



**Robert W. Jackmore**  
US - AS Commercial Manager

**ExxonMobil Environmental Services Company**  
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April 6, 2017

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

Re: Brownfield Cleanup Program  
ExxonMobil Oil Former Buffalo Terminal, Site No. C915201

Subj: Application to Amend Brownfield Cleanup Agreement and  
Application to Brownfield Cleanup Program

Dear Sir or Madame:

ExxonMobil and Elk Street Commerce Park, LLC (ESCP) together propose to (i) amend the existing Brownfield Cleanup Agreement as set forth below, and (ii) -apply to the Brownfield Cleanup Program (BCP) for the remediation and redevelopment of portions of the former ExxonMobil Buffalo Terminal (hereinafter, the "Site") located on Elk Street in Buffalo, New York.

The purpose of this joint letter is to provide background on the current status of the Site and to set forth an integrated strategy by which the existing Brownfield Cleanup Agreement (BCA) would be amended and new BCP applications would be submitted, allowing for an accelerated cleanup of the Site and providing an opportunity for redevelopment of the property.

The key goals to this proposed amendment and application are:

- ✓ Accelerate the completion of remediation
- ✓ Accelerate redevelopment of the property
- ✓ Minimize and simplify NYSDEC review and oversight of the remediation and post-remediation reporting
- ✓ Track the BCP parcels by the current Operable Units and by property ownership.

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## Background

ExxonMobil and NYSDEC executed a BCA on September 30, 2005 covering remediation of approximately 91.8 acres of land currently and previously owned by ExxonMobil. Of that total acreage 37.8 acres is now owned by Buckeye Terminals, LLC and 11.2 acres is now owned by One Babcock, Inc. The remediation areas were identified as five distinct Operable Units (OU). A site map is attached showing these Operable Units, Exhibit A.

Under the existing BCA, ExxonMobil has completed remediation of OU-1 and is nearly complete with remediation of OU-4, anticipating completion of the latter area in 2017.

ExxonMobil has selected ESCP as their preferred redeveloper for the remaining properties, with the intent to sell the balance of the site owned by ExxonMobil to ESCP (43.8 acres). ESCP is a joint venture of The Krog Group, LLC and Renova Partners. Both firms are experienced brownfield redevelopers with proven success under the BCP, focusing both on remediation and post-remediation development. ESCP has proposed commercial development on the property that is consistent with the City's zoning and BOA master plans. See the attached conceptual redevelopment plans Exhibit B.

In addition to the work discussed above relative to OU-1 and OU-4, Remedial Investigation/Alternative Assessment Reports (RI/AAR) for OU-2 and OU-3 were submitted to the Department in late October 2016 and are currently under review by the NYSDEC. It is anticipated that the RI/AARs will be approved in spring 2017 based on discussions with NYSDEC. Remedial Action Work Plans (RAWP) are being prepared concurrent with the RI/AAR reviews to continue progress of the redevelopment.

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## OU-2 Remediation

A summary of the proposed remediation for OU-2 is as follows:

- In-situ stabilization of grossly contaminated soils
- In-situ stabilization of lead impacted soils
- Minor "hot spot" excavation and off-Site disposal
- Grading and storm water management systems consistent with future development
- Cover system consistent with future development
- Environmental Easement and Site Management Plan

Remediation of OU-2 is scheduled to begin in 2017 upon approval of the RI/AAR and subsequent approval of the RAWP. Remediation of OU-2 is scheduled for completion in 2018.

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## OU-3 Remediation

A summary of the proposed remediation for OU-3 is as follows:

- Bentonite soil slurry wall
- Sealed sheet pile bulkhead
- Dual phase extraction system
- In-situ stabilization (western area)
- Minor "hot spot" excavation and off-Site disposal
- Grading and storm water management
- Low permeability cover system Environmental Easement and Site Management Plan

Work on OU-3 is subject to approvals from NYSDEC, Army Corps of Engineers (ACOE) and City agencies.

Therefore, remediation of OU-3 is scheduled to begin 2018 with completion anticipated in 2019.

As noted above, the comprehensive scope of remediation particularly involving the sheet pile bulkhead, combined with the time required for permitting from ACOE, extend the completion of OU-3 into 2019. Thus dividing OU-2 and OU-3 into separate BCAs allows for acceleration of the remediation and commercial redevelopment on OU-2.

### **Proposed BCA Amendment & BCP Application**

Refer to the attached Exhibit C for a graphic description of the following proposed amendment and application approach.

1. ExxonMobil requests an amendment to the existing BCA (Site No. C915201) to redefine the property boundary for this BCA to include only OU-1 (OU-2, OU-3 and OU-4 as set forth in the current BCA would be addressed as outlined below).

ExxonMobil has completed remediation of OU-1 and will be submitting the Environmental Easement, Site Management Plan, and Final Engineering Report for this operable unit shortly in order to secure a Certificate of Completion (COC) in 2017. ESCP will be responsible for post-COC operation, monitoring, and maintenance (OM&M) activities.

Application to Amend Brownfield Cleanup Agreement is attached (Exhibit D).

2. ExxonMobil applies to the BCP for OU-4.

OU-4 has not yet entered the OM&M phase and ExxonMobil still has some remaining work to complete in order to secure a COC. Accordingly, ExxonMobil would like to retain access to available tax credits under the BCP for any future work in this area. Buckeye Terminals, LLC (hereinafter, "Buckeye"; the current property owner) will be responsible for post-COC OM&M activities in OU-4 once it enters the OM&M phase.

BCP Application for this parcel is attached (Exhibit E).

3. ESCP applies to the BCP for three individual BCA parcels identified on the attached Plan (Exhibit C) as BCA 2, BCA 3, and BCA 4. BCA 2 and BCA 3 (collectively) make up former OU-2, and BCA 4 corresponds to former OU-3.

ESCP will be responsible for the remediation of BCA 2, BCA 3, and BCA 4, and post-COC OM&M activities for the current ExxonMobil-owned properties. Buckeye and One Babcock Terminal, Inc. will be responsible for post-COC OM&M activities on their respective properties.

BCP Applications for these parcels are attached (Exhibits F, G and H).

4. Former OU-5 and other off-site areas that may be identified will be separately addressed by ExxonMobil (without ESCP involvement) outside of the BCP and in a manner agreed upon with the Department.

The aforementioned Amendment and BCAs would be executed and approved simultaneously, thus allowing continuity for remediation on the entire property included under the original BCA.

We trust that this amendment and application approach meets with your approval.


Very truly yours,

ExxonMobil Corporation



Robert W. Jackmore,  
Agent Attorney-in-Fact

Elk Street Commerce Park, LLC



Norman A. Pedersen, Co-Manager

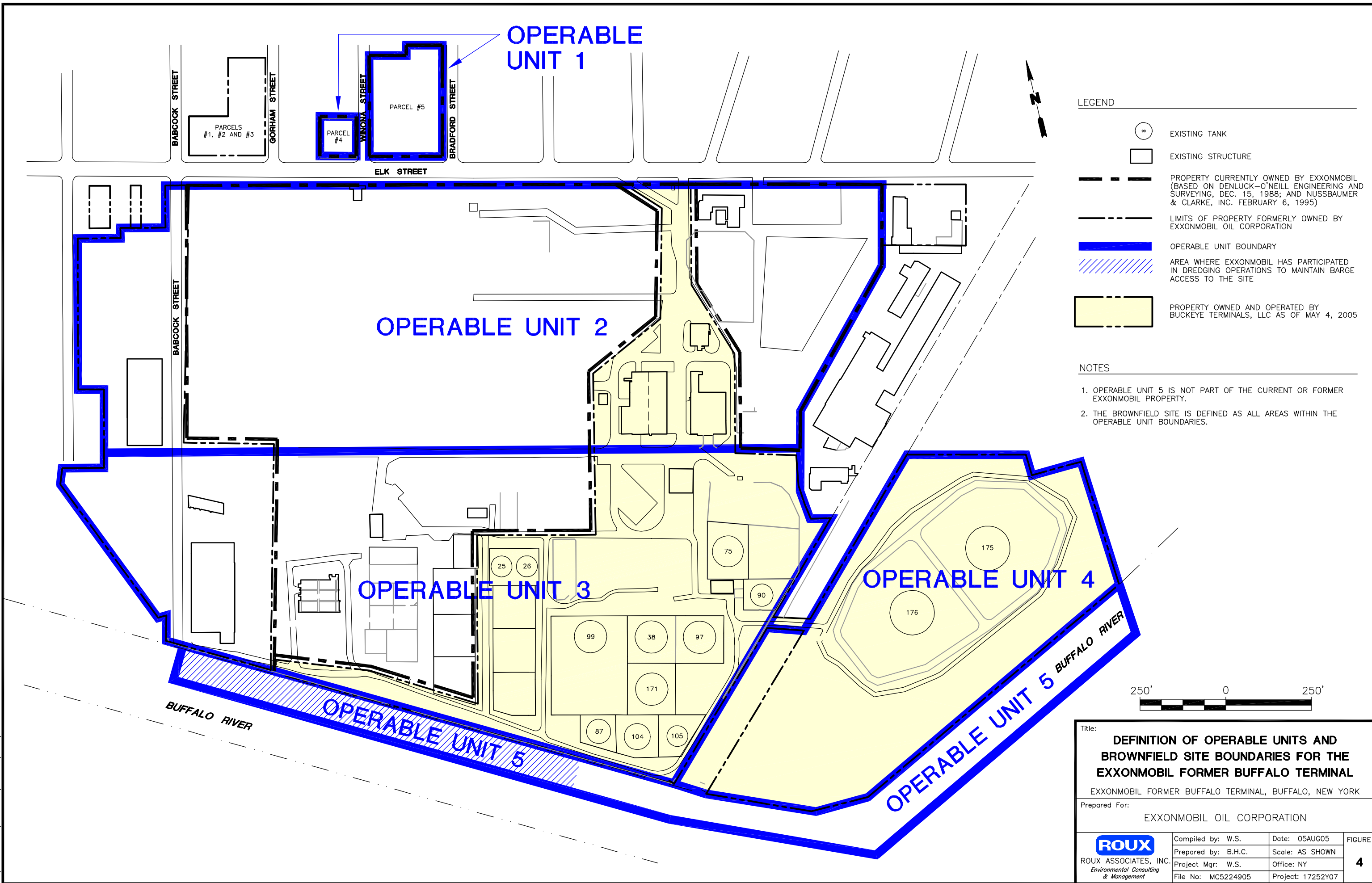


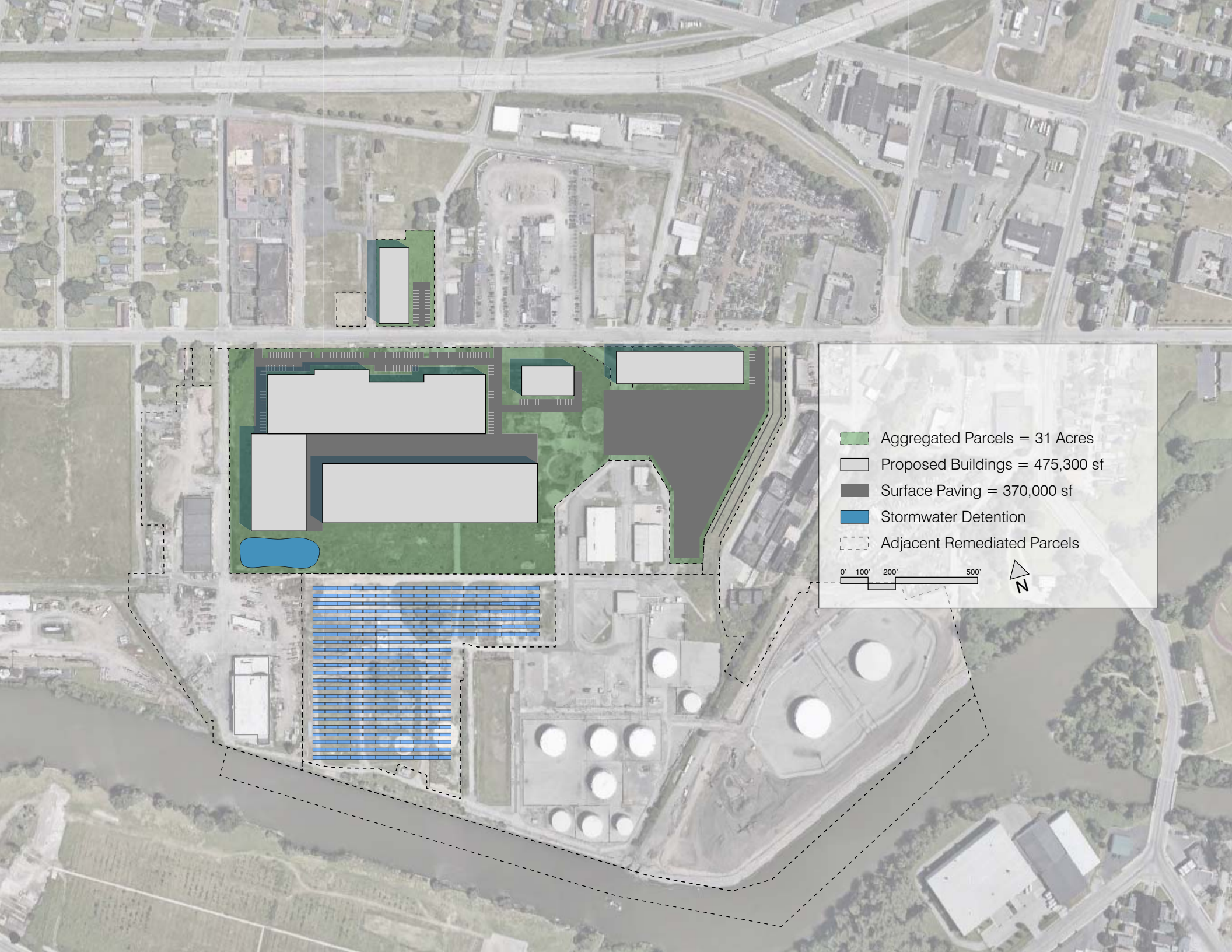
Paul R. Neureuter, Co-Manager

cc: Chad Staniszewski and Jen Dougherty (w/attachments)



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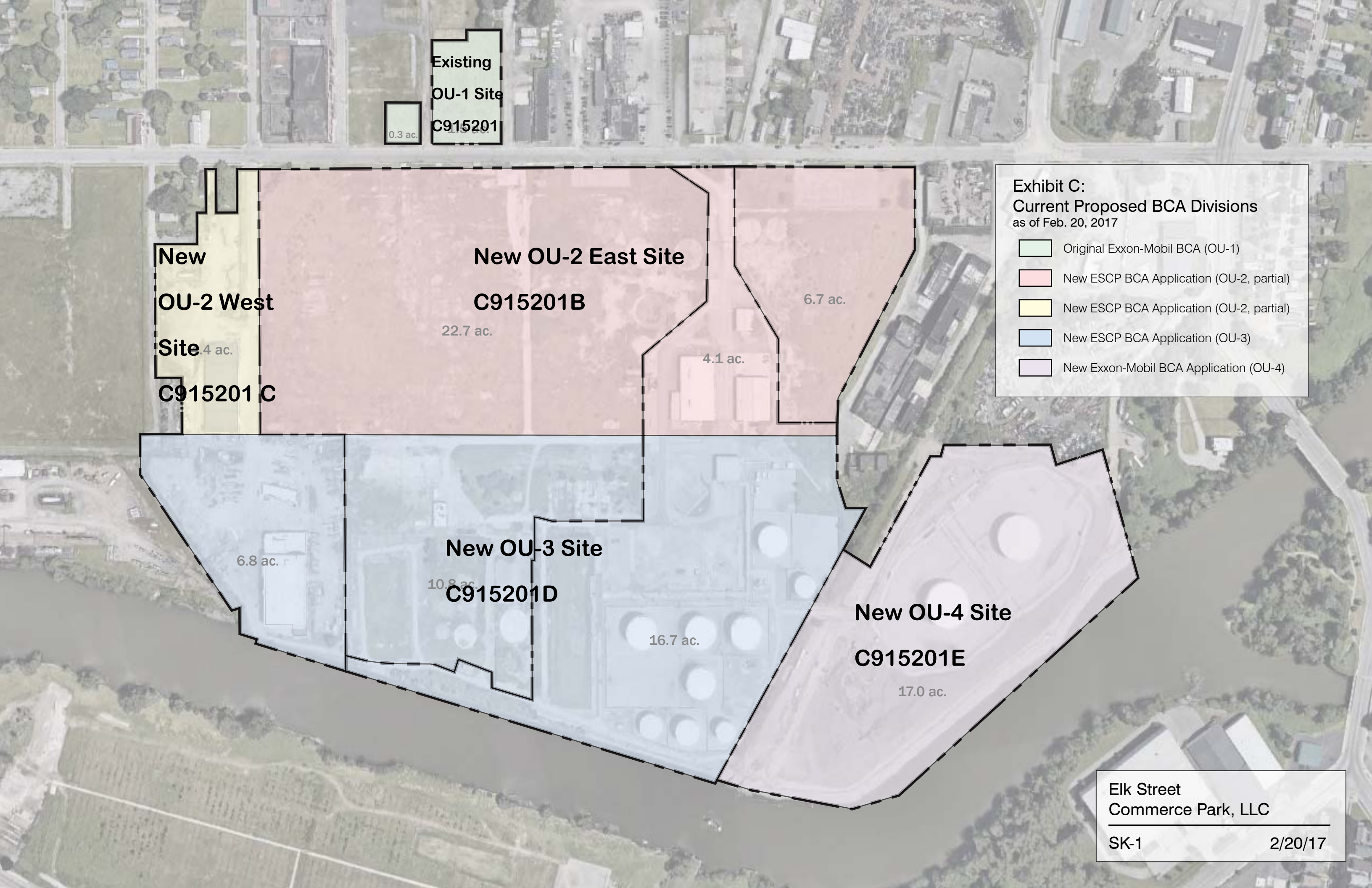


- Aggregated Parcels = 31 Acres
- Proposed Buildings = 475,300 sf
- Surface Paving = 370,000 sf
- Stormwater Detention
- Adjacent Remediated Parcels

0' 100' 200' 500'







Existing  
OU-1 Site  
C915201

0.3 ac.

New  
OU-2 West  
Site  
C915201 C

4 ac.

New OU-2 East Site  
C915201B

22.7 ac.

6.7 ac.

4.1 ac.

6.8 ac.

New OU-3 Site  
C915201D

10.8 ac.

16.7 ac.

New OU-4 Site  
C915201E

17.0 ac.

**Exhibit C:**  
**Current Proposed BCA Divisions**  
as of Feb. 20, 2017

-  Original Exxon-Mobil BCA (OU-1)
-  New ESCP BCA Application (OU-2, partial)
-  New ESCP BCA Application (OU-2, partial)
-  New ESCP BCA Application (OU-3)
-  New Exxon-Mobil BCA Application (OU-4)

Elk Street  
Commerce Park, LLC

SK-1

2/20/17



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☒ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

Refer to 'Proposed BCA Amendment & BCP Application Outline' included in attached cover letter.

**\*Please refer to the attached instructions for guidance on filling out this application\***



**Section I. Existing Application Information**

BCP SITE NAME: ExxonMobil Oil Former Buffalo Terminal BCP SITE NUMBER: C915201

NAME OF CURRENT APPLICANT(S): ExxonMobil Oil Corporation

INDEX NUMBER OF EXISTING AGREEMENT: B9-0706-05-10 DATE OF EXISTING AGREEMENT: 4/03/06

**Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)**

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

☐

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?

☐ Yes☐ No

Describe Requestor's Relationship to Existing Applicant:

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☐ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☐ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☐ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☐ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐

**PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐

**VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 503, 522, 542, 625, 635 Elk Street / 1 Babcock

CITY/TOWN Buffalo

ZIP CODE 14210

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
SBL: (503 Elk) 123.13-1-2.111, (625 Elk) 123.13-1-2.112					71.3
(635 Elk) 123.13-1-2.113, (1 Babcock) 122.12-1-20.1					17.9
(522 Elk) 123.09-1-10.1, (542 Elk) 123.09-1-27.1					1.8

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage



Reduction of property

Approximate acreage removed: 89.2

**PARCELS REMOVED:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
SBL: (503 Elk) 123.13-1-2.111, (625 Elk) 123.13-1-2.112					71.3
(635 Elk) 123.13-1-2.113					6.7
(1 Babcock) 122.12-1-20.1					11.2

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.



**Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

<b>Existing Agreement Information</b>
BCP SITE NAME: ExxonMobil Oil Former Buffalo Terminal BCP SITE NUMBER: C915201
NAME OF CURRENT APPLICANT(S): ExxonMobil Oil Corporation
INDEX NUMBER OF EXISTING AGREEMENT: B9-0706-05-10
EFFECTIVE DATE OF EXISTING AGREEMENT: 4/03/06

### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. 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.

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.

### Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am (title \_\_\_\_\_) of (entity \_\_\_\_\_); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am Robert W. Jackmore (title) of ExxonMobil Oil Corporation (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. my signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 5/10/17 Signature: Robert W. Jackmore

Print Name: Robert W. Jackmore, Agent and Attorney in Fact

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

**Effective Date of the Original Agreement:**

**Signature by the Department:**

**DATED:**

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

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

**SUBMITTAL INFORMATION:**

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

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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:**\_\_\_\_\_ **LEAD OFFICE:**\_\_\_\_\_

**PROJECT MANAGER:**\_\_\_\_\_



**BROWNFIELD CLEANUP PROGRAM (BCP)**  
**INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION**

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.**

**SECTION II NEW REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

**SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.**

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

**SECTION IV****NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)**

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

**Property Address**

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

**Tax Parcel Information**

Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

POWER OF ATTORNEY

EXXONMOBIL OIL CORPORATION, A NEW YORK CORPORATION (the "Company"), hereby nominates, constitutes, and appoints

R. A. Parker  
Robert W. Jackmore

each of them to act as an Agent and Attorney-in-Fact of the Company for purposes of executing and delivering instruments and documents as more particularly described below and does hereby grant, delegate, and invest said individual with power and authority to execute and deliver for, in the name, and on behalf of the Company and in connection with the business and affairs of the Company, instruments and documents of any and every nature.

This includes, but not by way of limitation, instruments pledging the credit of the Company, guaranties, affidavits, governmental documents, bids, contracts, deeds of conveyance, encumbrances, leases, releases, discharges of mortgages or deeds of trust, assignments, transfers of leasehold estates and/or other interests in real and/or personal property, and any other instrument or document as may be required or desired in the conduct of the business of the Company, whether similar or dissimilar to the foregoing, EXCEPT the following:

1. Any mortgage, assignment, conveyance, or release to any third party of any oil, gas, and/or mineral lease or any other interest in oil, gas, and/or minerals which is severed from the surface and which is owned by or leased to the Company.
2. Any financial guaranty or any instrument or document authorizing, permitting, or evidencing the borrowing of money from any person or entity.
3. Any instrument or document delegating the power and authority conferred herein to execute and deliver instruments or documents.

This Power of Attorney supersedes the Power issued in favor of R. A. Parker on April 6, 2015, which Power is hereby revoked and cancelled, it being understood that all lawful actions taken by R. A. Parker on behalf of the Company pursuant to such Power of Attorney are hereby ratified and confirmed.

All authority granted, delegated, and invested by this Power of Attorney shall be effective beginning immediately, and shall expire on November 30, 2018, and shall have the same force and effect as though special authority were granted by the Company to each of them to act as an Agent and Attorney-in-Fact to execute and deliver each such instrument or document separately for each and every such instrument or document so executed and delivered.

Executed on December 1, 2015.

EXXONMOBIL OIL CORPORATION

By

Bryan W. Milton  
B. W. Milton, Vice President

§  
STATE OF TEXAS §  
COUNTY OF HARRIS §  
UNITED STATES OF AMERICA §

This instrument was acknowledged before me on December 1, 2015, by B. W. Milton, Vice President of ExxonMobil Oil Corporation, a New York corporation, on behalf of said corporation.

[Signature]  
Notary Public, State of Texas