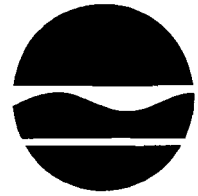


**New York State Department of Environmental Conservation  
Division of Environmental Remediation, 12<sup>th</sup> Floor**

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

Mr. Paul Curran, Managing Director  
SteelWinds Project, LLC  
c/o BQ Energy  
20 Jon Barrett Road, Suite 2  
Patterson, NY 12563-2164

DEC 18 2007

Re: Certificate of Completion  
Tecumseh Redevelopment Site,  
Site No. C915205  
Lackawanna (c), Erie County,

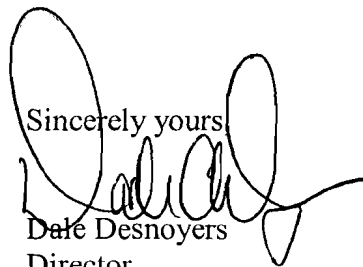
Dear Mr. Curran:

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 18, 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), if institutional and/or engineering controls (IC/ECs) are required at the site, 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, if the site is now in the site management phase, as remedial party/site owner, 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. Keith Nagle, Tecumseh Redevelopment

cc 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):**

Steel Winds Project, LLC  
c/o BQ Energy Inc.  
20 Jon Barrett Road, Suite 2  
Patterson, New York 12563-2164,

Tax ID No: 20-5249681

and

BQ Energy, LLC  
20 Jon Barrett Road, Suite 2  
Patterson, New York 12563-2164

Tax ID No: 90-0390933

**Site Information:**

Site Name: Tecumseh Redevelopment Site  
Site Owner: Tecumseh Redevelopment  
Site Location: Street Address - 1951 Hamburg Turnpike  
Municipality - Lackawanna (c)  
County - Erie County

DER Site Number: C915205

Site Description: The Tecumseh Redevelopment Site is an approximately 29.05 acre parcel of property that is located west of Route 5 in the city of Lackawanna, Erie County. The site is part of tax map parcel, section 141.11, block 1, lot 1.111 recorded in the Land Records of the Erie County Clerks at page 8953, Liber 11040 of Deeds and is known as the former Bethlehem Steel Company's (BSC) Lackawanna Works.

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): section 141.11, block 1, lot 1.111

Brownfield Site Cleanup Agreement: B9-0723-06-07

Effective Date of Brownfield Site Cleanup Agreement : Effective September, 8, 2006, modified November 2, 2006, modified October 31, 2007

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#:2007257181, in BK/PG:D11137/9906.

**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**

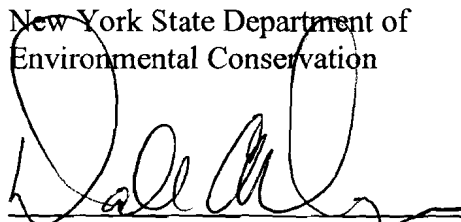
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 upon a finding that:

- (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 31<sup>st</sup> 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: 12-18-07

Please record and return to:

Mr. Paul Curran, Managing Director  
Steel Winds Project, LLC  
C/O BQ Energy  
20 Jon Barrett Road, Suite 2  
Patterson, NY 12563-2164

**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 Tecumseh Redevelopment Site, Site # C915205.

The Certificate was issued on    (date)    to Steel Winds Project, LLC and BQ Energy, LLC for a parcel approximately 29.05 acres located at the 1951 Hamburg Turnpike in the City of Lackawanna, Erie County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Appendix J 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

Steel Winds Project, LLC

BQ Energy, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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





# FACT SHEET

## Brownfield Cleanup Program

Tecumseh Redevelopment Site  
C915205  
Lackawanna, NY

December, 2007

### NYSDEC Certifies Remediation Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that Steel Winds Project, LLC will achieve remediation requirements to address contamination related to the Tecumseh Redevelopment Site (Steel Winds) located at 1951 Hamburg Turnpike in the City of Lackawanna, County of Erie under New York's Brownfield Cleanup Program (BCP). See map for the location of the site. NYSDEC has issued a Certificate of Completion to Steel Winds Project, LLC and BQ Energy, LLC regarding the Steel Winds Site. Steel Winds Project, LLC and BQ Energy, LLC are now eligible to redevelop the site. A copy of the Certificate of Completion is available at the document repository identified in this fact sheet.

NYSDEC previously accepted an application submitted by Steel Winds Project, LLC and BQ Energy, LLC to participate in the BCP. The application proposes that the site will be used for industrial purposes.

#### Certificate of Completion

The Certificate of Completion issued by NYSDEC contains:

- 1) A description of the remedial activities completed;
- 2) A certification that remediation requirements have been or will be achieved;
- 3) The boundaries of the site;
- 4) A description of any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when the remedial action leaves residual contamination that makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier, and;
- 5) A certification that an operation, monitoring and maintenance plan for any engineering controls used at the site has been approved by NYSDEC.

**Brownfield Cleanup Program:** New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing and business.

A **brownfield** is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination.

For more information about the BCP, visit:  
[www.dec.state.ny.us/website/der/bcp](http://www.dec.state.ny.us/website/der/bcp)

"*Remedial activities*" and "*remediation*" refer to all necessary actions to address any known or suspected contamination associated with a site.

Remedial actions that were completed at the Site include:

- Placement of a 12-inch soil cover over the exposed slag;
- Installation of ORC (Oxygen Release Compound by Regenesis) to promote aerobic degradation of naphthalene in groundwater in treatment wells
- Installation of new monitoring wells to monitor performance of ORC;
- Vegetating the site to prevent erosion of the soil cover
- Segregation and off-site permitted disposal of miscellaneous solid waste debris generated from the excavation of several wind turbine foundations deemed unsuitable for onsite structural fill or placement beneath the soil cover.



All remedial activities described above were completed over the past year (October 2006 through November 2007) with the exception of the ongoing treatment and monitoring of naphthalene impacted groundwater. This task is ongoing and anticipated to take approximately five years for completion of the treatment and associated monitoring activities.

An Operation, Monitoring and Maintenance Plan (OM & M) has been approved by the Department as part of the Site Management Plan (SMP). The primary components of the OM & M Plan include:

- The ORC Monitoring and Maintenance Program to continue the treatment and assessment of groundwater treatment in the vicinity of WT-1;
- A Long Term Groundwater Monitoring Plan to monitor and assess the groundwater quality across the site over time; and
- An annual inspection and certification of the soil cover system to assess and provide for the maintenance/repair of the cover system

### **Next Steps**

NYSDEC issued the Certificate of Completion based on review and approval of a Remedial Action Report (RAR) submitted by Steel Winds Project LLC. The RAR described the remedial activities completed and certified that remediation requirements will be achieved for the site.

With its receipt of a Certificate of Completion, Steel Winds Project LLC and BQ Energy, LLC are eligible to redevelop the site. In addition, Steel Winds Project LLC and BQ Energy, LLC:

- have no liability to the State for contamination at or coming from the site, subject to certain conditions; and
- are eligible for tax credits to offset the costs of performing remedial activities and for redevelopment of the site.

A Certificate of Completion may be modified or revoked if, for example, the applicant does not comply with the terms of its Brownfield Cleanup Agreement with NYSDEC, or if the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

### **Background**

The Brownfield Cleanup Site is located on a portion of the site of the former Bethlehem Steel Corporation (BSC), now owned by ArcelorMittal Tecumseh Redevelopment, Inc. (Tecumseh). The property was formerly used for the production of steel, coke and related products by BSC. The approximately 29-acre Steel Winds parcel is located within the portion of the Site referred to as the Slag Fill Area along the Lake Erie shore, north of Smokes Creek, and is easily recognized by the recently completed eight turbines and related equipment that are presently operating on the Site.

Steel Winds Project, LLC, the wind farm developer, entered into a long-term lease agreement with Tecumseh to construct and operate wind turbines and supporting power generation equipment and infrastructure on the Steel Winds Site. In September 2006, Steel Winds Project, LLC and the New York State Department of Environmental Conservation (NYSDEC) entered into a Brownfield Cleanup Agreement (BCA) to investigate and address existing and potential environmental conditions at the Site. The results of the site investigation and interim remedial measures were documented in the final Site Investigation/Remedial Alternatives/Interim Remedial Measures Report that was submitted to the Department in July 2007 and subsequently approved by the Department in September 2007. The final

Site Management Plan and Final Engineering Report documenting the completion of remedial activities and future site management requirements were submitted to the Department on November 15, 2007.

## **FOR MORE INFORMATION**

### **Document Repository**

A local document repository has been established at the following location to help the public to review important project documents. These documents include the Certificate of Completion and the application to participate in the BCP accepted by NYSDEC:

Lackawanna Public Library  
560 Ridge Rd.  
Lackawanna, New York 14218  
Phone: (716) 823-0630

### **Who to Contact**

Comments and questions are always welcome and should be directed as follows:

#### Project Related Questions

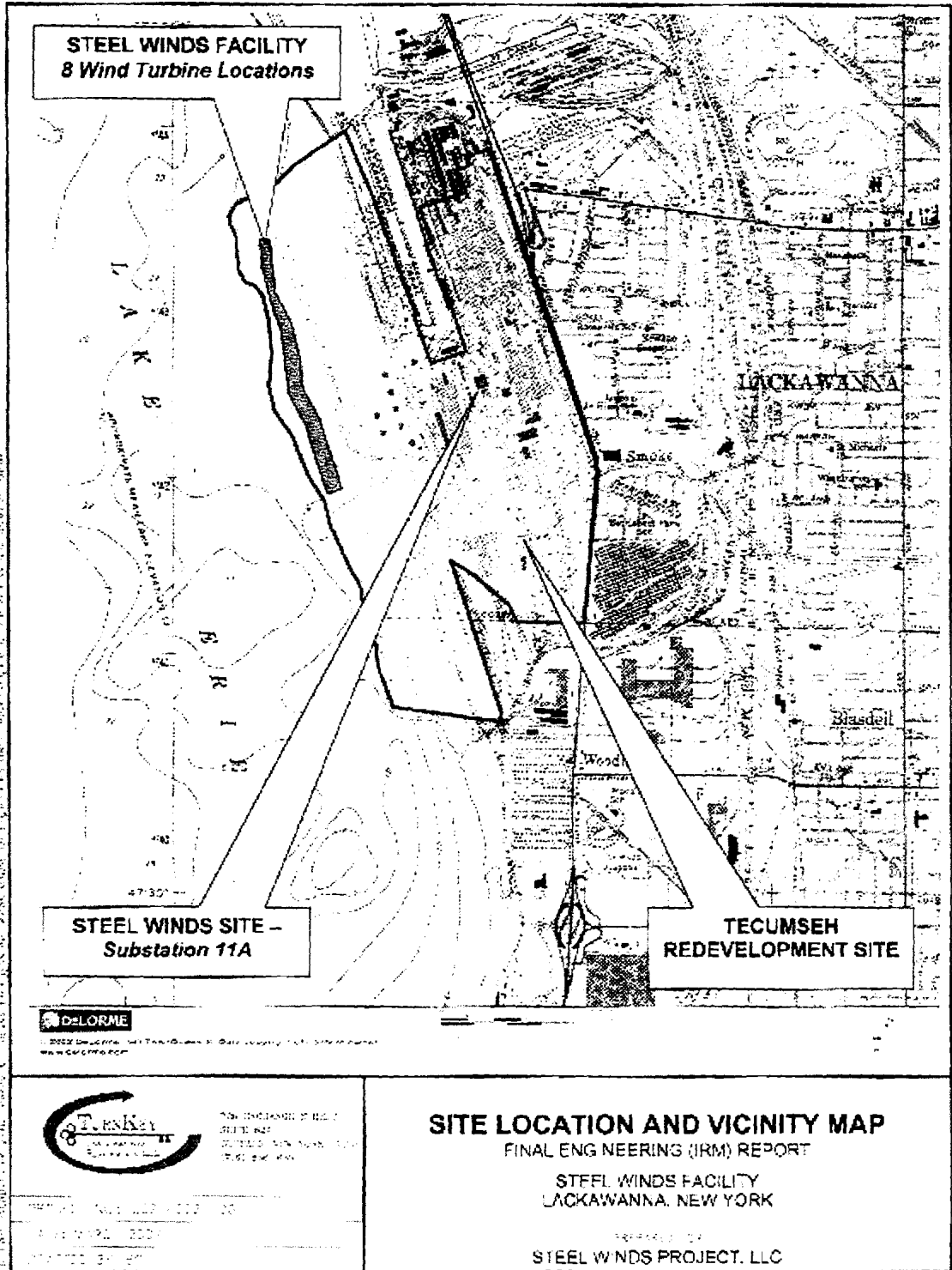
Maurice Moore  
New York State Department of Environmental  
Conservation  
270 Michigan Ave.  
Buffalo, New York 14203  
(716) 851-7220  
mfmoore@gw.dec.state.ny.us

#### Health Related Questions

Cameron O'Connor  
New York State Department of Health  
584 Delaware Ave.  
Buffalo, New York 14202  
(716) 847-4385

If you know someone who would like to be added to the project mailing list, have them contact the NYSDEC project manager above. We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

FIGURE 1



THE ENGINEER OF RECORD  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF NEW YORK  
 LICENSE NO. 1000

DATE: NOV 11, 2009  
 SCALE: AS SHOWN  
 DRAWN BY: [Name]

**SITE LOCATION AND VICINITY MAP**

FINAL ENGINEERING (IRM) REPORT

STEEL WINDS FACILITY  
 LACKAWANNA, NEW YORK

PREPARED BY  
 STEEL WINDS PROJECT, LLC