# Brownfield Cleanup Program Application

# for Phase II Business Park Area

Tecumseh Redevelopment, Inc. Lackawanna, New York

June 2005

0071-006-100

Prepared By:





### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



### BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27, TITLE 14

9/3/04

| Applicant Information  |   |   |  |  |  |  |
|--|---|---|--|--|--|--|
| NAME Tecumseh Redevelopment, Inc   | c. (Keith A. Nagel, Ger   | neral Manager)  |  |  |  |  |
| ADDRESS 4020 Kinross Lakes Parkway   |   |   |  |  |  |  |
| CITY/TOWN Richfield, Ohio  |   | ZIP CODE 4428   | 36   |  |  |  |
| PHONE 330-659-9165 FAX 330-659-7434 E-MAIL knagel@intlsteel.com  |   |   |  |  |  |  |
| NAME OF APPLICANT'S REPRESENTATIVE   | TurnKey Environme   | ental Restoration, LLC (Pa  | aul H. Werthman, P.E., Site Manager)   |  |  |  |
| ADDRESS Suite 624, 726 Exchange Str  | eet   |   |  |  |  |  |
| CITY/TOWN Buffalo, NY  |   | ZIP CODE 142  | 10   |  |  |  |
| PHONE 716-856-0599   | FAX 716-856-0583  |   | E-MAIL pwerthman@benchmarkees.com  |  |  |  |
| THE APPLICANT MUST CERTIFY THAT IT IS ONE OF THE BOXES BELOW:  PARTICIPANT An applicant who either 1) was the owner of the sit of hazardous waste or discharge of petroleum or responsible for the contamination, unless the liabil of ownership, operation of, or involvement with disposal of hazardous waste or discharge of petrol   | e at the time of the disposal<br>r 2) is otherwise a person<br>lity arises solely as a result<br>the site subsequent to the | VOLUNTEER  An applicant other than a par solely as a result of ownership, the disposal of hazardous was NOTE: By checking this be appropriate care with respect reasonable steps to: i) stop an | ox, the applicant certifies that he/she has exercised<br>to the hazardous waste found at the facility by taking<br>y continuing discharge; ii) prevent any threatened future<br>nit human, environmental, or natural resource exposure |  |  |  |
| Applicant Relationship to Property (check one):  Previous Owner Current Owner  | ☐ Potential /Future Pu  | rchaser  Other  |  |  |  |  |
| MARINE STATE OF THE PARTY OF TH | THE PROPERTY OF   |   | NEW YORK   |  |  |  |
| Current Owner/Operator Infor   | mation  | CHEST NO. 10 P. LEWIS CO., LANSING  |  |  |  |  |
| OWNER'S NAME (if different from applicant)   |   |   |  |  |  |  |
| ADDRESS  |   | ZIB CODE  |  |  |  |  |
| PHONE PHONE  | FAX   | ZIP CODE  | E-MAIL   |  |  |  |
|  |   |   |  |  |  |  |
| OPERATOR'S NAME (if different from applica   | TurnKey Environn  | nental Restoration, LLC (   | Paul H. Werthman, P.E., Site Manager)  |  |  |  |
| ADDRESS Same as above  |   |   |  |  |  |  |
| CITY/TOWN Same as above  |   | ZIP CODE 142  | 10   |  |  |  |
| PHONE 716-856-0599   | FAX 716-856-0583  |   | E-MAIL pwerthman@benchmarkees.com  |  |  |  |

| Site Information  | BON S                        |   |
|---|------------------------------|---|
| SITE NAME Tecumseh Redevelopment, Inc. Lackawanna - Phase II Business Park Parcel   |                              |   |
| SITE ADDRESS 1951 Hamburg Turnpike CITY/TOWN Lackawanna ZIP CODE 1  | 14218                        |   |
| COUNTY Erie SITE SIZE (ACRES) 173   |                              |   |
| LATITUDE (degrees/minutes/seconds) 42° 48' 58.6" LONGITUDE (degrees/minutes/seconds) 78° 51'  |                              | 16.4"   |
| PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE   | LOCATIO                      | N AND   |
| BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.  1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS?  IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.  | $\square_{\text{YES}}$       | ✓ NO  |
| 2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME)  | □YES                         | <b>∠</b> NO   |
| IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? FOR MORE INFORMATION GO TO: http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp  | <b>☑</b> YES                 | □NO   |
| IF YES, IDENTIFY AREA (NAME)Census Tract 012200, Vacant   |                              |   |
| Applicant Eligibility Information (Please refer to ECL § 27-1407)   |                              |   |
| ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE?      IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?      HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27?      HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?      HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS | ✓YES  □YES  □YES  □YES  □YES | □ <sub>NO</sub> □ <sub>NO</sub> □ <sub>NO</sub> □ <sub>NO</sub> |
| WASTE OR PETROLEUM?  6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION?  | □YES                         | $\mathbf{Z}_{NO}$   |
| 7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT?  | $\square_{\text{YES}}$       | $\mathbf{Z}_{\mathrm{NO}}$                                      |
| 8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION?  | □YES                         | <b>⊠</b> NO   |
| Site Eligibility Information (Please refer to ECL § 27-1405)  |                              |   |
| DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?  | <b>☑</b> YES                 | $\square_{\mathrm{NO}}$   |
| 2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?  | □YES                         | Ø <sub>NO</sub>   |
| 3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES?  IF YES, PLEASE PROVIDE: SITE # CLASS #   | □YES                         | ✓NO   |
| 4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUŞ FACILITY?  | □YES                         | NO  |
| 5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10?   | □YES                         | ✓NO   |
| 6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM?  | □YES                         | ■NO   |
| Project Description   |                              |   |
| PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:   |                              |   |
| PURPOSE AND SCOPE OF THE PROJECT     ESTIMATED PROJECT SCHEDULE   |                              |   |

| Site's Environmental History  |   |   |  |  |  |  |  |  |  |
|---|---|---|--|--|--|--|--|--|--|
| TO THE EXTENT THAT EXISTING FOLLOWING:  1. ENVIRONMENTAL DATA A PHASE I ENVIRONMENTAL and Materials: Standard Practice I REPORTS RELATED TO CONT IF A FINAL INVESTIGATION I | SITE ASSESSMENT<br>for Environmental Site A   | REPORT PREPARED IN<br>Assessments: Phase I Env<br>EMANATING FROM TH | N ACCORDANCE WITH<br>vironmental Site Assessme<br>HE SITE. | ASTM E 1527 (Ameri<br>nt Process), AND ALL | can Society for Testing<br>ENVIRONMENTAL |  |  |  |  |
| RELATIONSHIP, IF ANY, TO E  3. OPERATORS A LIST OF PREVIOUS OPERATORS   | 2. OWNERS A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").  3. OPERATORS A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").  |   |  |  |  |  |  |  |  |
| Contact List Informatio   | n   |   |  |  |  |  |  |  |  |
| PLEASE ATTACH, AT A MINIMU.  1. THE CHIEF EXECUTIVE OFFICE SITE IS LOCATED.   |   |   |  | TY, TOWN AND VILI                          | AGE IN WHICH THE                         |  |  |  |  |
| 3. LOCAL NEWS MEDIA FROM V 4. THE PUBLIC WATER SUPPLIE 5. ANY PERSON WHO HAS REQ 6. THE ADMINISTRATOR OF AN   | <ol> <li>RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.</li> <li>LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.</li> <li>THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.</li> <li>ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.</li> <li>THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.</li> <li>THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)</li> </ol> |   |  |  |  |  |  |  |  |
| Contaminant Informati   | ion   |   |  |  |  |  |  |  |  |
| INDICATE KNOWN OR SUSPECT   | ED CONTAMINANTS   | AND THE MEDIA WE  | IICH ARE KNOWN OR S  | SUSPECTED TO HAV                           | E BEEN AFFECTED:                         |  |  |  |  |
| Contaminant Category  | Soil  | Groundwater   | Surface Water  | Sediment                                   | Soil Gas                                 |  |  |  |  |
| Petroleum   | ~   | ~   |  |  |  |  |  |  |  |
| Chlorinated Solvents  |   |   |  |  |  |  |  |  |  |
| Other VOCs  |   |   |  |  |  |  |  |  |  |
| SVOCs   | ~   |   |  |  |  |  |  |  |  |
| Metals  | ~   |   |  |  |  |  |  |  |  |
| Pesticides  |   |   |  |  |  |  |  |  |  |
| PCBs  | ~   |   |  |  |  |  |  |  |  |
| Other*  |   |   |  |  |  |  |  |  |  |
| *Please describe:   |   |   |  |  |  |  |  |  |  |
| Land Use Factors (Plea  | se refer to ECI   |   |  | A STANIE                                   |  |  |  |  |  |
| Current Use: ☐ Residential  | □ Commercial □  |   | ner_Census Tract 012                                       |  | 9.2                                      |  |  |  |  |
| Future Use:   | ☑ Commercial  | ☑ Industrial ☑ Ot   | her_Potential Bike Pa                                      | ath Along Rt 5                             |  |  |  |  |  |
| Please check the appropriate b  | poxes and provide   | an explanation as an  | attachment if approp                                       | oriate.                                    | Yes No Unknown                           |  |  |  |  |
| 1.Do current historical and/or  | recent developmen   | nt patterns support th  | ne proposed use?   | A.   |  |  |  |  |  |
| 2. Is the proposed use consiste   | ent with applicable   | zoning laws/maps?   |  |  |  |  |  |  |  |
| × 1   |   |   |  |  |  |  |  |  |  |

| 3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)  |              |                   |                   |
|--|--------------|-------------------|-------------------|
| 3. Is the proposed use consistent with approache brownined opportunity area designations. (See Girls 270-1)  |              | ♂                 |                   |
| 4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?   | Ø            |                   |                   |
| 5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).   |              | Ø                 |                   |
| 6. Are there any federal or State land use designations relating to this site?   |              | Ø                 |                   |
| 7. Do the population growth patterns and projections support the proposed use?   | EZ)          |                   |                   |
| 8. Is the site accessible to existing infrastructure?  | Ø            |                   |                   |
| 9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?   |              | ₩.                | ם                 |
| 10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?  | Ø            |                   |                   |
| 11. Are there floodplains proximate to the site?   | Ø            |                   |                   |
| 12. Are there any institutional controls currently applicable to the site?   | Ø            |                   | 0                 |
| 13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commagricultural, and recreational areas.  | nercia       | l, indu           | strial,           |
| 14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from proximity to wellhead protection and groundwater recharge areas.  | the s        | ite, inc          | cluding           |
| 15. Describe on attachment the geography and geology of the site.  |              |                   |                   |
| (Note: the 16th criteria relates to comments from the public, which would not be received at the time of applications and the state of the criteria relates to comments from the public, which would not be received at the time of applications and the criteria relates to comments from the public, which would not be received at the time of applications and the criteria relates to comments from the public, which would not be received at the time of applications and the criteria relates to comments from the public, which would not be received at the time of applications and the criteria relates to comments from the public and the criteria relates to comments from the public and the criteria relates to comments from the public and the criteria relates to comments from the public and the criteria relates to comments from the public and the criteria relates to comments from the public and the criteria relates to t | ion)         |                   |                   |
| (Note: the 16 <sup>th</sup> criteria relates to comments from the public, which would not be received at the time of applicate (By applicant who is an individual)  I hereby affirm that information provided on this form and its attachments is true and complete to the best of my belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to se Penal Law.  Date: Signature: Print Name:   | y knov       | wledg<br>210.4    | e and<br>S of the |
| (By applicant who is an individual) I hereby affirm that information provided on this form and its attachments is true and complete to the best of my belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to se Penal Law.   | y knovection | 210.4             | on this           |
| (By applicant who is an individual)  I hereby affirm that information provided on this form and its attachments is true and complete to the best of my belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to se Penal Law.  Date: Signature: Print Name:  (By an applicant other than an individual)  I certify that I am Gen. Mer (title) of TecunseH (entity); that I am authorized by that entity to application; that this application was prepared by me or under my supervision and direction; and that informatic form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.   | y know       | this ovided ement | on this made      |

### NY State Department of Environmental Conservation

### **Brownfield Cleanup Program Application**

### Tecumseh Redevelopment, Inc. Lackawanna - Phase II Parcel

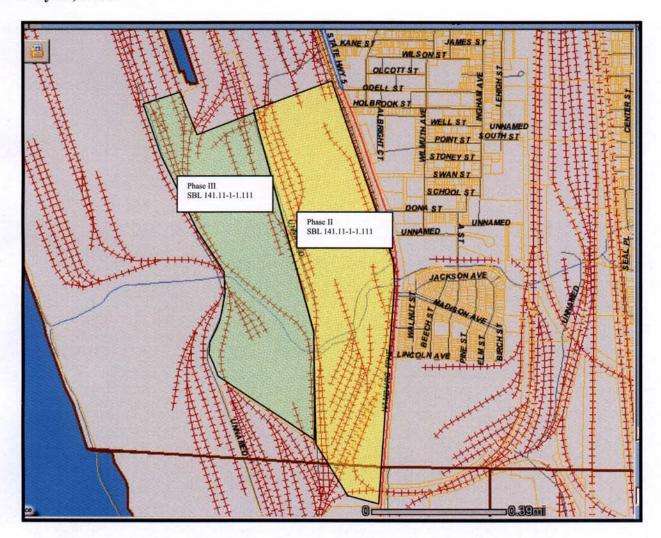
### List of Application Attachments

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

TAX MAP, QUADRANGLE MAP, PLANNED REDEVELOPMENT MASTER PLAN MAP

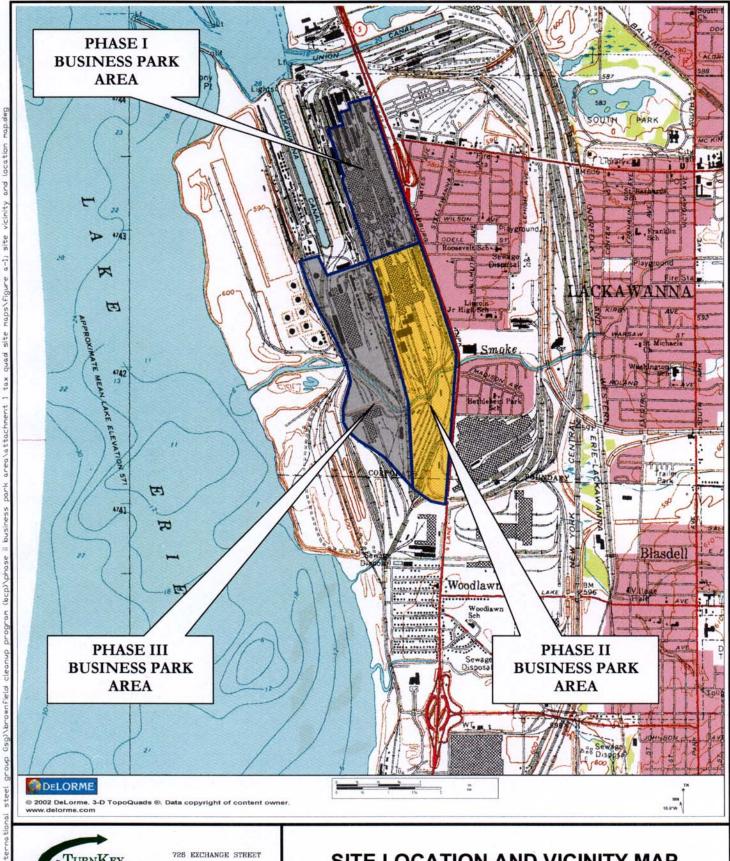


Attachment 1
Tax Map of Phase II/III and surrounding land
SBL Number shown on parcels (same as SBL for entire BSC Site)
May 16, 2005





### **FIGURE A-1**





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

PROJECT NO .: 0071-006-100

DATE: JUNE 2005

DRAFTED BY: BCH

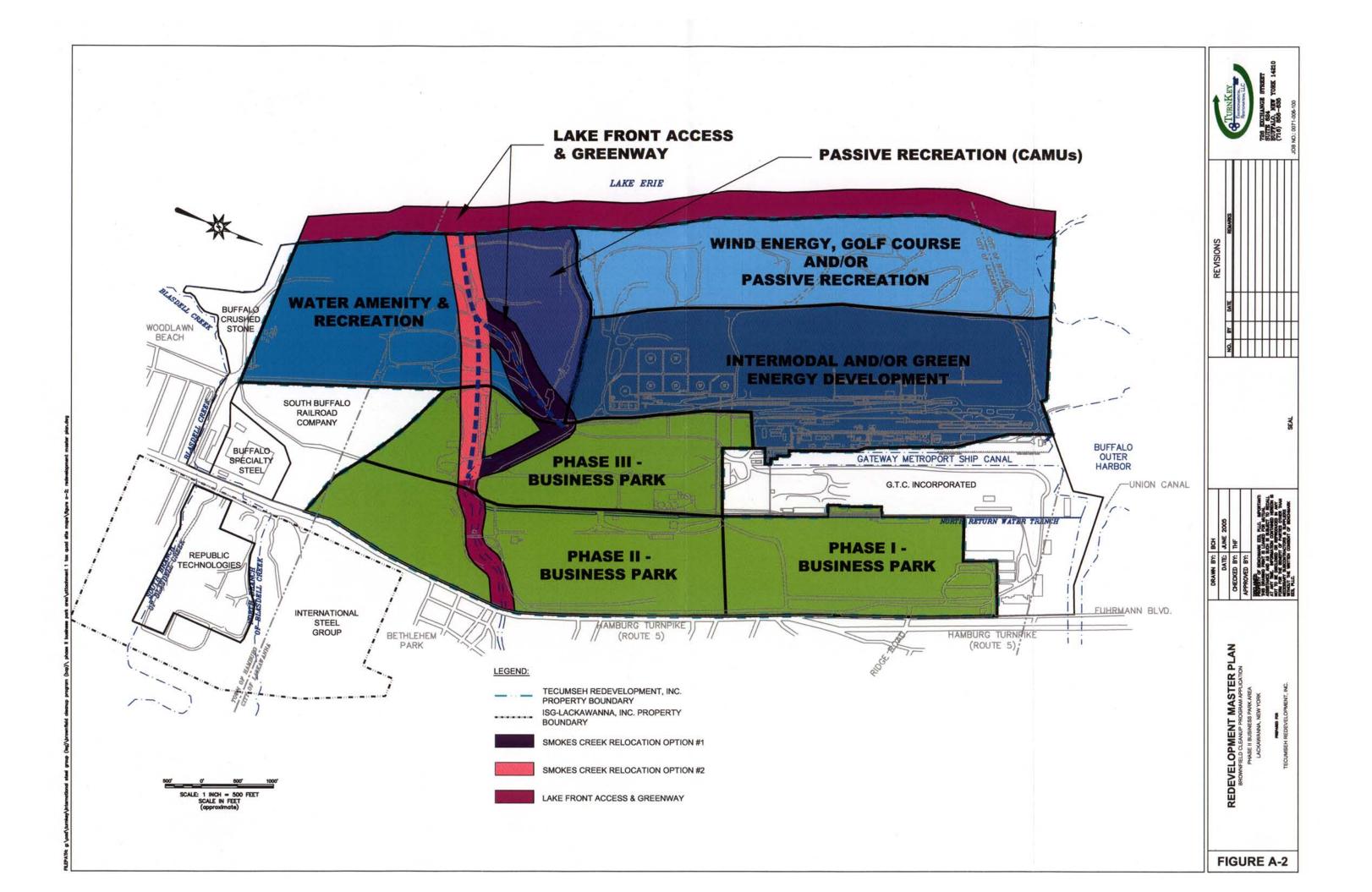
### SITE LOCATION AND VICINITY MAP

**BROWNFIELD CLEANUP PROGRAM APPLICATION** 

PHASE II BUSINESS PARK AREA LACKAWANNA, NEW YORK

PREPARED FOR

TECUMSEH REDEVELOPMENT, INC.



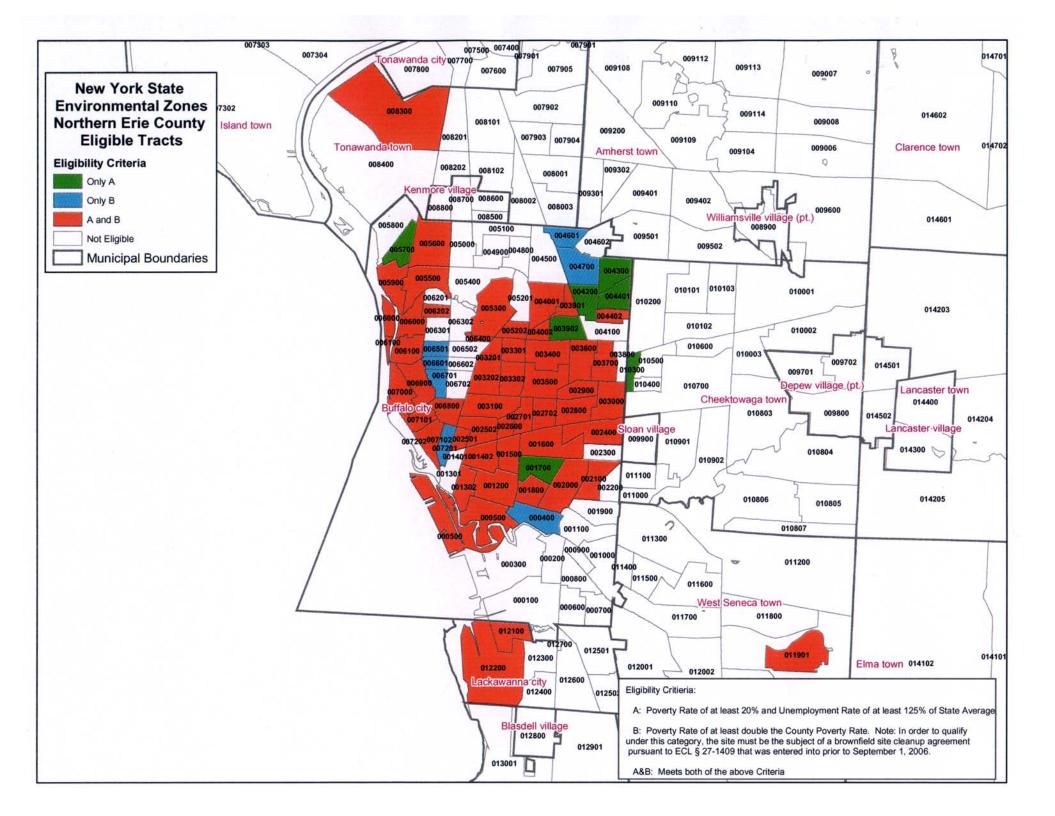
METES AND BOUNDS DESCRIPTION



A Metes & Bounds description for the approximate 173-acre Phase II business Park Area is being prepared and will be submitted to the New York State Department of Environmental Conservation under separate cover.

**EN-ZONE CENSUS DESIGNATION MAP** 





PROJECT DESCRIPTION AND SCHEDULE



# Tecumseh Redevelopment, Inc. Phase II Business Park Parcel Brownfield Cleanup Program Application

#### **Project Description and Schedule**

#### Background

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

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

This Brownfield Cleanup Program (BCP) Application is specific to the 173-acre Phase II Business Park area. A separate application has been prepared and submitted for Phase I and III of the Business Park.

#### Known and Suspected Environmental Conditions

The subject 173-acre Phase II Business Park Area was formerly used to house a portion of BSC's steel making operations. Specific processes and steel making facilities performed on or proximate to the Phase II Business Park Area parcel included:

- Open Hearth furnaces
- Basic Oxygen Furnace
- Blooming Mill
- Sinter Plant
- Finishing Mills
- Mould Warming

- Rail Servicing
- Electrical Substations
- Wastewater Treatment Plants
- Structural Shipping Yard
- Oxygen Plant
- Roll Shop

Twenty SWMUs (i.e., P-17, P-19 through P-32, and P-38 through P-42) were identified on the subject 301-acre area during the RCRA Facility Assessment (RFA) that preceded the RFI. BSC performed assessments for all twenty of these SWMUs. Based on the assessment findings, USEPA Region II issued "No Further Assessment" designations for these SWMUs between 1990 and 1992.

A Phase I Environmental Site Assessment (ESA) was completed for an approximate 200-acre portion of the Site by BSC and the Erie County Department of Environment and Planning in 2002. The parcel was at that time designated as the "200-Acre Brownfield Redevelopment Site." The ESA is included as Attachment 5 of the BCP application. The results of the assessment indicated several potential environmental conditions based on historic site uses, adjacent site uses, and field observations. These include:

- The likely impact of surface soils by base-neutral semi-volatile organic compounds (SVOCs) associated with oils, greases, and fuels associated with the operation of locomotive engines, steel mills, petroleum bulk storage and other historic steel manufacturing operations. Portions of the subject parcel exhibit visible petroleum staining at the ground surface and on concrete slabs. In addition, a spill area in the southern portion of the property (South Linde Area NYSDEC Spill #9607786) is presently undergoing cleanup via oil and groundwater recovery to remove floating product from the groundwater table.
- The potential impact of surface and subsurface soils by metals associated with steel manufacturing operations.
- The potential for discrete areas of the parcel to exhibit surface and subsurface soil impacts by PCBs associated with former substations, railyards and a hydraulic pump house.
- Potential soil and groundwater impacts from volatile organic compounds associated with gasoline storage in discrete onsite areas, and historic off-site gasoline releases upgradient of the property.

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

#### Schedule

A proposed Project Schedule is attached.

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



| ID | Taal Ni   | 2005            | In In I.      | N                 | 2006             | In In In I       |   | 20          | 07          |             |             |           | 2008      | 7-1-1     |         |
|----|---|-----------------|---------------|-------------------|------------------|------------------|---|-------------|-------------|-------------|-------------|-----------|-----------|-----------|---------|
| 1  | Task Name  BCP Pre-Application Meeting          | May Jun Jul Aug | Sep Oct Nov I | Dec Jan Feb Mar A | pr May Jun Jul A | ug Sep Oct Nov D | ec Jan Feb Mar                          | Apr May Jun | Jul Aug Sep | Oct Nov Dec | Jan Feb Mai | Apr May J | un Jul Au | g Sep Oct | Nov De  |
| 2  | Submit Final Application                        |                 |               |                   |                  |                  |   |             |             |             |             |           |           | . į į     |         |
| 2  |   |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 3  | NYSDEC Application Review, Comments             |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 4  | NYSDEC/EPA Review & Approval of RFI             |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 5  | Application Revisions                           |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           | ļ.,ļ.,  |
| 6  | Advertise BCP Appln, Distribute Fact Sheet      |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           | <u></u> |
| 7  | Public Comment Period                           |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 8  | BC Agreement Issued                             |                 |               | <b>A</b>          |                  |                  |   |             |             |             |             |           |           |           |         |
| 9  | BC Agreement Reviewed/Executed                  |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 10 | Develop RI Work Plan                            |                 |               | Ė                 |                  |                  |   |             |             | 1           |             |           |           |           |         |
| 11 | NYSDEC Work Plan Review/Revisions               |                 |               |                   |                  |                  |   |             |             |             |             |           | 4 4       |           |         |
| 12 | Advertise RI Work Plan, Distribute Fact Sheet   |                 |               |                   |                  |                  |   |             |             |             |             |           | 1         |           |         |
| 13 | Public Comment Period                           |                 |               |                   |                  | 1                |   |             |             |             |             |           |           |           |         |
| 14 | Soil Sampling & Analysis                        |                 |               |                   |                  |                  | *************************************** |             |             |             |             |           |           |           |         |
| 15 | Groundwater Well Installation & Development     |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 16 | Initial Well Sampling & Analysis                |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 17 | Soil & Groundwater Data Review & Validation     |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 18 | Data Summary/Interpretation                     |                 |               |                   |                  |                  |   |             |             | )           |             |           |           |           |         |
| 19 | Draft RI Report Preparation                     |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 20 | NYSDEC RI Report Review/Revisions               |                 |               |                   |                  |                  |   | 1           |             |             |             |           |           |           | ļ       |
| 21 | RI Report Fact Sheet Issued                     |                 |               |                   |                  |                  |   | <u> </u>    |             |             |             |           |           |           | ļ       |
| 22 | Public Comment Period                           |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 23 | Prepare RD Report with Remedial Alts Assessment |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           | ļ       |
| 24 | RD Report Review/Revisions                      |                 |               |                   |                  |                  |   | <u> </u>    |             |             |             |           |           |           |         |
| 25 | Issue Fact Sheet                                |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 26 | Public Comment Period                           | _               |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 27 | Remedy Construction/Infrastructure              |                 |               |                   |                  |                  |   |             | L           |             |             |           |           |           |         |
| 28 | Engineering Report                              |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 29 | Institutional Control Fact Sheet                |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |
| 30 | Generic Environmental Impact Statement          |                 |               |                   |                  |                  |   |             |             |             |             |           |           |           |         |

PHASE I ESA



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

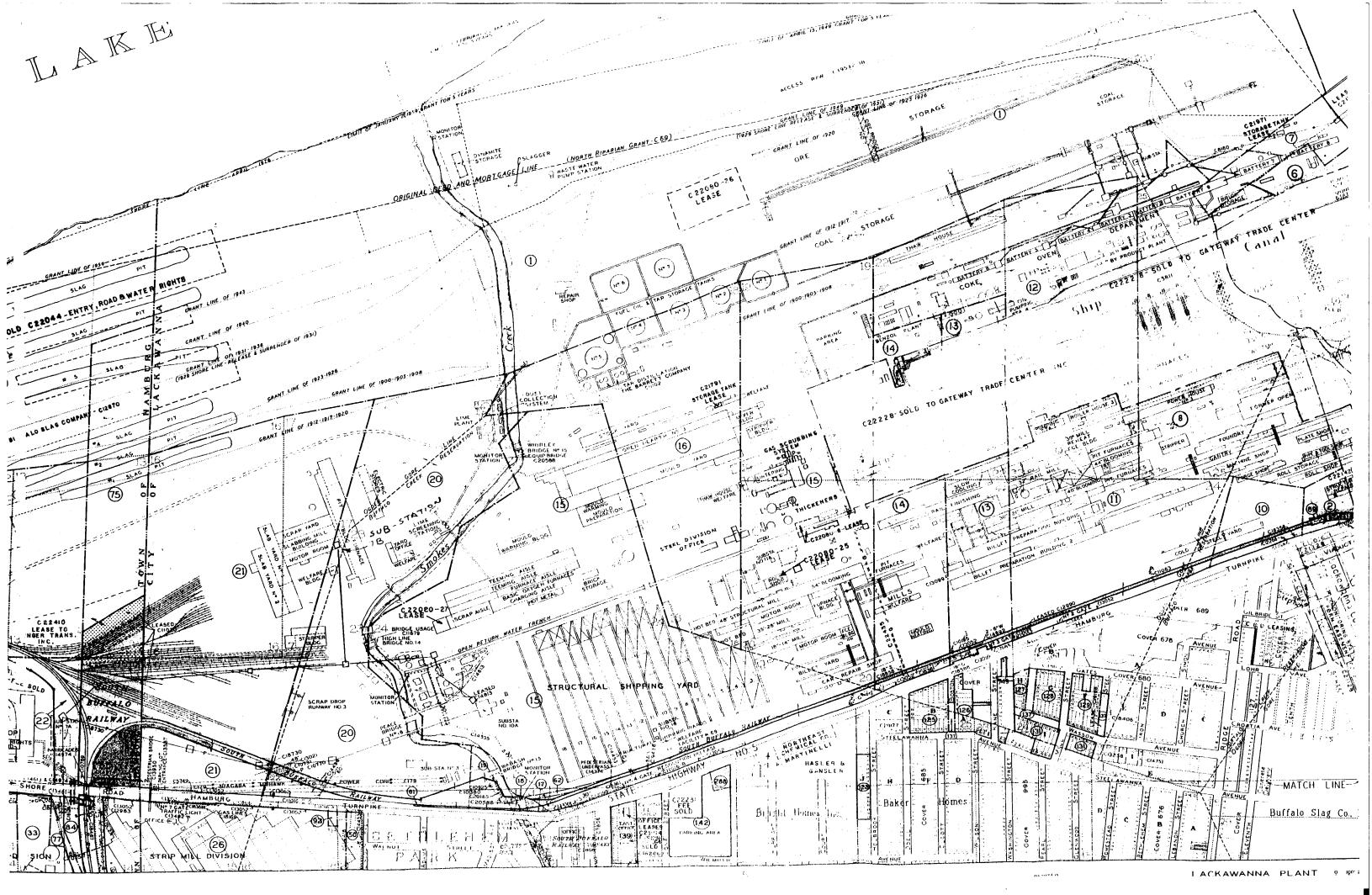
LISTING OF PREVIOUS SITE OWNERS



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

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





### REAL ESTATE RECORD

Page 1 of 3

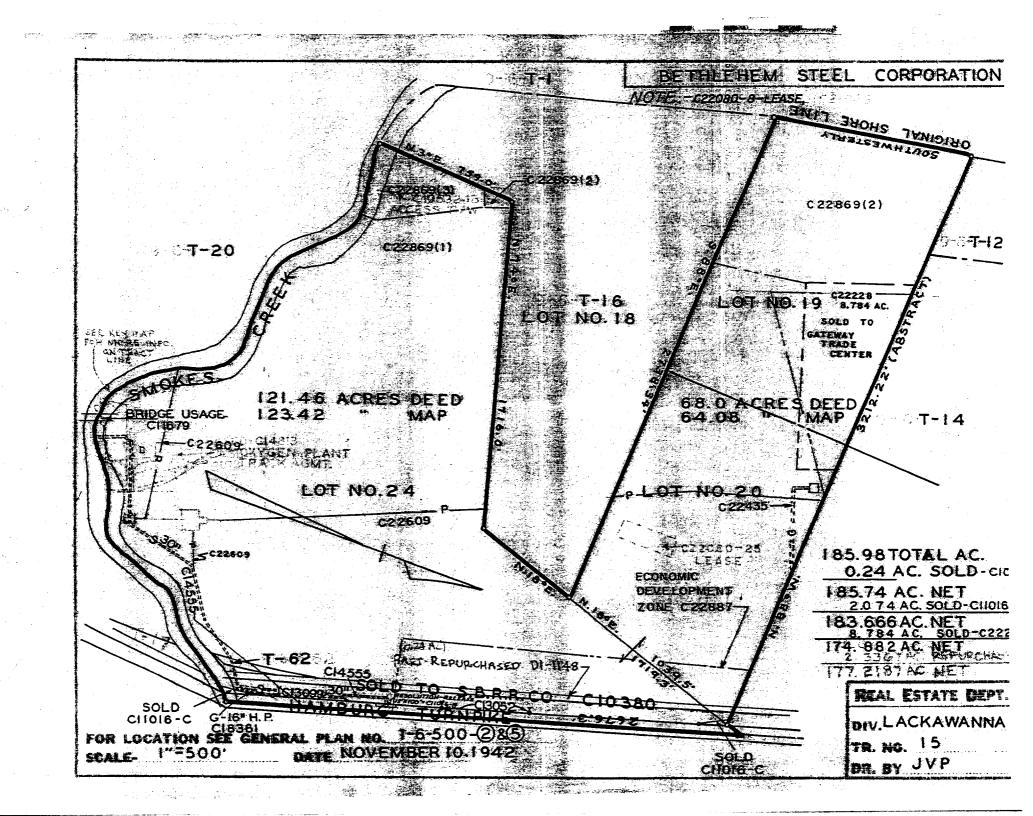
|          | 1  | OWNER   | PLANT  | 1 44 7                 | LOCATION   |  | TRACT No.  |
|----------|--|---|--|------------------------|--|--|--|
| -        | Bethlehem Ste  | el Corporation  | •  | La ckawanna,           | And the second s |  | <u>l</u>   |
|          | ◆64日平台記句第一多名名  | et-company  | La ckawanna                                    | Erie County,           | N.Y.   |  | 9-6-15   |
| N. 11 F2 |  |   |  |                        |  |  | The second secon |
|          | DESCRIPTION:   | •   |  |                        | CLASSIFICATION   | N  | AREA   |
|          | Situated on  | waters of Iola Paid   |  |                        |  |  |  |
|          | Gore. Surve  | every or there error  | e. Comprising Lots 19                          | & 20 of Ogden          | Fee  |  | 3.0.C. 00. 1   |
|          | Formerly 6-  | 6-T-15.   | e Buffalo Creek Indian                         | Reservation.           | 1.66   |  | 185.98 Ac.   |
|          |  | FOR LOCATION  | SEE KEY MAP No.                                | )-6-500 <b>-</b> 2 & 5 |  |  |  |
|          | DATE   |   |  | TITLE CHAIN            |  | The same of the sa |  |
|          | 6/30/1899  | J. J. Albright to   | o Stony Point Land Co.                         | Abstract               | D6-16  |  |  |
|          | 7/26/1900  | Stony Point Land  | Co. to L.I.&S. Co. D                           | 6-8                    |  |  | 4.4  |
|          | 4/29/1902  | L.I. &S. Co. to L.S   | S.Co. W.Y. D.16 D                              | 6-47                   |  |  |  |
| -        | 10/10/1922   | L.S.Co. to B.S.Co.  | of N. Y. & Name chang                          | et to B.I.&S. Cor      | D6-1   |  |  |
|          | 5/13/1924  | B.I. &S. Corp. to   | B.S.Co. of Pa. to B.I.                         | &S Com 7/28/1          | 924 D6-2 & D9-435  |  |  |
|          | 7/12/1935  | B.I.&S. Corp. to 1  | B.S.Co. D9-247                                 | 71.71                  | e Opinion 9-12-3   | 61.06046.3   | ~  |
|          | 12/31/1964   | B.S.Co. merged in   | to B.S.Corp. C 1881                            | 3                      |  |  |  |
|          | 9/15/1989  | So. Buffalo Railw   | ay Company to B.S.Corp                         | D1-1148 C 224          | 24   |  |  |
|          |  |   |  |                        |  |  | ***  |
|          | DATE   | 1.  | DISPOSITION                                    |                        |  |  |  |
|          | The second secon |   |  |                        | FILE No.   | AREA SOLD  | NET ARE▲   |
| -        | 12/18/41   | South Buffalo Rei   | lway Co.                                       |                        | C 10380  | O.24 Ac.   | Company of the Compan |
| _        | 12/18/41<br>10/11/1954   | South Buffalo Rei<br>Buffalo Tank Corr                      | lway Co.                                       |                        |  |  | NET AREA<br>185.74 Ac.<br>183.666 Ac   |
| -        | 12/18/41<br>10/11/1954<br>12/31/1985   | Buffalo Tank Corp   | lway Co.                                       |                        | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954   | Buffalo Tank Corp   | lway Co.                                       | o. (PURCHASE)          | C 10380  | 0.24 Ac.   | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985   | Buffalo Tank Corp   | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | o. (PURCHASE)          | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | o. (PURCHASE)          | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |
|          | 12/18/41<br>10/11/1954<br>12/31/1985<br>9/15/1989  | Buffalo Tank Corp<br>Gateway Trade Cen<br>So. Buffalo Railw | lway Co.<br>ter Inc.<br>ay Company to B.S.Corp | A                      | C 10380<br>C 11016:-3  | 0.24 Ac.<br>2.074 "  | 185.74 Ac.<br>183.666 Ac   |

|                              |  |  |  |   | e 2 of <b>3</b>  |
|------------------------------|--|--|--|---|--|
| NER                          | PLANT                                    |  | LOCATION   | 1   | TRACT No.  |
| el Corporation<br>el-Company | Lackawanna                               | City of Lackawanna, Eri                  | e County, N.Y.   |   | 1-6-15   |
|                              | I  |  | CLASSIFICATIO  | MC  | AREA   |
| FOR LOCATION                 | SEE KEY MAP No.                          |  | Fee  |   | 185.98 Ac.   |
|                              |  | TITLE CHAIN                              |  | •   |  |
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|                              |  |  |  | •   |  |
| ·<br>*;                      | DISPOSITION                              |  | FILE No.   | AREA SOLD   | NET ARE  |
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|                              | * -                                      | e e                                      |  |   |  |
|                              | el Corporation<br>e <del>l-Company</del> | Lackawanna  FOR LOCATION SEE KEY MAP No. | El Corporation  Lackawanna  Lackawanna, Erical Lack | Lackawanna City Lackawanna, Erie County, N.Y.  CLASSIFICATION  Fee  FOR LOCATION SEE KEY MAP No.  TITLE CHAIN | Lackawanna City (Lackawanna, Erie County, N.Y.  CLASSIFICATION  Fee  FOR LOCATION SEE HEY MAP No.  TITLE CHAIN |

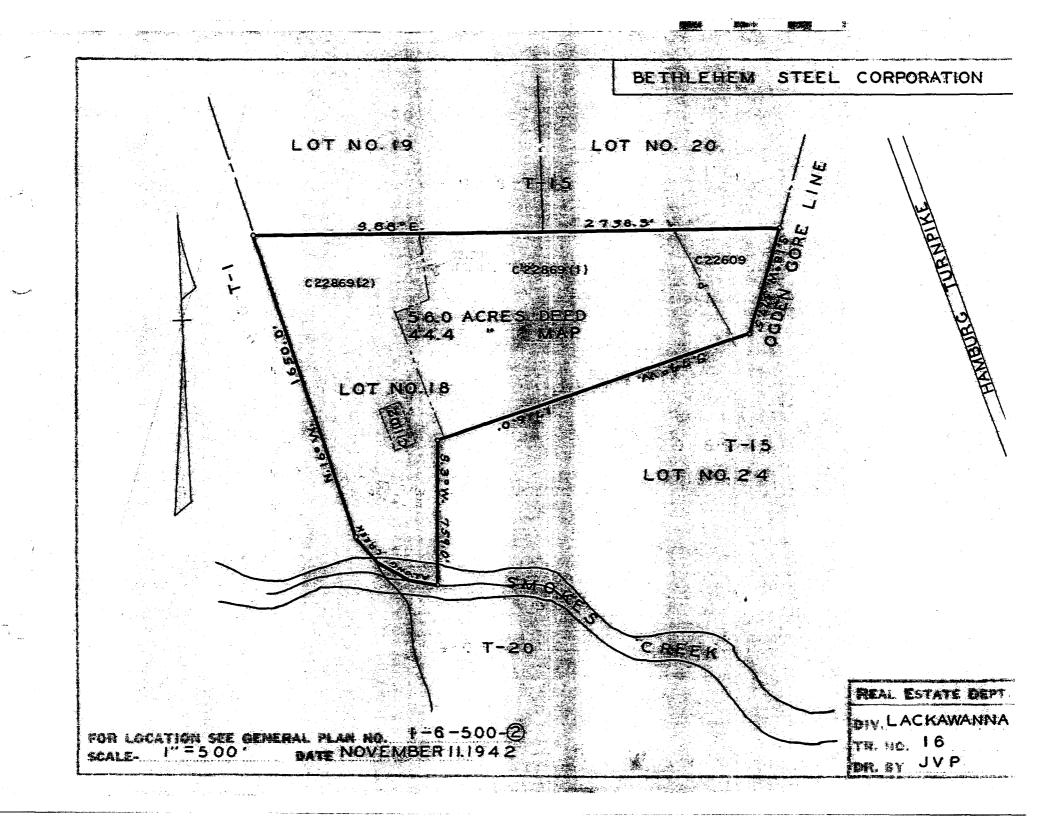
#### REAL ESTATE RECORD

Page 3 of 3

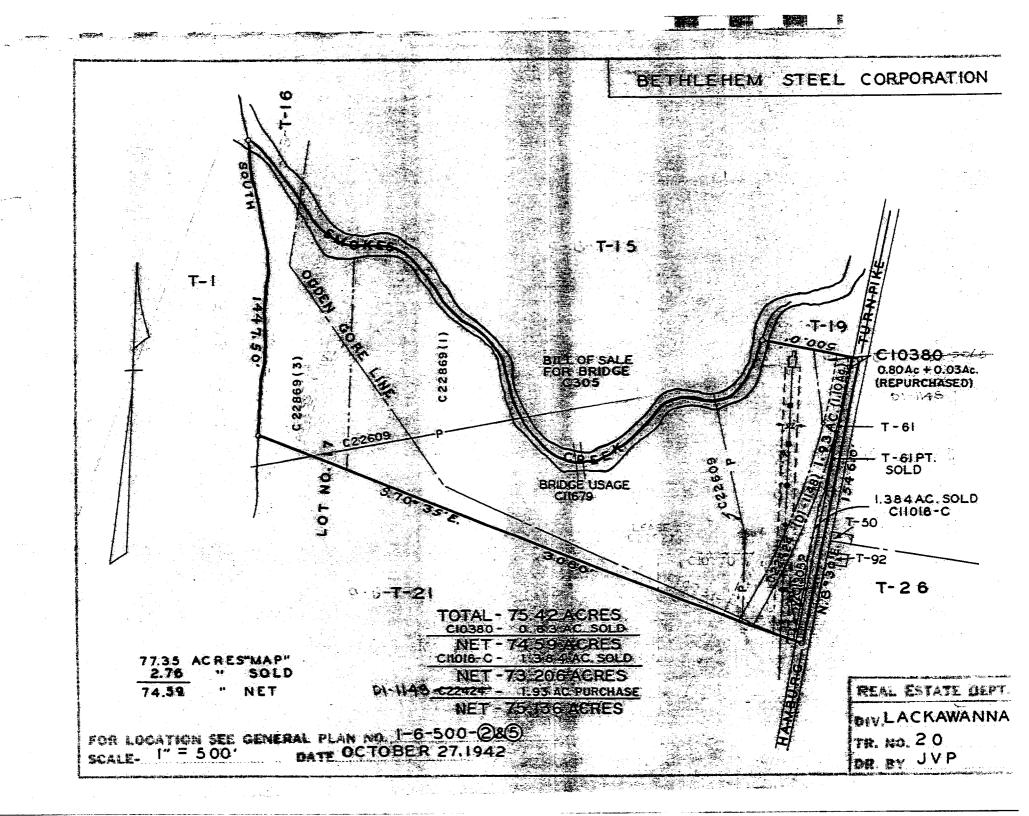
| •                            |                        |  |                                       |                   | Page 3     | of 3     |
|------------------------------|------------------------|--|---------------------------------------|-------------------|------------|----------|
|                              | wner<br>el Corporation | PLANT  |                                       | LOCATION          |            | TRACT N  |
| -curenem of66                | er corporation         | Lackawanna                                       | City of Lackaw                        | anna, Eriè County | , New York | 1-6-15   |
| DESCRIPTION:                 |                        |  |                                       | CLASSIFICAT       | ION        | AREA     |
| ore. Survey<br>ormerly 6-6-T | and Lot 44 of the      | Comprising Lots 19 an<br>Buffalo Creek Indian Re | nd 20 of Ogden<br>eservation.         | FEE               |            | 185.98 A |
| DATE                         | FOR LOCATION           | SEE KEY MAP No. 9-6-5                            | 00-2 & 5                              |                   |            | •        |
|                              |                        |  | · · · · · · · · · · · · · · · · · · · |                   |            |          |
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| DATE                         | 1:                     | DISPOSITION                                      |                                       | FILE No.          | AREA SOLD  | NET AI   |
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|   | • • • • • • • • • • • • • • • • • • •   | WNER   | PLANT  | - Leikof   | LOCATION   | and the second | TRACT No.  |
|---|---|--|--|--|--|----------------|------------|
|   | Bethlehem Ste<br>Bethlehem Ste  | eel Corporation  | Lackawanna   | Lackawanna,<br>Erie County,  | N. Y.  |                | 9-6-16     |
|   | DESCRIPTION:  |  |  | eratur <del>angahan gasarsaa</del> an kalumit tu auntin tuut kiriska.<br>T   | CLASSIFICAT  | ION            | AREA       |
| • |   | of Lake Erie. Be<br>merly 6-16-T-16  | ing Lot No. 18 of the  | Ogden Gore   | Fee  |                | 44.4 Ac.   |
|   |   | FOR LOCATION   | SEE KEY MAP No.  | -6-500 -2  |  |                |            |
|   | DATE  |  |  | TITLE CHAIN  | the property of the second sec |                | •          |
|   | 6/30/1899   | J. J. Albright to  | Stony Point Land Co.   | alstrat  | 26-17  |                |            |
|   | 7/26/1900   |  | o L.I.&S. Co. D6-8   |  | and the second s |                |            |
|   | 4/29/1902   | L.I.&S. Co. to L.  | S.Co. N.Y. D-16  | D6-47  | en e   |                |            |
|   | 10/10/1922  | LaSacoa to Basaco  | . of N.Y. & Name chang   | e♠to B.T.&S. Com   | D6=1:  |                |            |
|   | 5/13/1924   | B.I.&S. Corp. to.  | B.S. Co. of Pa. to B.I.  | .as. Corp. 7/28/1  | 924 D6-2 & D9-435  |                |            |
|   | 7/12/1935   | B.I.&S. Corp. to   | B.S.Co. of Pa. to B.I<br>B.S.Co. D9-247<br>to B.S.Corp. C  |  | Title Opision 3/12   | 126 60         | £46-5      |
|   | 12/31/1964  | B.S.Co. merged in  | to B.S.Corp. C   | 18813  | g graphical and artistic and assume an experience of the contract of the contr |                |            |
| · |   |  |  | Company of the second of the s | and the second s |                |            |
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|   | 5/ 6/2003   | Tecumseh Redevelo  | pment Inc.   | THE PARTY OF THE P |  |                |            |
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| 1   |  | WNER   | PLANT  |  | LOCATION   |                   | TRACT No.                   |  |
|-----|--|--|--|--|--|-------------------|-----------------------------|--|
|     | Bethlehem Steel Corporation  Bethlehem-Steel-Company-  |  |  |  | N. Y.  |                   | <b>1</b><br>9-6-30          |  |
|     | DESCRIPTION:   |  |  | Committee of the Commit | CLASSIFICATIO  | N                 | AREA                        |  |
| ,   | Land along s<br>Formerly 6-6   | 3-T-21.  | s Creek west of demburg  1 SEE KEY MAP No. 9-6-  | Road.  | Ŧее  |                   | 75.42 Ac.                   |  |
|     | DATE   | TOR LOCATION   | SEE ALI MAP NO.  | TITLE CHAIN  |  | ,                 | And the same of the same of |  |
|     | 7/26/1900<br>4/29/1902<br>10/10/1922<br>5/13/1924<br>7/12/1935<br>12/31/1964<br>9/15/1989  | L.I.&S. Co. to L.<br>L.S.Co. to B.S.Co<br>B.I.&S. Corp. to<br>B.I.&S. Corp. to<br>B.S.Co. merged in  | Co. to E.I.&S. Co. D6-S. Co. N.Y. D-16 off N.Y. Name change B.S.Co. of Pa. to B.I.&S B.S.Co. D9-247 to B.S.Corp. C 188 ray Company to B.S.Corp.  | D 6 - 47<br>to B.I.&S. Cor<br>. Corp. 7/28/1   | 924 D6-2 & D9-435<br>Ette Opiaio 9/12/2  | 6 C60 41          |                             |  |
|     | DATE   |  | DISPOSITION  |  | FILE No.   | AREA SOLD         | NET AREA                    |  |
|     | 12/18/41   | Deed - South Buf   | falo Railway Co.   |  | C 10380  | 0.83 Ac.          |                             |  |
|     | 10/11/1954   | Buffalo Tank Cor   | p  |  | <b>C 11016</b> G3  | 1.384 "           | 73.206 #                    |  |
|     | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX   | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  |  |  | XX3@X  | tel manual to the |                             |  |
| -   | 9/15/1989  |  | lway Company to B.S.Corp   | . VAN DE (PURCHA   | SE)   D1-1148  | 1,930 Ad          | 75.136 Ac.                  |  |
|     | 5/6/_2003  | Tecumseh Redevelo  | opment Inc.  | <u></u>  | en, a quai a quarte servició a persona sua constituira constituira de constituira |                   | -                           |  |
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Page 1 of 3

| <del></del> |  | WNER   | PLANT  |  | LOCATION   |  | TRACT No.                |
|-------------|--|--|--|--|--|--|--------------------------|
|             |  | el Corporation   |  | Cityof   | managan and an analysis of the second |  | l                        |
|             | Rethlehem-Ste  | el-Company   | Lackawanna   | Erie County  | Town of Hamburg  |  | 9-6-21                   |
|             | DESCRIPTION:   |  | tari <del>ay anaon alim manao ao a</del>  |  | CLASSIFICATI   | ON   | AREA                     |
|             | Land betwee  | m Lake Brie and Ham  | burg Road North of Wood  | 1.000  | :  |  |                          |
|             | Formerly 6-  |  |  | T = MIT •  | Fee  |  | 145.18 Ac.               |
|             | "  | 76.53  |  |  | 100  |  | 丁香の・丁の シロ・               |
|             |  | 145.16<br>FOR LOCATION   | SEE KEY MAP No. 9-6  | -500-1,2,4 & 5   |  |  |                          |
|             | DATE   |  |  | TITLE CHAIN  |  |  | and the second second    |
|             | 7/26/1900  | Stony Point Land   | Co. to L.I.&S. Co. D   | 6-8 Abstract D6  | -23  | · · ·  | ,                        |
|             | 4/29/1902  |  | S.Co. H.Y. DXXXX D6-   |  | 10/21/1922   | •.   |                          |
|             | 10/10/1922   |  | o. of N.Y. Name change   |  |  | ~=   | **                       |
|             | 5/13/1924<br>7/12/1935                                   | B.L. &S. Corp. to  | B.S. Co. of Pa. to B.I.  | as. Comp. 7/28/1   | 924 D6-2 & D9-4  | :35  | •                        |
|             | 12/31/1964   |  | B.S.Co. D9-247 Title   |  |  |  |                          |
|             | 9/15/1989  | B.S.Co. merged   | way Company to B.S.Corp  | 113 בין 1143.799 AC  | <u> </u>   | The second secon |                          |
|             | 91±7 <u>1</u> ±303                                       | DO. Durraro narr   | way company to D.D. Corp.  | <u> </u>   |  | A ser specimen terrescal and the St.   | •                        |
|             |  | in the control of the state  |  |  |  | mental and a second   |                          |
|             | DATE   |  | DISPOSITION  |  | FILE No.   | AREA SOLD  | NET AREA                 |
|             |  | Buffalo Tank Corp.   |  | 44a - 8  | C 110163   | 1.561 Ac.  | 143.599 Ac.              |
| -           | 12/21/1983   | Erie County Indust   | rial Development Agency  | - KANGANGANA   | XXXX C 21124   | 12.022 Ac.   | 131.577 Ac.              |
|             | E /08 /108 E   |  | - IN AND MARK AND  | Agres)   |  |  |                          |
|             |  | Lake Shoe Gateway  | and the state of t | <u> مرين مي اين مي طبخ يو مي مي اين مي اين مي اين مي اين مي اين مي مي اين مي مي مي اين مي مي مي مي مي مي مي مي م</u>   | C 22044  | 16.02 Ac.  | 115.557 Ac.              |
|             | 9/15/1989<br>9/15/1989                                   | South Buffalo Rail   | way Company<br>way Company to B.S. Com   | o. (PURCHASE)  | D1-1148  | 38.778 Ac.<br>1.510 Ac.  | 76.779 Ac.<br>78.289 Ac. |
|             | 5/ 6/2003  | Tecumseh Redevelop   | ment Inc.  |  |  |  |                          |
| - 1         | e e e e e e e e e e e e e e e e e e e                    | and the second s |  | The state of the s |  |  |                          |
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### REAL ESTATE RECORD

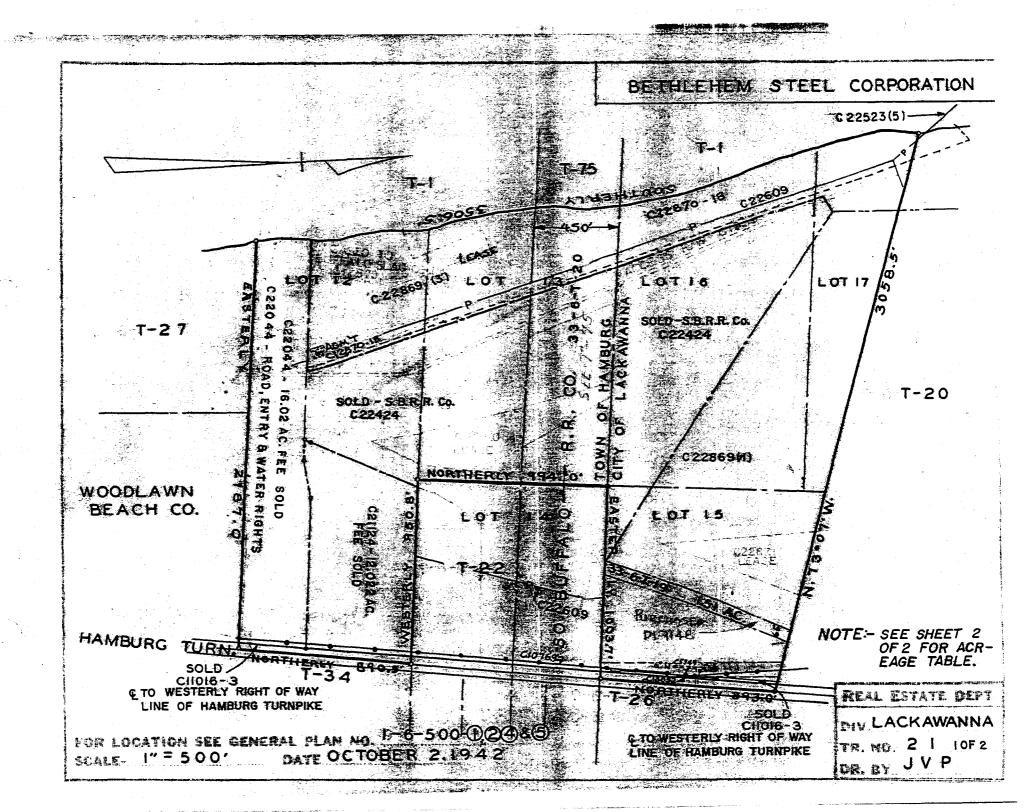
Page 2 of 3

| OWNER           |               | PLANT LOC  |  |                                  | мог                                   | 1  | TRACT No. |
|-----------------|---------------|--|--|----------------------------------|---------------------------------------|--|-----------|
| Bethlehem Steel | . Corporation | Lackawanna   | Lackawanna & Town of Hamburg, Erie<br>County, N.Y.   |                                  |                                       | rie                                      | 1-6-21    |
| DESCRIPTION:-   |               | •  | . [  |                                  | CLASSIFICATI                          | ON                                       | AREA      |
|                 |               |  |  | FEE                              |                                       |  | 145.16 Ac |
|                 | FOR LOCATION  | SEE KEY MAP No.  |  |                                  |                                       |  |           |
| DATE            |               |  | TITLE CHAIN  | ļatīja ir saita aita<br>Lietuvas |                                       |  |           |
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| DATE            | 1             | DISPOSITION  |  | 1                                | FILE No.                              | AREA SOLD                                | NET AREA  |
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|                 |               |  |  | A Company                        | · · · · · · · · · · · · · · · · · · · |  |           |
|                 |               |  |  |                                  |                                       | A 18 18 18 18 18 18 18 18 18 18 18 18 18 | 1         |

#### REAL ESTATE RECORD

Page 3 of 3

| OWNER         |  | PLANT             |             |             | TRACT No. |           |
|---------------|--|-------------------|-------------|-------------|-----------|-----------|
| Bethlehem Ste | OWNER  PLANT  LOCATION  Ceel Corporation  Lackawanna  City of Lackawanna, Town of Hamburg,  County of Erie, New York |                   |             |             |           | 1-6-21    |
| DESCRIPTION:- |  | ·                 |             | CLASSIFICAT | MON       | AREA      |
|               |  |                   |             | FEE         |           | 145.16 Ac |
| * •           | FOR LOCATION   | N SEE KEY MAP No. |             | *****       | e e       | •         |
| DATE          |  |                   | TITLE CHAIN |             | ·         |           |
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|               | 1,   |                   |             |             |           |           |
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|               |  |                   |             |             |           | •         |
| DATE          | ٠,   | DISPOSITION       |             | FILE No.    | AREA SOLD | NET AREA  |
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BETTLEMEN STEEL CORPORATION

160:84 AC FEE MAP 15468 AC FEE SOED

NET - 1435 (6' AC FEE SHOKE 3 - 1955) AC FEE SOUT

NET-143,599 AC.FEE C21/24-12-022 AC.FEE-S000

NET-131 35 (1 AC FEE)

MEI-H5-557 AC FEE

NEW ACCUSED FOR

NET - 787289 AC. FEE

FOR LOCATION SEE GENERAL PLAN NG. 1-6-500-1,2,485

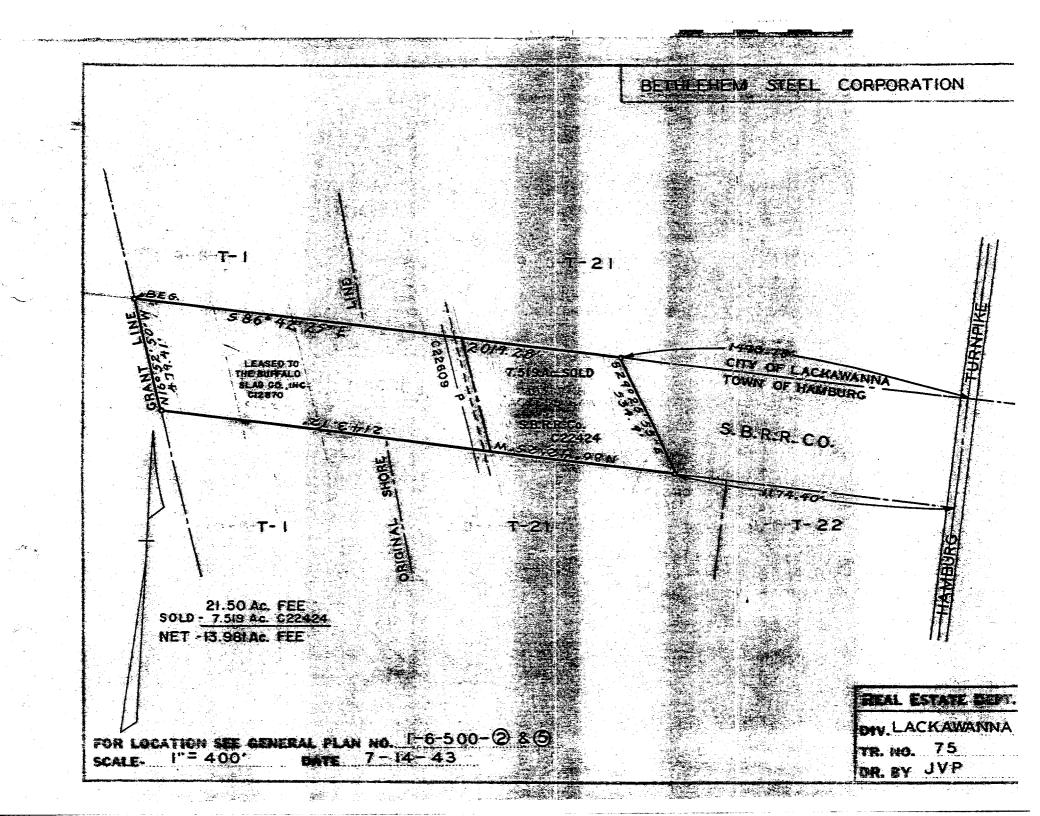
REAL ESTATE DEPT.

DIV. LACKAWANNA
TR. NO. 21 2 OF 2
DR. BY

### Subsidiary Companies of Bethlehem Steel Corporation

#### REAL ESTATE RECORD

|  | OWNER  | PLANT  |  | LOCATION   | richard I  | TRACT No.   |
|--|--|--|--|--|--|-------------|
| Bethlehem S<br>Bethlehem S   | teel-Company<br>teel Corporation   | Lackawanna   | Town of Hamburg<br>Erie County, N.   | Y•   |  | 1<br>9-6-75 |
| DESCRIPTION  | A:-<br>  | tanin kan na mada sa mata sa manangan kan sa kan sa manangan sa manangan sa manangan sa manangan sa manangan s<br>Tanin sa manangan sa   | r <del>ation and seas</del> was in the care interest in the care   | CLASSIFICATI   | ON   | AREA        |
| Portion  | of 450' Strip adjoini  | ng Lackawanna City I   | ine .  |  |  |             |
|  |  |  | ,  | Fee  |  | 21.5 Ac.    |
|  | FOR LOCATION   | SEE KEY MAP No.  | 9-6-500 -2 & 5   |  | ,  |             |
| DATE   |  |  | TITLE CHAIN  | Control of the Contro | Carles de la Carle |             |
| 5/13/43<br>As of 5/13/4  | So. B. Ry. Co. to  | B.S.Co. D9-466 C1  | 0833   |  |  |             |
|  |  | the first property and the second   | rrective Deed  | Northean Audulff Frank van Steel   |  |             |
| 12/31/1964   | B.S.Co. merged int   | o B.S.Corp. C  | 18813  | and the second s |  |             |
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| DATE   | ti interpreta interpretation repretation in the first of the interpretation of the first of the  | DISPOSITION  | STANDOLI AROSE AREA SEGLES ALL POR EL CORRE CONTOCALO A SEGLES ALL PARALLE   | FILE No.   | AREA SOLD  | NET AREA    |
| 9/15/1989  | South Buffalo Railw  |  |  | C 22424  | 7.519 Ac.  | 13.981 Ac   |
|  | ecumseh Redevelopme  |  | Control Contro |  | 1 1 2 2 2 2 2 2 2  | 12.701 110  |
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# **ATTACHMENT 7**

LISTING OF PREVIOUS SITE OPERATORS



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

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



|                                     | MORTGAGE   |   |
|-------------------------------------|--|---|
| DATE                                | S. H. SAPISTID IND   | and the second section of the second |
| 5/13/24                             | Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5 DISCHARCE 1/1979  | ***   |
| 3/18/1952                           | Release of Mtg G.T.Co. to Buffalo Tank Corp. 2.074 Ac D36-5  |   |
| 3/10/1/                             |  | · _ ;   |
| -                                   |  |   |
|                                     |  | •   |
| TO A TOPE                           | EASEMENTS  | <b>*</b> 1 - 2.21 - 1775 <b>*</b> .   |
| 8/28/1902                           | Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878 Agreement for telephone line to New York Telephone Co. C 13099 | ,   |
| 5/15/1950                           | Agreement for telephone line to New York Telephone Co. C 13099   | *   |
| 4/7/1950                            | Agreement for anchors and guy wires to New York Telephone Co. C 13052  |   |
| 1/5/1951                            | City of Lackawanna releases all interest in strip of land 12' x 100' at Gate No. 4 C 11016-B   |   |
| 10/1/1947                           | Roadway rights on railroad bridge - South Buffalo Railway Co. to B. S. Co. C 11679   |   |
| 9/10/1956                           | R/W for sanitary sewer to City of Lackawanna C 14555 (1) Amended 11/14/1963  |   |
| 1/20/1956                           | Agreement and lease for exygen supply system to Linde Air Products Co. C 14813 Superseded 6/15/6   | <del>1 &amp; 3/2/6)</del> +   |
| 10/15/1958                          | Side track agreement - S.B.Rwy.Co., B.S.Co. and Linde Company . C 14813  |   |
| 11/21/1961                          | Easement for gas pipelines to Troquois Gas Corp. C 18361 Amended 7/9/1962 Amended 8/13/1963  | 1/21/2000   |
| 11/10/1964                          | - Agreement Right of Entry Brs. Co. and The United States of America - C-12023 Cancelled 19/20/70  | <del></del>   |
| 3/2/1964                            | - Agreement and Jease for oxygen supply system to Union Carbide Corp,- Linde Div C 14613 Canc'd 7  |   |
| 7/11/1966                           | Agreement & lease for oxygen supply system site to Union Carbide Corp., Linde Div & 14813 Amend.   | 11/5/1974   |
|                                     | Companies Commission Commission Inc. C 6756 Com. 5/31/1983   | Gan.1/1/€±  |
| 3/31/1967<br>7/19/1967<br>1/-9/1981 | The court of the first fine Bouth Burland Reputer U. V. 17770  | <del>5/1989 -</del>   |
| 1/-9/1981                           | Agust. & Lease for exygen supply site to Union Carbide 6-14813 Cancelled 8/31/1988   |   |
| -9/27/1982                          | -License-Agner Permission of Entry New York State Dept - of Environmental Conservation - C 21928   | Term.   |
| 4/ 7/1950                           | Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052  | <del>/1983</del>  |
| 9/20/1984                           | Lease to Amadori Construction, Inc. C 22080-8 Amended 10/23/87, 8/11/88 7/2h/89 Ferm. 9/30/1990  |   |
| <del>3,20,200</del>                 | Dease to Amadolf Comburde tion, like. C 22000-0  |   |
| 3/1/1986                            | Lease - 54 Roll Shop Office - Power Electric Company C 22080 24 Amend. 3/4/88,2/1/8941/2h  | 1907  |
| 6/-5/1986                           | License-Letter-Agreement Williams Hand-Tool-Inc C-22080-9 Can. 7/10/1986 Term. 1/30  | 1990  |
| 12/31/1985                          | Bill of Sale - Gateway Trade Center Inc. C 22228   |   |
| 12/31/1985                          | Easement Agmt Gateway Trade Center Inc. C 22228  | 1   |
| 12/19/1986                          | Lease - Murdock Wakelam, Inc. C 22080-25 Amend. 5/3/1991 Term. 12/31/1991  |   |
| 4/ 3/1987                           | Cooling Water Agreement - County of Erie and B.S.Corp. C 22362   |   |
| 1                                   |  |   |
| 9/ 8/1987                           | License - permission to enter lands for inspection and improvements . Penn Iron and Metal Company  | L C 22080-27  |
| 10/15/1987                          | Lease - Penn Iron and Metal Company, Inc. 16 22080 27 Amended 4/12/1989 Cancelled 10/14/1992   |   |
| 4/ 5/1988                           | Ltr. Agmt National Fuel Gas Distribution Corporation C 22435   |   |
|                                     |  |   |
|                                     |  |   |
|                                     |  |   |

| DATE  | MORTGAGE  |  |
|---|---|--|
|   |   |  |
|   |   |  |
| DATE  | EASEMENTS   |  |
| 6/27/1988   | R/W Agmt 16" gas line - B.S.Corp. and So. Buffalo Rwy. Co. to National Fuel Gas Distribution Company C 22435 Assigned to B.S.Corp. 9/15/1989  |  |
| <i>←5/-5/1989</i>   | Letter Agmt. (License) - Shooters Marina, Incorporated 0 22143 Expired 8/1/1989   |  |
| 7/10/1989   | Letter of Intent - Gateway Trade Center, Inc. C 22521(1)  | -  |
| 7/26/1989   | License Brie Brengy Associates (by Oxford Emergy of New York, Inc.) 6 22521(2) Terminated 9/30/1  | <del>1989 -</del><br>30                      |
| 7/26/1989   | Terminated 12.  | <del>73</del> 1/1989                         |
| 1/31/1907   | 10/23/1987. 9/7/1988 11/18/01 a 11 1  | <u>,                                    </u> |
|   |   | J/ J0/ ±JJ+                                  |
| 9/24/1956<br>9/15/1989  | R/W Agmt South Buffalo Railway Company and City of Lackawanna C 14555(2) Assigned to B.S.Corp. Agmt South Buffalo Railway Company C 22424(16)   | . 9/15/1989                                  |
| 3/29/1907   | R/W Agmt Lackawanna Steel Company to Bell Telephone Company of Buffalo C 10868  |  |
| 1/16/1974<br>2/11/1987<br>6/17/1991<br>6/17/1991<br>11/1/1991 | Agmt. B.S. Sorp. and Eric County C 20335 Cancelled 2/18/1991 City of Lackawanna Local Law No. 3 establishing New York State Economic Development Zone C22887 Am R/W - Niagara Mohawk Power Corporation C 22609 Bill of Sale - Niagara Mohawk Power Corporation C 22609 License - Herbert F. Darling, Inc. C 22443(2) Terminated 11/9/1991 | nended                                       |
| <del>-1/10/1992</del><br>1 <del>/27/1992</del>                | License - Herbert F. Darling, Inc. C 22443(2) Term. 1/14/1992   |  |
| <del>5/13/1992</del><br><del>7/ 1/1992</del>                  | License Advance Metals Recycling C 22080 30 Term. 6/30/1992 Lease Advance Metals Recycling C 22080 30 Terminated 6/30/1991  | <b>-</b> .                                   |
|   | Lease - Amsource 6 22000-27 The Land 3-10/15/1993 - Amend 2/25/199b Term 5/31/199b  | •  |
| 12/30/1993  | Agmt B.S.Corp., Gateway Trade Cneter, Inc., and Buffalo Crushed Stone, Inc. C 22228-1   |  |
| 1   |   |  |
| 2/17/1994   | Bill of Sale - Gateway Trade Center, Inc water pipelines C 22228-7  |  |
| 2/20/1996   | Declaration of Conditions, Covenants and Restrictions-Parcel C, Filled Lands C 22869(3)   |  |
| 2/17/1994<br>2/17/1994<br>2/17/1994                           | Agmt B.S.Corp., Gateway Trade Cneter, Inc., and Buffalo Crushed Stone, Inc. C 22228-1 Bill of Sale - Gateway Trade Center, Inc Ore Conveyer System C 22228-7 Bill of Sale - Gateway Trade Center, Inc Crusher Station 1s Bldg.) C 22228-7 Bill of Sale - Gateway Trade Center, Inc water pipelines C 22228-7                              |  |

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#### MORTGAGE

2/20/1996 2/20/1996

11/10/1999

12/ 9/1999

EASEMENTS

Declaration of Conditions, Covenants and Restrictions - Parcel A Coke Ovens C 22869(2)
Declaration of Conditions, Covenants and Restrictions - Parcel A Frontage Land C 22869(1)

License Agreement Herbert F. Darling, Inc. C 22449 Strange

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

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All residents in the second section of the second section is

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| DATE                     | MORTGAGE   |                    |
|--------------------------|--|--------------------|
| 5/12/24                  | Consolidated Mortgage (B.S. Corp.) 5th Supple C 6046-5 DISCRATE STATES AND   |                    |
|                          | ##SURARS ## 1/1/1979   |                    |
| •                        |  | :                  |
| DATE                     | EASEMENTS  |                    |
| 4/24/41                  | C 11102 B.S.Co. to The Barrett Co. Tar distilling plant.   |                    |
| 1/16/197h<br>-7/28/1981  | Easement Agreement Assess for Men & Equipment Etc. to Eric County XXXXXXXXXX C 20335 Can. 2/   | <del>18/1991</del> |
| <del>-9/27/1982</del>    | Letter Agat. Use of Storage Tank to B.S.Corp. from Betz Laboratories Inc. C 21791 Can. prior<br>License Agat Permission of Entry - New York State Dept. of Environmental Conservation - C 2192         |                    |
| - <del></del>            |  | 9/14/1983          |
| 14/ 3/1987               | Cooling Water Agreement - County of Erie and B.S.Corp. C 22362   |                    |
| 7/10/1989                | Letter of Intent - Gateway Trade Center, Inc. C 22521(1)   | V2.080             |
| -7/26/1989<br>-7/26/1989 | License - Eric Energy Associates (by Oxford Energy of New York, Inc.) - 0-22521(2) Terminated 9/30 - License - Eric Energy Associates (by Oxford Energy of New York, Inc.) - 0-22521(2) Amend: 11/9/19 | <del>1909</del>    |
| 7/20/1989                | License Browning Forris Industries, Inc. C 22 63 - Concelled 9/30/1989   | 31/1989            |
| ,, _ , , _ , , ,         |  |                    |
| 6/ 7/1991                | R/W - Niagara Mohawk Power Corporation C 22609   |                    |
| 6/17/1991                | Bill of Sale - Niagara Mohawk Power Corporation C 22609  |                    |
| 2/20/1996                | Declaration of Conditions, Covenants and Restrictions - Parcel A Frontage Land C 22869(1)  |                    |
| 2/20/1996                | Declaration of Conditions, Covements and Restrictions - Parcel B Coke Ovens C 22869(2)   |                    |
| 7/-1/2000                | License Buffalo Fuel Corporation C 23331 Terminated 1/8/2001   |                    |
| Company of the last      |  |                    |
|                          |  | 1                  |

| DATE   | MORTGAGE TO THE PARTY AND  | atropanami marana                                  |
|--|--|--|
| 5/18/84                                      | Consolidated Nontrage (D.S. Com.) 511 S. 3 G. G. C.  | etingen etinebiteng av atten erithan erithan eri e |
| 3/18/1952                                    | Release of Mtg G.T.Co. to Buffalo Tank Corp. 1.384 Ac D36-5  |  |
| J, 20, 2, J-                                 | 1020000 02 1108.   |  |
|  |  | ***  |
|  |  |  |
| Tr A CPTE                                    | TASEMONTS  | erwe wood o  |
| <b>DATE</b><br>8/28/1902                     | Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878  |  |
| 4/6/45                                       | 100 m.L.U.P. W. U.179 Released 2/6/1997  |  |
| 4/7/1950                                     | Agreement for anchors and guy wires to New York Telephone Co. C 13052  |  |
| 10/1/1947                                    | Roadway rights on railroad bridge - South Buffalo Railway Co. to B. S. Co. C 11679   |  |
| 11/10/1904                                   | Agreement - Right of Entry - B.S.Co. and The United States of America C 12023 Cancelled 10/20/   | <del>70</del>                                      |
| 11/21/1972<br>4/16/1971                      | Bill of Sale between So. Buffalo Railway Co. & B.S.Corp. C 305   | /3 9 /3 003  |
|  | Essement Agreement Access for Men & Equipment Etc. to Bric County COMPRESSION C 20335 Can. 2   | <del>/ 10/ 1991</del>                              |
| 4/ 7/1950                                    | Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052 46/6/1990 Term.  Lease - Store Space - Conomos Management, Inc. C 22080-2 (FSC Bldg.) Amended 6/17/1985,10/23/87 | 7/31/1994  |
| <del>8/-1/1984</del><br><del>8/-1/1984</del> | Lease - Erection Shop Building - Conomos Management, Inc. C 22080-2 Amended 6/17/1985,10/23/8  | 7 7/8/88   |
| 4/ 3/1987                                    | Cooling Water Assessment Country of Phile and B. C. Country of 20000   | 0,170,00,  |
| <del>-12/31/1987</del> -                     |  | 994  |
| 8/ 1/1988                                    | Lease - Great Lakes Trascom Services C 22080 19 Terminated 6/22/1988 Lease Sherland Equipment Corporation C 22080-19 Amended 6/29/1989,6/29/1989 Term. 10/1/1990                     | ž a  |
| <del>1/15/1925</del>                         | R/W Agmt South Buffalo Railway Company and Niagara, Lockport & Ontario Power Company C 179   | 29.24  |
| 4/8/1936                                     | R/W Agmt South Buffalo Railway Company and Niagara, Lockport and Ontario Power Company C 179   |  |
| 9/15/1989                                    | Agmt South Buffalo Railway Company C 22424(16)   |  |
| 3/29/1907                                    | -R/W Agmt Lackawanna Steel Co. to Bell Telephone Co. of Buffalo C 10868  |  |
| 6/7/1991                                     | R/W - Niagara Mohawk Power Corporation C 22609   |  |
| 6/17/1991                                    | Bill of Same - Niagara Mohawk Power Corporation C 22609  |  |
| 3/15/100/                                    | T  |  |
| 2/20/1996                                    | Declaration of Conditions, Covenants and Restrictions - Parcel C, Filled Lands C 22869(3)  | •  |
| 0 /00 /3 006                                 | rancel C, Filled Lands C 22869(3)  |  |
| 2/20/1996                                    | Declaration of Conditions, Covenants and Restrictions - Parcel A, Fromage Land C 22869(1)  |  |
| 1/1/2002                                     | License Agreement between Bethlehem Steel Corporation and  |  |
| 1/1/2002                                     | Canadian National Railway Company C23331 as assigned to Grand Trunk Railroad Inc.  |  |
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| 1/1/1959   |                        | C 5749. R/W for water line - Granted 6/14/37   | <del>-5/28/1985</del>                                      |
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| 7/5/1957 Agreement for treatment and disposal of sewage with Woodlawn Sewer District C 12876-73 Renewed 7/25/60,  12/16/1960; 1/1/1979 Transferred to Purchas  1/26/1960 R/W pole & 2 anchors Niegara Mohawk Power Corp. C 13089 Can. 12/21/1983 11/1/79  8/20/1981  |                        | Dane   |  |
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| 11/10/1952 Essement for vacuum pumping bldg. and power lime to W.N.Y. Water Co. C 65 Assigned to Eric Co. Water  Auth. 12-29-1981  4/ 7/1950 Essement for anchors and guys to Niegara Tolkowk Power Corp. C 19052  1/ 6/1945 Transmission line R/W to Niegara Lockport & Ontario Power Co. C 179Released 2/6/1997  5/28/1985 - Essement for railroad tracks - South Buffaio Railway Company - G-307 Can. 5/28/1985   | •                      |  |  |
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| 4/ 7/1950 Easement for anchors and guys to Niegara Mohawk Power Corp. C 19052  4/ 6/1945 Transmission line R/W to Niegara Lockbort & Ontario Power Co. C 179Released 2/6/1997  5/28/1985 - Easement-for-railroad-tracks South Buffalo-Railway-Company - G-305 Can. 5/28/1985   | <del>11/10/1952</del>  |  | er   |
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| 12/21/1082 The count for a real of The County Indicate int Development development of 01101 - 01101 - 01102  |                        | Transmission line R/W to Niagara Lockbort & Ontario Power Co. C. 179Released 2/6/1997  |  |
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| DATE                                  | EASEMENTS   |
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| 11/4/1983                             | A/S with H. J. Williams Co., Inc. C 21124   |
| 12/21/1983                            | Amendment, Assignment, Acceptance and Consent with Buffalo Specialty Products, Inc./ Amended 12/22/1983   |
| 12/21/1983<br>  <del>12/21/1983</del> | Bill of Sale to Erie County Industrial Dev. Agency C 21124  -Easement-for-senitary-sewer-to-Erie-GoIndDevelopment-Agency-C-12876-73 Can. 5/28/1985  |
| 11/ 1/1984                            | <b>1</b>  |
| 5/28/1985<br>3/16/1988<br>3/ 1/1989   | Lease - Site for Slag Processing Facilities - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/25, -Easement for railroad tracks - South Buffalo Railway Company C 305 Can. 5/28/1985 Amended 12/27/84, 8/28/1986, 1/200 |
| 3/16/1988<br>3/ 1/1989                | Lease Land Singer Transport, Inc. from South Buffelo Ruy, Co. and B.S. Corp. C. 221-10/62411939111989 Lease Land So Buffelo Ruy, Co. and B.S. Corp. to Singer Transport, Inc. 5 22410' Assigned 9/15/1989                   |
| 9/15/1989                             | Agmt South Buffalo Railway Company C 22424(16)  |
| 3/29/1907                             | R/W Agmt Lackawanna Steel Company to Bell Telephone Co. of Buffalo C 10868  |
| 6/ 7/1991                             | R/W - Niagara Mohawk Power Corporation C 22609  |
| 6/17/1991                             | Bill of Sale - Niagara Mohawk Power Corporation C 22609   |
| 6/14/1937                             | Agreement - Erie County Water Authority C 5749  |
| 3/15/1994                             | Dease Singer Transport, Inc. C 22021 Can. 10/31/1995  |
| 5/31/1995                             | R/W Agmt Niagara Mohawk Power Corporation C 22523(5)  |
| 9/21/1994                             | Bill of Sale - BRW Steel Corporation C 22756-1(ix)  |
| 2/20/1996                             | Declaration of Conditions, Covenants and Restrictions - Parcel C, Filled Lands C 22869(3)   |
| 0 /2 = /2 0 0 0                       | APPURTENANT RIGHTS  |
| 9/15/1989<br>9/15/1989                | R/W - South Buffalo Railway Company to B.S.Corp. C 22424(3) R/W - South Buffalo Railway Company to B.S.Corp. C 22424(6)   |
| 9/15/1989                             | R/W - South Buffalo Railway Company to B.S.Corp. C 22424(10)  |
| 9/15/1989                             | R/W - South Buffalo Railway Company to B.S.Corp. C 22424(11)  |
| 9/15/1989<br>9/28/1957                | R/W - South Buffalo Railway Company to B.S.Corp. C 22424(12)  |
| 7/ 1/1950                             | Permit - Town of Hamburg to B.S.Corp. C 14794   Fire protection service agreement with Western New York Water Company C 5749(2)   |
| verbal                                | Agreement - Buffalo Crushed Stone, Inc. and B.S.Corp. C 12870   |
| 7/21/17/                              |   |
| 7/                                    |   |

MORTGAGE

DATE

DATE

PATE

2/20/1996

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

1/1/2002

License Agreement to Canadian National Railway Company C23331 as assigned to Grand Trunk Railroad Incorporated October 1, 2002

| DATE                           | MORTGAGE   |  |
|--------------------------------|--|--|
| 7/8/45                         | Consolidated Mortgage 35th Suppl. Tr. 7 G 6046-35 DISCHARGED 1/1/1979  |  |
|                                |  |  |
| DATE                           | 6/1/1977 Can. 1/1/<br>FASEMENTS 7/11/1975,-10/1/19<br>4/20/19672/6/197   | <del>1981-</del><br><del>16-,5/21/77-</del><br>8 |
| 1/16/1974                      | Lease for slag plant site to The Buffalo Slag Company, Inc 6-12870 - Amended 4/3/1964, 1725/196  Fasement Agreement - Access for Men & Equipment, Etc. to Eric County EXEMPTERS C-20335 - Can. | <b>5,-4/13/</b> 1, 3<br>2/18/1991                |
| 1/_1/1981<br>3/16/1988         | Lease-and-easements-for-slag-plant-site-to-Buffalo-Slag-CoC-12870-Amend3/17/82 Can. 11/1/19  | <u>/1/198</u> 9                                  |
| 3/-1/1989                      | Lease, Hand So. Buffalo Ruy. Co. and B.S. Corp. to Singer Transport, Inc. 6 22110 Assigned 9/  | <del>‡5/±96</del> 9                              |
| 11/ 1/1984<br><b>2/20/1996</b> | Lease Agreement - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/1985, Amended 12/27/1984, Declaration of Conditions, Covements, and Restrictions - Parcel C, Filled Lands C 22869(3)     | 8/28/1986  |
|                                |  |  |

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## **ATTACHMENT 8**

**CONTACT LIST INFORMATION** 



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

#### **New York State Contacts:**

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

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

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

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

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

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

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



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

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

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

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

#### **Erie County Contacts:**

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

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

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

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



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

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

Mr. Edward J. Kuwik Erie County Legislator-District 1 609 Ridge Road Lackawanna, NY 14218

<u>City of Lackawanna</u> Mayor Norman L. Polanski, Jr. 714 Ridge Road Lackawanna, NY 14218

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

Local News Media
The Buffalo News
1 News Plaza
Buffalo, NY 14240

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

WKBW-TV 7 Broadcast Plaza Buffalo, NY 14202



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

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

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



|                  |                  |              | Propert       | y Owners   | - Individua | ds   |               |              |       |       |
|------------------|------------------|--------------|---------------|------------|-------------|------|---------------|--------------|-------|-------|
| Property Address |                  | Owner        | 1             | Ow         | ner 2       |      | Mailing       | Address      |       |       |
| No.              | Street           | First Name   | Last Name     | First Name | Last Name   | No.  | Street        | City         | State | Zip   |
| Propertie        | s South of Odell | St. Vicinity |               |            |             |      | ,             |              |       |       |
| 2368             | Hamburg Tpke.    | Abdo         | Alfagih       |            |             | 155  | Victory Ave.  | Lackawanna   | NY    | 14218 |
| 2372             | Hamburg Tpke.    | Abdo         | Alfagih       |            |             | 155  | Victory Ave.  | Lackawanna   | NY    | 14218 |
| 2376             | Hamburg Tpke.    | Abdo         | Alfagih       |            |             | 155  | Victory Ave.  | Lackawanna   | NY    | 14218 |
| 17               | Holbrook St.     | Abdo         | Alfagih       |            |             | 155  | Victory Ave.  | Lackawanna   | NY    | 14218 |
| 2380             | Hamburg Tpke.    | Stephen W.   | Karaga III    |            |             | 96   | Jackson Ave.  | Lackawanna   | NY    | 14218 |
| 2424             | Hamburg Tpke.    | Samuel       | Siegel        | c/o David  | Siegel      | 300  | Main St.      | Buffalo      | NY    | 14202 |
| 2530             | Hamburg Tpke.    | Frank        | Mathews       |            |             | 7695 | Milestrip Rd. | Orchard Park | NY    | 14127 |
| 187              | Wilmuth Ave.     | William      | Henneberry    |            |             | 187  | Wilmuth Ave.  | Lackawanna   | NY    | 14218 |
| 0                | Dona St.         | Thomas D     | Campbell      | Donald E   | Campbell    |      | PO Box 356    | Hamburg      | NY    | 14075 |
| 2646             | Hamburg Tpke.    | Daren        | Selvaggio     |            |             | 3211 | S Alfred St.  | Blasdell     | NY    | 14219 |
| 17               | Walnut St.       | Walter       | Kostoff       | Wf         | Kostoff     | 17   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 18               | Madison Ave.     | Donna        | Barczak       |            |             | 171  | Franklin St.  | Lackawanna   | NY    | 14218 |
| 21               | Walnut St.       | Thomas       | Setlock       | Wf         | Setlock     | 21   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 2674             | Hamburg Tpke.    | Francisco U  | Rivera        | W          | Rivera      | 2674 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2678             | Hamburg Tpke.    | Charles      | Colosimo      | Lois       | Colosimo    | 2678 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2682             | Hamburg Tpke.    | Angelo       | Degiuli       |            |             | 5336 | Berg Road     | Lackawanna   | NY    | 14218 |
| 2686             | Hamburg Tpke.    | Paul S       | Knapik        |            |             | 2686 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2690             | Hamburg Tpke.    | Jos R        | Paolini       | W          | Paolini     | 2690 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2694             | Hamburg Tpke.    | Anne E       | Jones         |            |             | 2694 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2698             | Hamburg Tpke.    | Sharon       | Colafrancesch | i          |             | 2698 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2704             | Hamburg Tpke.    | John A.      | Leroy         |            | 1           | 2704 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2708             | Hamburg Tpke.    | Duane        | Phillips      |            |             | 2708 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 2712             | Hamburg Tpke.    | James J Sr.  | Dailey        |            |             | 2712 | Hamburg Tpke. | Lackawanna   | NY    | 14218 |
| 39               | Walnut St.       | John L.      | Brown         | Ary W.     | Brown       | 39   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 43               | Walnut St.       | Lucian P     | Visone        |            |             | 4239 | Highland Pkwy | Blasdell     | NY    | 14219 |
| 47               | Walnut St.       | Mark         | Pacillo       |            | ]           | 47   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 51               | Walnut St.       | Betty        | Ribic         | Michele    | Ribic       | 51   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 53               | Walnut St.       | Edward       | Lukasczyk     | W          | Lukasczyk   | 53   | Walnut St.    | Lackawanna   | NY    | 14218 |
| 57               | Walnut St.       | John J       | Ficzere       |            | 1           | 4323 | Arrowwood Dr. | Hamburg      | NY    | 14075 |

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|      | Property Owners - Individuals |              |           |            |           |      |                 |               |       |       |
|------|-------------------------------|--------------|-----------|------------|-----------|------|-----------------|---------------|-------|-------|
| Prop | erty Address                  | Owner        | 1         | Own        | ner 2     |      | Mailing         | Address       |       |       |
| No.  | Street                        | First Name   | Last Name | First Name | Last Name | No.  | Street          | City          | State | Zip   |
| 61   | Walnut St.                    | Jeffrey      | Gates     |            |           | 61   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 65   | Walnut St.                    | Craig        | Zolnowski | Deanna H/  | Zolnowski | 65   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 67   | Walnut St.                    | William F    | Dailey    |            |           | 67   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 71   | Walnut St.                    | Joseph M     | Leroy     |            |           | 71   | Walnut St.      | Lackawanna    | NY    | 14218 |
| • 75 | Walnut St.                    | Michele      | Burr      |            |           | 75   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 81   | Walnut St.                    | Rosemary     | Pauley    | Rosemary   | Yeager    | 81   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 2722 | Hamburg Tpke.                 | Susan M      | Nugent    |            |           | 6846 | Walmore Road    | Niagara Falls | NY    | 14304 |
| 2726 | Hamburg Tpke.                 | Frank        | Gable     | Rhonda     | Gable     | 2726 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2730 | Hamburg Tpke.                 | John         | Kollander | W          | Kollander | 2730 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2734 | Hamburg Tpke.                 | Kenneth J    | Weaver    | Jenny      | Weaver    | 2734 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2738 | Hamburg Tpke.                 | Joseph W Sr. | Gable     |            |           | 2738 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2742 | Hamburg Tpke.                 | Louis        | Fucina    | Donna      | Fucina    | 2742 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2744 | Hamburg Tpke.                 | Abdul H      | Albaneh   |            |           | 141  | Wilkesbarre Ave | Lackawanna    | NY    | 14218 |
| 2748 | Hamburg Tpke.                 | Linda S      | Bish      |            |           | 2748 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2752 | Hamburg Tpke.                 | Alfred       | McCluskey | Elizabeth  | McCluskey | 2752 | Hamburg Tpke.   | Lackawanna    | NY    | 14218 |
| 2756 | Hamburg Tpke.                 | Michael      | Pilla     |            |           | 166  | Meadowbrook     | Lackawanna    | NY    | 14218 |
| 95   | Walnut St.                    | Henry R      | Banas     | Aula W     | Banas     | 95   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 99   | Walnut St.                    | Catherine    | Malevich  |            |           | 99   | Walnut St.      | Lackawanna    | NY    | 14218 |
| 103  | Walnut St.                    | Julius Jr    | Kovacs    |            | 1         | 103  | Walnut St.      | Lackawanna    | NY    | 14218 |
| 107  | Walnut St.                    | Carol        | Daley     |            |           | 107  | Walnut St.      | Lackawanna    | NY    | 14218 |
| 109  | Walnut St.                    | Daniel       | Ranalli   |            |           | 109  | Walnut St.      | Lackawanna    | NY    | 14218 |
| 113  | Walnut St.                    | Norman       | Gau       | Venus      | Gau       | 113  | Walnut St.      | Lackawanna    | NY    | 14218 |
| 117  | Walnut St.                    | James        | Ernewein  | Eileen     | Ernewein  | 6665 | Derby Road      | Derby         | NY    | 14047 |
| 16   | Lincoln Ave.                  | Sarah        | Riesmeyer |            |           | 16   | Lincoln Ave.    | Lackawanna    | NY    | 14218 |
| 20   | Lincoln Ave.                  | Terry        | Lawson    | W          | Lawson    | - 20 | Lincoln Ave.    | Lackawanna    | NY    | 14218 |
| 22   | Lincoln Ave.                  | Sean         | Green     |            |           | 22   | Lincoln Ave.    | Lackawanna    | NY    | 14218 |
|      |                               |              |           |            |           |      |                 |               |       |       |

|          |                     | Property Owners - Co      | ompanies & Org | anizatio | ns                |             |       |       |
|----------|---------------------|---------------------------|----------------|----------|-------------------|-------------|-------|-------|
| Pro      | perty Address       | Owner 1                   | Owner 2        |          | Mailing           | Address     |       |       |
| No.      | Street              | Name                      | Name           | No.      | Street            | City        | State | Zip   |
|          |                     |                           |                |          |                   |             |       |       |
| Properti | es South of Odell S | St. Vicinity              |                | ***      |                   |             |       |       |
| 2350     | Hamburg Tpke.       | RAF Supply, Inc.          |                | 2350     | Hamburg Tpke.     | Lackawanna  | NY    | 14218 |
| 17       | Odell St.           | RAF Supply, Inc.          |                | 2350     | Hamburg Tpke.     | Lackawanna  | NY    | 14218 |
| 243      | Steelawanna Ave.    | RAF Supply, Inc.          |                | 2350     | Hamburg Tpke.     | Lackawanna  | NY    | 14218 |
| 0        | Willmuth Rear       | City of Lackawanna        |                | 714      | Ridge Rd.         | Lackawanna  | NY    | 14218 |
| 0        | Willmuth            | MD&S Resources Group, LLC |                |          | P.O. Box 388      | Lackawanna  | NY    | 14218 |
| 2470     | Hamburg Tpke.       | FTS Development LLC       |                |          | PO Box 1826       | Buffalo     | NY    | 14140 |
| 2502     | Hamburg Tpke.       | MD&S Resources Group, LLC |                |          | P.O. Box 388      | Lackawanna  | NY    | 14218 |
| 2540     | Hamburg Tpke.       | Transdad Inc.             |                | 120      | Mitchell Road     | East Aurora | NY    | 14052 |
| 2558     | Hamburg Tpke.       | Bethlehem Steel Corp.     | c/o ISG Lacka  | 3250     | Interstate Dr.    | Richfield   | ОН    | 44286 |
| 2600     | Hamburg Tpke.       | 15 Buffalo St. Partners   |                | 5288     | Columbia Ave.     | Hamburg     | NY    | 14075 |
| 0        | Dona St.            | City of Lackawanna        |                | 714      | Ridge Rd.         | Lackawanna  | NY    | 14218 |
| 24       | Dona St.            | Lake Shore Metals Inc.    |                | 24       | Dona St.          | Lackawanna  | NY    | 14218 |
| 93       | Walnut              | LHDC                      |                | 640      | Ridge Rd.         | Lackawanna  | NY    | 14218 |
| 0        | Lakeshore           | ISG Lackawanna Inc.       |                | 4020     | Kinross Lakes Pky | Richfield   | ОН    | 44286 |
| 0        | Lakeshore           | South Buffalo RR Co.      |                | 1200-C   | Scottsville Rd    | Rochester   | NY    | 14624 |
| 0        | Hamburg Tpke.       | Bethlehem Steel Corp.     | c/o ISG Lacka  | 3250     | Interstate Dr.    | Richfield   | ОН    | 44286 |
|          |                     |                           |                |          |                   |             |       |       |

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## **ATTACHMENT 9**

# ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS



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

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

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



identify potential runoff pathways from the site SWMUs to the on-site and off-site watercourses (discussed on a SWMU-by-SWMU basis in Parts V and V1 of this RFI report). The slag fill is generally very porous, meaning that precipitation typically is taken into the slag before substantial runoff occurs. Exceptions include precipitation that falls on the shoreline embankments (e.g., along Lake Erie) that slope towards a water body.

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

#### Natural Resources Information Review

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

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

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

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

SEE ATTACHED LETTER

WETLANOS

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

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

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

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

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

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



July 18, 1995

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

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

Dear Mr. Starkel:

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

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

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

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

Mark Kandel

Sr. Wildlife Biologist

MK/dah

cc: Mr. Steve Mooradian, Regional Fisheries Manager

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

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

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

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

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

SUMMARY

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

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

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

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

BSC(31)152 Draft Ecological Risk Assessment PART III: Draft RFI Report

## **ATTACHMENT 10**

INSTITUTIONAL CONTROL INFORMATION



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# DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

Made By:

Bethlehem Steel Corporation

1170 Eighth Avenue

Bethlehem, Pennsylvania 18016-7699

Dated:

February <u>20</u>, 1996

R 972929

779-16 RRC 963

#### DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

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

#### WITNESSETH:

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

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

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

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

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

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

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

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

#### A. <u>Purpose</u>.

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

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

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

#### C. Enforceability.

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

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

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

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

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

#### D. Amendments and Termination.

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

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

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

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

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

IN WITNESS WHEREOF, BSC has executed this Declaration as of the day and

year first above written.

ATTEST

BETHLEHEM STEEL CORPORATION, by

Assistant Secretary

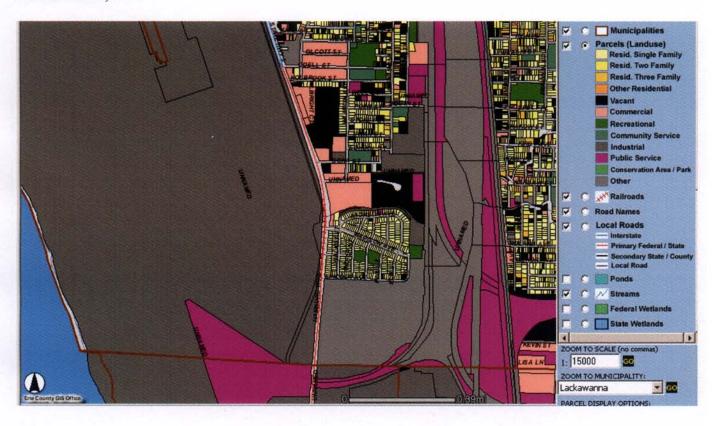
Vice President

## **ATTACHMENT 11**

**NEARBY LAND USE MAP** 



Attachment 11 Land Use Map, vicinity of Phase II Lackawanna, NY



## **ATTACHMENT 12**

**GROUNDWATER VULNERABILITY ASSESSMENT** 



#### Potential Vulnerability of Groundwater to Contamination

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

#### Groundwater Flow/Recharge

Groundwater elevation maps completed during the RFI (Reference 1) indicate that groundwater flows west across Phase II into South Return Water Trench, and east across Phase III into the South Return Water Trench which empties into Smokes Creek. In addition, groundwater flows into Smokes Creek in that vicinity. As such, groundwater does not flow toward the off-site properties to the east; however does flow toward Lake Erie and eventually discharges into the Lake.

#### Recommendations

Further work is required to supplement the existing wells on these properties. Additional wells to refine the groundwater flow patterns; discharge rates and the water quality will be needed.

#### Reference:

1. United States Environmental Protection Agency (USEPA), National Enforcement Investigation Center (NEIC). 1988. RCRA Facility Assessment, Bethlehem Steel Corporation, Lackawanna, New York, September.



## **ATTACHMENT 13**

**DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY** 



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

Information related to the geography/geology/hydrogeology of the site was reported in the "Final RCRA Facility Investigation Report, Former Bethlehem Steel Corporation Facility, Lackawanna, New York, Part 1, Executive Summary." October, 2004. Excerpts from this reference are included in this attachment to inclusion into the BCP Application.



#### ES2.2 <u>Ecological Setting</u>

Including the SFA, approximately one-half of the Site is not vegetated due to the presence of buildings, foundations, concrete pads, coal piles, roads, railroad tracks and slag fill. The remainder of the Site is vegetated primarily by grasses, shrubs and small trees. Almost all of the vegetated areas are in a very early stage of succession, lack substantive diversity and are low quality habitats.

The Site is located within the Erie-Niagara River basin. Viable aquatic habitats in the vicinity of the Site include Smokes Creek, Blasdell Creek, and Lake Erie. Several State wetlands are located within 2 miles of the Site.

#### ES2.3 Demography and Land Use

Current ownership of the Site is identified on Figure ES-6. Land use surrounding the Site includes residential, light and heavy industrial-commercial properties, and several public use areas.

Nearby residential areas include the community of Woodlawn located south of the Site and adjacent to Blasdell Creek, and several areas east of Route 5 and north of the ISG Lackawanna operations (the "Galvanized Products Division"). Numerous small commercial businesses are located offsite along Route 5 east and south of the Site.

Public recreational areas include two beaches within 2 miles of the Site, and two marinas north and within 1 mile of the Site. Fishing and boating activities are also common offshore of the Site in Lake Erie.

#### ES2.4 Regional Geology and Hydrogeology

The Site is located in the Erie-Ontario Lake Plain Physiographic Province of Western New York. The geology of the Erie-Niagara basin is described as consisting of unconsolidated

deposits (predominantly of glacial origin) overlying Silurian- and Devonian-age sedimentary bedded or layered bedrock. The naturally occurring unconsolidated deposits in the area consist of the following three general types: (1) alluvial silt, sand, and gravel deposited during comparatively recent geologic time; (2) lacustrine sediments composed primarily of silt, sand, and clay deposited during the late Pleistocene Epoch; and (3) glacial till, a heterogeneous mixture of particles (i.e., clay, silt, sand, gravel, and cobbles) deposited directly from glacial ice during the Pleistocene Epoch. Relief in the area is generally flat and the result of pre-glacial erosion of bedrock and subsequent topographic modification by glaciation.

The bedrock formations in the region dip to the south at about 30 to 40 feet per mile and exhibit only very gentle folding. In the Erie-Niagara Basin, the major areas of groundwater are in glacial sand and gravel deposits and limestone and shale bedrock. The main sources of groundwater within the bedrock are fractures and solution cavities.

The quality of groundwater in the vicinity of the Site is generally fair with moderate levels of hardness (250-500 parts per million [ppm]), sulfate (100-500 ppm) and chloride (100-500 ppm). The entire area within 3 miles of the Site is served by municipal water companies that acquire their drinking water from Lake Erie.

#### ES2.5 Site Geology

As noted previously, slag fill deposits cover much of the Site, particularly near the lake. Below the fill, the natural surficial geology of the Site is composed principally of lake sediments consisting of silty sands that are underlain by lacustrine silts and clays and glacial till. Peat is also occasionally found between the sand and fill. Lying below the till is bedrock, which is composed mostly of dark gray and black fissile shale. A gray limestone has also been encountered in several of the borings drilled to bedrock.

The fill unit, which contains the SFA, covers the entire Site west of Route 5 and consists of iron-making and steel-making slag, dredge spoils, cinders, coke, ashes, and brick and steel construction debris generated from historic BSC activities combined with granular fill soils. The thickness of the fill is extremely variable; high ridges of fill more than 100 feet thick are present along the Lake Erie shoreline at the northwest corner of the Site, thinning to a few feet near Route 5.

#### ES2.6 Site Groundwater Regime

The Site's hydrogeology is dominated by its lakeshore setting and the characteristics of the Site's subsurface materials. Slag and other fill placement on the Site has created an extensive man-made surficial fill unit. The fill is underlain by a natural sand unit ranging in thickness from approximately 0 to 20 feet. The lower, saturated part of the fill, along with the entire natural sand unit, comprises a low-yield, shallow, unconfined water table groundwater unit. Its saturated thickness ranges from 10 to 30 feet. The water table unit is underlain by an aquitard consisting of silt, clay and till units that together range in thickness from 2 feet to more than 50 feet. Below this aquitard is a confined and saturated groundwater unit within the uppermost part of the bedrock. This unit is assumed to discharge into Lake Erie.

In general, groundwater flow in the water table aquifer (fill and sand units) is generally east to west across the Site toward Lake Erie and also locally toward Smokes Creek, Blasdell Creek, the Gateway Metroport Ship Canal and the Union Ship Canal. Groundwater elevations, contour lines and flow paths as determined by the most recent round of Site-wide groundwater monitoring (November 20, 2001) are presented on Figure ES-7 and ES-8 for the fill and sand units, respectively.

#### ES2.7 Groundwater Recharge and Discharge

Recharge to the Site water table is from rainfall and snowmelt. Most of the Site precipitation evaporates or infiltrates to the subsurface. Site runoff is minimal and, if present, is eventually intercepted by one of the surrounding water bodies (Blasdell Creek, Smokes Creek, the Gateway Metroport Ship Canal, the Union Ship Canal, Lake Erie or the Buffalo Outer Harbor. Recharge for the Site is estimated at 1.25 feet/year. This value has been used for calculations of groundwater discharge and chemical loading to the surface water bodies.