

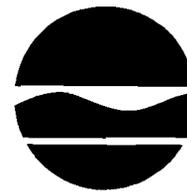
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

DEC 28 2007

Mr. Walter Zurowski, President
Hydro-Air Components, Inc.
100 Rittling Boulevard
Buffalo, NY 14220

Re: Certificate of Completion
Steelfields Area IV Site,
Site No. C915204
Buffalo (c), Erie County,

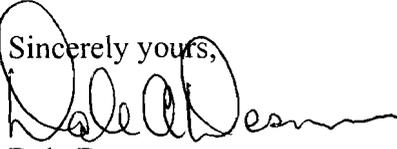
Dear Mr. Zurowski:

The New York State Department of Environmental Conservation is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion to be issued for the above referenced site. Enclosed please find an original Certificate issued on December 28, 2007.

With the issuance of this Certificate, please note that the Environmental Conservation Law (ECL) requires the following:

- As required by ECL 27-1419.8, a notice of this Certificate must be recorded in the recording office for the County (or Counties) where any portion of the Site is located within 30 days of the date of issuance, if the Certificate is issued to the Site owner, or within 30 days of acquiring title to the Site, if the Certificate is issued to a prospective purchaser of the Site. A copy of the standard notice form is attached.
- As required by ECL 27-1417.3(i), a notice of this Certificate and a fact sheet describing such controls must be provided to the Brownfield Site Contact List within 10 days of the date of issuance.
- As required by ECL 27-1415.7, you are required to 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 report the results of these activities to the Department in a Periodic Review Report (PRR), which also includes any required IC/EC Certifications. The first PRR including the certification of the ICs/ECs, is due to the Department on July 5, 2009.

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

Sincerely yours,


Dale Desnoyers
Director
Division of Environmental Remediation

cc w/ enclosure: Mr. Kevin Koch, Hydro-Air Components
Thomas Warth, Esq., Hiscock & Barclay

ec w/o enc. M. Moore
M. Doster
R. Knizek
C. O'Connor
M. Desmond

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION**

CERTIFICATE OF COMPLETION

Certificate Holder(s):

Hydro-Air Components, Inc.
100 Rittling Boulevard
Buffalo, NY 14220

Tax ID# 16-1187872

Site Information:

Site Name: Steelfields Area IV
Site Owner: Hydro-Air Components, Inc
Site Location: Street Address - 100 Rittling Boulevard
Municipality - Buffalo
County - Erie

DER Site Number: C915204

Site Description:

Steelfields Area IV site is located at 100 Rittling Boulevard in the City of Buffalo, NY 14220. Located in a mostly industrial area, the approximately 30.91-acre property is north of Tiffit Street and east of the South Buffalo Railroad and the CSX main line.

A manufactured gas plant (MGP) and coke manufacturing in the adjacent former Donner-Hanna Coke Plant parcel (Area II) resulted in coke, coal tar, sludges and other residuals to be deposited or otherwise released to or commingled with soil and/or fill on the site. In addition, the site was historically used as a storage yard for metallurgical coke from the former Donner-Hanna Coke Plant. A substantial quantity of coke mixed with other fill materials, in varying thickness, was present over the entire parcel.

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

Tax Map Identification Number(s): 132.12-1-9.121

Brownfield Site Cleanup Agreement: B9-0716-06-05

Effective Date of Brownfield Site Cleanup Agreement : August 21, 2006

Is at least 50% of the Site located in an EnZone? ___yes no

Is 100% of the Site located in an EnZone? ___yes no

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 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.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

___ Unrestricted Use (Track 1)
 Restricted Use (Tracks 2, 3, and 4):

___ Residential
___ Restricted Residential
___ Commercial
 Industrial

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 #2007273024, BK/PG:D11138/8562.

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.

Certificate Modification/Revocation

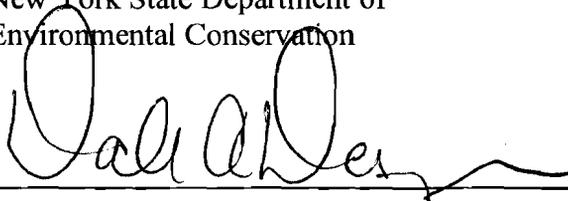
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 upon a finding that:

- (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; or
- (4) 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 of Issuance: 12/28/07



Please record and return to:
Mr. Walter Zurowski, President
Hydro-Air Components, Inc.
100 Rittling Boulevard
Buffalo, NY 14220

NOTICE OF CERTIFICATE OF COMPLETION

**State of New York
(Erie County)**

The undersigned, being duly sworn, hereby deposes and states:

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) for the Steelfields Area IV Site, Site # C915204.

The Certificate was issued on December 28, 2007_ to Hydro-Air Components Inc, Inc. for a parcel approximately 30.91 acres located at 100 Rittling Boulevard in the City of Buffalo, Erie County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Appendix E of the Final Engineering Report.

The Certificate entitles the Certificate holder(s) 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.

A copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203-2999, by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Erie County Clerk's office in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site notice of the Certificate.

WHEREFORE, the undersigned has signed this Notice of Certificate

HydroAir Components, Inc

By: _____

Title: _____

Date: _____

