

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

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

DEC 12 2016

Mr. Timothy M. Ryan  
Lackawanna Solar Land LLC and Steel Sun 2 LLC  
47 S. Hamilton Street  
Poughkeepsie, NY 12601

Re: Certificate of Completion  
Site No. C915199C  
Site III-3 Tecumseh Phase III Business Park  
Lackawanna (c), Erie County

Dear Mr. Nagel and Mr. Ryan:

Congratulations on having satisfactorily completed the remedial program at the Site III-3 Tecumseh Phase III Business Park. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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

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



Department of  
Environmental  
Conservation

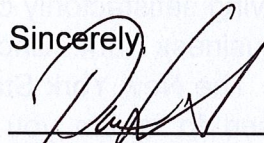


Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April, 2018.

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

Sincerely,



---

Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

T. Ryan - Lackawanna Solar Land LLC, [tim.ryan@bqenergy.com](mailto:tim.ryan@bqenergy.com)  
T. Ryan - Steel Sun 2 LLC, [tim.ryan@bqenergy.com](mailto:tim.ryan@bqenergy.com)  
C. Slater, Slater Law, [cslater@cslaterlaw.com](mailto:cslater@cslaterlaw.com)  
S. Nasca, Knoer Group, [snasca@knoergroup.com](mailto:snasca@knoergroup.com)  
D. Flynn, Phillips Lytle, [dflynn@phillipslytle.com](mailto:dflynn@phillipslytle.com)  
T. Forbes, Benchmark, [tforbes@benchmarkturnkey.com](mailto:tforbes@benchmarkturnkey.com)  
K. Anders - NYSDOH  
S. Bogardus - NYSDOH

ec w/o enc.:

M. Moore, NYSDEC  
C. Staniszewski, NYSDEC  
M. Cruden, NYSDEC  
K. Draves, NYSDEC  
G. Heitzman, NYSDEC



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

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
Tecumseh Redevelopment, Inc.	4020 Kinross Lakes Parkway, Richfield, OH 44286
Steel Sun 2 LLC	47 S. Hamilton Street, Poughkeepsie, NY 12601
Lackawanna Solar Land LLC	47 S. Hamilton Street, Poughkeepsie, NY 12601

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 12/15/06    **Agreement Execution:** 3/14/07    **Agreement Index No.:** B9-0696-05-06(C)

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

**Application Approval Amendment:** 11/7/16                      **Agreement Execution Amendment:** 11/7/16

**SITE INFORMATION:**

**Site No.:** C915199C    **Site Name:** Site III-3 Tecumseh Phase III Business Park

**Site Owner:** Tecumseh Redevelopment, Inc.

**Street Address:** 2303 Hamburg Turnpike

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

**Site Size:** 10.360 Acres

**Tax Map Identification Number(s):** 141.11-1-50

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

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

**CERTIFICATE ISSUANCE**

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

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

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

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

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

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

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

Tangible Property Credit Component Rate is 20 %.

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

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

Tangible Property Credit Component Rate is 18 %.



The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as No. 2014137592 bk11266/pg5467.

#### **LIABILITY LIMITATION**

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

#### **CERTIFICATE TRANSFERABILITY**

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

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

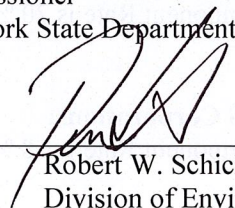
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

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

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

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 12, 2016



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

**Site III-3 Tecumseh Phase III Business Park, Site ID No. C915199C**  
**2303 Hamburg Turnpike, Lackawanna, NY 14218**  
**Lackawanna (C), Erie County, Tax Map Identification Number(s) 141.11-1-50**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Tecumseh Redevelopment, Inc., Lackawanna Solar Land LLC and Steel Sun 2 LLC for a parcel approximately 10.36 acres located at 2303 Hamburg Turnpike in the City of Lackawanna, Erie County.

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

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

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

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

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as No. 2014137592 bk11266/pg5467.

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

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

**Site III-3 Tecumseh Phase III Business Park, Site #C915199C,  
2303 Hamburg Turnpike, Lackawanna, NY 14218**

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

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

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

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

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

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

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

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

Tecumseh Redevelopment, Inc.

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

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

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

STATE OF NEW YORK            ) SS:  
COUNTY OF                    )

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

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

**Please record and return to:**  
Tecumseh Redevelopment, Inc.  
4020 Kinross Lakes Parkway  
Richfield, OH 44286

# EXHIBIT A

## Environmental Easement Description

## ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915199C

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 LOT 23 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANIES SURVEY, BEING BCP SITE NUMBER C915199C, 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 NUMBER 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 5450 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 ALONG THE NORTHERLY LINE SAID SOUTH BUFFALO RAILWAY COMPANY, N 80°-32'-54"W, A DISTANCE OF 507.02 FEET TO A POINT;

THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH BUFFALO RAILWAY COMPANY, N 55°-55'-40"W, A DISTANCE OF 388.48 FEET TO THE TRUE POINT OR PLACE OF BEGINNING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BUSINESS PARK PHASE III, PARCEL "A" AS SHOWN ON SAID MAP PREPARED BY WENDEL;

THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH BUFFALO RAILWAY COMPANY, N 55°-55'-40"W, A DISTANCE OF 188.59 FEET TO THE SOUTHEAST CORNER OF BUSINESS PARK PHASE III, PARCEL "A", BCP SITE NUMBER C915199;

THENCE PARALLEL WITH THE EAST LINE OF SAID BUSINESS PARK PHASE III, PARCEL "A", N 03°-25'-27"W, A DISTANCE OF 1147.12 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET, AN ARC LENGTH OF 172.79 FEET, A CHORD BEARING N 48°-25'-27"W, AT A DISTANCE OF 155.56 FEET TO A POINT OF TANGENCY;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, S 88°-34'-33"W, A DISTANCE OF 242.93 FEET TO AN ANGLE POINT IN SAID LINE;

THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID BCP SITE NUMBER C915199, N 63°-45'-49"W, A DISTANCE OF 53.41 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C915199B;

THENCE ALONG THE EASTERLY LINE OF SAID BCP SITE NUMBER C915199B, N 18°-42'-32"W, A DISTANCE OF 179.35 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 141.37 FEET, A CHORD BEARING N 63°-42'-32"W, AT A DISTANCE OF 127.28 FEET TO A POINT OF TANGENCY;

THENCE ALONG THE NORTHERLY LINE OF SAID BCP SITE NUMBER C915199B, S 71°-17'-28"W, A DISTANCE OF 85.81 FEET TO A POINT;

THENCE AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, S 18°-42'-32"E, A DISTANCE OF 215.72 FEET TO A POINT IN THE NORTHERLY LINE OF BCP SITE NUMBER C915199B;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199B, S 71°-17'-28"W, A DISTANCE OF 673.28 FEET TO A POINT;

THENCE AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, N 18°-42'-32"W, A DISTANCE OF 245.88 FEET TO A POINT IN THE SOUTHERLY LINE OF BCP SITE NUMBER C915199D;

THENCE ALONG THE SOUTHERLY LINE OF SAID BCP SITE NUMBER C915199D, N 71°-17'-28"E, A DISTANCE OF 940.64 FEET TO A POINT THAT IS 25.0 FEET, MORE OR LESS, SOUTH OF THE SOUTH HIGH BANK OF SMOKE'S CREEK;

THENCE ALONG A LINE 25.0 FEET, MORE OR LESS, SOUTH OF SAID BANK OF SMOKE'S CREEK THE FOLLOWING 3 COURSES AND DISTANCES:

1. S 41°-49'-05"E, A DISTANCE OF 258.00 FEET TO A POINT;
2. S 84°-08'-08"E, A DISTANCE OF 154.89 FEET TO A POINT;
3. N 80°-39'-39"E A DISTANCE OF 228.31 FEET TO THE NORTHEAST CORNER OF SAID BUSINESS PARK PHASE III, PARCEL "A";

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 518.00 FEET, AN ARC LENGTH OF 168.84 FEET, A CHORD BEARING S 12°-45'-43"E, AT A DISTANCE OF 168.10 FEET TO A POINT OF TANGENCY;

THENCE ALONG THE EASTERLY LINE OF BUSINESS PARK PHASE III, PARCEL "A", S 03°-25'-27"E, A DISTANCE OF 1284.41 FEET TO THE POINT OF BEGINNING, CONTAINING 10.36 ACRES OF LAND, MORE OR LESS.

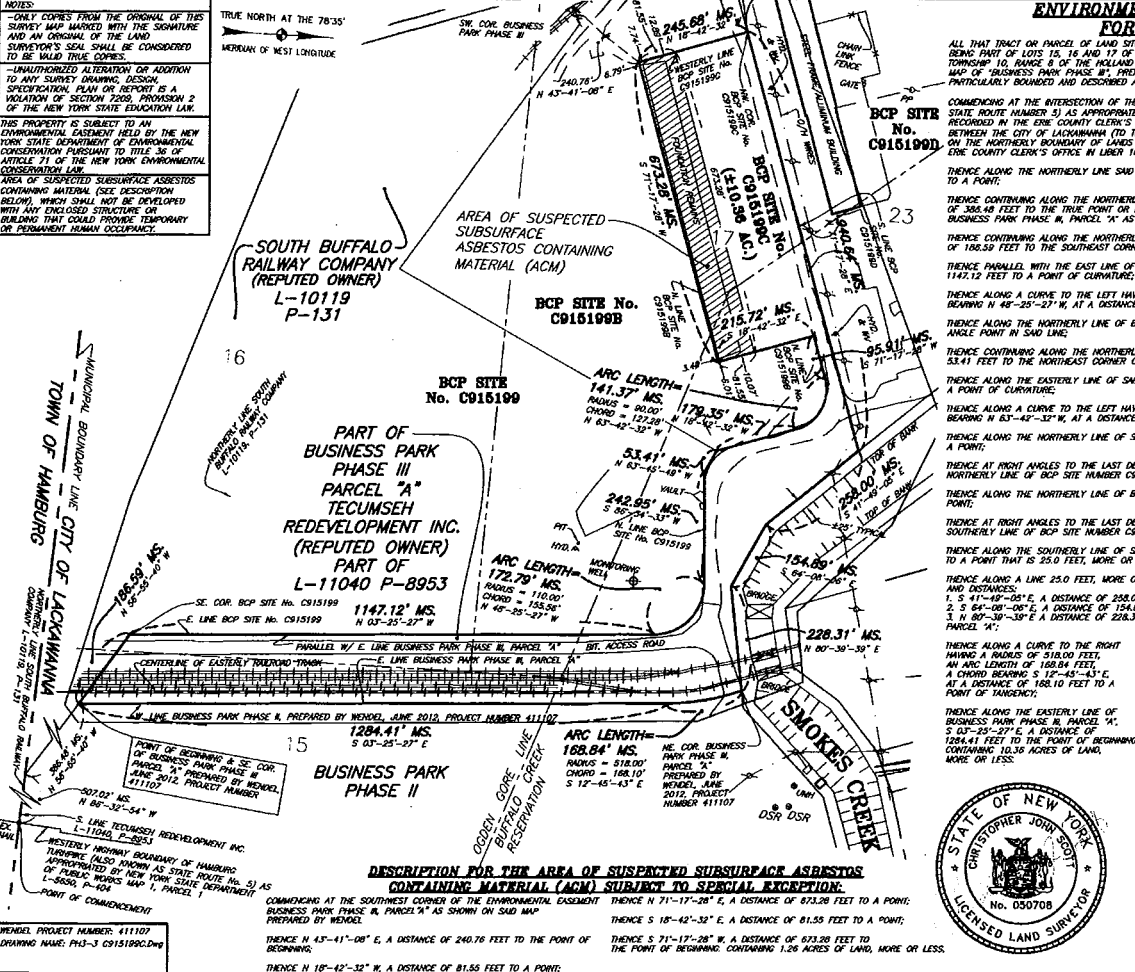


# EXHIBIT B

Site Survey

**NOTES:**  
 - ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.  
 - UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 2400, PARAGRAPH 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.  
 - AREA OF SUSPECTED SUBSURFACE ASBESTOS CONTAINING MATERIAL (SEE DESCRIPTION BELOW), WHICH SHALL NOT BE DEVELOPED WITH ANY ENCLOSED STRUCTURE OR BUILDING THAT COULD PROVIDE TEMPORARY OR PERMANENT HUMAN OCCUPANCY.

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



**ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C915199C**

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 HOME TRACT, AND LOT 23 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915199C, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NUMBER 5) AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1 AND AS RECORDED IN THE ERSE 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 LINES CONVEYED TO THE SOUTH BUFFALO RAILWAY COMPANY BY DEED RECORDED IN THE ERSE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131;  
 THENCE ALONG THE NORTHERLY LINE SAID SOUTH BUFFALO RAILWAY COMPANY, N 86°-32'-54" W, A DISTANCE OF 507.02 FEET TO A POINT;  
 THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH BUFFALO RAILWAY COMPANY, N 56°-55'-40" W, A DISTANCE OF 388.48 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BUSINESS PARK PHASE II, PARCEL 'A', AS SHOWN ON SAID MAP PREPARED BY WENDEL;  
 THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID SOUTH BUFFALO RAILWAY COMPANY, N 56°-55'-40" W, A DISTANCE OF 106.59 FEET TO THE SOUTHWEST CORNER OF BUSINESS PARK PHASE II, PARCEL 'A', BCP SITE NUMBER C915199B;  
 THENCE PARALLEL WITH THE EAST LINE OF SAID BUSINESS PARK PHASE II, PARCEL 'A', N 03°-25'-27" W, A DISTANCE OF 1142.12 FEET TO A POINT OF CURVATURE;  
 THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET, AN ARC LENGTH OF 172.79 FEET, A CHORD BEARING N 48°-25'-27" W, AT A DISTANCE OF 153.55 FEET TO A POINT OF TANGENCY;  
 THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199B, S 86°-34'-33" W, A DISTANCE OF 242.95 FEET TO AN ANGLE POINT IN SAID LINE;  
 THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID BCP SITE NUMBER C915199B, N 63°-45'-49" W, A DISTANCE OF 53.41 FEET TO THE NORTHEAST CORNER OF BCP SITE NUMBER C915199B;  
 THENCE ALONG THE EASTERLY LINE OF SAID BCP SITE NUMBER C915199B, N 18°-42'-32" W, A DISTANCE OF 129.33 FEET TO A POINT OF CURVATURE;  
 THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 141.37 FEET, A CHORD BEARING N 63°-42'-32" W, AT A DISTANCE OF 127.28 FEET TO A POINT OF TANGENCY;  
 THENCE ALONG THE NORTHERLY LINE OF SAID BCP SITE NUMBER C915199B, S 71°-17'-28" W, A DISTANCE OF 95.91 FEET TO A POINT;  
 THENCE AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, S 18°-42'-32" E, A DISTANCE OF 215.72 FEET TO A POINT IN THE NORTHERLY LINE OF BCP SITE NUMBER C915199B;  
 THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199B, S 71°-17'-28" W, A DISTANCE OF 873.28 FEET TO A POINT;  
 THENCE AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, N 18°-42'-32" W, A DISTANCE OF 245.68 FEET TO A POINT IN THE SOUTHERLY LINE OF BCP SITE NUMBER C915199B;  
 THENCE ALONG THE SOUTHERLY LINE OF SAID BCP SITE NUMBER C915199B, N 71°-17'-28" E, A DISTANCE OF 940.64 FEET TO A POINT THAT IS 25.0 FEET, MORE OR LESS, SOUTH OF THE SOUTH HIGH BANK OF SMOKERS CREEK;  
 THENCE ALONG A LINE 25.0 FEET, MORE OR LESS, SOUTH OF SAID BANK OF SMOKERS CREEK THE FOLLOWING 3 COURSES AND DISTANCES:  
 1. S 41°-49'-05" E, A DISTANCE OF 258.00 FEET TO A POINT;  
 2. S 04°-08'-00" E, A DISTANCE OF 154.89 FEET TO A POINT;  
 3. N 80°-30'-30" E, A DISTANCE OF 228.31 FEET TO THE NORTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL 'A';  
 THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 518.00 FEET, AN ARC LENGTH OF 158.84 FEET, A CHORD BEARING S 12°-45'-43" E, AT A DISTANCE OF 168.10 FEET TO A POINT OF TANGENCY;  
 THENCE ALONG THE SOUTHERLY LINE OF BUSINESS PARK PHASE II, PARCEL 'A', S 03°-25'-27" E, A DISTANCE OF 1284.41 FEET TO THE POINT OF BEGINNING, CONTAINING 10.18 ACRES OF LAND, MORE OR LESS.

**DESCRIPTION FOR THE AREA OF SUSPECTED SUBSURFACE ASBESTOS CONTAINING MATERIAL (ACM) SUBJECT TO SPECIAL EXCEPTION:**

COMMENCING AT THE SOUTHWEST CORNER OF THE ENVIRONMENTAL EASEMENT BUSINESS PARK PHASE II, PARCEL 'A' AS SHOWN ON SAID MAP;  
 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 S 18°-42'-32" E, A DISTANCE OF 81.55 FEET TO A POINT;  
 THENCE S 71°-17'-28" W, A DISTANCE OF 873.28 FEET TO THE POINT OF BEGINNING, CONTAINING 1.26 ACRES OF LAND, MORE OR LESS.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 PREPARED BY THE CONSULTANT  
**wendel**  
 375 ESSAY ROAD, SUITE 200  
 WILMUNSVILLE, NY 14221  
 www.wendel.com/ny  
 518.688.0700 518.688.0625

MAP OF  
 BOA BOUNDARIES & 1951 HAMBURG TURNPIKE  
 PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM  
 IN BUSINESS PARK PHASE II  
 TO  
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 SITUATE IN PARTS OF LOTS 15, 16 & 17 OF THE OGDEN HOME 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 ERSE, STATE OF NEW YORK  
 T.M.F. PART OF 141.11-1-1.111

I HEREBY CERTIFY TO THE PEOPLE OF THE STATE OF NEW YORK, ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND CHIEF TITLE INSURANCE COMPANY 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 14, 2012 FIELD SURVEY COMPLETED JUNE 2012.

CHRISTOPHER JOHN WOOD, LAND SURVEYOR REGISTAR  
 11/15/14  
 SHEET 1 of 1







**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 12/1/2016



**SITE DESCRIPTION**

**SITE NO.**            **C915199C**

**SITE NAME** Site III-3 Tecumseh Phase III Business Park

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

**CITY/TOWN:** Lackawanna

**COUNTY:** Erie

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	□	■

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2018

**Description of Institutional Control**

**Tecumseh Redevelopment Inc.**

4020 Kinross Parkway

**2303 Hamburg Turnpike**

Environmental Easement

Block: 1

Lot: 50

Sublot:

Section: 141

Subsection: 11

S\_B\_L Image: 141.11-1-50

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Tecumseh Redevelopment Inc.**

4020 Kinross Parkway

**2303 Hamburg Turnpike**

Environmental Easement

Block: 1

Lot: 50

Sublot:

Section: 141

Subsection: 11

S\_B\_L Image: 141.11-1-50

Cover System