

Final Engineering Report

*Tecumseh Phase III-1 Business Park
NYSDEC Site No. C915199
Lackawanna, New York*

July 2014

0071-011-300

Prepared For:

Tecumseh Redevelopment Inc.

Prepared By:



BROWNFIELD CLEANUP PROGRAM

FINAL ENGINEERING REPORT

**TECUMSEH PHASE III-1 BUSINESS PARK
NYSDEC SITE NUMBER: C915199
LACKAWANNA, NEW YORK**

July 2014

0071-011-300

Prepared for:

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4020 Kinross Lakes Parkway
Tonawanda, New York

Prepared by:



In association with:



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CERTIFICATIONS

I, Thomas H. Forbes, am currently a registered professional engineer licensed by the State of New York, I had primary direct responsibility for implementation of the remedial program activities, and I certify that the remedial measures were implemented and that all construction activities were completed in substantial conformance with the Department-approved Interim Remedial Measures (IRM) Work Plan.

I certify that the data submitted to the Department with this Final Engineering Report demonstrates that the remediation requirements set forth in the IRM Work Plan and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established in for the remedy.

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Thomas H. Forbes, P.E., of Benchmark Environmental Engineering & Science, PLLC, 2558 Hamburg Turnpike, Buffalo, NY 14218 am certifying as Owner's Designated Site Representative for the Site.

70950-1
NYS Professional
Engineer #

7-14-14
Date



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Tecumseh Phase III-1 Business Park

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LIST OF ACRONYMS

Acronym	Definition
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
BPA	Business Park Area
BUD	Beneficial Use Determination
CAMP	Community Air Monitoring Plan
CP	Citizen Participation
EC	Engineering Control
FER	Final Engineering Report
HASP	Health and Safety Plan
IC	Institutional Control
IRM	Interim Remedial Measure
MECP	Master Erosion Control Plan
NELAP	National Environmental Laboratory Approval Program
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
PID	Photoionization Detector
RAO	Remedial Action Objectives
SCOs	Soil Cleanup Objectives
SEQRA	State Environmental Quality Review Act
SVOC	Semi-Volatile Organic Compound
VOC	Volatile Organic Compound

1.0 BACKGROUND AND SITE DESCRIPTION

Tecumseh Redevelopment Inc. (Tecumseh) submitted an application to the NYSDEC dated May 20, 2005 requesting entrance of the approximate 150-acre Phase III Business Park into the Brownfield Cleanup Program (BCP) as a single site (NYSDEC Site Number C915199). Tecumseh subsequently entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC on May 14, 2007, which required the Tecumseh to investigate and remediate contaminated media within the Phase III Business Park project area.

Upon substantial completion of the Remedial Investigation (RI) activities (Ref. 1), Tecumseh prepared a letter to the NYSDEC dated December 22, 2011 requesting division of the Phase III Business Park project area into 10 smaller sub-parcels to better stimulate sale and redevelopment of more manageable sized properties and promote green remediation by coordinating final remedial measures (i.e., cover placement) with associated parcel build-out. NYSDEC agreed to Tecumseh's request and in August 2012 the original BCA for BCP Site No. C915199 was amended to cover the smaller Site III-1, with separate BCAs issued and executed for the remaining nine BCP Sites (i.e., Sites III-2 through III-10, having Site numbers C915199B through C915199J). It was further determined that individual Decision Documents, Remedial Action Work Plans, Final Engineering Reports, and Certificates of Completion would be prepared for each of the 10 BCP Sites, but a common Site Management Plan and Environmental Easement would be prepared to cover all Sites within the original Phase III Business Park project area.

This Final Engineering Report (FER) has been prepared to document remedial measures on the Phase III-1 Site No. C915199 (hereafter referred to as the "Site" or "subject property"). The subject property was remediated to industrial use standards for use as a lumber storage and distribution yard.

The Site is located in the County of Erie, New York and is identified as a portion of Erie County tax parcel no. 141.11-1-50. The Site is situated on an approximately 14.62-acre area bounded by access roadways to the north and east, undeveloped property owned by South Buffalo Railroad to the south, and other Tecumseh property to the west (see Figure 2). The boundaries of the Site are fully described in Appendix A: Survey Map, Metes, and Bounds. As indicated above, the Site encompasses only a portion of the larger Erie County Tax Map parcel; therefore the boundaries do not match tax map boundaries.

An electronic copy of this FER with all supporting documentation is included as Appendix B.

2.0 SUMMARY OF SITE REMEDY

2.1 Remedial Action Objectives

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this Site.

2.1.1 Soil RAOs

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure to particulates in airborne dust associated with contaminated soil.

2.2 Description of Selected Remedy

The Site was remediated in October and November 2011 in accordance with the remedy selected by the NYSDEC in the Interim Remedial Measures (IRM) Work Plan dated September 2011 (Ref. 2).

The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. The following are the components of the selected remedy:

1. Construction of a new rail spur into the Site consisting of one foot of stone ballast and rail ties to prevent human exposure to remaining contaminated soil/fill remaining at the Site.
2. Construction and maintenance of a cover system consisting of one foot of Beneficial Use Determination (BUD)-approved slag material (NYSDEC BUD #555-9-15) in areas outside of the newly-constructed rail spur to prevent human exposure to remaining contaminated soil/fill remaining at the Site.
3. Execution and recording of an Environmental Easement to restrict land use, disallow use of untreated groundwater, and prevent future exposure to any contamination remaining at the Site.
4. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Environmental Easement, which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting.
5. Periodic certification of the institutional and engineering controls listed above.

3.0 IRMs, OPERABLE UNITS, & REMEDIAL CONTRACTS

The remedy for this Site was performed as a single project, and no prior interim remedial measures (IRMs), operable units, or separate construction contracts were performed.

4.0 DESCRIPTION OF REMEDIAL ACTIONS PERFORMED

Remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved IRM Work Plan (Ref. 2). All deviations from the IRM Work Plan are noted below.

4.1 Governing Documents

4.1.1 Site Specific Health & Safety Plan (HASP)

All remedial work performed under this Remedial Action was in full compliance with governmental requirements, including Site and worker safety requirements mandated by Federal OSHA 29 CFR 1910.120.

The Health and Safety Plan (HASP) was complied with for all remedial and invasive work performed at the Site.

4.1.2 Master Erosion Control Plan (MECP)

The erosion and sediment controls for all remedial construction were performed in conformance with requirements presented in the New York State Guidelines for Urban Erosion and Sediment Control and the site-specific Master Erosion Control Plan included with the IRM Work Plan

4.1.3 Community Air Monitoring Plan (CAMP)

Community air monitoring was performed during grading and intrusive work (excluding times of rainfall) in accordance with the Community Air Monitoring Plan (CAMP) provided with the IRM Work Plan. Specifically, a DataRam™ particulate meter and Mini-Rae Photoionization Detector (PID) with data-loggers were stationed at the downwind work perimeter and set to integrate across a 15-minute time-weighted average (TWA) with alarm thresholds. The equipment was repositioned as necessary if wind direction changed.

4.1.4 Community Participation Plan

Prior to the start of construction activities, a Fact Sheet developed by TurnKey and the NYSDEC was electronically transmitted by the Department to interested parties via the

NYSDEC's Listserv database. Copies of the Work Plan were concurrently placed in the document repositories (NYSDEC Region 9 offices and Erie County Public Library, Lackawanna Branch) by TurnKey.

4.2 Remedial Program Elements

4.2.1 Contractors and Consultants

TurnKey Environmental Restoration, LLC (TurnKey) performed the cover system construction on a design-build basis. TurnKey retained Zoladz Construction Company as a subcontractor to assist in cover system construction. Genesee Wyoming Railroad constructed the new spur with in-house resources. TurnKey observed the rail spur construction work on a part-time basis. TurnKey, in association with Benchmark Environmental Engineering & Science, PLLC (Benchmark), served as the Engineer of Record.

4.2.2 Site Preparation

Site preparation initially involved establishing survey control and setting Site boundary markers followed by mobilization of equipment and personnel to the Site to clear vegetative cover. Woody materials (small trees and branches) were stockpiled off-site for chipping. Metallic surficial debris was removed, cleared of any soil clods, and sent off-site for scrap recycling. A small (approx. 20 ft. by 20 ft.) concrete foundation was demolished to match final subgrade elevation and the concrete was removed for off-site crushing/recycling.

Following clearing and metal debris removal, minor re-grading activities were performed coincidental with grubbing of low-lying vegetation. No soil/fill materials were removed from the Site; the low-lying vegetative layer was stripped and high areas were infilled into low areas within the 14.62-acre Site boundary and proof-rolled to create a level sub-base.

4.2.3 General Site and Nuisance Controls

Site controls were maintained throughout construction. Access to the Site was limited to business hours and restricted by fencing and gates along NY State Route 5, which is the point of public access to the property. Only authorized employees of TurnKey, Benchmark, Zoladz Construction Company, and the NYSDEC were permitted in the exclusion zone.

Trucks employed to import cover material traveled along a designated route within the Tecumseh property. As described in Section 4.3, BUD slag from an approved source on the Tecumseh property was used as cover material. Accordingly, trucks did not enter or leave the Site more than once each day. Equipment employed in the subgrade work was cleaned of any soil clods and swept free of remaining soils prior to removal from the Site or reuse in preparing final grade. Visible dust and odors were not problematic; TurnKey received no complaints from the community or neighboring businesses.

4.2.4 CAMP results

Continuous air monitoring was performed at the downgradient property boundary during all activities involving sub-grade soil/fill disturbance. Per the CAMP, action limits of 100 ug/m³ for respirable particulates and 5 ppm for organic vapors were employed. No exceedances of the thresholds were recorded. Copies of all field data sheets relating to the CAMP are provided in electronic format in Appendix C.

4.2.5 Reporting

The digital photo log required by the IRM Work Plan is included in electronic format in Appendix D.

4.3 Contaminated Materials Removal

No contaminated media were removed from the Site as part of the remedial measures construction. As described in Section 4.2.2, small trees and woody vegetation were cut and removed for chipping, after which the low-lying vegetative layer was stripped and high areas were in-filled into low areas within the 14.62-acre Site boundary.

4.4 Remedial Performance/Documentation Sampling

No impacted materials were removed from the Site. Accordingly, remedial performance and documentation sampling were not required.

4.5 Imported Backfill

No backfill materials were imported to the Site other than the cover materials described later in this report.

4.6 Contamination Remaining at the Site

Table 2 summarizes the results of all soil samples remaining at the Site after completion of Remedial Action that exceed the Track 1 (unrestricted) SCO's. Table 3 summarizes the groundwater analytical data from January 2009 for monitoring wells on the Site.

Since contaminated soil remains beneath the Site after completion of the Remedial Action, Institutional and Engineering Controls are required to protect human health and the environment. These Engineering and Institutional Controls (ECs/ICs) are described in the following sections. Long-term management of these EC/ICs and residual contamination will be performed under the Site Management Plan (SMP) approved by the NYSDEC.

4.7 Cover System

4.7.1 Demarcation Layer

A demarcation layer was placed following grading of the Site and rail spur construction, prior to placement of slag cover system material (which is typically difficult to distinguish from underlying slag fill material). The demarcation material was comprised of an orange, 3/4-inch mesh plastic industrial netting material (Car-Go-Net provided by Industrial Netting, Inc. of Minneapolis, MN) and was rolled across the sub-grade by Benchmark-TurnKey personnel ahead of cover material placement.

4.7.2 Cover Placement

Exposure to remaining contamination in soil/fill at the Site is prevented by a slag/fill cover system. This cover system is comprised of a minimum of 12 inches of railroad ballast/tie and NYSDEC BUD-approved slag material. Specifically, railroad spur cover material was comprised of a 1-foot layer of ballast materials comprised of virgin crushed/screened limestone obtained by Genesee Wyoming Railroad from Buffalo Crushed Stone, Inc. and interbedded rail ties.

The remaining cover system is comprised of a minimum 1-foot layer of BUD-approved slag material (NYSDEC BUD #555-9-15) supplied by Iron City Recovery. This material was subjected to gradation testing during the planning stages of the project and found conformant with the requirements of DER-10 (Ref. 3) for exemption from import analytical testing.

Cover material was compacted and rolled to mitigate potential for settlement. Verification of ballast material and BUD-approved slag cover depth was verified by Benchmark-TurnKey through grade stake level measurements spaced no greater than 100 feet on center. All final depths were at or greater than 12 inches.

Figure 3 shows the location and cross sections for each remedial cover type used on the Site. An Excavation Work Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in Appendix A of the Phase III SMP (Ref. 4).

4.8 Other Engineering Controls

The remedy for the Site did not require the construction of any other engineering control systems.

4.9 Institutional Controls

The Site remedy requires that an environmental easement be placed on the property that: (1) allows the use and development of the controlled property for commercial and industrial uses as defined by Part 375-1.8(g) (notwithstanding local zoning laws); (2) restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NY State Department of Health (NYSDOH) or Erie County Department of Health; requires compliance with the NYSDEC-approved Site

Management Plan; and requires the remedial party or Site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with 6NYCRR Part 375-1.8 (h)(3.)

The Environmental Easement for the Site was executed by the Department on June 26, 2014, and filed with the Erie County Clerk on July 15, 2014. The County Recording Identifier number for this filing is 2014137592. Appendix E includes a copy of the approved environmental easement and proof of filing.

4.10 Deviations from the IRM Work Plan

There were no substantive deviations from the IRM Work Plan identified during the construction work.

5.0 REFERENCES

1. TurnKey Environmental Restoration, LLC. 2012. *Remedial Investigation/ Alternatives Analysis Report for Phase III Business Park, Tecumseh Redevelopment Inc.* Revised July.
2. TurnKey Environmental Restoration, LLC. 2011. *Interim Remedial Measures Work Plan for Lumber Yard Relocation, Phase III Business Park, Site No. C915199, Tecumseh Redevelopment Inc.* September.
3. New York State Department of Environmental Conservation. 2010. *DER-10/ Technical Guidance for Site Investigation and Remediation.* May 3.
4. TurnKey Environmental Restoration, LLC. 2013. *Site Management Plan for Tecumseh Phase III Business Park; NYSDEC Site Nos. C915199 through C915199j, Lackawanna, New York.* July.

TABLES



TABLE 1

SUMMARY OF ANALYTICAL PROGRAM FOR IRM-AREA BORINGS

FINAL ENGINEERING REPORT

**Phase III Business Park (Site No. C915199) - Lumber Yard Relocation
Lackawanna, New York**

Test Pit/ Monitoring Well Sample Identifier	Investigation Rationnale	Depth Sampled/ Screened (fbgs)	Date Sampled	Analytical Parameter										Comments		
				STARS VOCs	TCL SVOCs (BN only)	Total Metals	Arsenic	Cadmium	Chromium	Cyanide	Lead	Mercury	pH			
Soil/Fill																
BPA-3-TP-61	Area of 1,000 gal. tank	0-2	8/26/2008	--	--	--	--	--	--	--	--	--	--			
BPA-3-TP-62		0-2	8/26/2008	X	X	--	X	X	X	X	X	X	X	--		
BPA-3-TP-63	Former stripper building	0-2	8/26/2008	--	--	--	--	--	--	--	--	--	--			
BPA-3-TP-64		0-2	8/26/2008	--	X	--	X	X	X	X	X	X	X	--	MS/MSD	
BPA-3-TP-65	General Coverage: No known or suspected impact	0-2	8/26/2008	--	X	--	X	X	X	X	X	X	X	--		
BPA-3-TP-66		0-2	8/28/2008	--	--	--	--	--	--	--	--	--	--	--		
BPA-3-TP-79	General Coverage: No known or suspected impact	0-2	8/28/2008	--	X	--	X	X	X	X	X	X	X	--		
BPA-3-TP-80		0-2	8/28/2008	--	X	--	X	X	X	X	X	X	X	X	--	
BPA-3-TP-80		2-7	8/28/2008	--	X	--	X	X	X	X	X	X	X	X	--	
Groundwater																
MWS-33A			1/16/2009	X	X	X	X	--	X	--	X	--	X			
MWS-30A			1/16/2009	X	X	X	X	--	X	--	X	--	X			



TABLE 2

SUMMARY OF IRM AREA SOIL/FILL ANALYTICAL RESULTS

FINAL ENGINEERING REPORT

Phase III Business Park (Site No. C915199) - Lumber Yard Relocation
Lackawanna, New York

Parameter ¹	Sample ID and Depth Interval						Restricted SCOs ² (ppm)	Commercial SCOs ² (ppm)	Industrial SCOs ² (ppm)
	BP3-TP-62 (0-2')	BP3-TP-64 (0-2')	BP3-TP-65 (0-2')	BP3-TP-79 (0-2')	BP3-TP-80 (0-2')	BP3-TP-80 (2-7')			
Base-Neutral Semi-Volatile Organic Compounds (SVOCs) - mg/kg									
Acenaphthylene	0.29 J	ND	ND	ND	0.61 J	ND	100	500	1000
Anthracene	0.26 J	0.15 J	ND	ND	0.7 J	ND	100	500	1000
Benzo(a)anthracene	1.2 J	0.72 J	0.23 J	0.11 J	2.8 J	0.7 J	1	5.6	11
Benzo(b)fluoranthene	1.4 J	0.93 J	0.31 J	0.26 J	3.2 J	0.8 J	1	5.6	11
Benzo(k)fluoranthene	1 J	0.4 J	ND	0.077 J	1.1 J	0.39 J	0.8	56	110
Benzo(g,h,i)perylene	1.3 J	0.62 J	0.25 J	0.11 J	1.8 J	0.47 J	100	500	1000
Benzo(a)pyrene	1.4 J	0.66 J	0.2 J	0.055 J	2.8 J	0.67 J	1	1	1.1
Chrysene	1.6 BJ	1.2 BJ	0.54 BJ	0.33 BJ	3.1 BJ	1 BJ	1	56	110
Dibenz(a,h)anthracene	0.35 J	0.19 J	ND	ND	0.6 J	0.16 J	0.33	0.56	1.1
Fluoranthene	2.3 J	0.76 J	0.22 J	0.22 J	5.1	1.1 J	100	500	1000
Fluorene	ND	ND	ND	ND	0.16 J	ND	30	500	1000
Indeno(1,2,3-cd)pyrene	1.1 J	0.51 J	0.19 J	0.11 J	1.9 J	0.45 J	0.5	5.6	11
Phenanthrene	0.78 BJ	0.31 BJ	ND	0.089 J	2.5 J	1 J	100	500	1000
Pyrene	1.9 J	0.74 J	0.24 J	0.11 J	4.1	0.94 J	100	500	1000
Inorganic Compounds - mg/kg									
Arsenic	22.1	6.3	18.9	21 EN*	25.6 EN*	25.7 EN*	13	16	16
Cadmium	1.2 E	1.7 E	1.2 E	1.1 N*	1.7 N*	0.69 N*	2.5	9.3	60
Chromium	304	270	586	54.6 N*	125 N*	141 N*	30	400	800
Lead	114 N	110 N	49.5 N	224 E*	763 E*	80.4 E*	63	1000	3900
Mercury	0.21	0.033	0.029	4.8	0.284	0.105	0.18	2.8	5.7

Notes:

1. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.
2. Soil Cleanup Objective (SCO) values per NYSDEC Part 375 table 375.6(b)

Definitions:

ND = Parameter not detected above laboratory detection limit.
 NA = Sample not analyzed for parameter.
 "--" = No SCO available.
 J = Estimated value; result is less than the sample quantitation limit but greater than zero.
 B = Indicates a value greater than or equal to the instrument detection limit, but less than the quantitation limit.
 * = Indicates the spike or duplicate analysis is not within the quality control limits.
 N = Indicates spike sample recovery is not within the quality control limits.
 E = Indicates value estimated or not reported due to the presence of interferences.

BOLD	= Result exceeds Unrestricted SCOs
BOLD	= Result exceeds Unrestricted and Commercial SCOs
BOLD	= Result exceeds Unrestricted, Commercial, and Industrial SCOs



TABLE 3

SUMMARY OF IRM AREA GROUNDWATER ANALYTICAL RESULTS

FINAL ENGINEERING REPORT

Phase III Business Park (Site No. C915199) - Lumber Yard Relocation
Lackawanna, New York

PARAMETER ¹	GWQS ²	MWS-33A (01/16/09)		MWS-30A (01/16/09)	
Field Measurements ³ :					
Sample No.	--	Initial	Final	Initial	Final
pH (units)	6.5 - 8.5	6.73	6.28	7.69	7.74
Temperature (°C)	NA	1.9	5.9	7.6	7.3
Sp. Conductance (uS)	NA	1031	948	835	837
Turbidity (NTU)	NA	43.20	38.20	13.00	6.84
DO (ppm)	NA	7.07	3.29	2.09	2.47
Eh (mV)	NA	-44	0	-36	-61
Total Inorganic Compounds (mg/L):					
Total	--	ND		ND	
Volatile Organic Compounds (ug/L):					
Total	--	ND		ND	
Semi-Volatile Organic Compounds (ug/L):					
Di-n-butyl phthalate	50*	0.57 J		ND	
Naphthalene	10*	0.21 J		ND	

Notes:

1. Only those compounds detected above the method detection limit at a minimum of one sample location are reported in this table.
2. NYSDEC Class "GA" Groundwater Quality Standards/Guidance Values (GWQS/GV) as per TOGS 1.1.1
3. Field measurements were collected immediately before and after groundwater sample collection.

Definitions:

J = Estimated Value; result is less than the sample quantitation limit but greater than zero.

NA = Not available

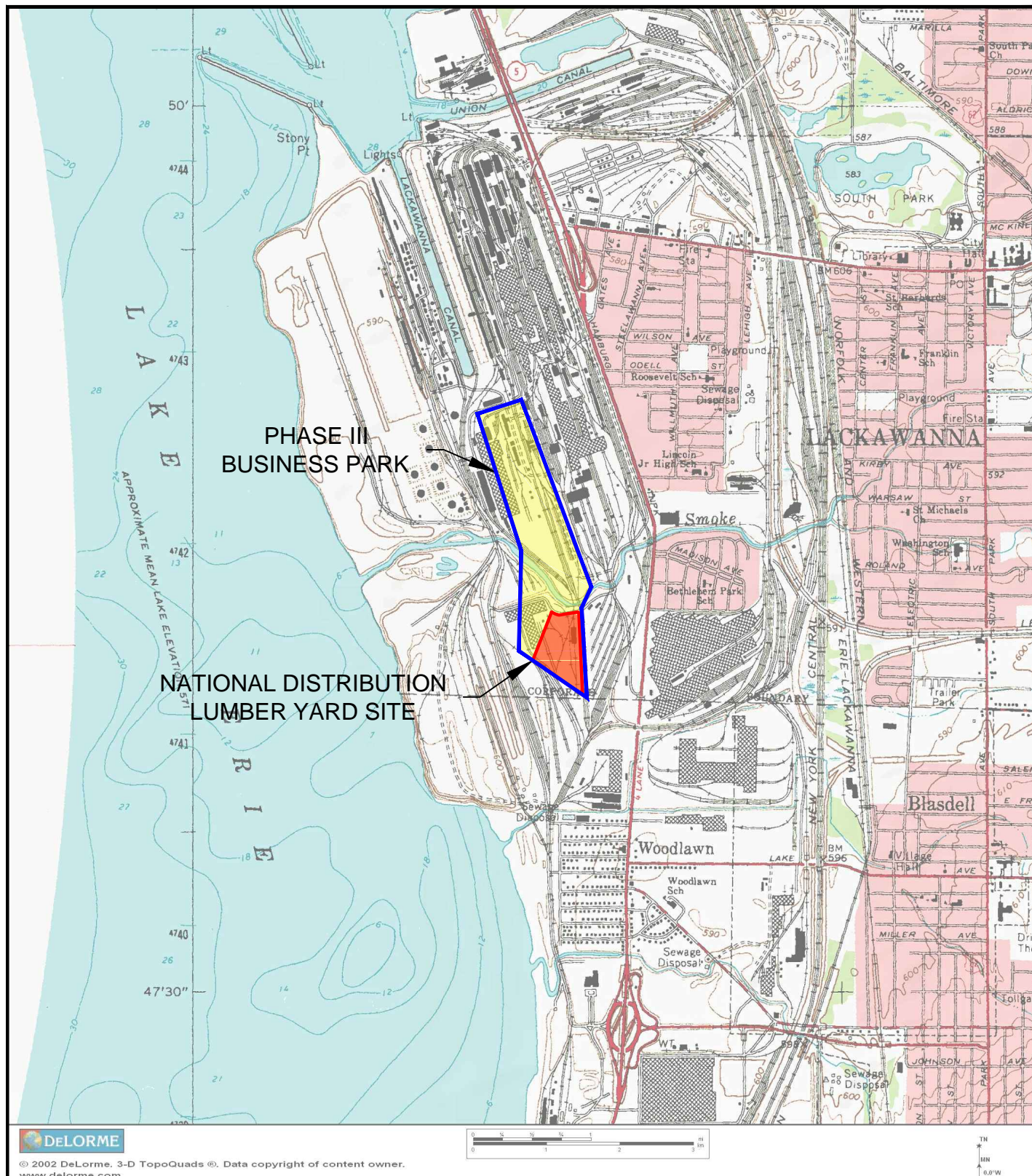
ND = Indicates parameter was not detected above laboratory reporting limit.

* = The Guidance Value was used where a Standard has not been established.

BOLD	= Result exceeds the GWQS/GV.
-------------	-------------------------------

FIGURES

FIGURE 1



SITE LOCATION AND VICINITY MAP

FINAL ENGINEERING REPORT

SITE NO C915199

LACKAWANNA, NEW YORK

PREPARED FOR

TECUMSEH REDEVELOPMENT, INC.



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

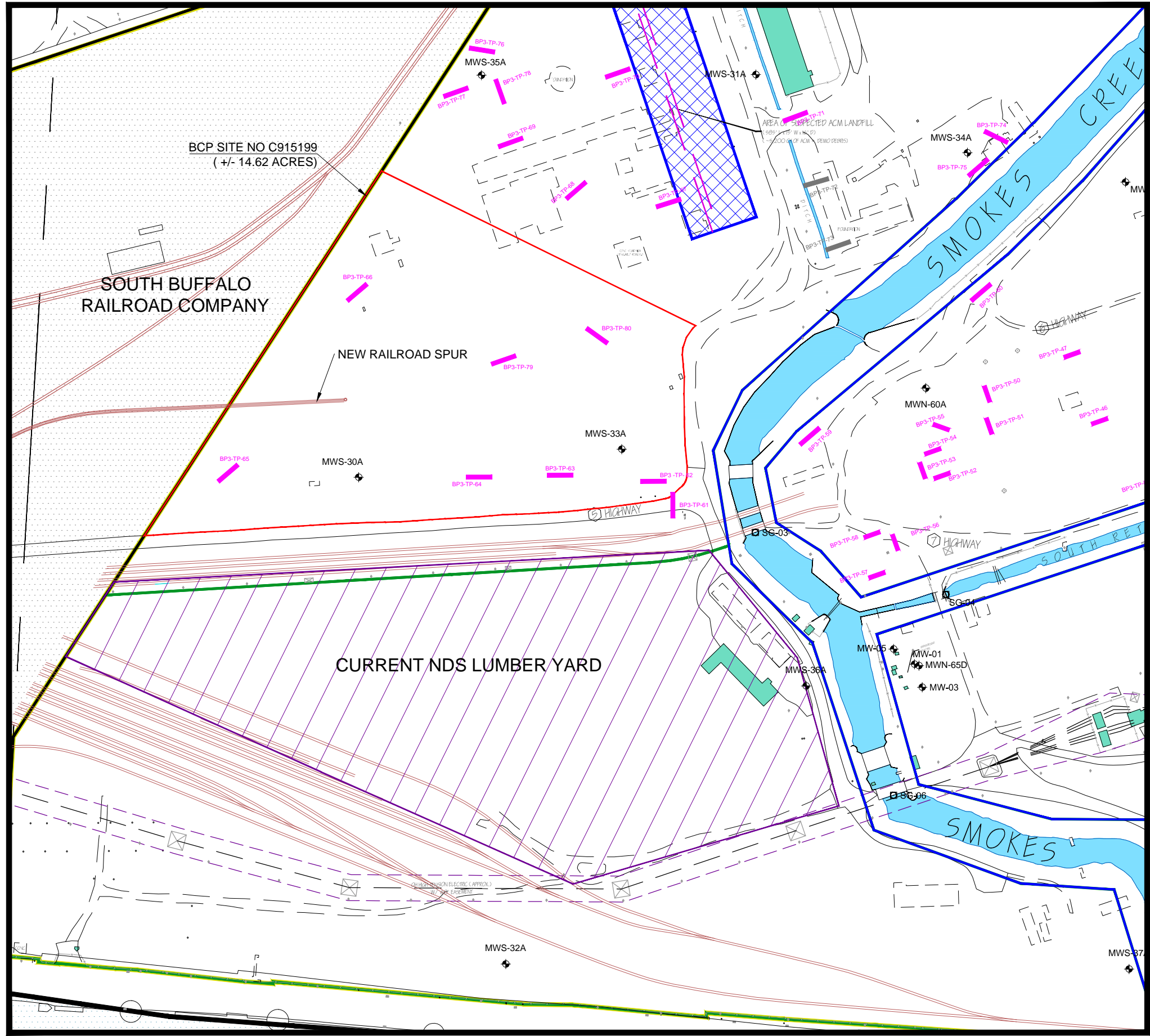
PROJECT NO.: 0071-011-300

DATE: JUNE 2013

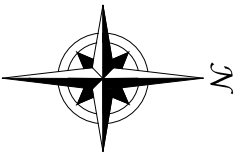
DRAFTED BY: JGT

F:\CAD\Turnkey\Tecumseh Redevelopment\Brownfield Cleanup Program (BCP)\Phase III Parcel\National Distribution Lumber Yard Relocation IRM\Figure 2: Site Plan and RI Sample Locations.dwg

DATE: APRIL 2012
DRAFTED BY: BCH/JST



- LEGEND:
- TECUMSEH PROPERTY BOUNDARY
 - EXISTING BUILDING / STRUCTURE (see Note 1)
 - APPROXIMATE BOUNDARY OF NON-TECUMSEH PROPERTY
 - EXISTING RAILROAD TRACK
 - APPROXIMATE SITE BOUNDARY
 - RI TEST PIT LOCATION
 - FILL UNIT MONITORING WELL



SCALE: 1 INCH = 250 FEET
SCALE IN FEET
(approximate)

SITE PLAN AND RI SAMPLE LOCATIONS

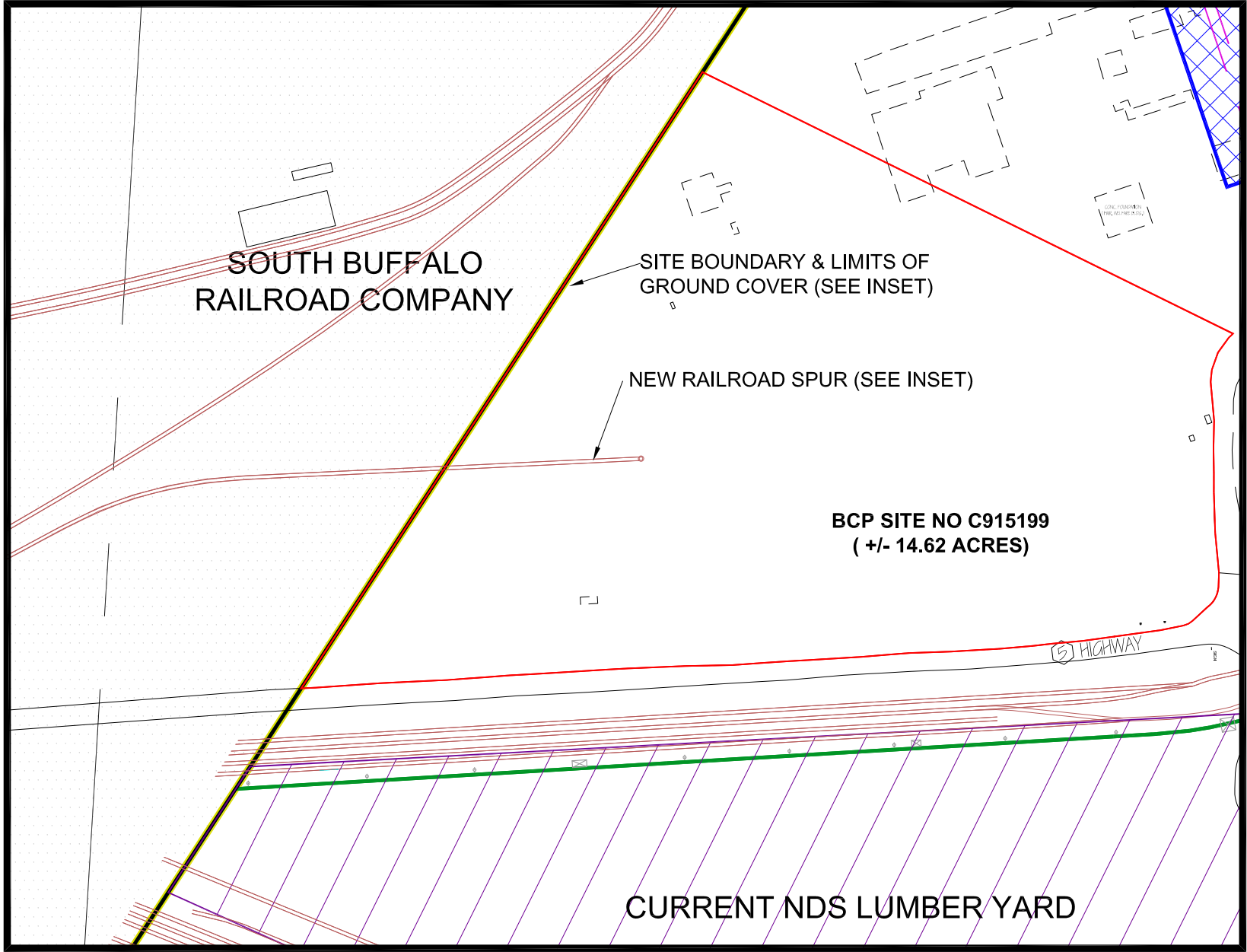
FINAL ENGINEERING REPORT
SITE NO C915199
LACKAWANA, NEW YORK
PREPARED FOR
TECUMSEH REDEVELOPMENT, INC



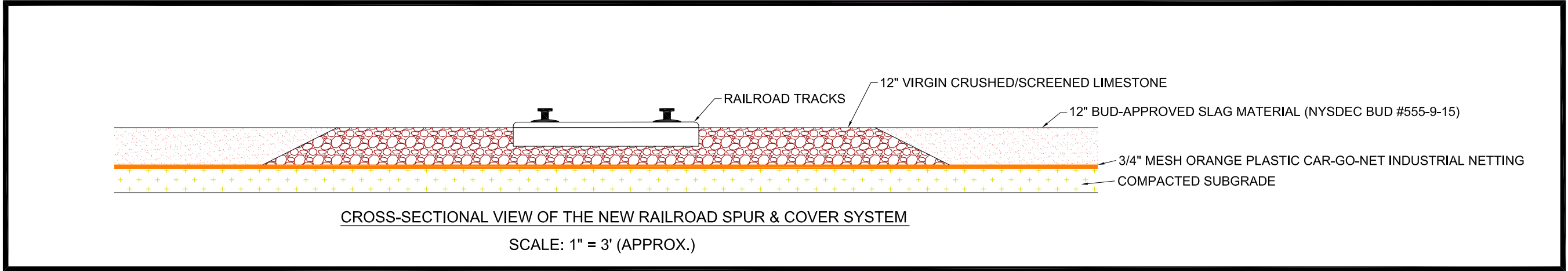
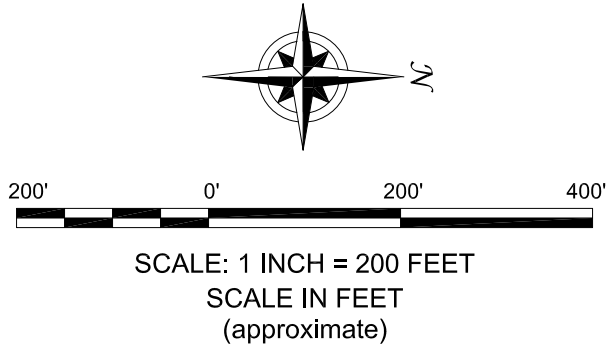
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 858-0635

JOB NO.: 0071-011-300

FIGURE 2



- LEGEND:**
- TECUMSEH PROPERTY BOUNDARY
 - EXISTING RAILROAD TRACK
 - APPROXIMATE SITE BOUNDARY AND LIMITS OF GROUND COVER



REMEDIAL COVER SYSTEM PLAN & DETAIL

FINAL ENGINEERING REPORT
SITE NO C915199
LACKAWANA, NEW YORK
PREPARED FOR
TECUMSEH REDEVELOPMENT, INC

FIGURE 3



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0071-011-300

APPENDIX A

SURVEY MAP METES & BOUNDS

COVER SYSTEM THE COVER SYSTEM IS A PERMANENT CONTROL. PROCEDURES FOR THE INSPECTION AND MAINTENANCE OF THIS COVER ARE PROVIDED IN THE MONITORING PLAN IN SECTION 4 OF THE SITE MANAGEMENT PLAN (SMP).

COMPLIANCE WITH THE ENVIRONMENTAL EASEMENT AND THE SMP BY THE GRANTOR AND THE GRANTOR'S SUCCESSORS AND ASSIGNS;

ALL ENGINEERING CONTROLS MUST BE OPERATED AND MAINTAINED AS SPECIFIED IN THE SMP;

ALL ENGINEERING CONTROLS ON THE CONTROLLED PROPERTY MUST BE INSPECTED AT A FREQUENCY AND IN A MANNER DEFINED IN THE SMP;

GROUNDWATER, SOIL VAPOR AND OTHER ENVIRONMENTAL OR PUBLIC HEALTH MONITORING MUST BE PERFORMED AS DEFINED IN THE SMP;

DATA AND INFORMATION PERTINENT TO SITE MANAGEMENT OF THE CONTROLLED PROPERTY MUST BE REPORTED AT THE FREQUENCY AND IN A MANNER DEFINED IN THE SMP;

THE USE AND DEVELOPMENT OF THE SITE IS LIMITED TO COMMERCIAL AND INDUSTRIAL USES ONLY AS DESCRIBED IN 6NYCRR PART 375-1.8(G)(2) (III) & (IV).

THE PROPERTY MAY NOT BE USED FOR A HIGHER LEVEL OF USE, SUCH AS RESTRICTED RESIDENTIAL USE WITHOUT ADDITIONAL REMEDIATION AND AMENDMENT OF THE ENVIRONMENTAL EASEMENT AS APPROVED BY THE NYSDEC;

ALL FUTURE ACTIVITIES ON THE PROPERTY THAT WILL DISTURB REMAINING CONTAMINATED MATERIAL MUST BE CONDUCTED IN ACCORDANCE WITH THE SMP;

THE USE OF THE GROUNDWATER UNDERLYING THE PROPERTY IS PROHIBITED WITHOUT TREATMENT RENDERING IT SAFE FOR INTENDED USE;

THE SITE OWNER OR REMEDIAL PARTY WILL SUBMIT TO NYSDEC A WRITTEN STATEMENT THAT CERTIFIES, UNDER PENALTY OF PERJURY, THAT: (1) CONTROLS EMPLOYED AT THE CONTROLLED PROPERTY ARE UNCHANGED FROM THE PREVIOUS CERTIFICATION OR THAT ANY CHANGES TO THE CONTROLS WERE APPROVED BY THE NYSDEC; AND, (2) NOTHING HAS OCCURRED THAT IMPAIRS THE ABILITY OF THE CONTROLS TO PROTECT PUBLIC HEALTH AND ENVIRONMENT OR THAT CONSTITUTE A VIOLATION OR FAILURE TO COMPLY WITH THE SMP.

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF CAYUGA AND STATE OF NEW YORK, BEING PART OF LOT 14 OF TOWNSHIP 10, RANGE 8 AND PART OF LOT 23, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE STATE OF NEW YORK KNOWN AS STATE ROUTE NO. 5) AS APPROPRIATED BY THE PEOPLE OF THE STATE OF NEW YORK AS SHOWN ON MAP NO. 1, PARCEL 1 AND RECORDED IN THE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404 AND THENCE EASTERLY ALONG THE CITY OF LACKAWANNA (TO THE NORTH) AND THE TOWN OF HAMBURG

(TO THE SOUTH), SAID POINT ALSO BEING IN THE NORTHERLY LINE OF LANDS CONVEYED TO THE SOUTH BUFFALO RAILWAY COMPANY BY DEED OF CONVEYANCE DATED 1907, BEARING N 89° 00' 00" E, A DISTANCE OF 11.9 DEEDS AT PAGE 131; THENCE WESTERLY ALONG THE MUNICIPAL BOUNDARY LINE AND THE NORTHERLY LINE OF SAID SOUTH BUFFALO RAILWAY COMPANY TO THE POINT OF BEGINNING, BEARING S 89° 00' 00" E, A DISTANCE OF 1834.83 FEET TO A POINT TO AN ANGLE POINT THEREIN; THENCE SOUTHWESTERLY AND CONTINUING ALONG SAID SOUTH BUFFALO RAILWAY COMPANY TO THE POINT OF BEGINNING, BEARING S 24° 58' 39" W, A DISTANCE OF 310.20 FEET TO THE POINT OF CURVATURE OF A QUARTER CIRCLE CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 518.00 FEET, A CENTRAL ANGLE OF 50° 17' 25" AND A CHORD OF 435.25 FEET BEARING N 00° 30' 26" W; THENCE NORTHWESTERLY ALONG CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 518.00 FEET TO A POINT OF TANGENCY; THENCE NORTHEASTERLY CONTINUING ALONG SAID ROAD

N 25° 18' 46" E A DISTANCE OF 288.35 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 706.88 FEET, A CENTRAL ANGLE OF 41° 48' 30" AND A CHORD OF 504.43 FEET BEARING

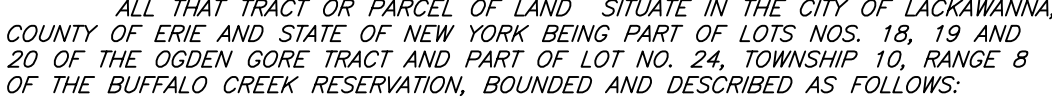
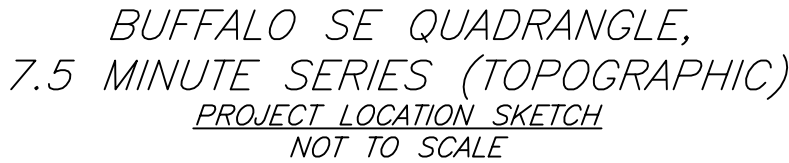
N 82° 08' 06" E, A DISTANCE OF 87.56 FEET, THENCE WESTERLY ALONG SAID ROAD, CURVING, TO THE LEFT, A DISTANCE OF 515.80 FEET TO A POINT OF TANGENCY; THENCE NORTHWESTERLY CONTINUING ALONG SAID ROAD N 18° 37' 00" W, A DISTANCE OF 107.01 FEET TO A POINT APPROXIMATELY 25 FEET SOUTH FROM THE EXISTING SOUTHERLY TOP OF HIGH BANK OF SMOKE'S CREEK; THENCE EASTERLY AND SOUTHERLY CONTINUING, APPROXIMATELY 25 FEET SOUTH FROM THE EXISTING SOUTHERLY TOP OF HIGH BANK OF SMOKE'S CREEK, TO THE POINT OF BEGINNING, BEARING

N 82° 08' 06" E, A DISTANCE OF 87.56 FEET;
S 46° 24' 39" E, A DISTANCE OF 575.56 FEET;
S 44° 24' 55" E, A DISTANCE OF 252.36 FEET;
S 49° 08' 06" E, A DISTANCE OF 163.83 FEET;
S 64° 08' 06" E, A DISTANCE OF 154.89 FEET;
N 80° 39' 39" E, A DISTANCE OF 228.31 FEET TO THE POINT OF CURVATURE OF A QUARTER CIRCLE CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 518.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, CURVING TO THE RIGHT, A DISTANCE OF 168.84 FEET TO A POINT OF TANGENCY; THENCE S 03° 25' 22" E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 51.40 ACRES OF LAND, MORE OR LESS.

3. EASEMENT NUMBER:
 - 4. AIRSPACE AND EASEMENT RIGHTS SET FORTH IN MEMORANDUM OF LEASE TO BO ENERGY, INC. RECORDED IN LIBER 11145 AT PAGE 2422 ON MAY 21, 2008. ALSO RE-PURCHASE RIGHTS AND EASEMENT SET FORTH IN DEED TO BO ENERGY, LLC RECORDED IN LIBER 11145 OF DEEDS AT PAGE 2733 ON MAY 21, 2008. LIBER 11145 OF DEEDS AT PAGE 2422, (DOES NOT AFFECT PREMISES)
7. EASEMENT GRANTED TO GREAT LAKE INDUSTRIAL DEVELOPMENT, LLC RECORDED IN LIBER 11194 OF DEEDS AT PAGE 6243, ON DECEMBER 22, 2010 (UNABLE TO PLOT)
8. EASEMENT GRANTED TO NATIONAL FUEL GAS DISTRIBUTION CORPORATION IN LIBER 11220 OF DEEDS AT PAGE 2359 ON MARCH 28, 2012 (DOES NOT AFFECT PREMISES)
9. EASEMENT GRANTED TO ERIE WIND, LLC IN LIBER 11204 OF DEEDS AT PAGE 4545 ON JUNE 13, 2011, CORRECTED IN LIBER 11214 OF DEEDS AT PAGE 4998 ON DECEMBER 23, 2011 AND LIBER 11216 OF DEEDS AT PAGE 7305 ON FEBRUARY 1, 2012 (PLOTTED HEREON)
12. EASEMENT GRANTED TO NIAGARA MOHAWK POWER CORPORATION AND VERIZON NEW YORK, LLC. RECORDED IN LIBER 11228 OF DEEDS AT PAGE 3555 ON AUGUST 21, 2012. (PLOTTED HEREON)
13. EASEMENT GRANTED TO NIAGARA MOHAWK POWER CORPORATION RECORDED IN LIBER 11242 OF DEEDS AT PAGE 6455 ON MARCH 27, 2013. (DOES NOT AFFECT PREMISES)
14. EASEMENT GRANTED TO NATIONAL FUEL GAS DISTRIBUTION CORPORATION RECORDED IN LIBER 11242 OF DEEDS AT PAGE 7560 ON MARCH 28, 2013. (UNABLE TO PLOT)
15. EASEMENT GRANTED TO TECUMSEH REDEVELOPMENT, INC. AND KB BUSINESS PARK REDEVELOPMENT, LLC RECORDED IN LIBER 11232 OF DEEDS AT PAGE 2542 ON OCTOBER 29, 2012. (PLOTTED HEREON)
16. AGREEMENT FOR MAINTENANCE OF ROAD BETWEEN TECUMSEH REDEVELOPMENT INC. AND KB BUSINESS PARK REDEVELOPMENT, LLC RECORDED IN LIBER 11232 OF DEEDS AT PAGE 2566, ON OCTOBER 29, 2012. (PLOTTED HEREON)
17. EASEMENT GRANTED TO TECUMSEH REDEVELOPMENT, INC. AND KB BUSINESS PARK REDEVELOPMENT, LLC RECORDED IN LIBER 11232 OF DEEDS AT PAGE 2597 AND IN LIBER 11232 OF DEEDS AT PAGE 2621 AND LIBER 11232 OF DEEDS AT PAGE 2653 ALL ON OCTOBER 29, 2012. (PLOTTED HEREON)
18. EASEMENT GRANTED TO TECUMSEH REDEVELOPMENT, INC. AND WELDED TUBE USA REALTY, LLC RECORDED IN LIBER 11244 OF DEEDS AT PAGE 7853, ON APRIL 26, 2013. (DOES NOT AFFECT PREMISES)

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



BEGINNING AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO GATEWAY TRADE CENTER INC. BY DEED RECORDED IN THE ERIC QUON CLERK'S OFFICE IN LIBER 10866 OF DEEDS AT PAGE 1064; RUNNING THENCE NORTHERLY ALONG THE SOUTHERLY LINE OF SAID LANDS SO CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED AFORESAID, A DISTANCE OF 930.64 FEET TO A POINT THEREIN; THENCE S 18° E 75.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LANDS CONVEYED TO THEM NORTH FROM THE EXISTING NORTHERLY TOP OF THE HIGH BANK OF SMOKE'S CREEK; THENCE WESTERLY AND NORTHERLY APPROXIMATELY 25 FEET NORTH FROM THE EXISTING NORTHERLY TOP OF THE HIGH BANK OF SAID SMOKE'S CREEK, THE

FOLLOWING COURSES AND DISTANCES:

S 42° 54' 00" W, A DISTANCE OF 140.81 FEET;
S 32° 40' 10" W, A DISTANCE OF 122.80 FEET;
S 78° 47' 59" W, A DISTANCE OF 128.86 FEET;
N 49° 35' 08" W, A DISTANCE OF 112.15 FEET;
N 39° 56' 33" W, A DISTANCE OF 635.56 FEET;
N 44° 32' 21" W, A DISTANCE OF 243.09 FEET;
N 48° 25' 21" W, A DISTANCE OF 710.19 FEET;
S 82° 08' 08" W, A DISTANCE OF 169.87 FEET TO THE APPROXIMATE CENTER LINE OF
SAD IMPROVED ACCESS ROAD, AND THEN NORTHERLY ALONG THE APPROXIMATE CENTER
LINE OF SAD IMPROVED ACCESS ROAD, THE FOLLOWING 11 COURSES AND DISTANCES:

N 18° 37' 00" W, A DISTANCE OF 43.20 FEET;
N 29° 52' 05" W, A DISTANCE OF 465.91 FEET;
N 18° 10' 50" W, A DISTANCE OF 270.79 FEET;
N 24° 11' 01" W, A DISTANCE OF 362.77 FEET;
N 26° 06' 35" W, A DISTANCE OF 243.92 FEET;
N 28° 29' 29" W, A DISTANCE OF 222.81 FEET;
N 23° 10' 20" W, A DISTANCE OF 205.04 FEET;
N 18° 20' 44" W, A DISTANCE OF 542.77 FEET;
N 10° 35' 36" W, A DISTANCE OF 279.16 FEET;
N 79° 52' 42" E, A DISTANCE OF 202.46 FEET;
N 68° 32' 54" E, A DISTANCE OF 326.23 FEET TO A POINT IN THE WESTERLY LINE OF
LANDS SO CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED AFORESAID; THENCE
SOUTHERLY ALONG THE WESTERLY LINE OF SAD LANDS SO CONVEYED TO GATEWAY
TRADE CENTER, INC. BY DEED AFORESAID, A DISTANCE OF 288.80 FEET TO THE
SOUTHWEST CORNER THEREOF AND THE PRINCIPAL POINT OF BEGINNING, CONTAINING
53.78 ACRES OF LAND, MORE OR LESS.

EXCEPTING FROM THE ABOVE DESCRIBED PREMISES THOSE PORTIONS CONVEYED TO:

A: KB BUSINESS PARK REDEVELOPMENT, LLC RECORDED IN LIBER 11232 OF DEEDS AND MORTGAGES PAGE 2531 ON OCTOBER 29, 2012

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

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

Legend:

AC = ABOVE	CC = CONCRETE	ED = ELEVATION	EX = EXISTING	MS = MEASURED	R = PROPERTY LINE	STA = STATION	W/ = WIDTH
APPROX = APPROXIMATE	C.D. = CENTERLINE	E.D. = DISTANCE	GLM = GROUND LEVEL MARKER	MC = MEASURING WELL	PM = POWER POLE	SW = SAWDUST MOUND	EDS = EDGE OF VEGETATION/WOODS
AV = AVERGE	C.V. = CABLE TV BOX	GL = GROUND LEVEL	L = LBER	N = NAD83	PS = PUMP	TR = TRAIL	EDW = EDGE OF ROADWAY
BT = BATHIMONY	C = CENTERLINE	EL = ELECTRICAL	LN = LONG	N/S = NOT TO SCALE	RD = ROAD	T&B = TELEPHONE	PROPERTY LINES
CB = C&B BUSH	CR = C&B	EQ = ELECTION BOX	MA = MANHOLE	O = ON	S = SOUTH	UB = UTILITY BOX	SPR = SPRINKLER
CH = CHAIN	D = DIAMETER	ESMT = EASEMENT	MA = MANHOLE	O/V = ON LINE	ST = STREET	W = WEST	SAP = SAPPHIRE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT

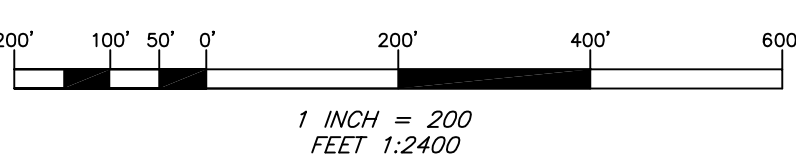


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MAP OF
2303 HAMBURG TURNPIKE
BCA BOUNDARIES & PLANNED SUB-PARCELS
BROWNFIELD CLEAN-UP PROGRAM
BUSINESS PARK PHASE III
TO

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SITUATE IN PARTS OF
LOTS 15,16,17,18,19,20, OF THE OGDEN GORE TRACT AND
PART OF LOTS 23 & 24 OF THE BUFFALO CREEK RESERVATION,
TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF LACKAWANNA COUNTY OF ERIE
STATE OF NEW YORK
T.M.# PART OF 141.11-1-50



I HEREBY CERTIFY TO (1) THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, (2) TUCUMSEH REDEVELOPMENT INCORPORATED, (3) CHICAGO TITLE INSURANCE COMPANY, THAT THIS IS AN ACCURATE SURVEY MAP UNDER MY DIRECTION, OF AN ACTUAL SURVEY, AND THAT THE SURVEY WAS PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 14, 2012. FIELD SURVEY COMPLETED JUNE 12, 2012

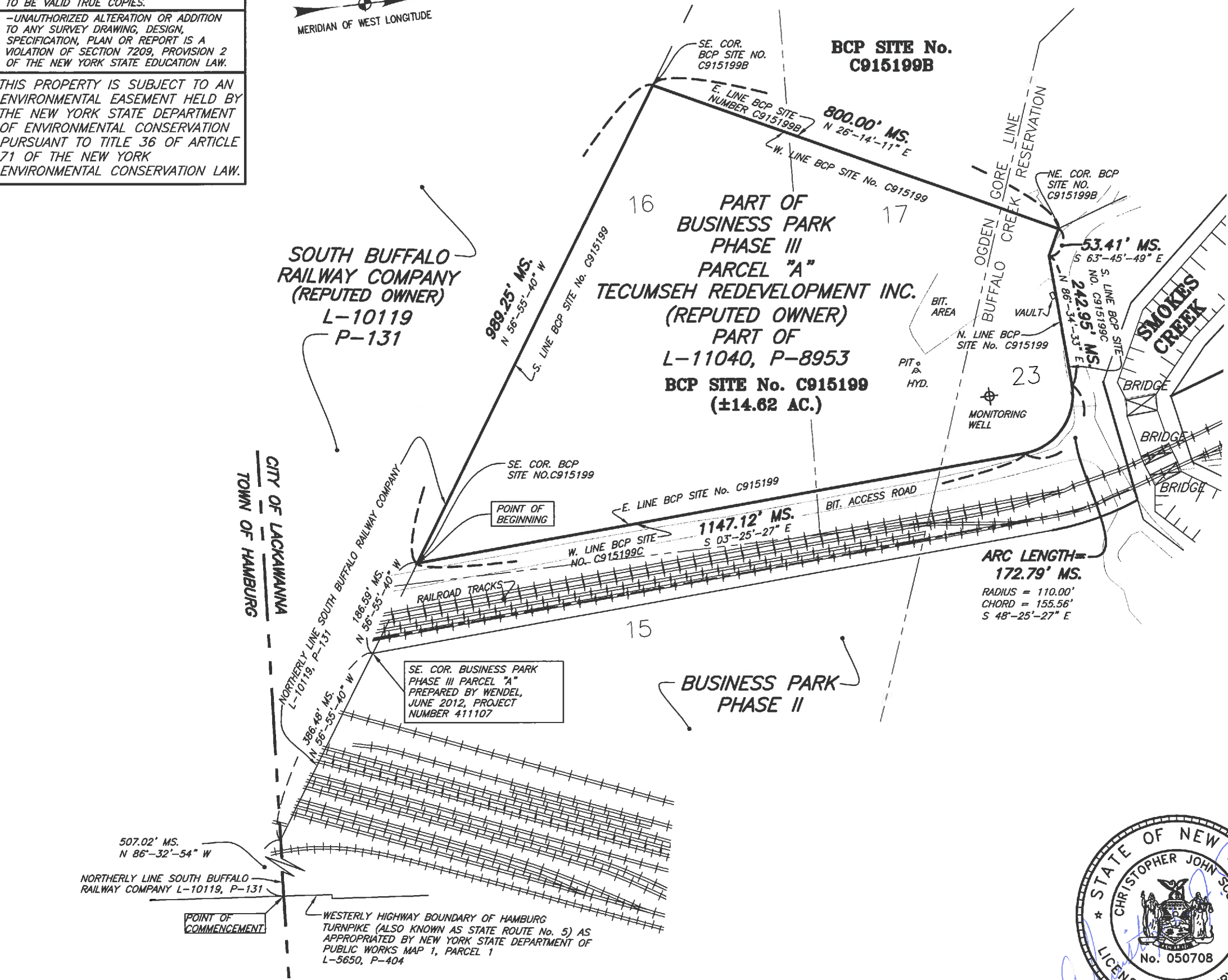
CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE

BRIAN S. SMITH, CST 3, SURVEY DRAFTER DATE

SHEET 1 of 1 SITE NUMBERS

NOTES:
-ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
-UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

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



**PROPOSED DESCRIPTION FOR
BCP SITE NUMBER C915199:**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 16 AND 17 OF THE OGDEN GORE TRACT, AND LOT 23 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915199, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE III", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5) AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS, MAP 1, PARCEL 1 AND AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS, PAGE 404, AND THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF LACKAWANNA (TO THE NORTH) AND THE TOWN OF HAMBURG (TO THE SOUTH), SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY OF LANDS CONVEYED TO THE SOUTH BUFFALO RAILWAY COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131;

THENCE N 86°-32'-54" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 507.02 FEET TO A POINT;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 386.48 FEET TO THE POINT OF BEGINNING OF BUSINESS PARK PHASE III PARCEL "A" AS SHOWN ON SAID MAP PREPARED BY WENDEL;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 186.59 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF BCP SITE NUMBER C915199;

THENCE N 56°-55'-40" W, A DISTANCE OF 989.25 FEET TO THE SOUTHEAST CORNER OF BCP SITE NUMBER 915199B;

THENCE N 26°-14'-11" E ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 800.00 FEET TO A POINT;

THENCE S 63°-45'-49" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 53.41 FEET TO A POINT;

THENCE N 86°-34'-33" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 242.95 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE HAVING A RADIUS OF 110.00 FEET, AN ARC DISTANCE OF 172.79 FEET TO A POINT;

THENCE S 03°-25'-27" E ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 1147.12 FEET TO THE POINT OF BEGINNING, CONTAINING 14.62 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
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MAP OF
BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
IN BUSINESS PARK PHASE III

TO
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SITUATE IN PARTS OF LOTS 16 & 17 OF THE OGDEN GORE TRACT AND
PART OF LOT 23 OF THE BUFFALO CREEK RESERVATION,
TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
T.M.#: PART OF 141.11-1-1.111

200' 100' 50' 0' 200' 400'
1 inch = 200 Feet
1:2400

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

Christopher J. Scott
CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE 7/24/15

SHEET 2 of 2 CHECKED BY: CJS MAP NUMBER BCP SITE No. C915199

WENDEL PROJECT NUMBER: 411107
DRAWING NAME: PH3-1 C915199.DWG

APPENDIX B

DIGITAL COPY OF FER

APPENDIX C

CAMP FIELD DATA SHEETS & AIR MONITORING DATA

Turnkey Environmental Restoration, LLC
Community Air Monitoring Summary Report
Buisness Park III-1, NYSDEC Site # C915199, Lackawanna, New York
October 25, 2011 thru October 29, 2011

Summary of Remedial Work Performed During the Period:

- Clearing, grubbing, and grading of sub-surface to remove vegetation and debris from the Site.
- Demarcation of sub-grade from the cover system by placement of orange three quarter (3/4 in) mesh, plastic industrial netting material.
- Construction of cover system, comprised of a 1-foot layer of Beneficial Use Determination (BUD) approved slag.
- Construction of railroad spur cover material, including select stone aggregate and ties per DER-10 section 5.4(e) 5.

Real Time Community Air Monitoring Work Performed:

Monitoring was completed on the following days:

- 10/25/2011
- 10/28/2011 – 10/29/2011

Community Air Monitoring Program Results:

Daily logs for this monitoring period are attached. As indicated, all monitoring results conformed to the Community Air Monitoring perimeter particulate requirement (i.e., $<100 \text{ ug/m}^3$) and the organic vapor requirement (i.e., $<5 \text{ ppm}$).

Notes/ Special Conditions:

- None.



COMMUNITY AIR MONITORING DAILY LOG

Date: 10/25/2011

Project: CN LUMBER YARD RELOCATION

Job No.: 0071-011-300

Client: TECUMSEH

LOCATION of ACTIVITIES/MONITORING STATIONS (Provide Sketch on Attached Map): SEE ATTACHED MAP

WEATHER CONDITIONS:

Time of Day:	8:45 A.M.	3:20 P.M.
Ambient Air Temp.:	45 °F	57 °F
Wind Direction:	WEST	WEST
Wind Speed:	5.8 MPH	5-10 MPH
Precipitation:	NONE	LIGHT RAIN

DESCRIPTION OF SITE ACTIVITIES: • REMOVAL OF RAIL TIES • COLLECTING OF SCRAP METAL • CUTTING OF TREES

PARTICULATE MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 100 ug/m3 ¹			NA		
Exceedence of 150 ug/m3 ¹			NA		
Visual Observation of Fugitive Dust			NA		
			NA		
			NA		

VOC MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 5 ppm ¹	NONE		NA		Temporarily halt Work and continue monitoring
Reading of 5 to 25 ppm ¹	NONE		NA		Temporarily halt Work, abate emissions with corrective actions and continue monitoring ³
Exceedence of 25 ppm ²	NONE		NA		Shut Down Work Immediately and notify Site Safety & Health Officer

1. Above background for 15 minute moving average.

2. Above background at Site perimeter (indicate location on attached sketch)

3. Work may resume when total VOC conc. 200 ft downwind or half the distance to nearest receptor (whichever is less) is below 5 ppm for 15 min.

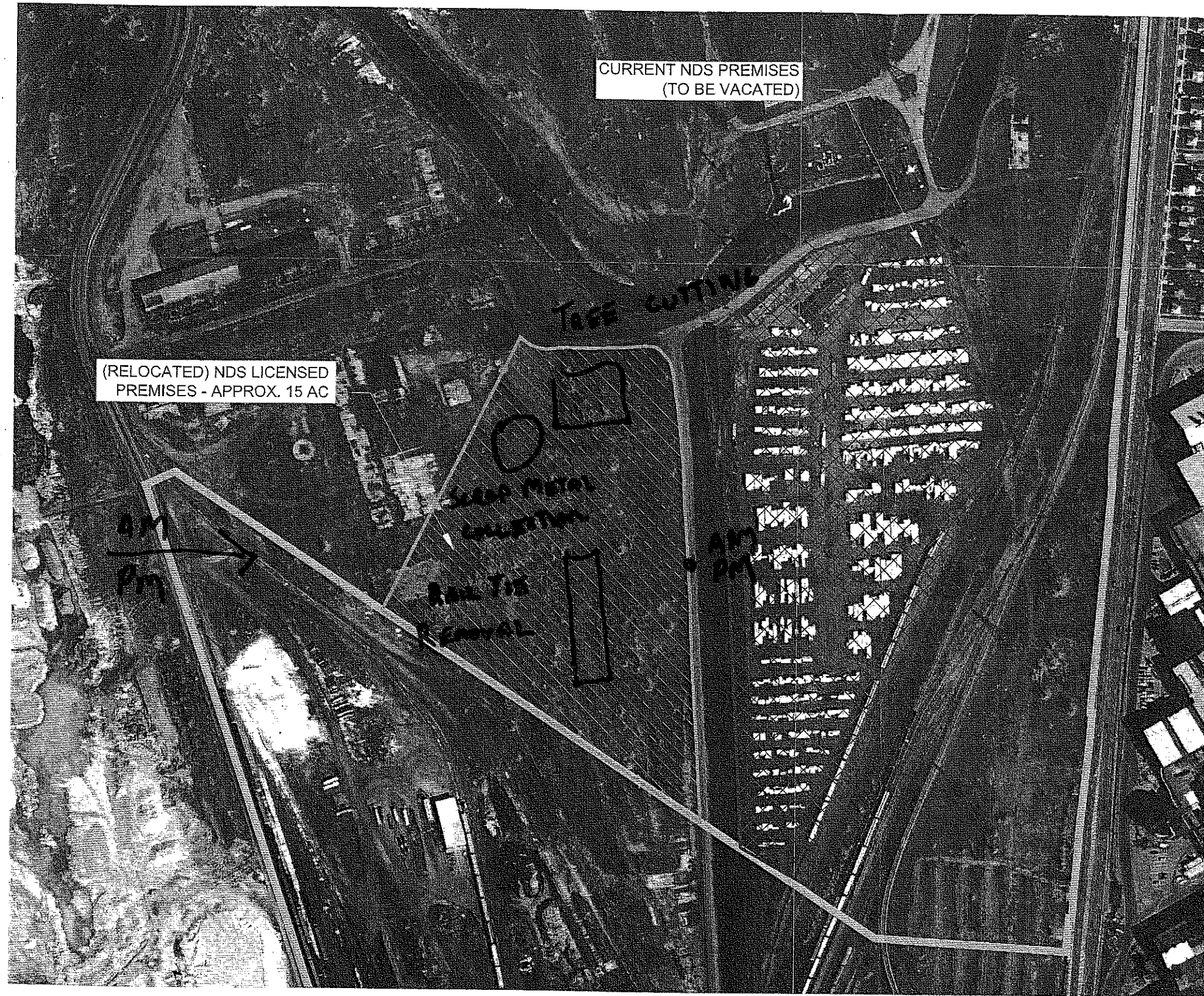
NOTE: All exceedences are to be reported to Benchmark within 15 minutes.

Prepared By: JCT

Date: 10/25/11

Checked By: RLD

Date:



10/25/2011

- AM - MORNING AIR MONITOR LOCATION
- PM - AFTERNOON AIR MONITOR LOCATION
- AM → - MORNING WIND DIRECTION
- PM → - AFTERNOON WIND DIRECTION

LEGEND:

- TECUMSEH PROPERTY BOUNDARY
- (RELOCATED) NDS LICENSED PREMISES BOUNDARY
- CURRENT NDS LICENSED PREMISES BOUNDARY



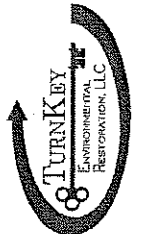
SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

NDS COMPANIES PREMISES
LICENSE AGREEMENT

TECUMSEH LACKAWANNA SITE
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT INC.

2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635



JOB NO.: 0071-011-610

EXHIBIT 1

Oct 25 2011.txt

```

"Model Number", "DataRAM 4 ", 106
"Serial no.", "D212"
"Device no.", 1
"Tag Number", 13
"Start Time", 09:00:50
"Start Date", 25-Oct-2011
"Log Period", 00:15:00
"Number", 25
"CalFactor", 1.000000
"Unit", 0
"Unit Name", "(MASS )ug/m3"
"SIZE_CORRECT", "DISABLED"
"TEMPUNITS", C
"Max MASS", 47.095990
"Max MASS @", 1, 09:15:50, 25-Oct-2011
"Avg MASS", 10.172050
"Max Diam", 0.493101
"Max Diam @", 3, 09:45:50, 25-Oct-2011
"Avg Diam", 0.400934
"ALARM", "DISABLED"
"ALARM_LEVEL", 150.0
"AUTO_ZERO", "DISABLED"
"AZ INTERVAL", 1
"Errors", 0000
record, "(MASS )ug/m3", Temp, RHumidity, Diameter
1, 47.1, 16.8, 46, 0.4070, 09:15:50, 25-Oct-2011
2, 2.6, 15.9, 48, 0.4117, 09:30:50, 25-Oct-2011
3, 3.2, 15.4, 50, 0.4931, 09:45:50, 25-Oct-2011
4, 3.4, 14.8, 52, 0.4916, 10:00:50, 25-Oct-2011
5, 3.3, 14.2, 55, 0.3814, 10:15:50, 25-Oct-2011
6, 4.0, 14.1, 56, 0.4207, 10:30:50, 25-Oct-2011
7, 3.8, 14.1, 58, 0.3594, 10:45:50, 25-Oct-2011
8, 4.0, 15.1, 58, 0.3577, 11:00:50, 25-Oct-2011
9, 4.6, 16.2, 56, 0.3898, 11:15:50, 25-Oct-2011
10, 6.4, 17.2, 54, 0.4030, 11:30:50, 25-Oct-2011
11, 8.6, 17.8, 50, 0.3988, 11:45:50, 25-Oct-2011
12, 6.8, 18.0, 49, 0.3632, 12:00:50, 25-Oct-2011
13, 6.6, 18.2, 49, 0.3500, 12:15:50, 25-Oct-2011
14, 7.4, 18.2, 51, 0.3937, 12:30:50, 25-Oct-2011
15, 7.8, 18.1, 53, 0.4357, 12:45:50, 25-Oct-2011
16, 8.8, 18.2, 54, 0.3966, 13:00:50, 25-Oct-2011
17, 9.1, 18.1, 54, 0.3755, 13:15:50, 25-Oct-2011
18, 10.5, 18.3, 54, 0.3864, 13:30:50, 25-Oct-2011
19, 23.8, 18.1, 55, 0.4150, 13:45:50, 25-Oct-2011
20, 15.4, 17.7, 56, 0.3906, 14:00:50, 25-Oct-2011
21, 16.0, 17.1, 57, 0.3823, 14:15:50, 25-Oct-2011
22, 11.8, 16.7, 59, 0.3819, 14:30:50, 25-Oct-2011
23, 13.7, 16.3, 61, 0.4246, 14:45:50, 25-Oct-2011
24, 13.7, 16.2, 62, 0.4312, 15:00:50, 25-Oct-2011
25, 12.0, 15.7, 64, 0.3822, 15:15:50, 25-Oct-2011

```

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 192

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Start At: 10/25/2011 08:58 End At: 10/25/2011 15:20

Measurement Type:	Min (ppm)	Avg (ppm)	Max (ppm)
High Alarm Levels:	100.0	100.0	100.0
Low Alarm Levels:	50.0	50.0	50.0
STEL Alarm Levels:	25.0	25.0	25.0
TWA Alarm Levels:	10.0	10.0	10.0

Measurement Type:	Min (ppm)	Avg (ppm)	Max (ppm)
Peak Data Value:	-----	0.1	1.2
Min Data Value:	-----	0.0	0.0
TWA Data Value:	-----	0.0	0.0
AVG Data Value:	-----	0.0	0.1

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 192

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Measurement Type:	Min (ppm)	Avg (ppm)	Max (ppm)
High Alarm Levels:	100.0	100.0	100.0
Low Alarm Levels:	50.0	50.0	50.0

Line#	Date	Time	Min (ppm)	Avg (ppm)	Max (ppm)
1	10/25/2011	08:58	-----	0.0	0.0
2	10/25/2011	09:00	-----	0.0	0.0
3	10/25/2011	09:02	-----	0.0	0.0
4	10/25/2011	09:04	-----	0.0	0.0
5	10/25/2011	09:06	-----	0.0	0.0
6	10/25/2011	09:08	-----	0.0	0.0
7	10/25/2011	09:10	-----	0.0	0.0
8	10/25/2011	09:12	-----	0.0	0.0
9	10/25/2011	09:14	-----	0.0	0.0
10	10/25/2011	09:16	-----	0.0	0.0
11	10/25/2011	09:18	-----	0.0	0.0
12	10/25/2011	09:20	-----	0.0	0.0
13	10/25/2011	09:22	-----	0.0	0.0
14	10/25/2011	09:24	-----	0.0	0.0
15	10/25/2011	09:26	-----	0.0	0.0
16	10/25/2011	09:28	-----	0.0	0.0
17	10/25/2011	09:30	-----	0.0	0.0
18	10/25/2011	09:32	-----	0.0	0.0
19	10/25/2011	09:34	-----	0.0	0.0
20	10/25/2011	09:36	-----	0.0	0.0
21	10/25/2011	09:38	-----	0.0	0.0
22	10/25/2011	09:40	-----	0.0	0.0
23	10/25/2011	09:42	-----	0.0	0.0
24	10/25/2011	09:44	-----	0.0	0.0
25	10/25/2011	09:46	-----	0.0	0.0
26	10/25/2011	09:48	-----	0.0	0.0
27	10/25/2011	09:50	-----	0.0	0.0
28	10/25/2011	09:52	-----	0.0	0.0
29	10/25/2011	09:54	-----	0.0	0.0
30	10/25/2011	09:56	-----	0.0	0.0
31	10/25/2011	09:58	-----	0.0	0.0
32	10/25/2011	10:00	-----	0.0	0.0
33	10/25/2011	10:02	-----	0.0	0.0
34	10/25/2011	10:04	-----	0.0	0.0
35	10/25/2011	10:06	-----	0.0	0.0
36	10/25/2011	10:08	-----	0.0	0.0
37	10/25/2011	10:10	-----	0.0	0.0
38	10/25/2011	10:12	-----	0.0	0.0
39	10/25/2011	10:14	-----	0.0	0.0
40	10/25/2011	10:16	-----	0.0	0.0
41	10/25/2011	10:18	-----	0.0	0.0
42	10/25/2011	10:20	-----	0.0	0.0
43	10/25/2011	10:22	-----	0.0	0.0
44	10/25/2011	10:24	-----	0.0	0.0
45	10/25/2011	10:26	-----	0.0	0.0
46	10/25/2011	10:28	-----	0.0	0.0

47	10/25/2011	10:30	-----	0.0	0.0
48	10/25/2011	10:32	-----	0.0	0.0
49	10/25/2011	10:34	-----	0.0	0.0
50	10/25/2011	10:36	-----	0.0	0.0
51	10/25/2011	10:38	-----	0.0	0.0
52	10/25/2011	10:40	-----	0.0	0.0
53	10/25/2011	10:42	-----	0.0	0.0
54	10/25/2011	10:44	-----	0.0	0.0
55	10/25/2011	10:46	-----	0.0	0.0
56	10/25/2011	10:48	-----	0.0	0.0
57	10/25/2011	10:50	-----	0.0	0.0
58	10/25/2011	10:52	-----	0.0	0.0
59	10/25/2011	10:54	-----	0.0	0.0
60	10/25/2011	10:56	-----	0.0	0.0
61	10/25/2011	10:58	-----	0.0	0.0
62	10/25/2011	11:00	-----	0.0	0.0
63	10/25/2011	11:02	-----	0.0	0.0
64	10/25/2011	11:04	-----	0.0	0.0
65	10/25/2011	11:06	-----	0.0	0.0
66	10/25/2011	11:08	-----	0.0	0.0
67	10/25/2011	11:10	-----	0.0	0.0
68	10/25/2011	11:12	-----	0.0	0.0
69	10/25/2011	11:14	-----	0.0	0.1
70	10/25/2011	11:16	-----	0.0	0.1
71	10/25/2011	11:18	-----	0.0	0.1
72	10/25/2011	11:20	-----	0.0	0.0
73	10/25/2011	11:22	-----	0.0	0.0
74	10/25/2011	11:24	-----	0.0	0.0
75	10/25/2011	11:26	-----	0.0	0.0
76	10/25/2011	11:28	-----	0.0	0.0
77	10/25/2011	11:30	-----	0.0	0.0
78	10/25/2011	11:32	-----	0.0	0.0
79	10/25/2011	11:34	-----	0.0	0.0
80	10/25/2011	11:36	-----	0.0	0.0
81	10/25/2011	11:38	-----	0.0	0.0
82	10/25/2011	11:40	-----	0.0	0.1
83	10/25/2011	11:42	-----	0.0	0.1
84	10/25/2011	11:44	-----	0.0	0.0
85	10/25/2011	11:46	-----	0.0	0.0
86	10/25/2011	11:48	-----	0.0	0.0
87	10/25/2011	11:50	-----	0.0	0.0
88	10/25/2011	11:52	-----	0.0	0.0
89	10/25/2011	11:54	-----	0.0	0.1
90	10/25/2011	11:56	-----	0.0	0.1
91	10/25/2011	11:58	-----	0.0	0.1
92	10/25/2011	12:00	-----	0.0	0.0
93	10/25/2011	12:02	-----	0.0	0.0
94	10/25/2011	12:04	-----	0.0	0.0
95	10/25/2011	12:06	-----	0.0	0.0
96	10/25/2011	12:08	-----	0.0	0.0
97	10/25/2011	12:10	-----	0.0	0.0
98	10/25/2011	12:12	-----	0.0	0.1
99	10/25/2011	12:14	-----	0.0	0.0
100	10/25/2011	12:16	-----	0.0	0.0
101	10/25/2011	12:18	-----	0.0	0.0
102	10/25/2011	12:20	-----	0.0	0.1
103	10/25/2011	12:22	-----	0.0	0.0

104	10/25/2011	12:24	-----	0.0	0.0
105	10/25/2011	12:26	-----	0.0	0.0
106	10/25/2011	12:28	-----	0.0	0.0
107	10/25/2011	12:30	-----	0.0	0.0
108	10/25/2011	12:32	-----	0.0	0.0
109	10/25/2011	12:34	-----	0.0	0.0
110	10/25/2011	12:36	-----	0.0	0.0
111	10/25/2011	12:38	-----	0.0	0.0
112	10/25/2011	12:40	-----	0.0	0.1
113	10/25/2011	12:42	-----	0.0	0.1
114	10/25/2011	12:44	-----	0.0	0.0
115	10/25/2011	12:46	-----	0.0	0.0
116	10/25/2011	12:48	-----	0.0	0.0
117	10/25/2011	12:50	-----	0.0	0.0
118	10/25/2011	12:52	-----	0.0	0.1
119	10/25/2011	12:54	-----	0.0	0.1
120	10/25/2011	12:56	-----	0.0	0.1
121	10/25/2011	12:58	-----	0.0	0.1
122	10/25/2011	13:00	-----	0.0	0.1
123	10/25/2011	13:02	-----	0.0	0.1
124	10/25/2011	13:04	-----	0.0	0.1
125	10/25/2011	13:06	-----	0.0	0.1
126	10/25/2011	13:08	-----	0.0	0.1
127	10/25/2011	13:10	-----	0.0	0.1
128	10/25/2011	13:12	-----	0.0	0.0
129	10/25/2011	13:14	-----	0.0	0.1
130	10/25/2011	13:16	-----	0.0	0.1
131	10/25/2011	13:18	-----	0.0	0.1
132	10/25/2011	13:20	-----	0.0	0.0
133	10/25/2011	13:22	-----	0.0	0.0
134	10/25/2011	13:24	-----	0.0	0.0
135	10/25/2011	13:26	-----	0.0	0.0
136	10/25/2011	13:28	-----	0.0	0.1
137	10/25/2011	13:30	-----	0.0	0.1
138	10/25/2011	13:32	-----	0.0	0.1
139	10/25/2011	13:34	-----	0.0	0.1
140	10/25/2011	13:36	-----	0.0	0.1
141	10/25/2011	13:38	-----	0.0	0.2
142	10/25/2011	13:40	-----	0.0	0.1
143	10/25/2011	13:42	-----	0.0	0.2
144	10/25/2011	13:44	-----	0.0	0.1
145	10/25/2011	13:46	-----	0.0	0.1
146	10/25/2011	13:48	-----	0.0	0.1
147	10/25/2011	13:50	-----	0.0	0.1
148	10/25/2011	13:52	-----	0.0	0.1
149	10/25/2011	13:54	-----	0.0	0.1
150	10/25/2011	13:56	-----	0.0	0.1
151	10/25/2011	13:58	-----	0.0	0.1
152	10/25/2011	14:00	-----	0.0	0.1
153	10/25/2011	14:02	-----	0.0	0.1
154	10/25/2011	14:04	-----	0.0	0.1
155	10/25/2011	14:06	-----	0.0	0.3
156	10/25/2011	14:08	-----	0.0	0.1
157	10/25/2011	14:10	-----	0.0	0.3
158	10/25/2011	14:12	-----	0.0	0.1
159	10/25/2011	14:14	-----	0.0	0.1
160	10/25/2011	14:16	-----	0.0	0.1

161	10/25/2011 14:18	-----	0.0	0.1
162	10/25/2011 14:20	-----	0.0	0.1
163	10/25/2011 14:22	-----	0.0	0.1
164	10/25/2011 14:24	-----	0.0	0.1
165	10/25/2011 14:26	-----	0.0	0.1
166	10/25/2011 14:28	-----	0.0	0.1
167	10/25/2011 14:30	-----	0.0	0.1
168	10/25/2011 14:32	-----	0.0	0.1
169	10/25/2011 14:34	-----	0.0	0.1
170	10/25/2011 14:36	-----	0.0	0.1
171	10/25/2011 14:38	-----	0.0	0.2
172	10/25/2011 14:40	-----	0.1	0.2
173	10/25/2011 14:42	-----	0.0	0.2
174	10/25/2011 14:44	-----	0.1	0.4
175	10/25/2011 14:46	-----	0.1	0.5
176	10/25/2011 14:48	-----	0.0	0.1
177	10/25/2011 14:50	-----	0.0	0.1
178	10/25/2011 14:52	-----	0.0	0.1
179	10/25/2011 14:54	-----	0.0	0.1
180	10/25/2011 14:56	-----	0.0	0.1
181	10/25/2011 14:58	-----	0.1	1.2
182	10/25/2011 15:00	-----	0.1	0.9
183	10/25/2011 15:02	-----	0.0	0.1
184	10/25/2011 15:04	-----	0.0	0.1
185	10/25/2011 15:06	-----	0.0	0.1
186	10/25/2011 15:08	-----	0.0	0.1
187	10/25/2011 15:10	-----	0.0	0.1
188	10/25/2011 15:12	-----	0.0	0.1
189	10/25/2011 15:14	-----	0.0	0.1
190	10/25/2011 15:16	-----	0.1	0.1
191	10/25/2011 15:18	-----	0.1	0.1
192	10/25/2011 15:20	-----	0.1	0.2

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 192

Gas Name: Isobutylene

Sample Period: 120

sec

Last Calibration Time: 09/19/2011 15:38

Measurement Type:

Alarm Type:

Alarm Levels:

Min (ppm)

STEL

TWA

AVG

Avg (ppm)

STEL

TWA

AVG

Max (ppm)

STEL

TWA

AVG

25.0

10.0

25.0

10.0

25.0

10.0

Min (ppm)

Avg (ppm)

Max (ppm)

Line#

Date Time

STEL

TWA

AVG

STEL

TWA

AVG

STEL

TWA

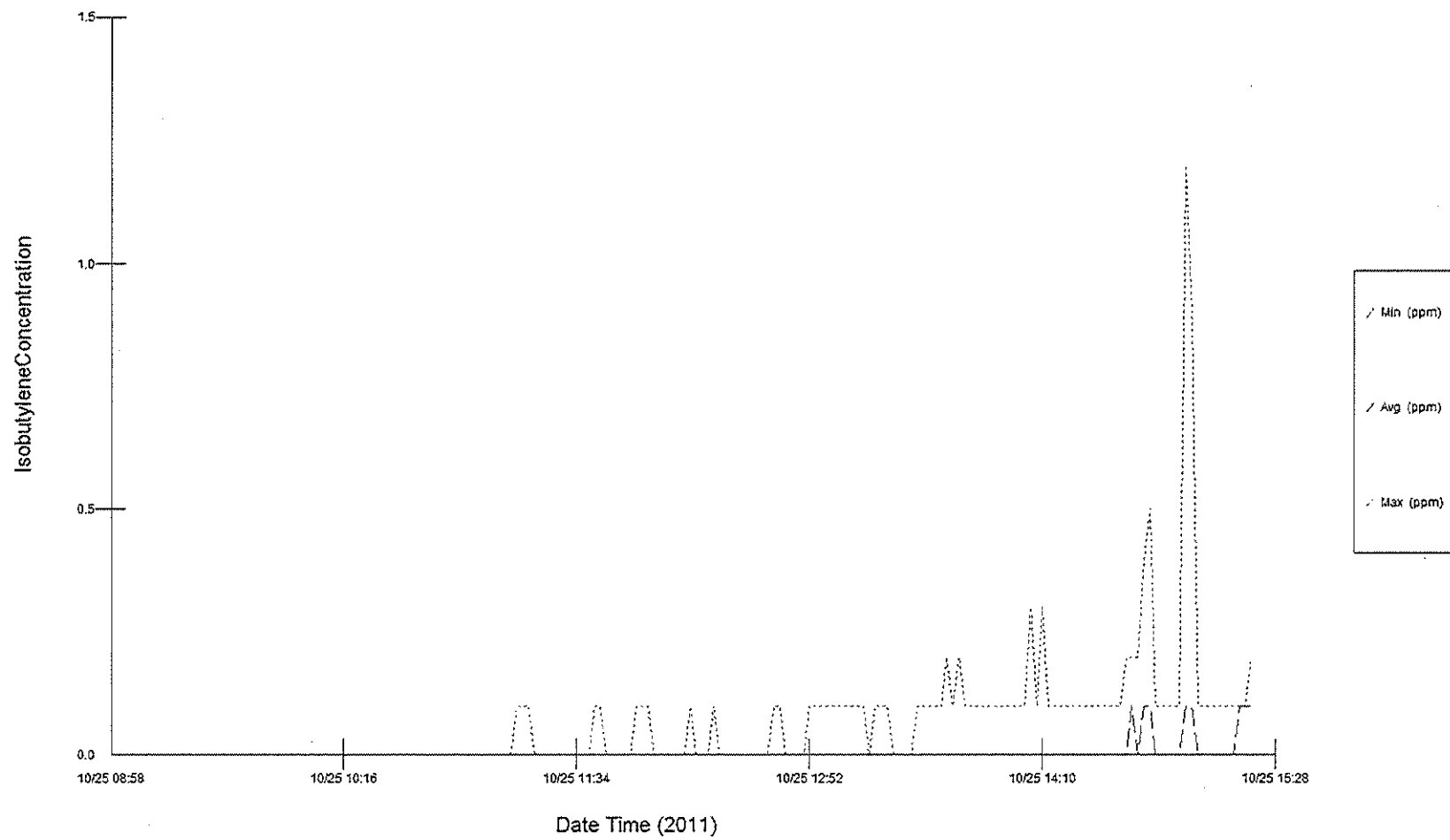
AVG

1	10/25/2011	08:58	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
2	10/25/2011	09:00	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
3	10/25/2011	09:02	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
4	10/25/2011	09:04	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
5	10/25/2011	09:06	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
6	10/25/2011	09:08	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
7	10/25/2011	09:10	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
8	10/25/2011	09:12	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
9	10/25/2011	09:14	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
10	10/25/2011	09:16	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
11	10/25/2011	09:18	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
12	10/25/2011	09:20	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
13	10/25/2011	09:22	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
14	10/25/2011	09:24	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
15	10/25/2011	09:26	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
16	10/25/2011	09:28	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
17	10/25/2011	09:30	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
18	10/25/2011	09:32	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
19	10/25/2011	09:34	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
20	10/25/2011	09:36	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
21	10/25/2011	09:38	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
22	10/25/2011	09:40	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
23	10/25/2011	09:42	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
24	10/25/2011	09:44	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
25	10/25/2011	09:46	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
26	10/25/2011	09:48	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
27	10/25/2011	09:50	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
28	10/25/2011	09:52	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
29	10/25/2011	09:54	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
30	10/25/2011	09:56	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
31	10/25/2011	09:58	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
32	10/25/2011	10:00	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
33	10/25/2011	10:02	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
34	10/25/2011	10:04	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
35	10/25/2011	10:06	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
36	10/25/2011	10:08	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
37	10/25/2011	10:10	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
38	10/25/2011	10:12	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
39	10/25/2011	10:14	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
40	10/25/2011	10:16	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0

[illegible]

[illegible]

155	10/25/2011	14:06	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
156	10/25/2011	14:08	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
157	10/25/2011	14:10	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
158	10/25/2011	14:12	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
159	10/25/2011	14:14	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
160	10/25/2011	14:16	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
161	10/25/2011	14:18	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
162	10/25/2011	14:20	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
163	10/25/2011	14:22	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
164	10/25/2011	14:24	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
165	10/25/2011	14:26	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
166	10/25/2011	14:28	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
167	10/25/2011	14:30	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
168	10/25/2011	14:32	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
169	10/25/2011	14:34	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
170	10/25/2011	14:36	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
171	10/25/2011	14:38	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
172	10/25/2011	14:40	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
173	10/25/2011	14:42	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
174	10/25/2011	14:44	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
175	10/25/2011	14:46	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
176	10/25/2011	14:48	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
177	10/25/2011	14:50	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
178	10/25/2011	14:52	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
179	10/25/2011	14:54	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
180	10/25/2011	14:56	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.0
181	10/25/2011	14:58	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
182	10/25/2011	15:00	-----	-----	-----	0.0	0.0	0.0	0.4	0.0	0.1
183	10/25/2011	15:02	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
184	10/25/2011	15:04	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
185	10/25/2011	15:06	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
186	10/25/2011	15:08	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
187	10/25/2011	15:10	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
188	10/25/2011	15:12	-----	-----	-----	0.0	0.0	0.0	0.3	0.0	0.1
189	10/25/2011	15:14	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
190	10/25/2011	15:16	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
191	10/25/2011	15:18	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
192	10/25/2011	15:20	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1





COMMUNITY AIR MONITORING DAILY LOG

Date: 10/26/2011
Project: CR Lumber Relocation
Job No.: 0001-011-300
Client: Tecumseh

WEATHER CONDITIONS:
Time of Day: 8:28 A.M. 2:24 P.M.
Ambient Air Temp.: 50° F 52° F
Wind Direction: South West Northeast
Wind Speed: 5-10 mph 0-5 mph
Precipitation: Light Rain (intermittent) Light Rain
NO monitors setup due to rain

LOCATION of ACTIVITIES/MONITORING STATIONS (Provide Sketch on Attached Map): SEE MAP

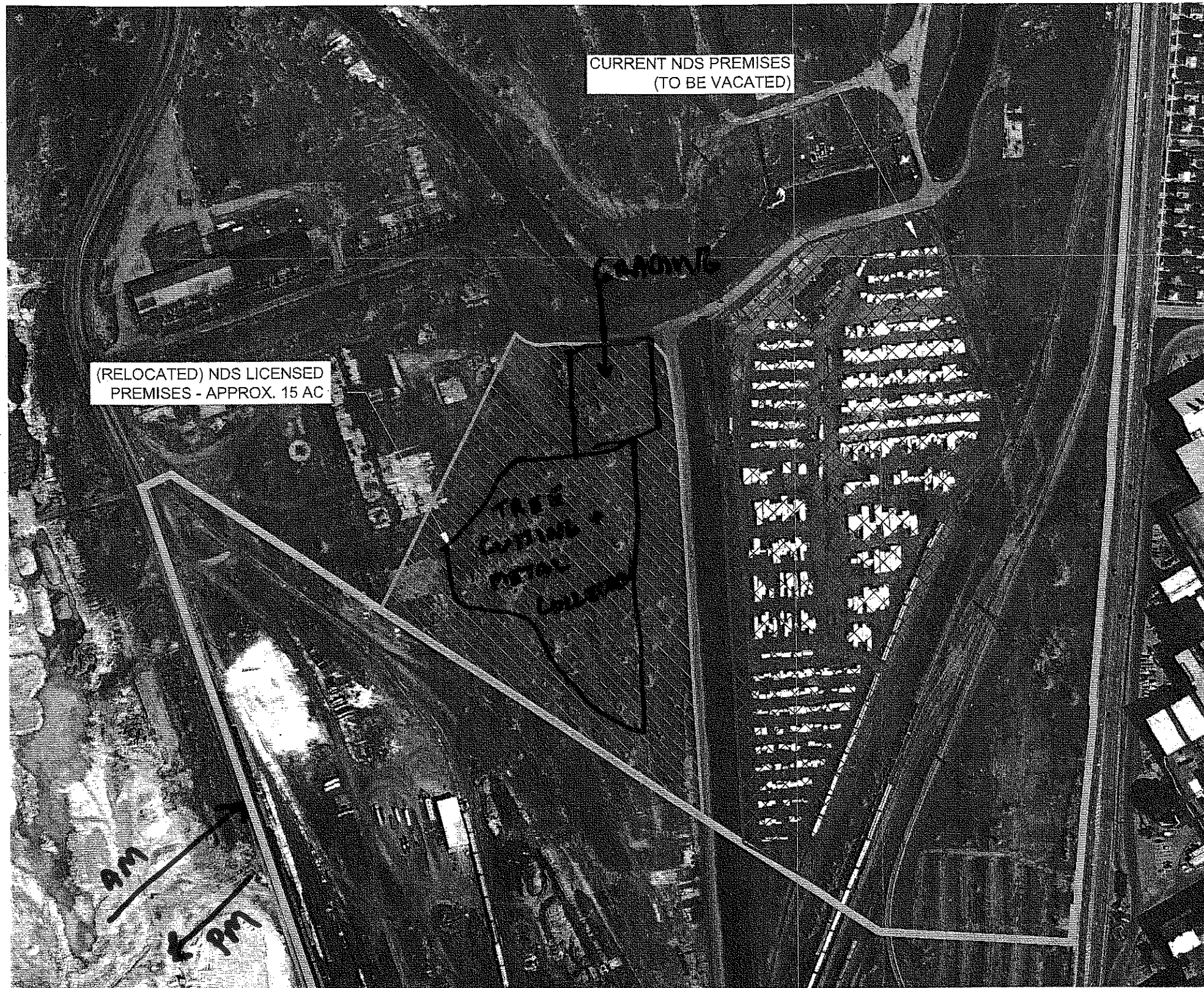
DESCRIPTION OF SITE ACTIVITIES: • TREE REMOVAL • COLLECTING OF SCRAP METAL

PARTICULATE MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 100 ug/m3 ¹					
Exceedence of 150 ug/m3 ¹					
Visual Observation of Fugitive Dust			NA		
			NA		
			NA		

VOC MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 5 ppm ¹					Temporarily halt Work and continue monitoring
Reading of 5 to 25 ppm ¹					Temporarily halt Work, abate emissions with corrective actions and continue monitoring ³
Exceedence of 25 ppm ²					Shut Down Work Immediately and notify Site Safety & Health Officer

1. Above background for 15 minute moving average.
2. Above background at Site perimeter (indicate location on attached sketch)
3. Work may resume when total VOC conc. 200 ft downwind or half the distance to nearest receptor (whichever is less) is below 5 ppm for 15 min.
NOTE: All exceedences are to be reported to Benchmark within 15 minutes.

Prepared By: JCT Date: 10/26/11
Checked By: RWO Date:



10/26/2011

12/13/11

- MORNING WIND DIRECTION
- AFTERNOON WIND DIRECTION

NOTE:
NO A.R. MONITORING SET-UP DUE TO RAIN

- LEGEND:
- TECUMSEH PROPERTY BOUNDARY
 - (RELOCATED) NDS LICENSED PREMISES BOUNDARY
 - CURRENT NDS LICENSED PREMISES BOUNDARY



SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

2668 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635



JOB NO.: 0071-011-610

NDS COMPANIES PREMISES

LICENSE AGREEMENT
TECUMSEH LACKAWANNA SITE
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT INC.

EXHIBIT 1



COMMUNITY AIR MONITORING DAILY LOG

Date: 10/27/2011

Project: CN LUMBER YARD RELOCATION

Job No.: 0071-011-300

Client: TELUMSEM

WEATHER CONDITIONS:

Time of Day:	2:54 A.M.	3:10 P.M.
Ambient Air Temp.:	48° 34°	58° 30°
Wind Direction:	NORTHEAST	NORTHEAST
Wind Speed:	5-10 MPH	0-5 MPH
Precipitation:	LIGHT RAIN	LIGHT RAIN

LOCATION of ACTIVITIES/MONITORING STATIONS (Provide Sketch

on Attached Map): NO AIR MONITORING PERFORMED DUE TO RAIN

DESCRIPTION OF SITE ACTIVITIES: GRADING OF SUSSEIL • STUMP REMOVAL

PARTICULATE MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 100 ug/m3 ¹					
Exceedence of 150 ug/m3 ¹					
Visual Observation of Fugitive Dust			NA		
			NA		
			NA		

VOC MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 5 ppm ¹					Temporarily halt Work and continue monitoring
Reading of 5 to 25 ppm ¹					Temporarily halt Work, abate emissions with corrective actions and continue monitoring ³
Exceedence of 25 ppm ²					Shut Down Work Immediately and notify Site Safety & Health Officer

1. Above background for 15 minute moving average.

2. Above background at Site perimeter (indicate location on attached sketch)

3. Work may resume when total VOC conc. 200 ft downwind or half the distance to nearest receptor (whichever is less) is below 5 ppm for 15 min.

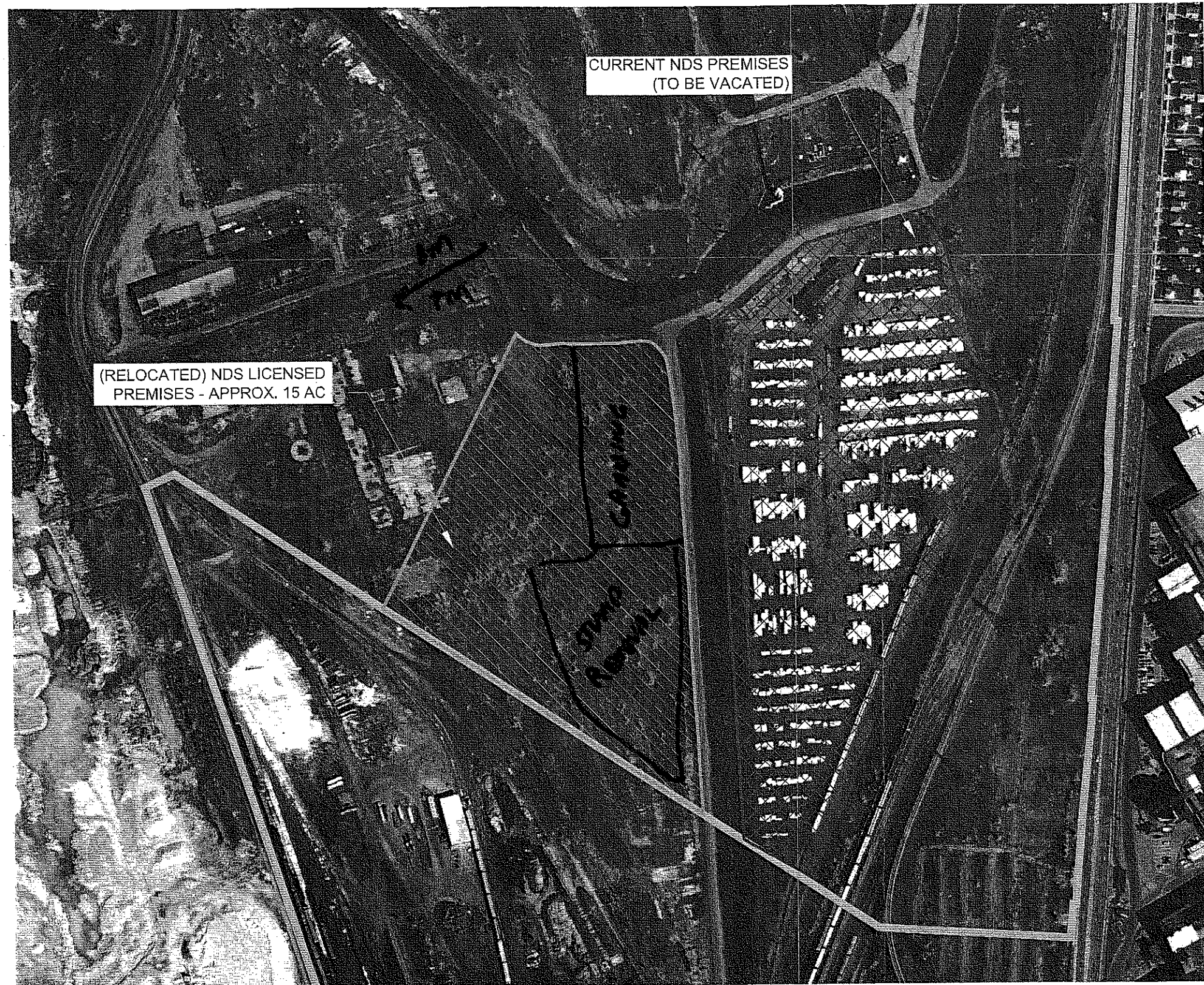
NOTE: All exceedences are to be reported to Benchmark within 15 minutes.

Prepared By: Jim TACAVELLA

Date: 10/27/2011

Checked By: RLD

Date:



10/17/2011



- WIND DIRECTION
MORNING / AFTERNOON

NO AIR MONITORING PERFORMED
DUE TO RAIN

LEGEND:

- TECUMSEH PROPERTY BOUNDARY
- (RELOCATED) NDS LICENSED PREMISES BOUNDARY
- CURRENT NDS LICENSED PREMISES BOUNDARY

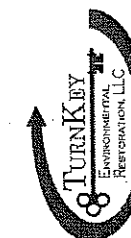


300' 0' 300' 600'

SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

NDS COMPANIES PREMISES
LICENSE AGREEMENT
TECUMSEH LACKAWANNA SITE
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT INC.



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635

JOB NO.: 0071-011-610

EXHIBIT 1



COMMUNITY AIR MONITORING DAILY LOG

Date: 10/28/2011
Project: _____
Job No.: 0671-011-300
Client: TEUMSEH

WEATHER CONDITIONS:		
Time of Day:	<u>8:12</u> A.M.	P.M.
Ambient Air Temp.:	<u>29°F</u>	
Wind Direction:	<u>SOUTH</u>	
Wind Speed:	<u>0-5 mph</u>	
Precipitation:	<u>NONE</u>	

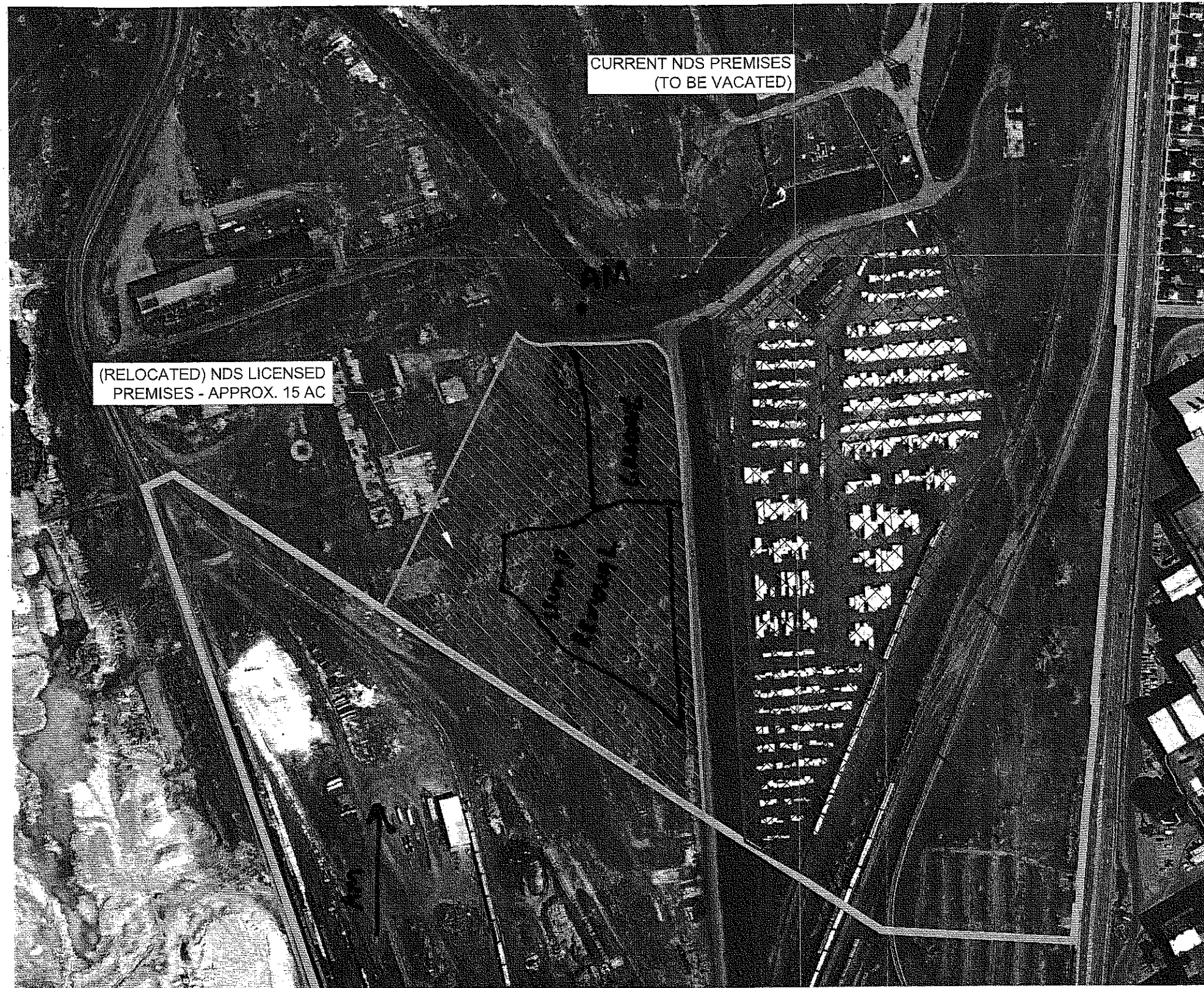
LOCATION of ACTIVITIES/MONITORING STATIONS (Provide Sketch on Attached Map): • GRADING OF SUBGRADE • STUMP REMOVAL SEE ATTACHED MAP
• SEE ATTACHED MAP
DESCRIPTION OF SITE ACTIVITIES: _____

PARTICULATE MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 100 ug/m3 ¹			<u>NA</u>		
Exceedence of 150 ug/m3 ¹			<u>NA</u>		
Visual Observation of Fugitive Dust			<u>NA</u>		
			<u>NA</u>		
			<u>NA</u>		

VOC MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 5 ppm ¹			<u>—</u>		Temporarily halt Work and continue monitoring
Reading of 5 to 25 ppm ¹			<u>—</u>		Temporarily halt Work, abate emissions with corrective actions and continue monitoring ³
Exceedence of 25 ppm ²			<u>—</u>		Shut Down Work Immediately and notify Site Safety & Health Officer

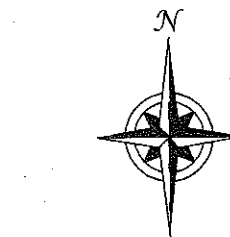
1. Above background for 15 minute moving average.
2. Above background at Site perimeter (indicate location on attached sketch)
3. Work may resume when total VOC conc. 200 ft downwind or half the distance to nearest receptor (whichever is less) is below 5 ppm for 15 min.
NOTE: All exceedences are to be reported to Benchmark within 15 minutes.

Prepared By: Jim T Date: _____
Checked By: RLO Date: _____



CURRENT NDS PREMISES
(TO BE VACATED)

(RELOCATED) NDS LICENSED
PREMISES - APPROX. 15 AC



SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

LEGEND:

- TECUMSEH PROPERTY BOUNDARY
- (RELOCATED) NDS LICENSED PREMISES BOUNDARY
- CURRENT NDS LICENSED PREMISES BOUNDARY

- 10/28/2011
- AM - MORNING AIR MONITORING LOCATION
 - PM - AFTERNOON AIR MONITORING LOCATION
 - SE - MORNING WIND DIRECTION
 - SE - AFTERNOON WIND DIRECTION

NDS COMPANIES PREMISES

LICENSE AGREEMENT
TECUMSEH LACKAWANNA SITE
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT INC.

2656 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0635



JOB NO.: 0071-011-610

Oct 28 2011.txt

```

"Model Number", "DataRAM 4 ", 106
"Serial no.", "D212
"Device no.", 1
"Tag Number", 14
"Start Time", 08:33:53
"Start Date", 28-Oct-2011
"Log Period", 00:15:00
"Number", 30
"CalFactor", 1.000000
"Unit", 0
"Unit Name", "(MASS )ug/m3"
"SIZE_CORRECT", "DISABLED"
"TEMPUNITS", C
"Max MASS", 36.397650
"Max MASS @", 1 ,08:48:53 ,28-Oct-2011
"Avg MASS", 11.140710
"Max Diam", 0.690081
"Max Diam @", 7 ,10:18:53 ,28-Oct-2011
"Avg Diam", 0.465517
"ALARM", "DISABLED"
"ALARM_LEVEL", 150.0
"AUTO_ZERO", "DISABLED"
"AZ INTERVAL", 1
"Errors", 0000
record,"(MASS )ug/m3", Temp, RHumidity, Diameter
1, 36.4, 13.4, 46, 0.4543 ,08:48:53 ,28-Oct-2011
2, 14.1, 9.7, 47, 0.4890 ,09:03:53 ,28-Oct-2011
3, 15.2, 8.1, 51, 0.5100 ,09:18:53 ,28-Oct-2011
4, 15.5, 7.6, 54, 0.4966 ,09:33:53 ,28-Oct-2011
5, 15.2, 7.7, 56, 0.5000 ,09:48:53 ,28-Oct-2011
6, 13.4, 8.2, 57, 0.4909 ,10:03:53 ,28-Oct-2011
7, 17.5, 8.6, 58, 0.6901 ,10:18:53 ,28-Oct-2011
8, 10.9, 8.9, 58, 0.4531 ,10:33:53 ,28-Oct-2011
9, 10.9, 9.1, 58, 0.4593 ,10:48:53 ,28-Oct-2011
10, 10.8, 9.6, 59, 0.4676 ,11:03:53 ,28-Oct-2011
11, 10.2, 10.3, 58, 0.4300 ,11:18:53 ,28-Oct-2011
12, 11.1, 10.9, 56, 0.4389 ,11:33:53 ,28-Oct-2011
13, 10.8, 11.4, 55, 0.4281 ,11:48:53 ,28-Oct-2011
14, 10.7, 11.9, 53, 0.4536 ,12:03:53 ,28-Oct-2011
15, 8.4, 12.3, 51, 0.4056 ,12:18:53 ,28-Oct-2011
16, 8.5, 12.8, 50, 0.4376 ,12:33:53 ,28-Oct-2011
17, 13.1, 13.2, 49, 0.5354 ,12:48:53 ,28-Oct-2011
18, 10.2, 13.7, 48, 0.4512 ,13:03:53 ,28-Oct-2011
19, 7.6, 14.3, 47, 0.4003 ,13:18:53 ,28-Oct-2011
20, 7.4, 14.3, 47, 0.4039 ,13:33:53 ,28-Oct-2011
21, 9.8, 14.9, 46, 0.4988 ,13:48:53 ,28-Oct-2011
22, 9.0, 15.1, 44, 0.5676 ,14:03:53 ,28-Oct-2011
23, 7.3, 15.1, 43, 0.4740 ,14:18:53 ,28-Oct-2011
24, 5.3, 14.7, 43, 0.4219 ,14:33:53 ,28-Oct-2011
25, 8.1, 14.1, 44, 0.5549 ,14:48:53 ,28-Oct-2011
26, 5.4, 13.8, 46, 0.3453 ,15:03:53 ,28-Oct-2011
27, 6.9, 13.4, 48, 0.4035 ,15:18:53 ,28-Oct-2011
28, 6.1, 12.7, 50, 0.3608 ,15:33:53 ,28-Oct-2011
29, 10.7, 12.1, 52, 0.5343 ,15:48:53 ,28-Oct-2011
30, 8.0, 11.9, 52, 0.4091 ,16:03:53 ,28-Oct-2011

```

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 229

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Start At: 10/28/2011 08:30 End At: 10/28/2011 16:06

Measurement Type:	Min(ppm)	Avg(ppm)	Max(ppm)
High Alarm Levels:	100.0	100.0	100.0
Low Alarm Levels:	50.0	50.0	50.0
STEL Alarm Levels:	25.0	25.0	25.0
TWA Alarm Levels:	10.0	10.0	10.0

Measurement Type:	Min(ppm)	Avg(ppm)	Max(ppm)
Peak Data Value:	-----	0.1	0.4
Min Data Value:	-----	0.0	0.0
TWA Data Value:	-----	0.0	0.1
AVG Data Value:	-----	0.0	0.1

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 229

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Measurement Type:		Min (ppm)			Avg (ppm)			Max (ppm)		
Alarm Type:	STEL	TWA	AVG	STEL	TWA	AVG	STEL	TWA	AVG	
Alarm Levels:	25.0	10.0		25.0	10.0		25.0	10.0		

Line#	Date	Time	Min (ppm)			Avg (ppm)			Max (ppm)		
			STEL	TWA	AVG	STEL	TWA	AVG	STEL	TWA	AVG
1	10/28/2011	08:30	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
2	10/28/2011	08:32	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
3	10/28/2011	08:34	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
4	10/28/2011	08:36	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
5	10/28/2011	08:38	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
6	10/28/2011	08:40	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
7	10/28/2011	08:42	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
8	10/28/2011	08:44	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
9	10/28/2011	08:46	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
10	10/28/2011	08:48	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
11	10/28/2011	08:50	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
12	10/28/2011	08:52	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
13	10/28/2011	08:54	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
14	10/28/2011	08:56	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
15	10/28/2011	08:58	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
16	10/28/2011	09:00	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
17	10/28/2011	09:02	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
18	10/28/2011	09:04	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
19	10/28/2011	09:06	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
20	10/28/2011	09:08	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
21	10/28/2011	09:10	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
22	10/28/2011	09:12	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
23	10/28/2011	09:14	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
24	10/28/2011	09:16	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
25	10/28/2011	09:18	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.0
26	10/28/2011	09:20	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
27	10/28/2011	09:22	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
28	10/28/2011	09:24	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
29	10/28/2011	09:26	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
30	10/28/2011	09:28	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
31	10/28/2011	09:30	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
32	10/28/2011	09:32	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
33	10/28/2011	09:34	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
34	10/28/2011	09:36	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
35	10/28/2011	09:38	-----	-----	-----	0.0	0.0	0.0	0.2	0.0	0.1
36	10/28/2011	09:40	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
37	10/28/2011	09:42	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
38	10/28/2011	09:44	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
39	10/28/2011	09:46	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
40	10/28/2011	09:48	-----	-----	-----	0.0	0.0	0.0	0.1	0.0	0.1
41	10/28/2011	09:50	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
42	10/28/2011	09:52	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
43	10/28/2011	09:54	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
44	10/28/2011	09:56	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
45	10/28/2011	09:58	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
46	10/28/2011	10:00	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
47	10/28/2011	10:02	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
48	10/28/2011	10:04	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
49	10/28/2011	10:06	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
50	10/28/2011	10:08	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
51	10/28/2011	10:10	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
52	10/28/2011	10:12	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
53	10/28/2011	10:14	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
54	10/28/2011	10:16	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
55	10/28/2011	10:18	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1
56	10/28/2011	10:20	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.1

Page: 2

[illegible]

195	10/28/2011	14:58	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
196	10/28/2011	15:00	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
197	10/28/2011	15:02	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
198	10/28/2011	15:04	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
199	10/28/2011	15:06	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
200	10/28/2011	15:08	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
201	10/28/2011	15:10	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
202	10/28/2011	15:12	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
203	10/28/2011	15:14	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
204	10/28/2011	15:16	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
205	10/28/2011	15:18	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
206	10/28/2011	15:20	-----	-----	-----	0.1	0.0	0.0	0.1	0.1	0.1
207	10/28/2011	15:22	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
208	10/28/2011	15:24	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
209	10/28/2011	15:26	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
210	10/28/2011	15:28	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
211	10/28/2011	15:30	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
212	10/28/2011	15:32	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
213	10/28/2011	15:34	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
214	10/28/2011	15:36	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
215	10/28/2011	15:38	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
216	10/28/2011	15:40	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
217	10/28/2011	15:42	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
218	10/28/2011	15:44	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
219	10/28/2011	15:46	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
220	10/28/2011	15:48	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
221	10/28/2011	15:50	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
222	10/28/2011	15:52	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
223	10/28/2011	15:54	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
224	10/28/2011	15:56	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
225	10/28/2011	15:58	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
226	10/28/2011	16:00	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
227	10/28/2011	16:02	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
228	10/28/2011	16:04	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1
229	10/28/2011	16:06	-----	-----	-----	0.1	0.0	0.0	0.2	0.1	0.1



COMMUNITY AIR MONITORING DAILY LOG

Date: 10/29/2011
Project:
Job No.: 0071-011-300
Client: TURNKEY

WEATHER CONDITIONS:		
Time of Day:	A.M.	P.M.
Ambient Air Temp.:	35°	
Wind Direction:	EAST	
Wind Speed:	0-5 mph	
Precipitation:	NONE	

LOCATION of ACTIVITIES/MONITORING STATIONS (Provide Sketch on Attached Map):

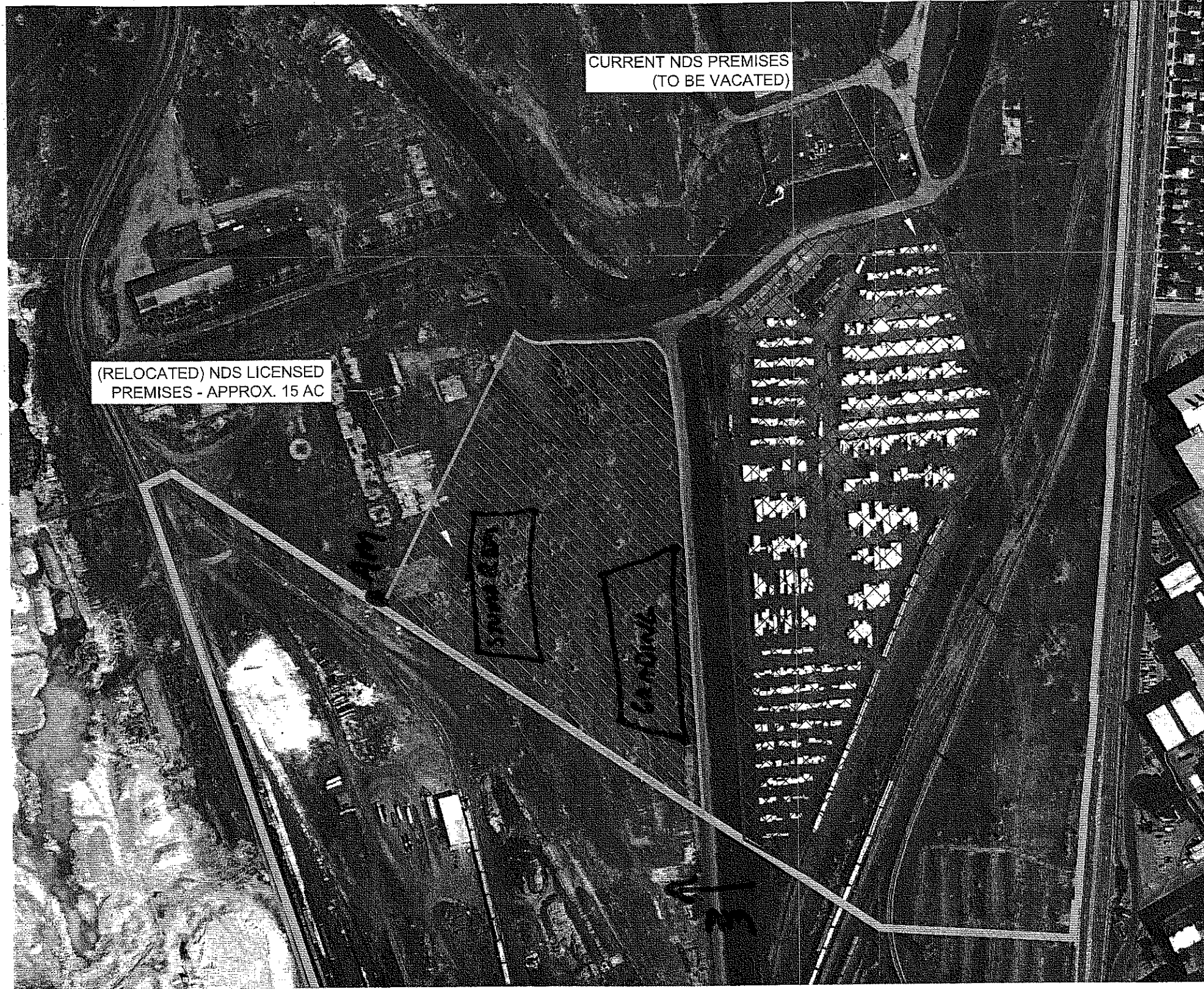
DESCRIPTION OF SITE ACTIVITIES: GRADING OF SUBGRADE & STUMP REMOVAL (SEE MAP)

PARTICULATE MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 100 ug/m3 ¹					
Exceedence of 150 ug/m3 ¹					
Visual Observation of Fugitive Dust			NA		
			NA		
			NA		

VOC MONITORING	Location	Time	Value	Duration	Corrective Measures Taken (Eng Controls/Work Stoppage, etc.)
Exceedence of 5 ppm ¹					Temporarily halt Work and continue monitoring
Reading of 5 to 25 ppm ¹					Temporarily halt Work, abate emissions with corrective actions and continue monitoring ³
Exceedence of 25 ppm ²					Shut Down Work Immediately and notify Site Safety & Health Officer

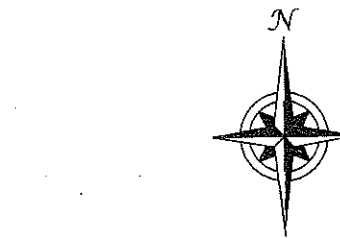
1. Above background for 15 minute moving average.
2. Above background at Site perimeter (indicate location on attached sketch)
3. Work may resume when total VOC conc. 200 ft downwind or half the distance to nearest receptor (whichever is less) is below 5 ppm for 15 min.
NOTE: All exceedences are to be reported to Benchmark within 15 minutes.

Prepared By: [Signature] Date: 10/29/11
Checked By: Date:



CURRENT NDS PREMISES
(TO BE VACATED)

(RELOCATED) NDS LICENSED
PREMISES - APPROX. 15 AC



300' 0' 300' 600'

SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)

LEGEND:

- TECUMSEH PROPERTY BOUNDARY
- (RELOCATED) NDS LICENSED PREMISES BOUNDARY
- CURRENT NDS LICENSED PREMISES BOUNDARY

10/29/11

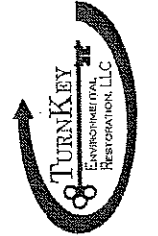
0.3 - MORNING AIR MONITORING SETUP
↓ - MORNING WIND DIRECTION

NDS COMPANIES PREMISES

LICENSE AGREEMENT

TECUMSEH LACKAWANNA SITE
LACKAWANNA, NEW YORK

PREPARED FOR
TECUMSEH REDEVELOPMENT INC.



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14216
(716) 856-0695

JOB NO.: 0071-011-610

EXHIBIT 1

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 142

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Start At: 10/29/2011 08:37 End At: 10/29/2011 13:19

Measurement Type:	Min (ppm)	Avg (ppm)	Max (ppm)
High Alarm Levels:	100.0	100.0	100.0
Low Alarm Levels:	50.0	50.0	50.0
STEL Alarm Levels:	25.0	25.0	25.0
TWA Alarm Levels:	10.0	10.0	10.0

Measurement Type:	Min (ppm)	Avg (ppm)	Max (ppm)
Peak Data Value:	-----	0.0	0.1
Min Data Value:	-----	0.0	0.0
TWA Data Value:	-----	0.0	0.0
AVG Data Value:	-----	0.0	0.0

Instrument: MiniRAE 2000 (PGM7600)

Serial Number: 012790

User ID: PID 4

Site ID: PID 4 2

Data Points: 142

Gas Name: Isobutylene

Sample Period: 120 sec

Last Calibration Time: 09/19/2011 15:38

Measurement Type:	Min (ppm)			Avg (ppm)			Max (ppm)		
Alarm Type:	STEL	TWA	AVG	STEL	TWA	AVG	STEL	TWA	AVG
Alarm Levels:	25.0	10.0		25.0	10.0		25.0	10.0	

Line#	Date	Time	Min (ppm)			Avg (ppm)			Max (ppm)		
			STEL	TWA	AVG	STEL	TWA	AVG	STEL	TWA	AVG
1	10/29/2011	08:37	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
2	10/29/2011	08:39	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
3	10/29/2011	08:41	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
4	10/29/2011	08:43	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
5	10/29/2011	08:45	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
6	10/29/2011	08:47	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
7	10/29/2011	08:49	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
8	10/29/2011	08:51	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
9	10/29/2011	08:53	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
10	10/29/2011	08:55	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
11	10/29/2011	08:57	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
12	10/29/2011	08:59	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
13	10/29/2011	09:01	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
14	10/29/2011	09:03	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
15	10/29/2011	09:05	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
16	10/29/2011	09:07	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
17	10/29/2011	09:09	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
18	10/29/2011	09:11	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
19	10/29/2011	09:13	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
20	10/29/2011	09:15	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
21	10/29/2011	09:17	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
22	10/29/2011	09:19	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
23	10/29/2011	09:21	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
24	10/29/2011	09:23	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
25	10/29/2011	09:25	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
26	10/29/2011	09:27	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
27	10/29/2011	09:29	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
28	10/29/2011	09:31	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
29	10/29/2011	09:33	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
30	10/29/2011	09:35	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
31	10/29/2011	09:37	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
32	10/29/2011	09:39	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
33	10/29/2011	09:41	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
34	10/29/2011	09:43	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
35	10/29/2011	09:45	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
36	10/29/2011	09:47	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
37	10/29/2011	09:49	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
38	10/29/2011	09:51	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
39	10/29/2011	09:53	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
40	10/29/2011	09:55	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
41	10/29/2011	09:57	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
42	10/29/2011	09:59	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
43	10/29/2011	10:01	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
44	10/29/2011	10:03	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
45	10/29/2011	10:05	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
46	10/29/2011	10:07	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
47	10/29/2011	10:09	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
48	10/29/2011	10:11	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
49	10/29/2011	10:13	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
50	10/29/2011	10:15	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
51	10/29/2011	10:17	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
52	10/29/2011	10:19	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
53	10/29/2011	10:21	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
54	10/29/2011	10:23	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
55	10/29/2011	10:25	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
56	10/29/2011	10:27	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0

[illegible]

126	10/29/2011	12:47	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
127	10/29/2011	12:49	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
128	10/29/2011	12:51	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
129	10/29/2011	12:53	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
130	10/29/2011	12:55	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
131	10/29/2011	12:57	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
132	10/29/2011	12:59	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
133	10/29/2011	13:01	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
134	10/29/2011	13:03	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
135	10/29/2011	13:05	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
136	10/29/2011	13:07	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
137	10/29/2011	13:09	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
138	10/29/2011	13:11	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
139	10/29/2011	13:13	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
140	10/29/2011	13:15	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
141	10/29/2011	13:17	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0
142	10/29/2011	13:19	-----	-----	-----	0.0	0.0	0.0	0.0	0.0	0.0

Oct 29 2011.txt

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"Model Number", "DataRAM 4 ", 106
"Serial no.", "D212
"Device no.", 1
"Tag Number", 15
"Start Time", 08:39:47
"Start Date", 29-Oct-2011
"Log Period", 00:15:00
"Number", 18
"CalFactor", 1.000000
"Unit", 0
"Unit Name", "(MASS )ug/m3"
"SIZE_CORRECT", "DISABLED"
"TEMPUNITS", C
"Max MASS", 27.099630
"Max MASS @", 1, 08:54:47, 29-Oct-2011
"Avg MASS", 8.832733
"Max Diam", 0.439714
"Max Diam @", 6, 10:09:47, 29-Oct-2011
"Avg Diam", 0.387409
"ALARM", "DISABLED"
"ALARM_LEVEL", 150.0
"AUTO_ZERO", "DISABLED"
"AZ INTERVAL", 1
"Errors", 0000
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1, 27.1, 13.9, 45, 0.3773, 08:54:47, 29-Oct-2011
2, 9.0, 10.4, 46, 0.3604, 09:09:47, 29-Oct-2011
3, 10.5, 8.3, 50, 0.3943, 09:24:47, 29-Oct-2011
4, 10.7, 7.1, 54, 0.4152, 09:39:47, 29-Oct-2011
5, 11.0, 6.5, 58, 0.4261, 09:54:47, 29-Oct-2011
6, 11.7, 6.2, 60, 0.4397, 10:09:47, 29-Oct-2011
7, 11.7, 6.2, 61, 0.4354, 10:24:47, 29-Oct-2011
8, 12.1, 6.2, 63, 0.4371, 10:39:47, 29-Oct-2011
9, 11.8, 6.1, 64, 0.4176, 10:54:47, 29-Oct-2011
10, 11.3, 6.1, 66, 0.4170, 11:09:47, 29-Oct-2011
11, 4.5, 6.1, 66, 0.3751, 11:24:47, 29-Oct-2011
12, 4.2, 6.2, 67, 0.3564, 11:39:47, 29-Oct-2011
13, 3.9, 6.2, 68, 0.3448, 11:54:47, 29-Oct-2011
14, 3.9, 6.4, 67, 0.3416, 12:09:47, 29-Oct-2011
15, 4.0, 6.6, 67, 0.3414, 12:24:47, 29-Oct-2011
16, 4.1, 6.8, 67, 0.3678, 12:39:47, 29-Oct-2011
17, 3.7, 7.0, 66, 0.3594, 12:54:47, 29-Oct-2011
18, 3.7, 7.2, 65, 0.3668, 13:09:47, 29-Oct-2011

```

APPENDIX D

PROJECT PHOTO LOG



PHOTOGRAPHIC LOG

Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-011-300
Photo No. 1	Date 10/27/11		
Direction Photo Taken: East			
Description: Removal of debris for cover system application			

Photo No. 2	Date 10/27/11	
Direction Photo Taken: East		
Description: Metal debris removed from cover system area		



PHOTOGRAPHIC LOG



Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-011-300
Photo No. 3	Date 10/27/11		
Direction Photo Taken: North			
Description: Wood debris removed from cover system area			

Photo No. 4	Date 10/27/11	
Direction Photo Taken: West		
Description: Wood and tire debris removed from cover system area		



PHOTOGRAPHIC LOG

Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-011-300
Photo No. 5	Date 10/27/11		
Direction Photo Taken: South			
Description: Preparing surface for demarcation and cover system			

Photo No. 6	Date 10/27/11	
Direction Photo Taken: South		
Description: Preparing surface for demarcation and cover system		



PHOTOGRAPHIC LOG


Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-011-300
Photo No. 7	Date 10/31/11		
Direction Photo Taken: Southeast			
Description: Railroads spur for service to new site			

Photo No. 8	Date 10/31/11	
Direction Photo Taken: Southwest		
Description: Railroads spur end for service to new site		



PHOTOGRAPHIC LOG

Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-009-124
Photo No. 9	Date 11/01/11		
Direction Photo Taken: South			
Description: Prepared subgrade prior to cover system placement.			

Photo No. 10	Date 11/01/11	
Direction Photo Taken: South		
Description: Prepared subgrade prior to cover system placement.		



PHOTOGRAPHIC LOG


Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-009-124
Photo No. 11	Date		
Direction Photo Taken: Northeast			
Description: Installation of demarcation layer			

Photo No. 12	Date	
Direction Photo Taken: Northeast		
Description: Installation of demarcation layer		



PHOTOGRAPHIC LOG



Client Name: Tecumseh Redevelopment, Inc		Site Location: Lackawanna, NY -Tecumseh Redevelopment	Project No.: 0071-009-124
Photo No. 13	Date		
Direction Photo Taken: North			
Description: Placement of slag/fill cover system			

Photo No. 14	Date	
Direction Photo Taken: West		
Description: Placement of slag/fill cover system		

APPENDIX E

ENVIRONMENTAL EASEMENT AND PROOF OF FILING

FILED

JUL 15 2014

ERIE COUNTY
CLERK'S OFFICE

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 26th day of June, 2014 between Owner(s) Tecumseh Redevelopment Inc., having an office at 4020 Kinross Lakes Parkway, County of Summit, State of Ohio (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 2303 Hamburg Turnpike in the City of Lackawanna, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel numbers: Section 141.11 Block 1 Lot 50, being a portion of that certain plot, piece or parcel of land conveyed to Grantor by deed dated May 6, 2003 and recorded in the Erie County Clerk's Office in Liber 11040 and Page 8953. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 105.18 +/- acres, and is hereinafter more fully described in the Land Title Survey, which includes parcels recognized under Brownfield Cleanup Agreement Amendments dated August 22, 2012 ("Sites"), dated September 14, 2012, field survey completed June 12, 2012 and prepared by Wendel, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: B9-0696-05-06(C), Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

In addition, that part of the Controlled Property located on that certain portion of BCP Site No. C915199C, as such portion is set forth in and attached hereto as Schedule B, shall not be developed with any enclosed structure or building that could provide temporary or permanent human occupancy.

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

- (7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- (8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- (9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;
- (10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

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

Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

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the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Site within the Controlled Property on or about which the violation pertains.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Numbers: C915199, C915199B, C915199C, C915199D, C915199E, C915199F, C915199I, and C915199J

Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.
8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.
9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.
10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Grantor: Tecumseh Redevelopment Inc.

By: Keith A. Nagel

Print Name: Keith A. Nagel

Title: VP- ENVR. AFFAIRS Date: May 29, 2014
REAL ESTATE

Grantor's Acknowledgment

Chio
STATE OF ~~NEW YORK~~)
) ss:
COUNTY OF *Summit*)

On the 29th day of May, in the year 20 14, before me, the undersigned, personally appeared Keith Nigel, 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.

Susan E. Dick
Notary Public - State of ~~New York~~
Ohio

Commission expires:
Nov. 6, 2017



THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:

Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

[illegible]

On the 26th day of June, in the year 2014 before me, the undersigned, personally appeared Robert W. Schick, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

SCHEDULE "A" PROPERTY DESCRIPTION

Parcel "A"

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 15, 16 and 17 of the Ogden Gore Tract and part of Lot 23, Township 10, Range 8 of the Buffalo Creek Reservation and more particularly bounded and described as follows:

COMMENCING at the intersection of the westerly highway boundary of the Hamburg Turnpike (also known as State Route No. 5) as appropriated by the People of the State of New York as shown on Map No. 1, Parcel 1 and recorded in the Erie County Clerk's Office in Liber 5650 of Deeds at page 404 and the municipal boundary line between the City of Lackawanna (to the north) and the Town of Hamburg (to the south). Said point also being in the northerly line of lands conveyed to the South Buffalo Railway Company by deed recorded in the Erie County Clerk's Office in Liber 10119 of Deeds at page 131; thence westerly along the municipal boundary line and the northerly line of said South Buffalo Railway Company's land a distance of 507.02 feet to a point; thence northwesterly continuing along said South Buffalo Rail Company's land, a distance of 386.48 feet to the principal point of beginning; running thence northwesterly and continuing along said South Buffalo Railway Company's land, a distance of 1834.83 feet to a point to an angle point therein; thence southwesterly and continuing along said South Buffalo Railway Company's land, a distance of 100.14 feet to the approximate center line of an improved access road; thence northwesterly along the approximate center line of said road N 24° 58' 39" W, a distance of 310.20 feet to the point of curvature of a non-tangent curve, concave to the east, having a radius of 512.16 feet, a central angle of 50° 17' 25" and a chord of 435.25 feet bearing N 00° 30' 26" W; thence northwesterly along said curve, curving to the right, a distance of 449.54 feet to a point of tangency; thence northeasterly continuing along said road N 25° 18' 46" E a distance of 288.35 feet to the point of curvature of a non-tangent curve, concave to the west, having a radius of 706.88 feet, a central angle of 41° 48' 30" and a chord of 504.43 feet bearing N 08° 08' 26" E; thence northeasterly along said curve, curving to the left, a distance of 515.80 feet to a point of tangency; thence northwesterly continuing along said road N 18° 37' 00" W, a distance of 107.01 feet to a point approximately 25 feet south from the existing southerly top of high bank of Smokes Creek; thence easterly and southerly continuing, approximately 25 feet south from the existing southerly top of high bank of Smokes Creek the following 6 courses and distances: N 82° 08' 06" E, a distance of 87.56 feet; S 46° 24' 39" E, a distance of 578.56 feet; S 44° 24' 55" E, a distance of 252.36 feet; S 41° 49' 05" E, a distance of 663.40 feet; S 64° 08' 06" E, a distance of 154.89 feet; N 80° 39' 39" E, a distance of 228.31 feet to the point of curvature of a tangent curve, concave to the west, having a radius of 518.00 feet; thence southwesterly along said curve, curving to the right, a distance of 168.84 feet to a point of tangency; thence S 03° 25' 27" E a distance of 1284.41 feet to the principal point of beginning, containing 51.40 acres of land, more or less.

Parcel "B"

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 Nos. 18, 19 and 20 of the Ogden Gore Tract and part of Lot No. 24, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the southwest corner of lands conveyed to Gateway Trade Center Inc. by deed recorded in the Erie County Clerk's Office in Liber 10886 of Deeds at page 1064; running thence northerly along the southerly line of said lands so conveyed to Gateway Trade Center, Inc. by deed aforesaid, a distance of 930.64 feet to a point therein; thence S 18° 20' 36" E, a distance of 966.47 feet to a point in the northeast corner of lands conveyed to Welded Tube USA, LLC by deed recorded in the Erie County Clerk's Office in Liber 11232 at pages 2531 and 2695; running thence S 71° 41' 32" W, a distance of 180.00 feet to a point, thence N 48° 01' 09" W, a distance of 180.00 feet to a point, thence N 18° 20' 36" W, a distance of 250.00 feet to a point, thence S 71° 41' 32" W, a distance of 1024.00 feet to a point in the approximate centerline of railroad tracks; Thence along the approximate centerline of said railroad tracks the following 7 courses and distances:

S 12° 54' 26" E, a distance of 95.00 feet;

S 18° 20' 36" E, a distance of 155.42 feet;

S 18° 20' 36" E, a distance of 550.00 feet;

S 20° 21' 28" E, a distance of 138.87 feet;

S 22° 56' 38" E, a distance of 120.00 feet;

S 26° 40' 17" E, a distance of 130.00 feet;

S 27° 51' 58" E, a distance of 325.00 feet to a point;

Thence N 82° 08' 06" E, a distance of 124.50 feet to a point;

Thence S 48° 09' 58" E, a distance of 113.54 feet to a point;

Thence N 71° 39' 24" E, a distance of 1036.13 feet to the southeast corner of said lands conveyed to Welded Tube USA, LLC.;

Thence S 18° 20' 36" E, a distance of 1327.70 feet to a point, approximately 25 feet north from the existing northerly top of the high bank of Smokes Creek; thence westerly and northerly approximately 25 feet north from the existing northerly top of the high bank of said Smokes Creek, the following 8 courses and distances:

S 48° 54' 49" W, a distance of 140.81 feet;

S 32° 40' 10" W, a distance of 122.80 feet;

S 78° 47' 59" W, a distance of 128.86 feet;

N 49° 35' 08" W, a distance of 112.15 feet;

N 39° 56' 33" W, a distance of 635.45 feet;

N 44° 32' 31" W, a distance of 243.09 feet;

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N 48° 25' 21" W, a distance of 710.19 feet;

S 82° 08' 06" W, a distance of 169.65 feet to the approximate center line of an improved access road; thence northerly along the approximate center line of said improved access road, the following 11 courses and distances:

N 18° 37' 00" W, a distance of 43.20 feet;

N 29° 52' 05" W, a distance of 465.91 feet;

N 18° 10' 50" W, a distance of 270.79 feet;

N 24° 11' 01" W, a distance of 362.77 feet;

N 26° 06' 35" W, a distance of 243.92 feet;

N 28° 29' 29" W, a distance of 228.39 feet;

N 23° 10' 20" W, a distance of 205.04 feet;

N 18° 20' 44" W, a distance of 542.77 feet;

N 10° 35' 36" W, a distance of 279.16 feet;

N 79° 52' 42" E, a distance of 202.46 feet;

N 68° 32' 54" E, a distance of 326.23 feet to a point in the westerly line of lands so conveyed to Gateway Trade Center, Inc. by deed aforesaid; thence southerly along the westerly line of said lands so conveyed to Gateway Trade Center, Inc. by deed aforesaid, a distance of 528.60 feet to the southwest corner thereof and the principal point of beginning, containing 53.78 acres of land, more or less.

**SCHEDULE "B" DESCRIPTION FOR THE EXCEPTION OF THE AREA OF
SUSPECTED SUBSURFACE ACM**

COMMENCING AT THE SOUTHWEST CORNER OF THE ENVIRONMENTAL
EASEMENT BUSINESS PARK PHASE III, PARCEL "A";

THENCE N 43°-41'-08" E, A DISTANCE OF 240.76 FEET TO THE POINT OF BEGINNING;

THENCE N 18°-42'-32" W, A DISTANCE OF 81.55 FEET TO A POINT;

THENCE N 71°-17'-28" E, A DISTANCE OF 673.28 FEET TO A POINT;

THENCE S 18°-42'-32" E, A DISTANCE OF 81.55 FEET TO A POINT;

THENCE S 71°-17'-28" W, A DISTANCE OF 673.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.26 ACRES OF LAND, MORE OR LESS.



**Combined Real Estate
Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

Recording office time stamp

See Form TP-584-1, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> check if more than one grantor)		Social security number	
	Tecumseh Redevelopment, Inc.			
	Mailing address		Social security number	
	4020 Kinross Lakes Parkway			
	City	State	ZIP code	Federal EIN
	Richfield	OH	44286	01-0649791
	Single member's name if grantor is a single member LLC (see instructions)		Single member EIN or SSN	
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> check if more than one grantee)		Social security number	
	The People of the State of New York, acting through their			
	Commissioner of the Department of Environmental Conservation			
	Mailing address		Social security number	
	625 Broadway			
	City	State	ZIP code	Federal EIN
	Albany	NY	12233	14-6013200
	Single member's name if grantee is a single member LLC (see instructions)		Single member EIN or SSN	

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
141.11-1-50	140900	2303 Hamburg Turnpike	Lackawanna	Erie

Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input checked="" type="checkbox"/> Commercial/Industrial	Date of conveyance <div style="border: 1px solid black; padding: 2px; display: inline-block;"> 06 26 2014 <small>month day year</small> </div>	Percentage of real property conveyed which is residential real property _____ 0 % (see instructions)
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building		
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building		
4 <input type="checkbox"/> Vacant land	8 <input type="checkbox"/> Other _____		

Condition of conveyance (check all that apply)

a. <input type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input checked="" type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input checked="" type="checkbox"/> Other (describe) _____ <small>to ECL Art. 21 Title 36</small> <small>Environmental Easement Pursuant</small>

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$		
	Schedule B., Part II \$		

Schedule B – Real estate transfer tax return (Tax Law, Article 31)**Part I – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) ☒ **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)
- 3 Taxable consideration (subtract line 2 from line 1)
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)
- 6 Total tax due* (subtract line 5 from line 4)

1.		0 00
2.		0 00
3.		0 00
4.		
5.		
6.		0 00

Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part I, line 1)
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		0 00
2.		
3.		0 00

Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☒
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts d ☒
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f ☐
- g. Conveyance consists of deed of partition..... g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) k ☐

*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**Complete the following only if the interest being transferred is a fee simple interest.**

I (we) certify that: (check the appropriate box)

1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
- ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
- ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
- ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
- ☐ The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.
- Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.
- ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
- ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
- ☐ A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Tecumseh Redevelopment, Inc.

New York State Department of Environmental Conservation

By: Kathleen M. Neal

Grantor signature

VP - ENVIOR

Title
REAL
ESTATEBy: [Signature]

Grantee signature

NYSD&C

Assistant

Title

Bureau Chief

Grantor signature

Title

Grantee signature

Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ to _____ (see instructions).
Date Date
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
REF:

DATE: 7/15/2014
TIME: 9:11:34 AM
RECEIPT: 14107868

BOX 29
ACCOUNT #: 0

ITEM - 01 785
RECD: 7/15/2014 9:21:59 AM
FILE: 2014137589 BK/PG D 11266/5436
Deed Sequence: TT2013021925
TECUMSEH REDEVELOPMENT INC
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION

Recording Fees	90.00
TP584	10.00

Subtotal 100.00

ITEM - 02 785
RECD: 7/15/2014 9:21:59 AM
FILE: 2014137590 BK/PG D 11266/5446
Deed Sequence: TT2013021926
TECUMSEH REDEVELOPMENT INC
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION

Recording Fees	85.00
TP584	10.00

Subtotal 95.00

ITEM - 03 785
RECD: 7/15/2014 9:21:59 AM
FILE: 2014137591 BK/PG D 11266/5455
Deed Sequence: TT2013021927
TECUMSEH REDEVELOPMENT INC
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION

Recording Fees	100.00
TP584	10.00

Subtotal 110.00

ITEM - 04 785
RECD: 7/15/2014 9:21:59 AM
FILE: 2014137592 BK/PG D 11266/5467
Deed Sequence: TT2013021928
TECUMSEH REDEVELOPMENT INC
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION

Recording Fees	105.00
TP584	10.00

Subtotal 115.00

TOTAL DUE	\$420.00
PAID TOTAL	\$420.00
PAID CHECK	\$420.00
Check #6438:	420.00

REC BY: Donna
COUNTY RECORDER