

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a  
Modification to a  
Brownfield Site Cleanup Agreement  
for: Tecumseh Redevelopment, Inc.

Brownfield Site Cleanup  
Agreement Modification

by: BQ Energy, LLC, Volunteer

Index #: B9-0723-06-07  
Site #: C915205

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**WHEREAS**, the New York State Department of Environmental Conservation (the Department”) is responsible for enforcement of the Environmental Conservation Law and such law provides the Department authority to enter into this Brownfield Cleanup Agreement Modification (“Modification”);

**WHEREAS**, the Department and BQ Energy, LLC (the “Volunteer”) entered into Brownfield Site Cleanup Agreement, Index # B9-0723-06-07, with the Department with an effective date of September 8, 2006, for performance of a remedial program at property known as the Tecumseh Redevelopment, Inc. Site, which is described in that Agreement as:

a parcel located at 1951 Hamburg Turnpike in the City of Lackawanna, County of Erie; an approximately 30.5 acre parcel which is part of tax map number 141.11-1-1.111 and is more particularly described as the “Wind Farm Area” on the map attached in Exhibit “A” (the “Site”);

**WHEREAS**, the definition of the Site in the Brownfield Site Cleanup Agreement needs to be modified;

**WHEREAS**, Volunteer agrees to be bound by the terms of this Modification and consents and agrees not to contest the authority or jurisdiction of the Department to enter into or enforce this Modification, and agrees not to contest the validity of this Modification;

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

- I. The definition of the Site in the Brownfield Site Cleanup Agreement shall be modified as follows:

“Site”: a parcel located at 1951 Hamburg Turnpike in the City of Lackawanna, County of Erie; an approximately 30.98 acre parcel which is part of tax map

number 141.11-1-1.111 and is more particularly described as the "Wind Farm Area" on the map attached in Exhibit "A" (the "Site");

II. Exhibit "A" to this Modification includes a map of the redefined area of the Site. Exhibit "A" to this Modification shall be read together with the map in Exhibit "A" to the Brownfield Site Cleanup Agreement.

III. This Modification shall control to the extent of a conflict between the provisions hereof and those of the Brownfield Site Cleanup Agreement. Except as provided in this Modification, the Brownfield Site Cleanup Agreement and the documents related thereto shall continue, without modification, in full force and effect

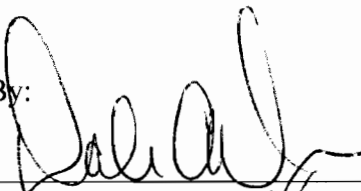
IV. No term, condition, understanding or agreement purporting to modify this Modification shall be binding unless subscribed to by both parties in accordance with the terms of the Voluntary Agreement.

V. The effective date of this Modification shall be the date on which it is signed by the Commissioner or the Commissioner's designee.

DATED. NOV- 2, 2006

DENISE M. SHEEHAN,  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

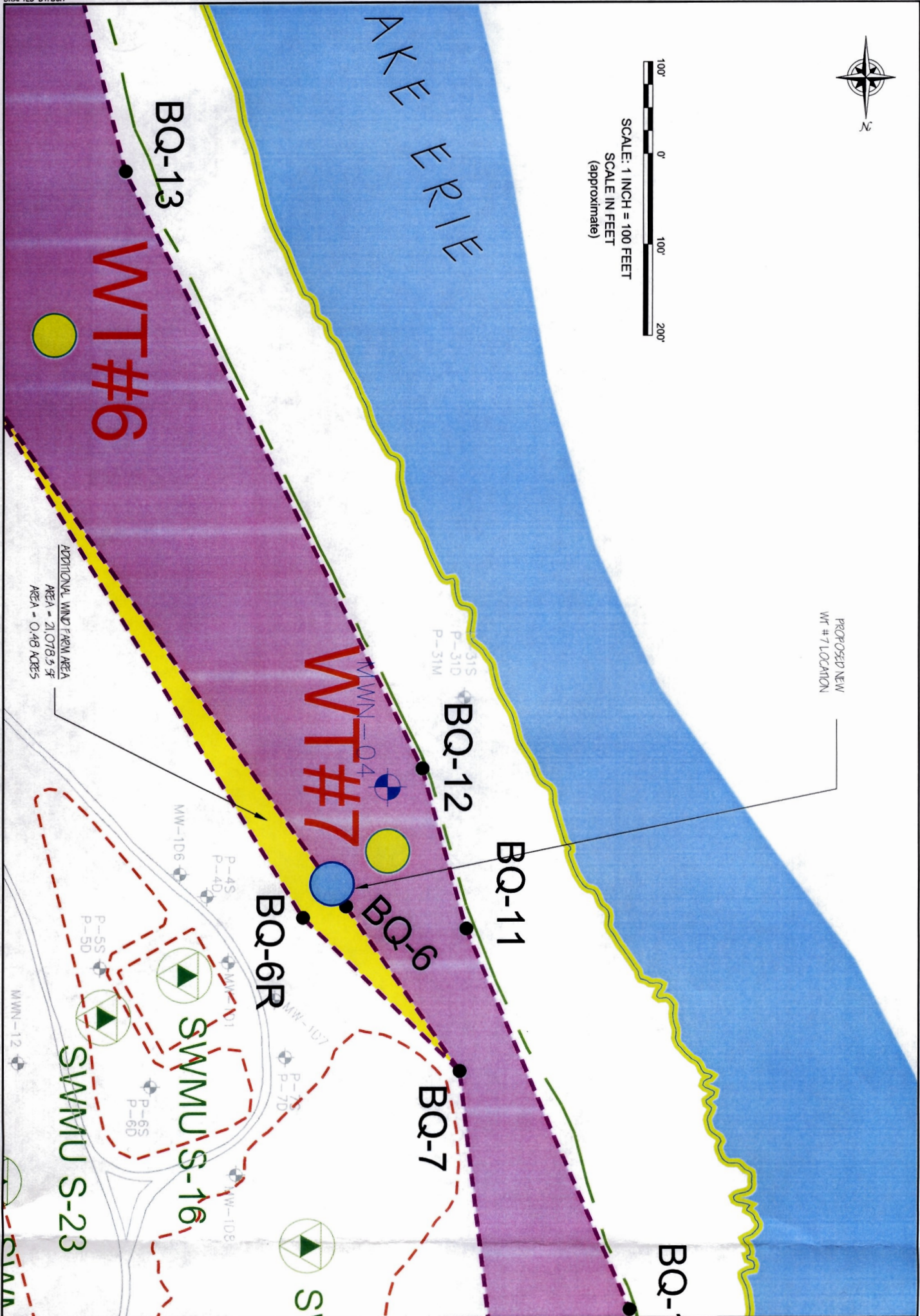



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Dale A. Desnoyers, Director  
Division of Environmental Remediation



**Exhibit "A"**



<p><b>FIGURE 2</b></p>	<p><b>SITE PLAN</b> SI/RAR/IRM WORK PLAN STEEL WINDS FACILITY LACKAWANNA, NEW YORK</p> <p>PREPARED FOR BQ ENERGY, LLC</p>	 <p>726 EXCHANGE STREET SUITE 824 BUFFALO, NEW YORK 14210 (716) 856-0635</p> <p>REVISED 8-28-06      JOB NO.: 0083-003-100</p>
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