

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
www.dec.ny.gov

Mr. John Cappellino  
Buffalo and Erie County Industrial Land Development Corporation  
95 Perry Street, Suite 403  
Buffalo, NY 14203

DEC 28 2017

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

Re: Certificate of Completion  
Site II-12 Tecumseh Phase II Business Park  
Lackawanna (c), Erie County  
Site No. C915198L

Dear Mr. Cappellino and Mr. Nagel:

Congratulations on having satisfactorily completed the remedial program at the Site II-12 Tecumseh Phase II Business Park. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter.



Department of  
Environmental  
Conservation

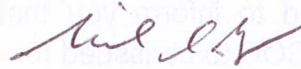
Please return the proof of recording to:

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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2019.

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

Sincerely,



Michael J. Ryan, P.E.  
Assistant Director  
Division of Environmental Remediation

cc w/ enclosure:

M. Moore  
K. Draves  
K. Nagel – Tecumseh Redevelopment Inc., [keith.nagel@arcelormittal.com](mailto:keith.nagel@arcelormittal.com)  
J. Cappelino – Buffalo and Erie County Industrial Land Development Corp.,  
[jcappell@ecidany.com](mailto:jcappell@ecidany.com)  
T. Forbes – Benchmark; [TForbes@benchmarkturnkey.com](mailto:TForbes@benchmarkturnkey.com)  
R. Napieralski – LaBella; [RNapieralski@LaBellaPC.com](mailto:RNapieralski@LaBellaPC.com)  
R. Murray – HarrisBeach; [bmurray@harrisbeach.com](mailto:bmurray@harrisbeach.com)  
M. Nisengard – Harter, Secrest & Emery; [mnisengard@hselaw.com](mailto:mnisengard@hselaw.com)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**Name**

Tecumseh Redevelopment Inc.

Buffalo and Erie County Industrial Land Development Corporation

**Address**

4020 Kinross Lakes Parkway, Richfield, OH 44286

95 Perry Street, Suite 403, Buffalo, NY 14203

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 1/9/07 **Application Execution:** 3/14/07 **Agreement Index No.:** B9-0696-05-06(B)

**Application Approval Amendment:** 8/8/12

**Agreement Execution Amendment:** 8/22/12

**Application Approval Amendment:** 9/15/17

**Agreement Execution Amendment:** 10/2/17

**Application Approval Amendment:** 12/14/17

**Agreement Execution Amendment:** 12/20/17

**SITE INFORMATION:**

**Site No.:** C915198L **Site Name:** Site II-12 Tecumseh Phase II Business Park

**Site Owner:** Buffalo and Erie County Industrial Land Development Corporation

**Street Address:** 2303 Hamburg Turnpike

**Municipality:** Lackawanna **County:** Erie **DEC Region:** 9

**Site Size:** 12.020 Acres

**Tax Map Identification Number(s):** 141.11-1-48.1

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Commercial and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 20 %.

Tangible Property Credit Component Rate is 20 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 18 %.

Tangible Property Credit Component Rate is 18 %.



The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2014137591 Bk/PG D 11266/5455.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

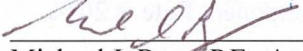
#### **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 12/28/17  
Michael J. Ryan, P.E., Assistant Director  
Division of Environmental Remediation

## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

#### **6 NYCRR Part 375-1.9(d)**

**Site II-12 Tecumseh Phase II Business Park, Site ID No. C915198L**

**2303 Hamburg Turnpike, Lackawanna, NY 14218**

**Lackawanna (C), Erie County, Tax Map Identification Number(s) 141.11-1-48.1**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Tecumseh Redevelopment Inc. and Buffalo and Erie County Industrial Land Development Corporation for a parcel approximately 12.02 acres located at 2303 Hamburg Turnpike in the City of Lackawanna, Erie County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as No. 2014137591 BK/PG D11266/5455.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability

**Site II-12 Tecumseh Phase II Business Park, Site #C915198L,  
2303 Hamburg Turnpike, Lackawanna, NY 14218**

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Buffalo and Erie County Industrial Land Development Corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK     ) SS:  
COUNTY OF             )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

Buffalo and Erie County Industrial Land Development Corporation  
95 Perry Street, Suite 403  
Buffalo, NY 14203

# EXHIBIT A

## Environmental Easement Description



# ENVIRONMENTAL EASEMENT DESCRIPTION

## FOR BCP SITE No. C915198L

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS 20 AND 21 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915198L, AS SHOWN ON A MAP OF "LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION", PREPARED BY WENDEL, MAY 2017, PROJECT NUMBER 411110, (BEING PART OF WENDEL'S PROJECT No. 411107) BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404 ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE N 44°-30'-28"W, A DISTANCE OF 2701.63 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B, N 18°-20'-36"W, A DISTANCE OF 443.97 FEET TO A POINT;

THENCE S 71°-34'-47"W, A DISTANCE OF 93.00 FEET TO THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B, N 18°-20'-36"W, A DISTANCE OF 214.85 FEET TO A POINT ON THE SOUTH LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1064;

THENCE ALONG THE SOUTH LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC., N 71°-41'-32"E, A DISTANCE OF 28.04 FEET TO THE SOUTHEAST CORNER OF GATEWAY TRADE CENTER, INC.;

THENCE EASTERLY N 71°-11'-53"E, A DISTANCE OF 86.73 FEET TO THE SOUTHWEST CORNER OF BUSINESS PARK PHASE I;

THENCE ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, N 71°-31'-33"E, A DISTANCE OF 756.73 FEET TO THE NORTHWEST CORNER OF BCP SITE NUMBER C915198K;

THENCE ALONG THE WEST LINE OF BCP SITE NUMBER C915198K, S 20°-13'-11"E, A DISTANCE OF 253.50 FEET TO AN ANGLE POINT IN SAID LINE,

THENCE CONTINUING ALONG THE WEST LINE OF BCP SITE NUMBER C915198K, S 19°-49'-54"E, A DISTANCE OF 398.73 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C915198J;

THENCE ALONG THE NORTH LINE OF BCP SITE NUMBER C915198J, S 71°-00'-00"W, A DISTANCE OF 628.54 FEET TO A POINT IN THE EAST LINE OF LANDS CONVEYED TO BO ENERGY, LLC BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11145 OF DEEDS AT PAGE 2733;

THENCE ALONG THE BOUNDARY OF SAID LANDS CONVEYED TO BO ENERGY, LLC. THE FOLLOWING 3 COURSES AND DISTANCES:

1. N 20°-04'-28"W, A DISTANCE OF 117.65 FEET TO A POINT;
2. S 71°-48'-41"W, A DISTANCE OF 112.00 FEET TO A POINT;
3. S 20°-04'-28"E, A DISTANCE OF 119.23 FEET TO A POINT IN THE NORTH LINE OF BCP SITE NUMBER C915198J;

THENCE ALONG THE NORTH LINE OF BCP SITE NUMBER C915198J, S 71°-00'-00"W, A DISTANCE OF 56.66 FEET TO THE POINT OF BEGINNING; CONTAINING 12.02 ACRES OF LAND, MORE OR LESS.



# EXHIBIT B

Site Survey

**NOTES:**

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

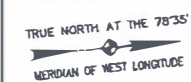
—UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 2209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

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

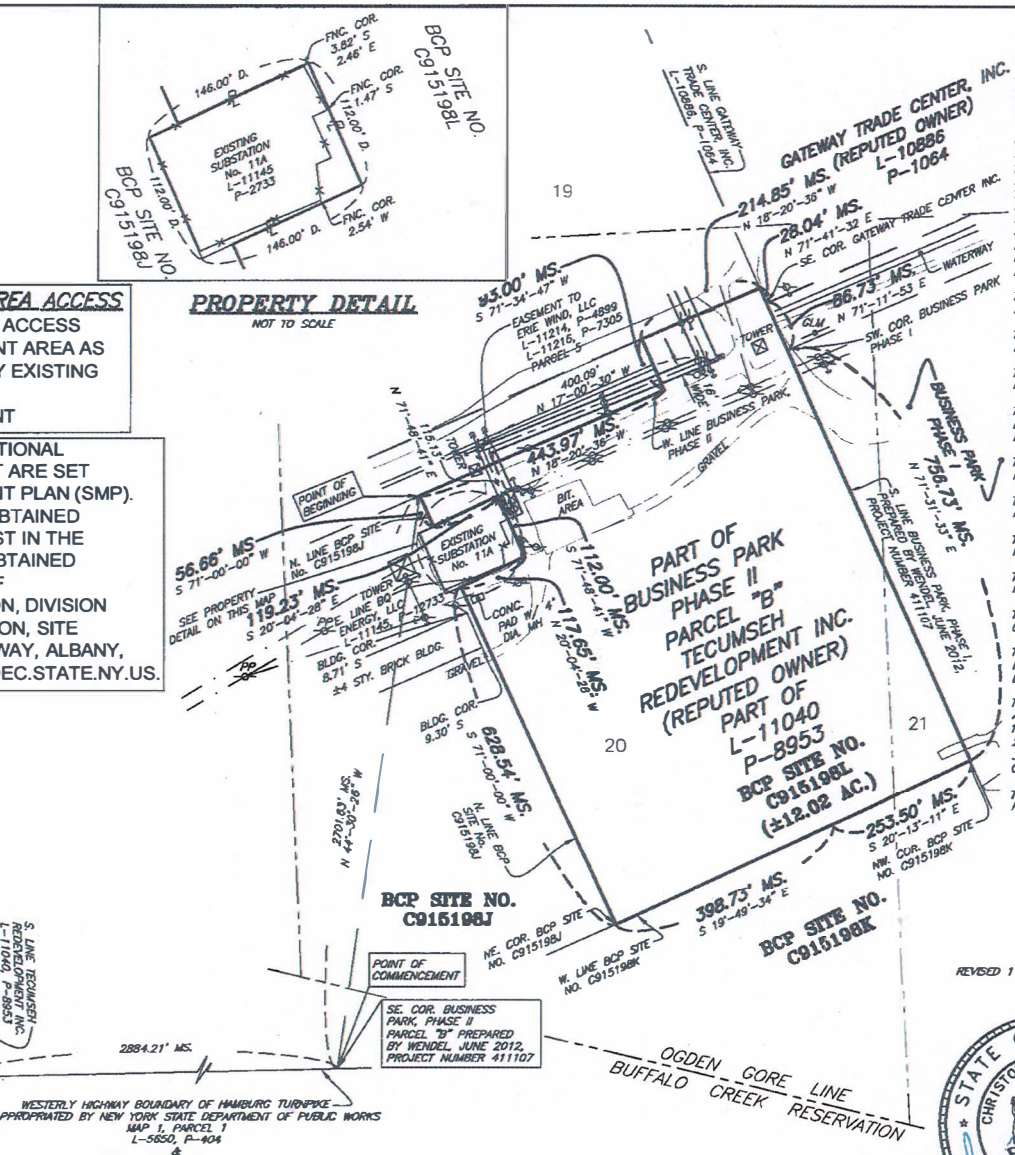
**ENVIRONMENTAL EASEMENT AREA ACCESS**

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

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



CITY OF LACKAWANNA  
TOWN OF HAMBURG



**ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE NO. C915198L**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS 20 AND 21 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915198L, AS SHOWN ON A MAP OF "LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION", PREPARED BY WENDEL MAY 2017, PROJECT NUMBER 411107, (BEING PART OF WENDEL'S PROJECT NO. 411107) BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROVED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404 ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. PAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE N 44°-30'-26" W, A DISTANCE OF 2701.63 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B, N 18°-20'-36" W, A DISTANCE OF 443.97 FEET TO A POINT;

THENCE S 71°-34'-47" W, A DISTANCE OF 93.00 FEET TO THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B;

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B, N 18°-20'-36" W, A DISTANCE OF 214.85 FEET TO A POINT ON THE SOUTH LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1084;

THENCE ALONG THE SOUTH LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC., N 71°-41'-32" E, A DISTANCE OF 28.04 FEET TO THE SOUTHEAST CORNER OF GATEWAY TRADE CENTER, INC.;

THENCE EASTERLY N 71°-11'-53" E, A DISTANCE OF 86.73 FEET TO THE SOUTHWEST CORNER OF BUSINESS PARK PHASE I;

THENCE ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, N 71°-31'-33" E, A DISTANCE OF 756.73 FEET TO THE NORTHWEST CORNER OF BCP SITE NUMBER C915198L;

THENCE ALONG THE WEST LINE OF BCP SITE NUMBER C915198L, S 20°-13'-11" E, A DISTANCE OF 253.50 FEET TO AN ANGLE POINT IN SAID LINE;

THENCE CONTINUING ALONG THE WEST LINE OF BCP SITE NUMBER C915198L, S 19°-49'-34" E, A DISTANCE OF 398.73 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C915198L;

THENCE ALONG THE NORTH LINE OF BCP SITE NUMBER C915198L, S 71°-00'-00" W, A DISTANCE OF 628.54 FEET TO A POINT IN THE EAST LINE OF LANDS CONVEYED TO BQ ENERGY, LLC BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11145 OF DEEDS AT PAGE 2733;

THENCE THE BOUNDARY OF SAID LANDS CONVEYED TO BQ ENERGY, LLC. THE FOLLOWING 3 COURSES AND DISTANCES:

1. N 20°-04'-28" W, A DISTANCE OF 117.85 FEET TO A POINT;
2. S 71°-48'-41" W, A DISTANCE OF 112.00 FEET TO A POINT;
3. S 20°-04'-28" E, A DISTANCE OF 119.23 FEET TO A POINT IN THE NORTH LINE OF BCP SITE NUMBER C915198L;

THENCE ALONG THE NORTH LINE OF BCP SITE NUMBER C915198L, S 71°-00'-00" W, A DISTANCE OF 56.66 FEET TO THE POINT OF BEGINNING, CONTAINING 12.02 ACRES OF LAND, MORE OR LESS.

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

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT

**wendel**  
Carterville Corporate Park • 375 Essjay Road, Suite 200  
Williamsville, New York 14221  
PHONE: 716.858.0766 FAX: 716.625.8925  
WEBSITE: www.wendelcorp.com  
Wendel W.D. Architecture, Engineering, Surveying and Landscape Architecture P.C.

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

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



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

FIELD SURVEY COMPLETED JUNE 2012

CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 11/2/17

SHEET 1 of 1 CHECKED BY: CJS MAP NUMBER: BCP SITE NO. C915198L



WENDEL PROJECT NUMBER: 411107  
DRAWING NAME: P12-12 C915198L.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 13, 2014, TITLE No. 1313-25073, FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
12/20/2017

**SITE DESCRIPTION**

**SITE NO.** C915198L

**SITE NAME** Site II-12 Tecumseh Phase II Business Park

**SITE ADDRESS:** 2303 Hamburg Turnpike **ZIP CODE:** 14218

**CITY/TOWN:** Lackawanna

**COUNTY:** Erie

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/29/2019

**Description of Institutional Control**

**Buffalo & Erie County ILDC**

95 Perry Street, Suite 403

**2303 Hamburg Turnpike**

Environmental Easement

Block: 1

Lot: 48

Sublot: 1

Section: 141

Subsection: 11

S\_B\_L Image: 141.11-1-48.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan



## Description of Engineering Control

**Buffalo & Erie County ILDC**

95 Perry Street, Suite 403

**2303 Hamburg Turnpike**

Environmental Easement

Block: 1

Lot: 48

Sublot: 1

Section: 141

Subsection: 11

S\_B\_L Image: 141.11-1-48.1

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