/29/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Site No. **C9151971**

Box 1

Site Name **Site I-9 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
 City/Town: Lackawanna
 County: Erie
 Site Acreage: 10.010

Reporting Period: April 28, 2023 to April 28, 2024

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

 Signature of Owner, Remedial Party or Designated Representative

 Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197I**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
Monitoring Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C9151971

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo NY 14203
print name print business address

am certifying as owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/28/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C915197J		
Site Name Site I-10 Tecumseh Phase I Business Park			
Site Address: 2303 Hamburg Turnpike		Zip Code: 14218	
City/Town: Lackawanna			
County: Erie			
Site Acreage: 9.980			
Reporting Period: April 28, 2023 to April 28, 2024			
		YES	NO
1.	Is the information above correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Commercial and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197J

Box 3

Description of Institutional Controls

Parcel

Owner

Institutional Control

Portion of 141.11-1-52

Buffalo & Erie Co. ILDC

Soil Management Plan
Monitoring Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4

Description of Engineering Controls

Parcel

Engineering Control

Portion of 141.11-1-52

Cover System

Engineering Control Description:

Soil cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197J

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/29/24
Date



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Site No. **C915197K**

Box 1

Site Name **Site I-11 Tecumseh Phase I Business Park**

Site Address: 2303 Hamburg Turnpike Zip Code: 14218
City/Town: Lackawanna
County: Erie
Site Acreage: 11.590

Reporting Period: April 28, 2023 to April 28, 2024

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If NO, include handwritten above or on a separate sheet. | | |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form. | | |
| 5. Is the site currently undergoing development? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915197K**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**Portion of 141.11-1-52**

Buffalo & Erie Co. ILDC

Soil Management Plan
Monitoring Plan
IC/EC Plan
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Institutional Control Description:

Adherence to Site Management Plan (SMP)
Restriction to commercial re-use
Prohibition of groundwater use
Allowance for Departmental access
Requires a Periodic Review and Report

Box 4**Description of Engineering Controls**ParcelEngineering Control**Portion of 141.11-1-52**

Cover System

Engineering Control Description:

Soil cover, over 5 acres

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I ANDREW BENKLEMAN at LABELLA ASSOCIATES,
300 PEARL ST. BUFFALO, NY 14202,
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)


Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/11/24
Date

IC CERTIFICATIONS
SITE NO. C915197K

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cappellino at 95 Perry St. Buffalo, NY 14203
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

John Cappellino
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/29/24
Date