

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



Alexander B. Grannis
Commissioner

DEC 18 2009

Mr. Leon Marineau
Norampac Industries, Inc. c/o
Cascades, Inc.
471 Marie-Victorin Blvd.
P.O. Box 390
Kingsey Falls, Quebec
Canada J0A 1B0

RE: Certificate of Completion
Former N.L. Industries
Depew, Erie County
Site No. C915200

Dear Mr. Marineau:

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

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

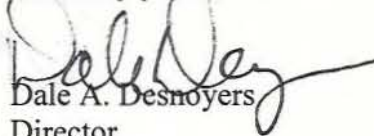
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of the date of this letter;
- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of the date of this letter; 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 standard notice form is attached to this letter;
- Maintain Engineering and Institutional Controls as outlined in the approved Site Management Plan;
- 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 May 2011, and;

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

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

Sincerely yours,


Dale A. Desnoyers

Director

Division of Environmental Remediation

cc w/ enc.: Mr. Craig Slater, Esq.

ec w/enc.: Mr. Gary Litwin - NYSDOH

ec w/o enc.: Mr. Jaspal S. Walia
Mr. Martin Doster
Mr. Robert Knizek
Ms. Kelly Lewandowski
Mr. Mathew Forcucci
Ms. Yvonne Ward

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Norampac Industries, Inc.

Address

471 Marie-Victorin Boulevard, Kingsey Falls,
Quebec, Canada, J0A 1B0

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/29/06 **Agreement Execution:** 5/30/06 **Agreement Index No.:** B9-0554-98-12

SITE INFORMATION

Site No.: C915200 **Site Name:** Former NL Industries Foundry

Site Owner: Norampac Industries, Inc.

Street Address: 3241 Walden Avenue

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

Site Size: 7.50 Acres

Tax Map Identification Number(s): 104.09-5-1

Percentage of site located in an EnZone: 0 - 49 %

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 12 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on 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 CTRL#:2009240990 BK/PG:D11173/9605 .

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.

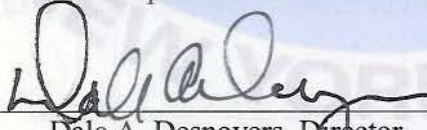
CERTIFICATE MODIFICATION/REVOCATION

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) 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;
- (5) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable; or
- (6) there is good cause for such modification or revocation.

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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: DEC 18 2009

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

Site Name: Former NL Industries Foundry

Site ID No.: C 915200

Site Address: 3241 Walden Avenue, Cheektowaga, Erie County NY

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 Norampac Industries, Inc. for a parcel approximately 7.5 acres located at the 3241 Walden Avenue, Cheektowaga, Erie County NY.

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):

- ☐ 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: Date: 12/01/2009, Time: 01:22:10 PM, Receipt: 813599, CTRL #: 2009240990, BK/PG:D11173/9605 DEED SEQ: TT2009008423.

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

Site Name: Former NL Industries Foundry

Site ID No.: C 915200

Site Address: 3241 Walden Avenue, Cheektowaga, Erie County NY

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 be 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 office located at 270 Michigan Ave., Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

(Applicant)

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:

(Applicant) _____

(Applicant address) _____

SCHEDULE "A" PROPERTY DESCRIPTIONSCHEDULE 'A' - DEED DESCRIPTION

TICOR TITLE INSURANCE COMPANY, ORDER NO.: 5008-25273
EFFECTIVE DATE: DECEMBER 30, 2008

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF CHEEKTOWAGA, VILLAGE OF DEPEW, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 68, TOWNSHIP 11, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT IN THE SOUTHERLY LINE OF THE ELICOTT ROAD, NOW KNOWN AS WALDEN AVENUE AT A DISTANCE OF 584.42 FEET WESTERLY FROM THE POINT OF THE "TRANSIT LINE" OR THE CENTERLINE OF TRANSIT ROAD; RUNNING THENCE WESTERLY ALONG THE SAID SOUTHERLY LINE OF WALDEN AVENUE 1513.6 FEET TO THE NORTHWESTERLY CORNER OF LANDS CONVEYED TO CHARLES A. FINNEGAN BY GEORGE W. WICKERSHAM AND EDWARD J. HANCY, AS EXECUTORS OF THE LAST WILL AND TESTAMENT OF MARY A.P. DRAPER, DECEASED, DATED MAY 5, 1922 AND RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 1634 OF DEEDS AT PAGE 96; THENCE SOUTHERLY AT RIGHT ANGLES TO THE SOUTHERLY LINE OF WALDEN AVENUE A DISTANCE OF 173.16 FEET TO THE NORTHERLY LINE OF LANDS CONVEYED TO THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY BY DEED RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 301 OF DEEDS AT PAGE 202; THENCE EASTERLY AND ALONG THE NORTH LINE OF LANDS SO CONVEYED TO AFORESAID RAILROAD BY AFORESAID DEED 1511.13 FEET; THENCE NORTHERLY IN A STRAIGHT LINE AT RIGHT ANGLES WITH THE PRECEDING COURSE 259.18 FEET TO THE POINT OF BEGINNING.

EASEMENT AREA DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF CHEEKTOWAGA, VILLAGE OF DEPEW, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 68, TOWNSHIP 11, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT IN THE SOUTHERLY LINE OF THE ELICOTT ROAD, NOW KNOWN AS WALDEN AVENUE AT A DISTANCE OF 584.42 FEET WESTERLY FROM THE POINT OF THE "TRANSIT LINE" OR THE CENTERLINE OF TRANSIT ROAD;

RUNNING THENCE WESTERLY ALONG THE SAID SOUTHERLY LINE OF WALDEN AVENUE 1104.67 FEET;

THENCE SOUTHERLY FORMING AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 209.36 FEET TO THE NORTHERLY LINE OF LANDS CONVEYED TO THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY BY DEED RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 301 OF DEEDS AT PAGE 202;

THENCE EASTERLY AT AN INTERIOR ANGLE OF 93°14'32" AND ALONG THE NORTH LINE OF LANDS SO CONVEYED TO AFORESAID RAILROAD BY AFORESAID DEED 860.15 FEET;

THENCE NORTHERLY IN A STRAIGHT LINE AT RIGHT ANGLES WITH THE PRECEDING COURSE 258.42 FEET TO THE POINT OF BEGINNING, CONTAINING 4.65 ACRES OF LAND MORE OR LESS.

SURVEYOR'S DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF CHEEKTOWAGA, VILLAGE OF DEPEW, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 68, TOWNSHIP 11, RANGE 7 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT IN THE SOUTHERLY LINE OF THE ELLICOTT ROAD, NOW KNOWN AS WALDEN AVENUE AT A DISTANCE OF 584.42 FEET WESTERLY FROM THE POINT OF THE "TRANSIT LINE" OR THE CENTERLINE OF TRANSIT ROAD;

RUNNING THENCE WESTERLY ALONG THE SAID SOUTHERLY LINE OF WALDEN AVENUE 1513.60 FEET TO THE NORTHWESTERLY CORNER OF LANDS CONVEYED TO CHARLES A. FINNEGAN BY GEORGE W. WICKERSHAM AND EDWARD J. HANCY, AS EXECUTORS OF THE LAST WILL AND TESTAMENT OF MARY A.P. DRAPER, DECEASED, DATED MAY 5, 1922 AND RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 1634 OF DEEDS AT PAGE 96;

THENCE SOUTHERLY FORMING AN INTERIOR ANGLE OF $93^{\circ}14'32''$ A DISTANCE OF 172.81 FEET TO THE NORTHERLY LINE OF LANDS CONVEYED TO THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY BY DEED RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 301 OF DEEDS AT PAGE 202;

THENCE EASTERLY AT RIGHT ANGLES AND ALONG THE NORTH LINE OF LANDS SO CONVEYED TO AFORESAID RAILROAD BY AFORESAID DEED 1511.18 FEET;

THENCE NORTHERLY IN A STRAIGHT LINE AT RIGHT ANGLES WITH THE PRECEDING COURSE 258.42 FEET TO THE POINT OF BEGINNING, CONTAINING 7.48 ACRES OF LAND MORE OR LESS.

NOTE: THIS DESCRIPTION IS INTENDED TO DESCRIBE THE SAME PROPERTY AS CONVEYED IN LIBER 10926 PAGE 3284. ANGLES AND DISTANCES IN THIS DESCRIPTION DIFFER FROM THE SCHEDULE 'A' DESCRIPTION SHOWN HEREON BASED UPON BOUNDARY EVIDENCE AND CALCULATIONS IN ORDER TO CREATE A MATHEMATICAL CLOSURE

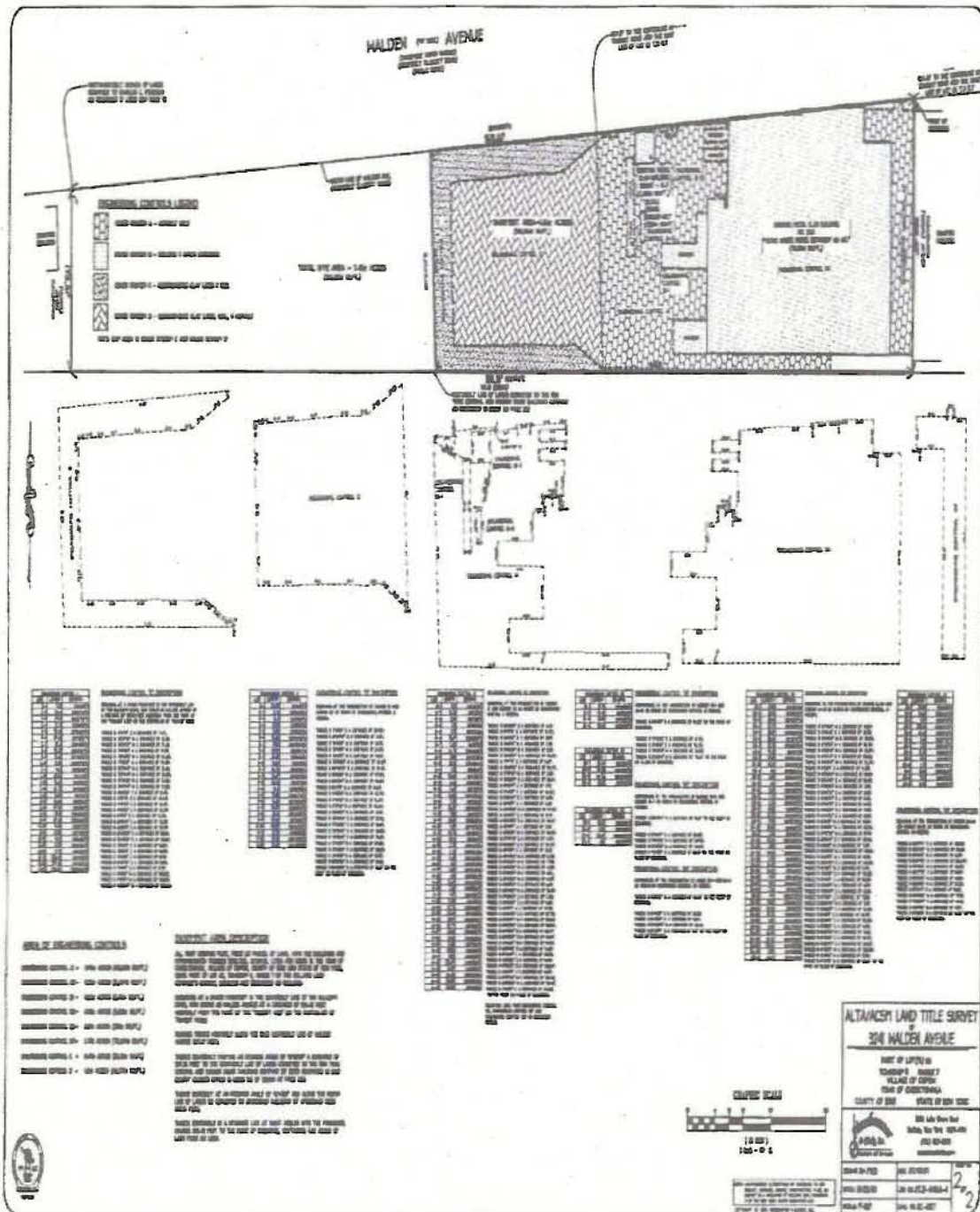
EXHIBIT B

County: Erie

Site No: C 915200

BCA Index No:-B9-0554-98-12

SURVEY





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Data Form
12/16/2009



SITE NO.		SITE DESCRIPTION	
C915200			
SITE NAME Former NL Industries Foundry			
SITE ADDRESS: 3241 Walden Avenue		ZIP CODE: 14043	
CITY/TOWN: Cheektowaga			
COUNTY: Erie			
CURRENT USE:			
INTENDED USE:			
SITE MANAGEMENT DESCRIPTION			
SITE MANAGEMENT PLAN INCLUDES:		YES	NO
IC/EC Certification Plan		X	<input type="checkbox"/>
Monitoring Plan		X	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan		X	<input type="checkbox"/>
Description of Institutional Control			
Norampac Industries Inc. 3241 Walden Avenue Environmental Easement S_B_L Image: 104.09-5-1 Ground Water Use Restriction IC/EC Plan Landuse Restriction Monitoring Plan O&M Plan Site Management Plan Soil Management Plan			
Description of Engineering Control			
Norampac Industries Inc. 3241 Walden Avenue Environmental Easement S_B_L Image: 104.09-5-1 Cover System Fencing/Access Control			