

Brownfield Cleanup Program Application

for Phase II Business Park Area

*Tecumseh Redevelopment, Inc.
Lackawanna, New York*

June 2005

0071-006-100

Prepared By:



**BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION**

ECL ARTICLE 27, TITLE 14

9/3/04

Applicant Information			
NAME Tecumseh Redevelopment, Inc. (Keith A. Nagel, General Manager)			
ADDRESS 4020 Kinross Lakes Parkway			
CITY/TOWN Richfield, Ohio		ZIP CODE 44286	
PHONE 330-659-9165	FAX 330-659-7434	E-MAIL knagel@intlsteel.com	
NAME OF APPLICANT'S REPRESENTATIVE TurnKey Environmental Restoration, LLC (Paul H. Werthman, P.E., Site Manager)			
ADDRESS Suite 624, 726 Exchange Street			
CITY/TOWN Buffalo, NY		ZIP CODE 14210	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com	
THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: ☐ PARTICIPANT An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. ☒ VOLUNTEER An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.			
Applicant Relationship to Property (check one): ☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____			
Current Owner/Operator Information			
OWNER'S NAME (if different from applicant)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
OPERATOR'S NAME (if different from applicant) TurnKey Environmental Restoration, LLC (Paul H. Werthman, P.E., Site Manager)			
ADDRESS Same as above			
CITY/TOWN Same as above		ZIP CODE 14210	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com	

Site Information

SITE NAME Tecumseh Redevelopment, Inc. Lackawanna - Phase II Business Park Parcel

SITE ADDRESS 1951 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 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 LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

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

Applicant Eligibility Information (Please refer to ECL § 27-1407)

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

Site Eligibility Information (Please refer to ECL § 27-1405)

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

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

1. ENVIRONMENTAL DATA

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.

IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):

☐ YES ☐ NO

2. OWNERS

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

3. OPERATORS

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

Contact List Information

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

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

Contaminant Information

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

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

*Please describe: _____

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

Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Other Census Tract 012200, Vacant

Future Use: ☐ Residential ☒ Commercial ☒ Industrial ☒ Other Potential Bike Path Along Rt 5

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

Yes No Unknown

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

☒ ☐ ☐

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

☒ ☐ ☐

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

(By applicant who is an individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.
Date: _____ Signature: _____ Print Name: _____

(By an applicant other than an individual)
I certify that I am GEN. MGR. (title) of TECUMSEH (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.
Date: 5/30/05 Signature: [Signature] Print Name: KEITH NAGEL

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

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

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

- **One (1) hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>**

FOR DEPARTMENT USE ONLY

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

NY State Department of Environmental Conservation

Brownfield Cleanup Program Application

Tecumseh Redevelopment, Inc. Lackawanna – Phase II Parcel

List of Application Attachments

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

ATTACHMENT 1

TAX MAP, QUADRANGLE MAP, PLANNED REDEVELOPMENT
MASTER PLAN MAP

Figure A-2

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

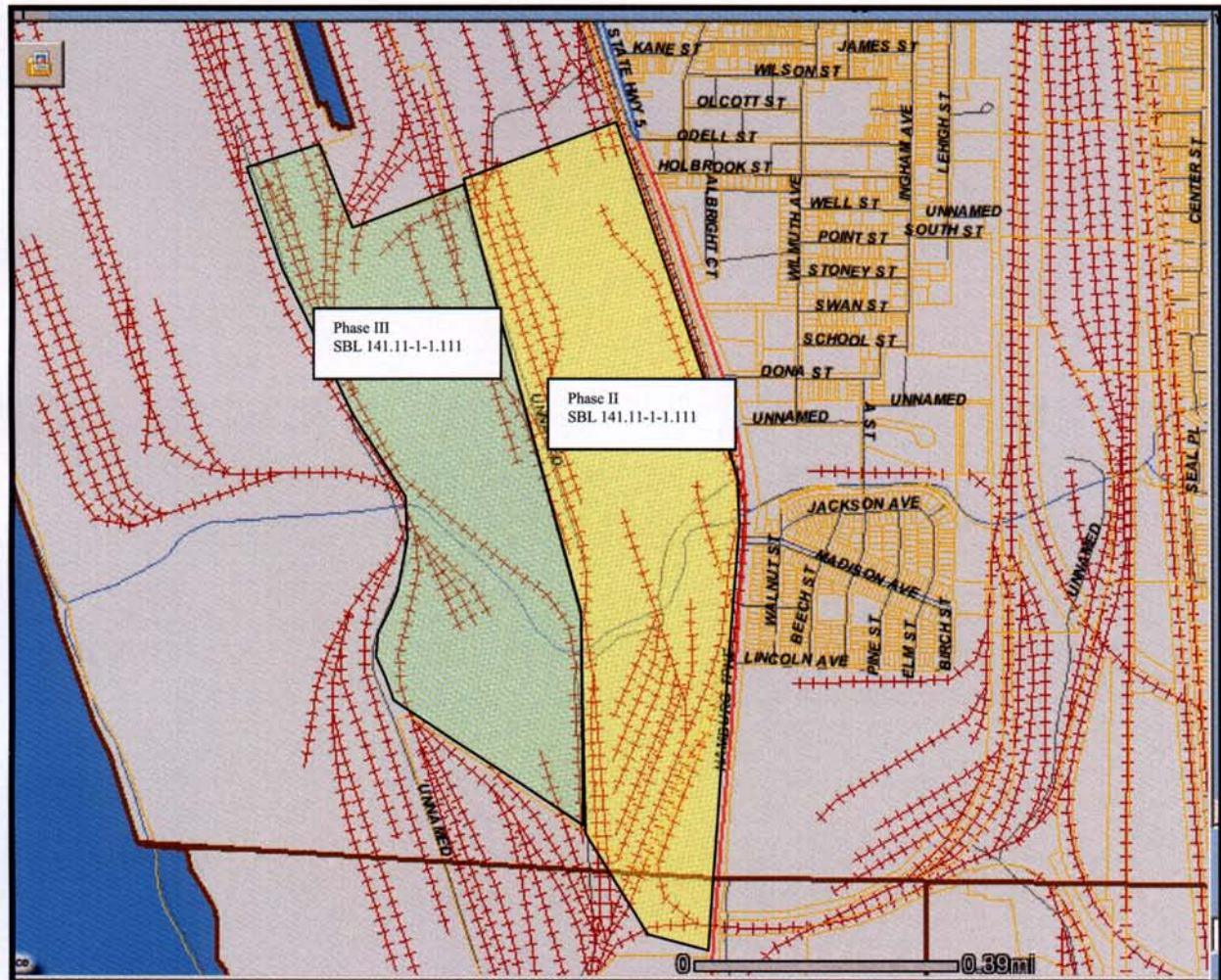
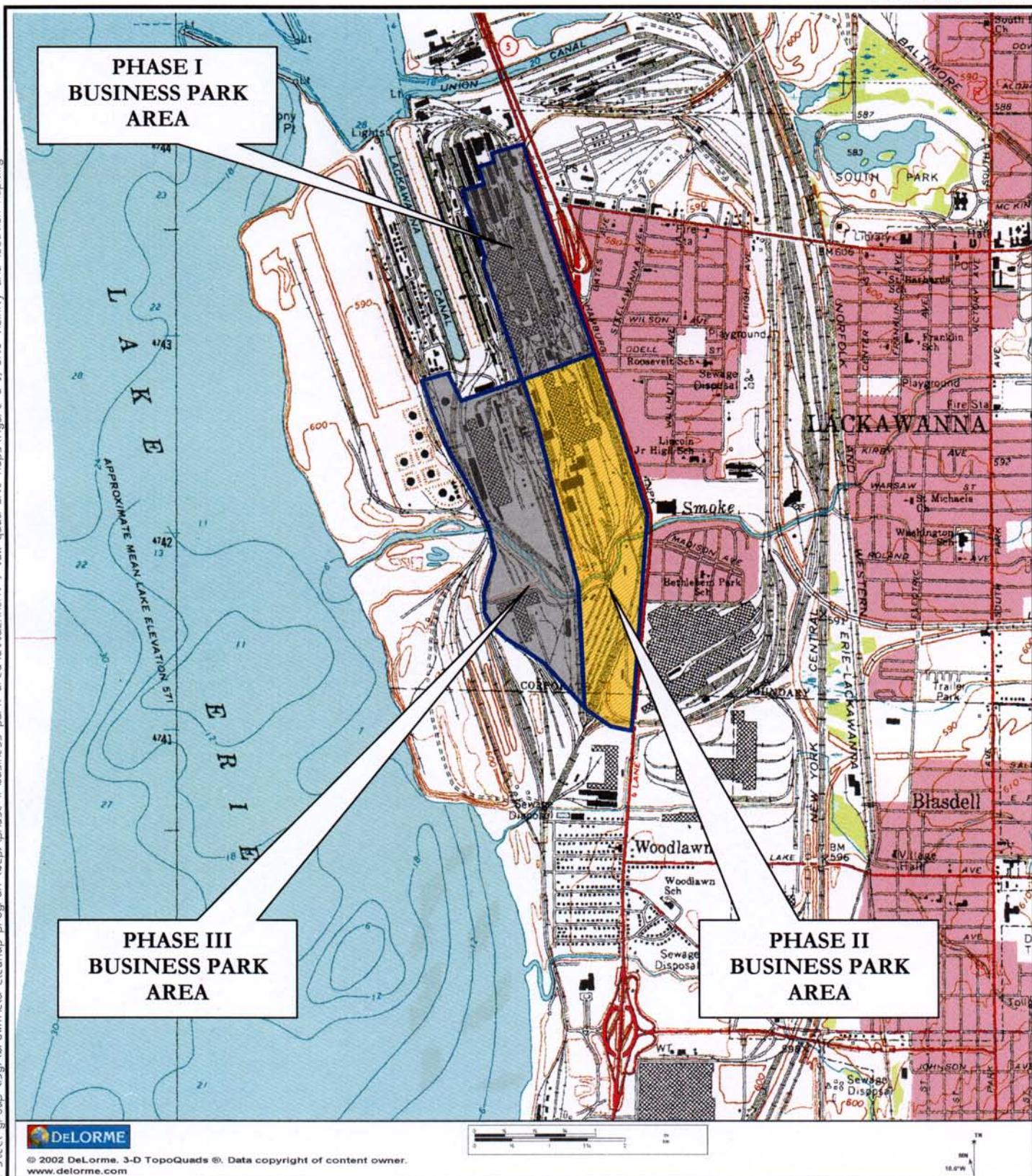


FIGURE A-1

FILEPATH: \\cadd\\turnkey\\international steel group (isg)\\brownfield cleanup program (bcp)\\phase ii business park area\\attachment 1 tax quad site maps\\figure a-1\\site vicinity and location map.dwg



ATTACHMENT 2

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.

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

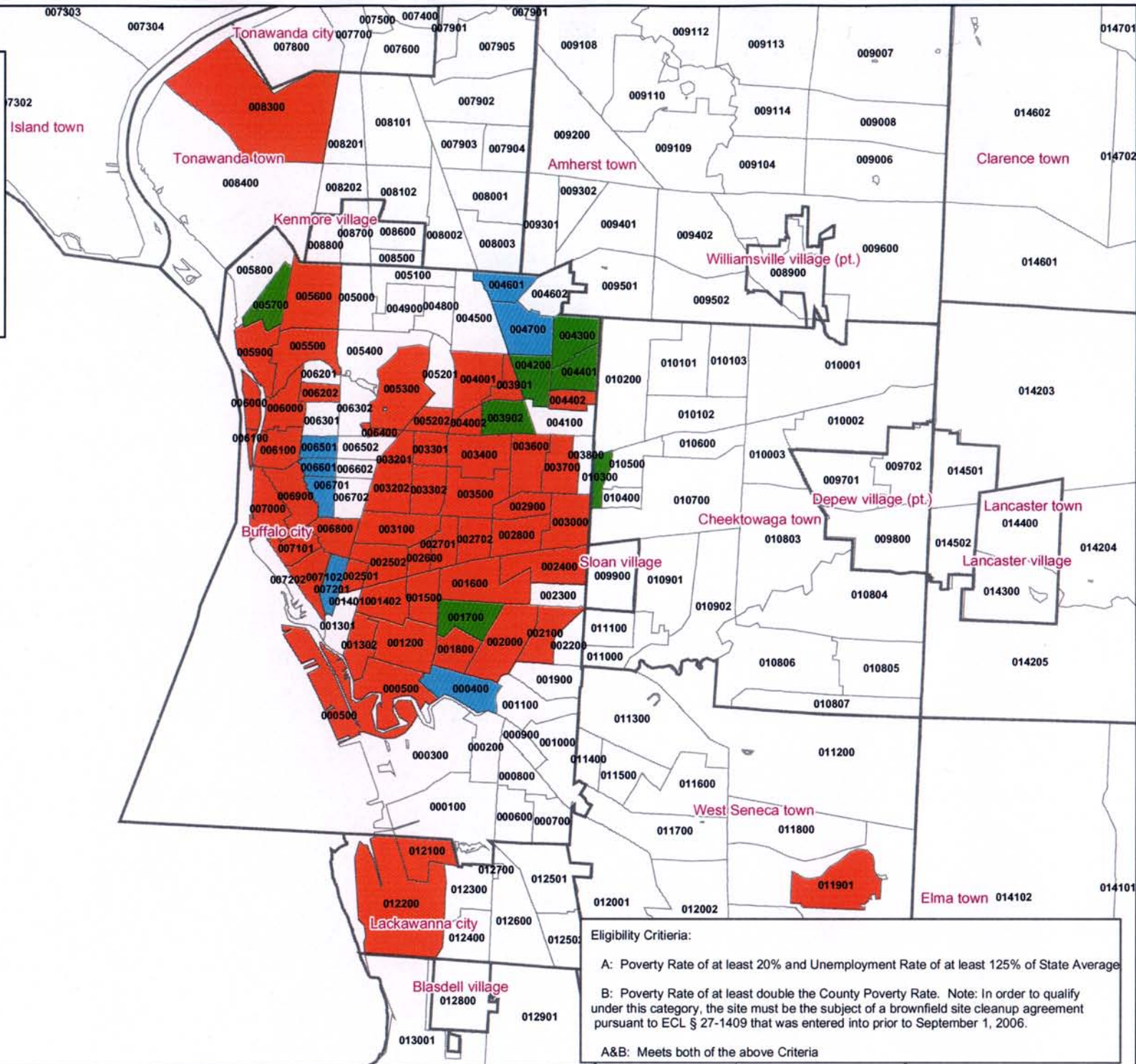
ATTACHMENT 3

EN-ZONE CENSUS DESIGNATION MAP

New York State Environmental Zones Northern Erie County Eligible Tracts

Eligibility Criteria

- Only A
- Only B
- A and B
- Not Eligible
- Municipal Boundaries



Eligibility Criteria:

A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average

B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.

A&B: Meets both of the above Criteria

ATTACHMENT 4

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.

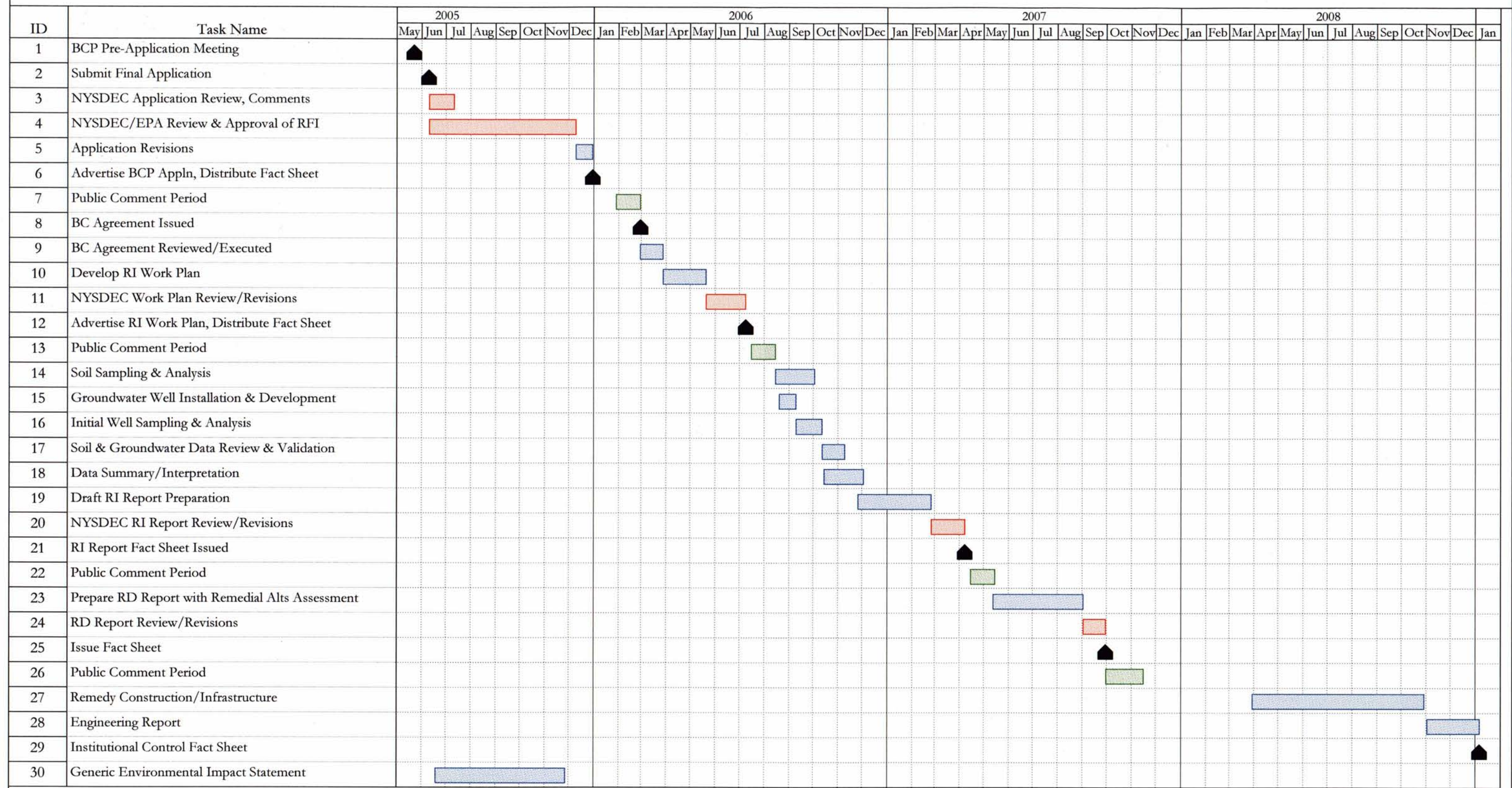
A Phase I Environmental Site Assessment (ESA) was completed for an approximate 200-acre portion of the Site by BSC and the Erie County Department of Environment and Planning in 2002. The parcel was at that time designated as the “200-Acre Brownfield Redevelopment Site.” The ESA is included as Attachment 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.



ATTACHMENT 5

PHASE I ESA

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

ATTACHMENT 6

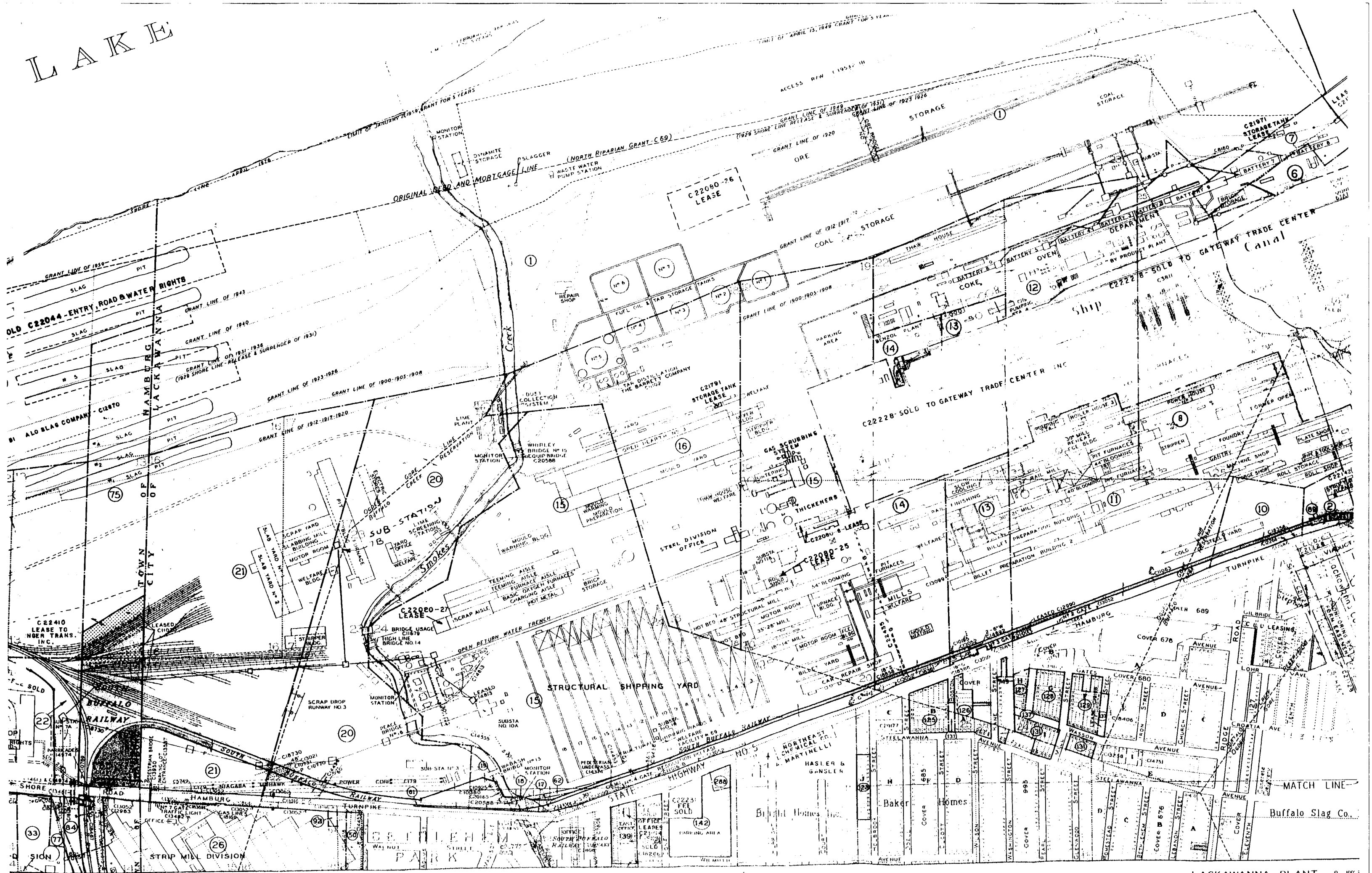
LISTING OF PREVIOUS SITE OWNERS

**TECUMSEH REDEVELOPMENT, INC.-PHASE 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.



LAKE



Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

Page 1 of 3

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem Steel Company		Lackawanna	City of Lackawanna, Erie County, N. Y.	1 9-6-15
DESCRIPTION:-			CLASSIFICATION	AREA
Situating on waters of Lake Erie. Comprising Lots 19 & 20 of Ogden Gore. Survey and Lot 24 of the Buffalo Creek Indian Reservation. Formerly 6-6-T-15.			Fee	185.98 Ac.
FOR LOCATION SEE KEY MAP No. 9-6-500-2 & 5				
DATE	TITLE CHAIN			
6/30/1899	J. J. Albright to Stony Point Land Co. Abstract D6-16			
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8			
4/29/1902	L.I.&S. Co. to L.S.Co. N.Y. D-10 D6-47			
10/10/1922	L.S.Co. to B.S.Co. of N. Y. & Name changed to B.I.&S. Corp. D6-1			
5/15/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 Title Opinion 9-12-36 C6445			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813			
9/15/1989	So. Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/18/41	South Buffalo Railway Co.	C 10380	0.24 Ac.	185.74 Ac.
10/11/1954	Buffalo Tank Corp.	C 11016-3	2.074 "	183.666 Ac
12/31/1985	Gateway Trade Center Inc.	C 22228	8.784 Ac.	174.882 Ac
9/15/1989	So. Buffalo Railway Company to B.S.Corp. (PURCHASE)	D1-1148	2.3367 Ac.	177.2187 A
5/ 6/2003	Tecumseh Redevelopment Inc.			

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

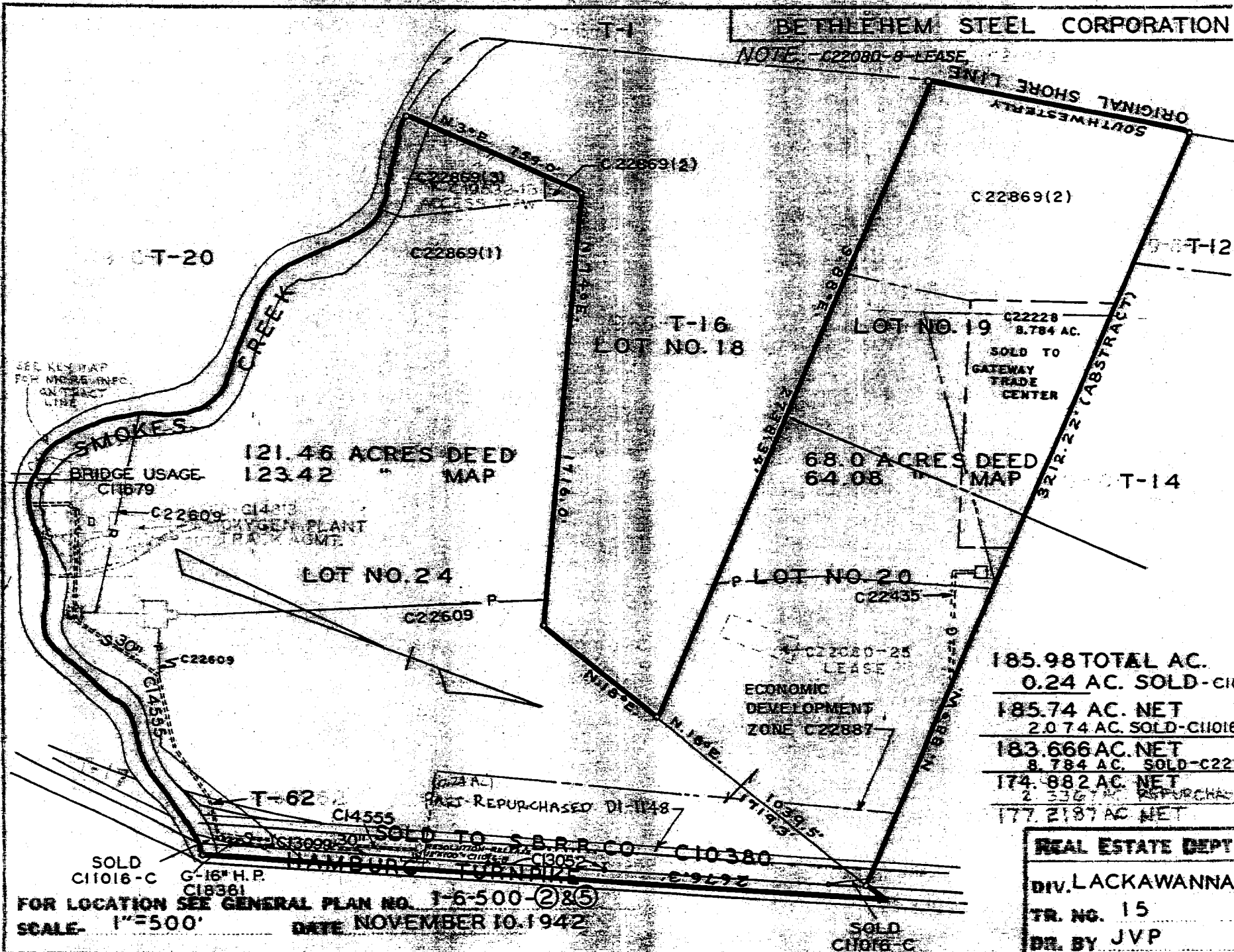
Page 2 of 3

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

NET AREA

BETHLEHEM STEEL CORPORATION

NOTE - C22080-9 LEASE

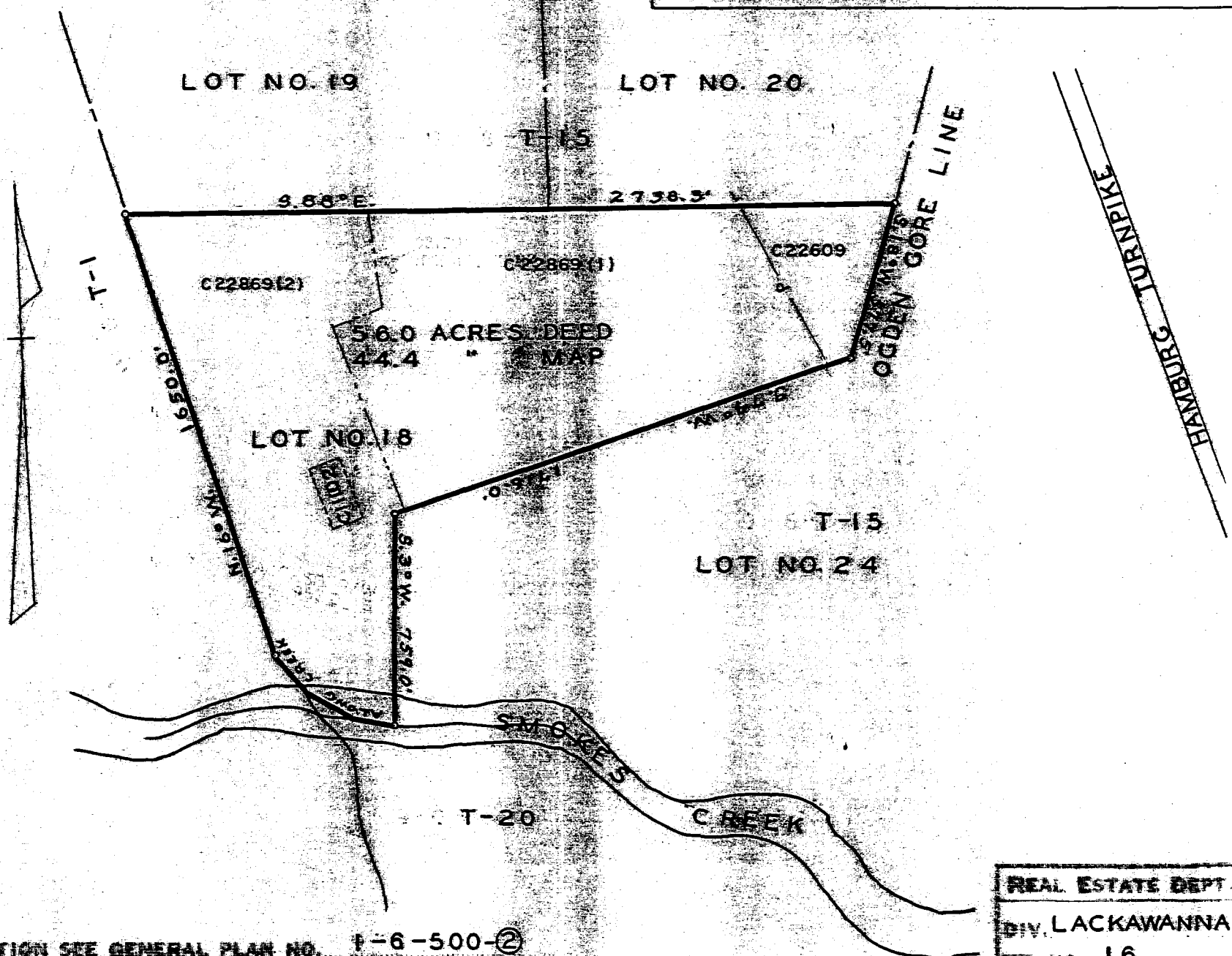


Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem Steel Company		Lackawanna	City of Lackawanna, Erie County, N. Y.	1 9-6-16
DESCRIPTION:-			CLASSIFICATION	AREA
Along waters of Lake Erie. Being Lot No. 18 of the Ogden Gore Survey. Formerly 6-16-T-16			Fee	44.4 Ac.
FOR LOCATION SEE KEY MAP No. 1 9-6-500-2				
DATE	TITLE CHAIN			
6/30/1899	J. J. Albright to Stony Point Land Co. <i>Abstract 25-17</i>			
7/26/1900	Stony Point Co. to L.I.&S. Co. D6-8			
4/29/1902	L.I.&S. Co. to L.S.Co. N.Y. D-18 D6-47			
10/10/1922	L.S.Co. to B.S.Co. of N.Y. & Name changed to B.I.&S. Corp. D6-1			
5/13/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 <i>Title Op'd 9/12/36 C-446-5</i>			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
5/ 6/2003	Tecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION



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

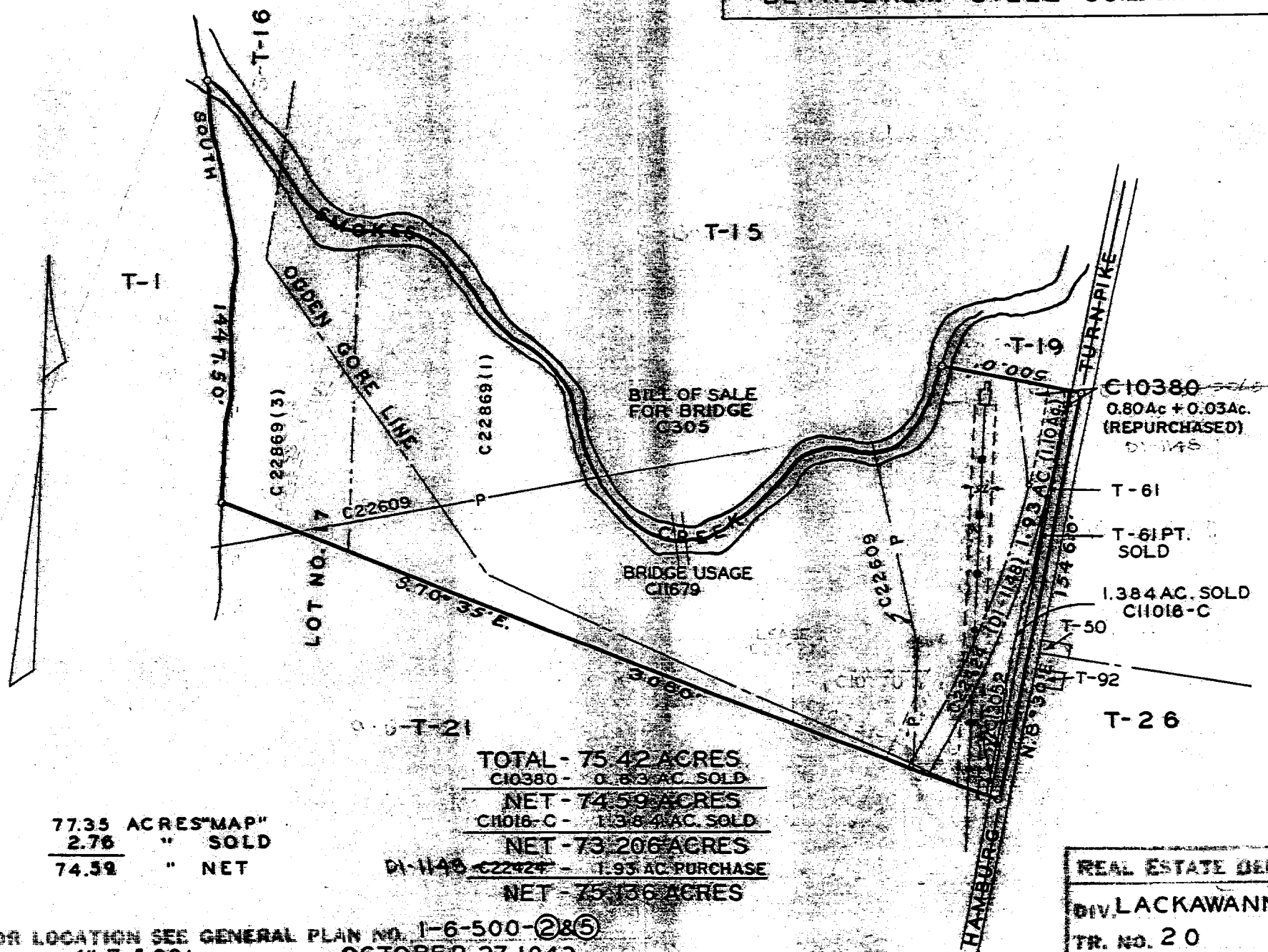
REAL ESTATE DEPT.
 DIV. LACKAWANNA
 TR. NO. 16
 DR. BY JVP

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation Bethlehem Steel Company		Lackawanna	City of Lackawanna, Erie County, N. Y.	1 9-6-20
DESCRIPTION:-			CLASSIFICATION	AREA
Land along south bank of Smokes Creek west of Hamburg Road. Formerly 6-6-T-21.			Fee	75.42 Ac.
FOR LOCATION SEE KEY MAP No. 1 9-6-500-2 & 5.				
DATE	TITLE CHAIN			
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8 Abstract 26-27			
4/29/1902	L.I.&S. Co. to L.S. Co. N.Y. D-16 D6-47			
10/10/1922	L.S.Co. to B.S.Co. of N.Y. & Name changed to B.I.&S. Corp. D6-1			
5/15/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 Title Op'n 9/12/36 6644-5			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813 73.206 Ac.			
9/15/1989	So. Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
12/18/41	Deed - South Buffalo Railway Co.	C 10380	0.83 Ac.	74.59 Ac.
10/11/1954	Buffalo Tank Corp.	C 11016-3	1.384 "	73.206 "
XXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXX		
9/15/1989	South Buffalo Railway Company to B.S.Corp. XXXXXX (PURCHASE)	D1-1148	1.930 Ac.	75.136 Ac.
5/6/ 2003	Tecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION



FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-②&⑤
 SCALE- 1" = 500' DATE OCTOBER 27, 1942

REAL ESTATE DEPT.
 DIV. LACKAWANNA
 TR. NO. 20
 DR. BY JVP

Subsidiary Companies of Bethlehem Steel Corporation

Page 1 of 3

REAL ESTATE RECORD

OWNER	PLANT	LOCATION	TRACT No.	
Bethlehem Steel Corporation Bethlehem-Steel-Company	Lackawanna	City of Lackawanna & Town of Hamburg Erie County, N. Y.	1 9-6-21	
DESCRIPTION:-		CLASSIFICATION	AREA	
Land between Lake Erie and Hamburg Road North of Woodlawn. Formerly 6-6-T-22.		Fee	145.16 Ac.	
68.63 Town of Hamburg 76.53 City of Lackawanna 145.16				
FOR LOCATION SEE KEY MAP No.		1 9-6-500-1,2,4 & 5		
DATE	TITLE CHAIN			
7/26/1900	Stony Point Land Co. to L.I.&S. Co. D6-8 Abstract D6-23			
4/29/1902	L.I.&S. Co. to L.S.Co. N.Y. XXXX D6-47 10/21/1922			
10/10/1922	L.S.Co. to B.S.Co. of N.Y. Name changed to B.I.&S. Corp. / D6-1			
5/13/1924	B.I.&S. Corp. to B.S.Co. of Pa. to B.I.&S. Corp. 7/28/1924 D6-2 & D9-435			
7/12/1935	B.I.&S. Corp. to B.S.Co. D9-247 Title Opinion 9/12/1936 C 6046-5			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813 143.599 Ac.			
9/15/1989	So. Buffalo Railway Company to B.S.Corp. D1-1148 C 22424			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
10/11/1954	Buffalo Tank Corp. D36-5	C 110163	1.561 Ac.	143.599 Ac.
12/21/1983	Erie County Industrial Development Agency (B.S.Co. to Erie County Industrial Development Agency) (B.S.Co. to Erie County Industrial Development Agency)	C 21124	12.022 Ac.	131.577 Ac.
5/28/1985	Lake Shoe Gateway Associates	C 22044	16.02 Ac.	115.557 Ac.
9/15/1989	South Buffalo Railway Company	C 22424	38.778 Ac.	76.779 Ac.
9/15/1989	South Buffalo Railway Company to B.S. Corp. (PURCHASE)	D1-1148	1.510 Ac.	78.289 Ac.
5/ 6/2003	Tecumseh Redevelopment Inc.			

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

Page 2 of 3

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation	Lackawanna	City of Lackawanna & Town of Hamburg, Erie County, N.Y.	1-6-21
DESCRIPTION:-		CLASSIFICATION	AREA
		FEE	145.16 Ac.
DATE	FOR LOCATION SEE KEY MAP No.	TITLE CHAIN	
DATE	DISPOSITION	FILE No.	AREA SOLD
			NET AREA

Subsidiary Companies of Bethlehem Steel Corporation

Page 3 of 3

REAL ESTATE RECORD

OWNER	PLANT	LOCATION	TRACT No.
Bethlehem Steel Corporation	Lackawanna	City of Lackawanna, Town of Hamburg, County of Erie, New York	1-6-21
DESCRIPTION:-		CLASSIFICATION	AREA
		FEE	145.16 Ac.
DATE	FOR LOCATION SEE KEY MAP No.	TITLE CHAIN	
DATE	DISPOSITION	FILE No.	AREA SOLD
			NET AREA

BETHLEHEM STEEL CORPORATION

C 22523(5)

T-27

WOODLAWN
BEACH CO.

HAMBURG TURN

SOLD
C11016-3
TO WESTERLY RIGHT OF WAY
LINE OF HAMBURG TURNPIKE

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-1(24&5)
SCALE: 1" = 500' DATE OCTOBER 2, 1942

T-20

**NOTE:- SEE SHEET 2
OF 2 FOR ACR-
EAGE TABLE.**

THE

NEW LACKAWANNA
TOW. NO. 21 10F 2
CO. BY JVP

160.84 AC. FEE "MAP"

15.68 AC. FEE SOLD

NET - 145.16 AC. FEE
C1016-3 - 1561 AC. FEE - SOLD

NET - 143.599 AC. FEE
C21124 - 12,022 AC. FEE - SOLD

NET - 131.577 AC. FEE
C22044 - 16,020 AC. FEE - SOLD

NET - 115.557 AC. FEE
C22424 - 38,778 AC. FEE - SOLD

NET - 76.779 AC. FEE
D1-1143 - 1,110 AC. FEE - PURCHASE

NET - 78.289 AC. FEE

FOR LOCATION SEE GENERAL PLAN NO. 1-6-500-1,2,4 & 5

SCALE-

DATE

REAL ESTATE DEPT.

DIV. LACKAWANNA

TR. NO. 21 2 OF 2

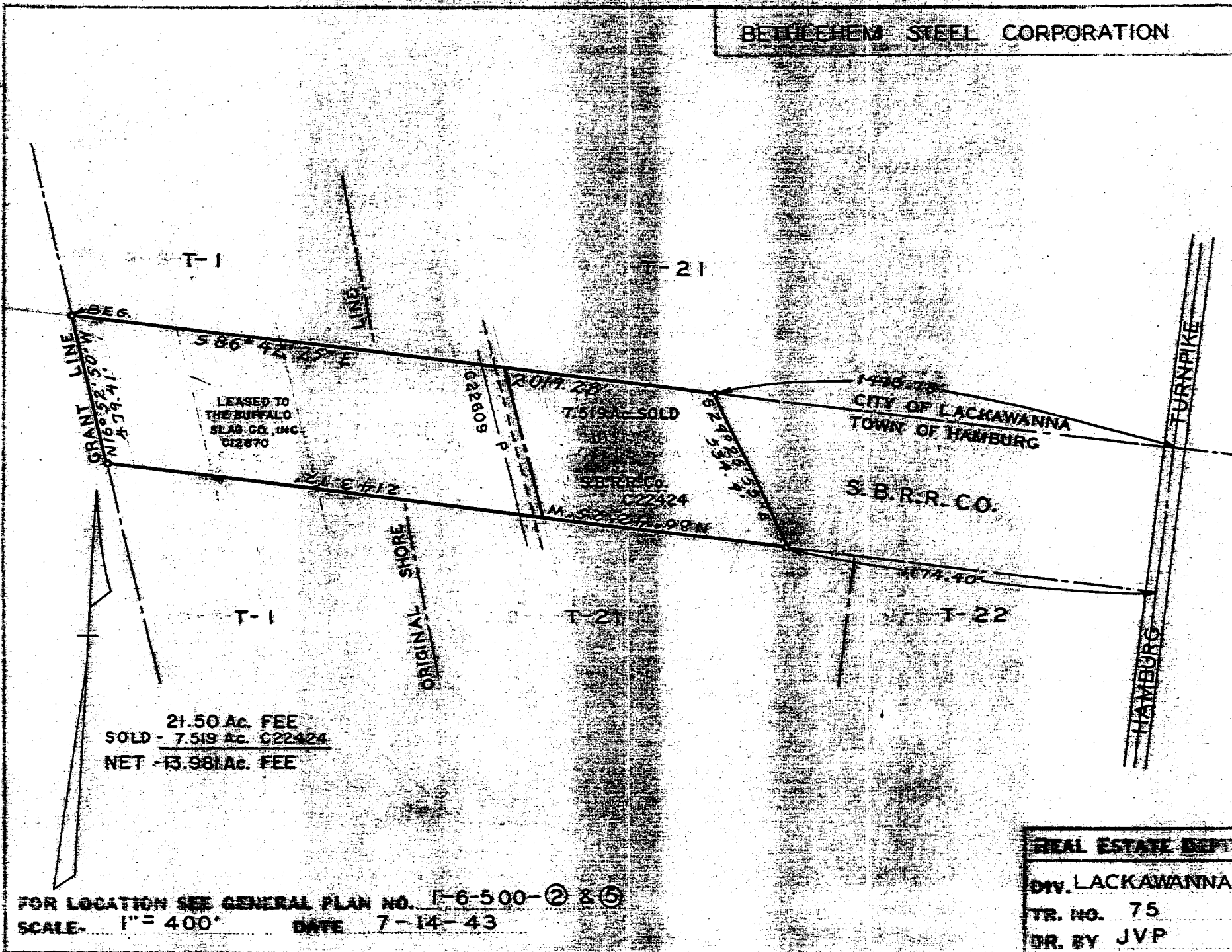
DR. BY

Subsidiary Companies of Bethlehem Steel Corporation

REAL ESTATE RECORD

OWNER		PLANT	LOCATION	TRACT No.
Bethlehem Steel Company Bethlehem Steel Corporation		Lackawanna	Town of Hamburg Erie County, N. Y.	1 9-6-75
DESCRIPTION:-			CLASSIFICATION	AREA
Portion of 450' Strip adjoining Lackawanna City Line .			Fee	21.5 Ac.
FOR LOCATION SEE KEY MAP No.			1 9-6-500-2 & 5	
DATE	TITLE CHAIN			
5/13/43	So. B. Ry. Co. to B.S.Co. D9-466 C 10833			
As of 5/13/43	" " " " To " " " D9-466 Corrective Deed			
12/31/1964	B.S.Co. merged into B.S.Corp. C 18813			
DATE	DISPOSITION	FILE No.	AREA SOLD	NET AREA
9/15/1989	South Buffalo Railway Company	C 22424	7.519 Ac.	13.981 Ac
5/ 6/2003	ecumseh Redevelopment Inc.			

BETHLEHEM STEEL CORPORATION



FOR LOCATION SEE GENERAL PLAN NO. F-6-500-② & ③
 SCALE - 1" = 400' DATE 7-14-43

REAL ESTATE DEPT.
 DIV. LACKAWANNA
 TR. NO. 75
 DR. BY JVP

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.



DATE	MORTGAGE	U. M. SATISFIED AND
5/13/24	Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6046-5	DISCHARGED 1/1/1979
3/18/1952	Release of Mtg. - S.T.Co. to Buffalo Tank Corp. 2.074 Ac. - D36-5	
DATE	EASEMENTS	
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878	
5/15/1950	Agreement for telephone line to New York Telephone Co. C 13099	
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052	
1/5/1951	City of Lackawanna releases all interest in strip of land 12' x 100' at Gate No. 4 C 11016-B	
10/1/1947	Roadway rights on railroad bridge - South Buffalo Railway Co. to B. S. Co. C 11679	
9/10/1956	R/W for sanitary sewer to City of Lackawanna C 14555 (1) Amended 11/14/1963	
1/20/1956	Agreement and lease for oxygen supply system to Linde Air Products Co. C 14813 Superseded 6/15/61 & 3/2/64	
10/15/1958	Side track agreement - S.B.Rwy.Co., B.S.Co. and Linde Company. C 14813	
11/21/1961	Easement for gas pipelines to Iroquois Gas Corp. C 18361 Amended 7/9/1962 Amended 8/13/1963, 1/21/2000	
11/10/1964	Agreement - Right of Entry - B.S.Co. and The United States of America - C 12023 Cancelled 10/20/70	
3/ 2/1964	Agreement and lease for oxygen supply system to Union Carbide Corp., Linde Div. - C 14813 Canc'd 7/11/1966	
7/11/1966	Agreement & lease for oxygen supply system site to Union Carbide Corp., Linde Div. - C 14813 Amend. 11/5/1974	
3/31/1967	Memo. of Agreement - Concession Site to Cease Commissary Services, Inc. - C 6756 Can. 5/31/1983 Can. 1/1/81	
7/19/1967	Easement for Sewer Line & Water Line - South Buffalo Railway Co. - C 19456 to B.S. Corp Can. 9/15/1989	
1/ 9/1981	Agmt. & Lease for oxygen supply site to Union Carbide - C 14813 Cancelled 8/31/1988	
9/27/1982	License Agmt. - Permission of Entry - New York State Dept. of Environmental Conservation - C 21028 Term. 9/14/1983	
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052	
9/20/1984	Lease to Amadori Construction, Inc. C 22080-8 Amended 10/23/87, 8/11/88, 7/24/89 Term. 9/30/1990	
3/1/1986	Lease - 34* Roll Shop Office - Power Electric Company - C 22080-24 Amend. 3/4/88, 2/1/89, 1/24/90	
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	
12/19/1986	Lease - Murdock Wakelam, Inc. - C 22080-25 Amend. 5/3/1991 Term. 12/31/1991	
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362	
9/ 8/1987	License - permission to enter lands for inspection and improvements - Penn Iron and Metal Company C 22080-27	
10/15/1987	Lease - Penn Iron and Metal Company, Inc. - C 22080-27 Amended 4/12/1989 Cancelled 10/14/1992	
4/ 5/1988	Ltr. Agmt. - National Fuel Gas Distribution Corporation - C 22435	

DATE

MORTGAGE

DATE

EASEMENTS

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

DATE

MORTGAGE

DATE

EASEMENTS

2/20/1996

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

2/20/1996

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

~~11/10/1999~~~~License Agreement - Herbert F. Darling, Inc. C 22443~~

12/ 9/1999

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

DATE	MORTGAGE
5/12/84	Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 6048-5 S. M. SATISFIED AND DISCHARGED 1/1/1979
DATE	EASEMENTS
4/24/41	C 11102 B.S. Co. to The Barrett Co. Tar distilling plant.
1/16/1974	Easement Agreement Access for Men & Equipment Etc. to Erie County EXXON C 20335 Can. 2/18/1991
7/28/1981	Letter Agmt. Use of Storage Tank to B.S. Corp. from Detz Laboratories Inc. C 21791 Can. prior to 10/30/1993
9/27/1982	License Agmt. Permission of Entry - New York State Dept. of Environmental Conservation - C 21928 Term. 9/14/1983
4/ 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)
7/26/1989	License Erie Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Terminated 9/30/1989
7/26/1989	License Erie Energy Associates (by Oxford Energy of New York, Inc.) C 22521(2) Amend. 11/9/1989
7/20/1989	License Browning Ferris Industries, Inc. C 22463 4 Cancelled 9/30/1989 Term. 12/31/1989
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, Covenants and Restrictions - Parcel B Coke Ovens C 22869(2)
7- 1/2000	License Buffalo Fuel Corporation C 23531 Terminated 1/8/2001

DATE	MORTGAGE	W. H. SATCHEL AND
5/12/24	Consolidated Mortgage (B.S. Corp.) 5th Suppl. C 8048-5	DISCHARGED 10/1/1972
3/18/1952	Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 1.384 Ac. - D36-5	
DATE	EASEMENTS	
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878	
4/6/45	Power Line - Beth. Iron & St. Corp. to M.L.C.P. Co. C 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	
11/10/1964	Agreement - Right of Entry - B.S.Co. and The United States of America C 12023 Cancelled 10/20/70	
11/21/1972	Bill of Sale between Sp. Buffalo Railway Co. & B.S. Corp. C 305	
4/16/1974	Easement Agreement Access for Men & Equipment Etc. to Erie County C 20335 Can. 2/18/1991	
4/ 7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052	6/6/1990 Term. 1/31/1994
8/ 1/1984	Lease - Store Space - Conomos Management, Inc. C 22080-2 (FSC Bldg.) Amended 6/17/1985, 10/23/87, 7/8/88,	
8/ 1/1984	Lease - Erection Shop Building - Conomos Management, Inc. C 22080-2 Amended 6/17/1985, 10/23/87, 7/8/88,	
4/ 3/1987	Cooling Water Agreement - County of Erie and B.S. Corp. C 22362	6/29/1989, 6/6/1990
12/31/1987	Lease - Great Lakes Trnseem Services C 22080-19 Terminated 6/22/1988	Terminated 1/31/1994
8/ 1/1988	Lease - Sherland Equipment Corporation C 22080-19 Amended 6/29/1989, 6/29/1989 Term. 10/1/1990	
1/15/1925	R/W Agmt. - South Buffalo Railway Company and Niagara, Lockport & Ontario Power Company C 179	4445
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 Sale - Niagara Mohawk Power Corporation C 22609	
2/15/1994	Lease - Singer Transport, Inc. C 22021 Can. 10/31/1995	
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel C, Filled Lands C 22869(3)	
2/20/1996		
2/20/1996	Declaration of Conditions, Covenants and Restrictions - Parcel A, Fromage Land C 22869(1)	
2/20/1996		
1/1/2002	License Agreement between Bethlehem Steel Corporation and Canadian National Railway Company C23331 as assigned to Grand Trunk Railroad Inc. 10/1/2002	
1/1/2002		

DATE		MORTGAGE	
5/12/24	Consolidated Mortgage (P.S. Corp.) 5th Suppl. C 6046 5	B. M. SATISFIED AND DISCHARGED 1/1/1972	
3/18/1952	Release of Mtg. - G.T.Co. to Buffalo Tank Corp. 1.561 Ac. - D36-5		
DATE		EASEMENTS	
8/28/1902	Easement for power line on west side of Hamburg Turnpike - The Buffalo General Elec. Co. C 4878		
10/11/1927	Transmission line R/W to Niagara Lockport & Ontario Power Co. C 86	Can. 4/6/1945	
8/31/1927	W.N.Y. Water Co. Drainage R/W - 2 5258 to open ditch on land - Consent to Assignment to Erie Co. Water Auth. C 5749 R/W for water line - Granted 6/14/37	12/15/1953 - C-10659 - Can. 5/28/1985	
11/10/1942	Power Line Agr. S.B.R.R. Co. & B.S.Co. C 10769 (Appurtenance)		
1/1/1949	Lease - B. S. Co. to The Buffalo Slag Co., Inc. - C 12870 - Amended 6/30/1958	Cancelled 12/31/1961	
1/11/1950	R/W for Electric Power Line - Niagara Mohawk Power Co. - C 12997	Cancelled 6/7/1966	
4/7/1950	Agreement for anchors and guy wires to New York Telephone Co. C 13052	Part. Can. 5/28/1985	
6/21/1950	Wire Attachment Agreement to Buffalo Slag Co., Inc. - C 13116	Can. 5/28/1985	
11/21/1960	Sewage Agreement - Woodlawn Sewer District and B.S.Co. - C 12876-73	Renewed 12/16/1964 Trans. to Purch. 11/1/7	
1/1/1962	Lease for slag plant site to The Buffalo Slag Co., Inc. - C 12870	Amended 4/3/1964, 1/25/1965, 4/13/1966	
4/1/1966	Easement for gas line to Iroquois Gas Corp. C 19095	Part. Can. 5/28/1985	
6/7/1966	Easement for power line to Niagara Mohawk Power Co. - C 12997	Part. Can. 5/28/1985	
1/16/1974	Easement Agreement - Access for Men & Equipment, Etc. to Erie County - C 19532	Part. Can. 5/28/1985	
6/23/1978	Letter Agreement - Permission of Entry to Blasdel Woodlawn Lions Club - C 21165	Can. 5/28/1985	
7/5/1957	Agreement for treatment and disposal of sewage with Woodlawn Sewer District - C 12876-73	Renewed 5/25/60, 12/16/1964, 1/4/1979 Transferred to Purch.	
4/26/1960	R/W pole & 2 anchors - Niagara Mohawk Power Corp. C 13089	Can. 12/21/1983	
8/20/1981	License Agreement - Permission of Entry to Baynes Construction Co., Inc. - C 10659	Can. 4/30/82	
1/1/1981	Lease and easements for slag plant site to Buffalo Slag Co. - C 12870	Amend. 3/17/82 Can. 11/1/1984	
12/22/1981	Assignment of R/W Agreement with Erie County Industrial Development Agency		
6/21/1982	License Agreement - Permission of Entry - Herbert F. Darling, Inc. - C 21668	Term. 10/82	
4/6/1945	Transmission line R/W to Niagra Lockport & Ontario Power Co. C 86	Can. 5/28/1985	
4/7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. - C 13052	Can. 5/28/1985	
11/10/1952	Easement for vacuum pumping bldg. and power line to W.N.Y. Water Co. C 65	Assigned to Erie Co. Water Auth. 12-29-1981	
4/7/1950	Easement for anchors and guys to Niagara Mohawk Power Corp. C 13052		
4/6/1945	Transmission line R/W to Niagara Lockport & Ontario Power Co. C 179	Released 2/6/1997	
5/28/1985	Easement for railroad tracks - South Buffalo Railway Company - C 305	Can. 5/28/1985	
12/21/1982	Easement for rail - Erie County Industrial Development Agency - C 21165	Can. 5/28/1985	

DATE

MORTGAGE

DATE

EASEMENTS

11/4/1983 A/S with H. J. Williams Co., Inc. C 21124 C 21124
 12/21/1983 Amendment, Assignment, Acceptance and Consent with Buffalo Specialty Products, Inc./ Amended 12/22/1983
 12/21/1983 Bill of Sale to Erie County Industrial Dev. Agency C 21124
~~12/21/1983 Easement for sanitary sewer to Erie Co. Ind. Development Agency C 12876-73 Can. 5/28/1985~~
 11/1/1984 Lease - Site for Slag Processing Facilities - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/85,
~~5/28/1985 Easement for railroad tracks - South Buffalo Railway Company C 305 Can. 5/28/1985 Amended 12/27/84, 8/28/1986~~
~~3/16/1988 Lease Land Singer Transport, Inc. from South Buffalo Ry. Co. and B.S. Corp. C 22410 Can. 3/1/1989~~
~~3/1/1989 Lease Land So. Buffalo Ry. Co. and B.S. Corp. to Singer Transport, Inc. C 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 Lease - Singer Transport, Inc. C 22821 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)
~~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)
 APPURTENANT RIGHTS
 9/15/1989 R/W - South Buffalo Railway Company to B.S. Corp. C 22424(3)
 9/15/1989 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 R/W - South Buffalo Railway Company to B.S. Corp. C 22424(12)
 9/28/1957 Permit - Town of Hamburg to B.S. Corp. C 14794
 7/1/1950 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
~~3/1/1989 Bill of Sale - BRW Steel Corporation C 22756-1(ix)~~
~~3/1/1989 Bill of Sale - BRW Steel Corporation C 22756-1(ix)~~

DATE

MORTGAGE

DATE

EASEMENTS

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 C 6040 35	W. F. SATISFIED AND DISCHARGED 1/1/1979
DATE	EASEMENTS	
1/1/1962	Lease for slag plant site to The Buffalo Slag Company, Inc. C 12870	Amended 6/1/1977 Can. 1/1/1981 7/11/1975, 10/1/1976, 5/21/77 4/20/1967, 2/6/1978 4/3/1964, 1/25/1965, 4/13/1, 6
1/16/1974	Easement Agreement Access for Men & Equipment, Etc. to Erie County	EX-109, 109-109 C 20335 Can. 2/18/1991
1/1/1981	Lease and easements for slag plant site to Buffalo Slag Co. C 12870 Amend.	3/17/82 Can. 11/1/1984
3/16/1988	Lease Land Singer Transport, Inc. from South Buffalo Ray Co. and B.S. Corp. C 22410	Can. 3/1/1989
3/1/1989	Lease Land So. Buffalo Ray Co. and B.S. Corp. to Singer Transport, Inc. C 22410	Assigned 9/15/1989
11/1/1984 2/20/1996	Lease Agreement - Buffalo Crushed Stone, Inc. C 12870 Part. Can. 5/28/1985, Amended 12/27/1984, 8/28/1986 Declaration of Conditions, Covenants, and Restrictions - Parcel C, Filled Lands C 22869(3)	

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

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

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

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

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

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202



**TECUMSEH REDEVELOPMENT, INC.-PHASE 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



Property Owners - Individuals

Property Address		Owner 1		Owner 2		Mailing Address				
No.	Street	First Name	Last Name	First Name	Last Name	No.	Street	City	State	Zip
Properties 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	Colafranceschi			2698	Hamburg Tpke.	Lackawanna	NY	14218
2704	Hamburg Tpke.	John A.	Leroy			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			4323	Arrowwood Dr.	Hamburg	NY	14075

[illegible][illegible]

Property Owners - Companies & Organizations

Property Address		Owner 1	Owner 2	Mailing Address				
No.	Street	Name	Name	No.	Street	City	State	Zip

Properties South of Odell 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	OH	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 Pkwy	Richfield	OH	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	OH	44286

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 VI of this RFI report). The slag fill is generally very porous, meaning that precipitation typically is taken into the slag before substantial runoff occurs. Exceptions include precipitation that falls on the shoreline embankments (e.g., along Lake Erie) that slope towards a water body.

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

WETLANDS

Natural Resources Information Review

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

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

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

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

SEE
ATTACHED
LETTER

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

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

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

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

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

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



Michael D. Zagata
Commissioner

July 18, 1995

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

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

Dear Mr. Starkel:

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

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

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

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

Sincerely,

Mark Kandel
Sr. Wildlife Biologist

MK/dah

cc: Mr. Steve Mooradian, Regional Fisheries Manager

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

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

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

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

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

↓
SUMMARY

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

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

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

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

ATTACHMENT 10

INSTITUTIONAL CONTROL INFORMATION

THIS IS NOT
A BILL

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

Return To:

BOX 374 JAP

BETHLEHEM STEEL CORPORATION

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

STATE OF NEW YORK
Erie County Clerk's Office

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

DAVID J SWARTS
County Clerk

Control # 199602210963

Index DEED LIBER

Book 10897 Page 6053

No. Pages 0017

Instrument DECL RSTRCT COV

Date : 2/21/1996

Time : 2:52:44

MORTGAGE TAX

Serial #

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

TRANSFER TAX

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



D108976053

Box 374

JAF

**DECLARATION
OF
CONDITIONS, COVENANTS AND RESTRICTIONS**

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

Dated: February 20, 1996

R 292929

779-16 RR 963

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

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

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. Purpose.

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

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

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

C. Enforceability.

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

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

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

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

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

D. Amendments and Termination.

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

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

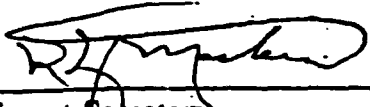
Neither this Declaration nor any amendment to this Declaration shall be interpreted as permitting any action or thing prohibited by the applicable laws, ordinances, rules or regulations of any governmental authority having jurisdiction over the part of the Premises affected or by specific restrictions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

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

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

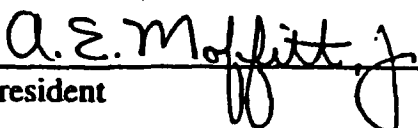
IN WITNESS WHEREOF, BSC has executed this Declaration as of the day and year first above written.

ATTEST:



Assistant Secretary

BETHLEHEM STEEL CORPORATION,
by



Vice President

ATTACHMENT 11

NEARBY LAND USE MAP

ATTACHMENT 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 Ecological Setting

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.