

**New York State Department of Environmental Conservation**  
Division of Environmental Remediation  
Office of the Director, 12th Floor  
625 Broadway, Albany, New York 12233-7011  
Phone: (518) 402-9706 • Fax: (518) 402-9020  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



**August 20, 2012**

**Sent Via Email Only**

Mr. Barry Sonshine ([barry@weldedtube.com](mailto:barry@weldedtube.com))  
Welded Tube USA, Inc.  
Welded Tube USA Realty, LLC  
111 Rayette Road  
Concord, Ontario L4k 2E9

Re: Brownfield Cleanup Agreement Amendment  
Site Name: III-7, Tecumseh Phase III Business Park  
Site No.: C915199G  
Amendment #1

Dear Applicant:

This letter is forwarded to your attention in response to the letter and amendment application submitted to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") signed on August 20, 2012. The application requested that the above referenced BCA be amended to add two additional parties, namely: Welded Tube USA, Inc. and Welded Tube USA Realty, LLC.

The above requests are hereby granted and incorporated into and are enforceable pursuant to the subject Agreement. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please have authorized representatives counter sign this letter to acknowledge acceptance of the Amendment, along with proof that the parties executing the BCA Amendment are authorized to bind the Requestors. Please print this Amendment, have it signed, and send the original, with signatures, back to the Department at:

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the BCA Amendment.

Nothing contained herein constitutes a waiver by the Department or the State of New

York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.



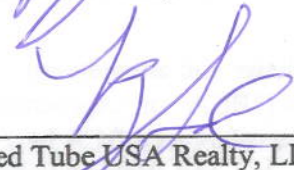

Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



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

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendments to the BCAs as set forth above:

|  |                          |  |
|--|--------------------------|--|
| <br>_____<br>Welded Tube USA, Inc.        | 8/20/12<br>_____<br>Date | <br>_____<br>By: Name – please print  |
| <br>_____<br>Welded Tube USA Realty, LLC | 8/20/12<br>_____<br>Date | <br>_____<br>By: Name – please print |

- ec: Mike Caruso  
Maura Desmond  
Martin Doster  
Maurice Moore  
Laura Zeppetelli  
Elissa Armater  
Kelly Lewandowski  
Doug Dimitroff ([ddimitroff@phillipslytle.com](mailto:ddimitroff@phillipslytle.com))  
Bruce Martin ([bruce.martin@ehs-support.com](mailto:bruce.martin@ehs-support.com))


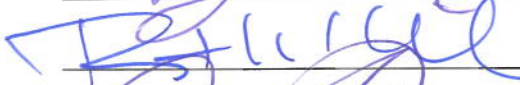

**SECRETARY'S CERTIFICATE  
OF WELDED TUBE USA, INC.**

August 20, 2012

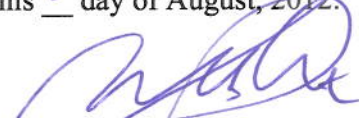
The undersigned, Robert Pike, does hereby certify that he is the Secretary of Welded Tube USA, Inc., a Delaware corporation ("Corporation") and the sole member of Welded Tube USA Realty, LLC, a New York limited liability ("WTR"). This Secretary's Certificate is provided in connection with that certain Brownfield Site Cleanup Agreement (the "Agreement") with the New York State Department of Environmental Conservation on the site currently known as the Bethlehem Steel site, located at 1951 Hamburg Turnpike, Lackawanna, New York.

The undersigned hereby further certifies, in his capacity as Secretary of the Corporation and on behalf of the Corporation and WTR, that:

The following named individuals are the duly elected officers of the Corporation and hold the titles set opposite their names. The signature opposite the name and title of each such officer is his true and genuine signature:

| <u>Name</u>    | <u>Title</u>            | <u>Signature</u>   |
|----------------|-------------------------|--|
| Barry Sonshine | Executive Chairman      |    |
| Robert Mandel  | President               |   |
| Robert Pike    | Secretary and Treasurer |  |

IN WITNESS WHEREOF, I have affixed my signature this 26<sup>th</sup> day of August, 2012.

By:   
Robert Pike, Secretary

**UNANIMOUS WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS  
OF WELDED TUBE USA, INC.**

The undersigned, being the all of the members of the board of directors of Welded Tube USA, Inc., a Delaware corporation (the "Corporation"), hereby adopt and consent to the adoption of the following resolutions, such action to have the same force and effect as if taken at a meeting duly called and held for such purposes:

**WHEREAS**, the Corporation is the sole member of Welded Tube USA Realty, LLC, a New York limited liability company ("WTR");

**WHEREAS**, it is in the interest of the Corporation and WTR to enter into a Brownfield Site Cleanup Agreement (the "Agreement") with the New York State Department of Environmental Conservation on the site currently known as the Bethlehem Steel site, located at 1951 Hamburg Turnpike, Lackawanna, New York;

**WHEREAS**, the undersigned have considered and reviewed the Agreement and deem it to be fair and in the best interests of the Corporation and WTR to consummate the transactions contemplated therein.

**NOW THEREFORE**, be it

**RESOLVED**, that the Corporation and WTR are hereby authorized and directed to execute and deliver any and all documents in connection with the Agreement and any other documents deemed necessary in substantial accordance with this Unanimous Written Consent; and be it further

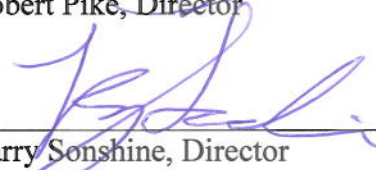
**RESOLVED**, that the officers of the Corporation be, and hereby are, authorized and directed to execute and deliver the Agreement in the name and on behalf of the Corporation and WTR, all with such changes, additions and modifications as the officers of the Corporation shall approve, such execution and delivery to be conclusive evidence of such approval on behalf of the Corporation; and be it further

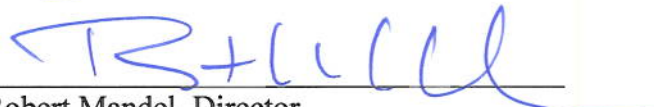
**RESOLVED**, that these resolutions may be signed in counterparts, and by facsimile and/or e-mail signatures, which original, facsimile and/or e-mail counterparts shall be deemed originals for all purposes, and which together shall be deemed one document.

*[Signature Page Follows]*

IN WITNESS WHEREOF, the undersigned have executed this Unanimous  
Written Consent on the 20<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Robert Pike, Director

  
\_\_\_\_\_  
Barry Sonshine, Director

  
\_\_\_\_\_  
Robert Mandel, Director