

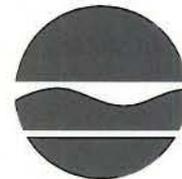
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

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Joe Martens
Acting Commissioner

Flexo Transparent, Inc.
22 Wasson St.
Buffalo, New York 14210

JAN 25 2011

RSB Enterprises, LLC
P.O. Box 128
28 Wasson Street
Buffalo, New York 14210

Re: Certificate of Completion
1132-1146 Seneca Street Site
Site #C915228
City of Buffalo, Erie County

Dear Mr. Mabry:

This letter is in response to information provided to this office via letter dated January 4, 2011 which indicates the site is wholly located within an En-Zone. Enclosed please find a revised Certificate of Completion that reflects the En-Zone status. Please discard the previously issued COC in order to avoid confusion.

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

Sincerely,

Dale A. Desnoyers
Director

Division of Environmental Remediation

ec w/ enclosure:

S. Bates – NYSDOH

M. Forcucci – NYSDOH (mjfl3@health.state.ny.us)

R. Murray - Harris Beach PLLC (bmurray@harrisbeach.com)

J. Richert – Malcolm Pirnie, Inc. (jrichert@pirnie.com)

J. Amicone – Harris Beach PLLC (jamicone@harrisbeach.com)

ec w/o enc.:

M. Cruden

W. Murray

M. Doster

J. Charles

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

FLEXO TRANSPARENT, INC.
RSB ENTERPRISES, LLC

Address

28 Wasson Street, Buffalo, NY 14210
P.O. Box 128, Buffalo, NY 14210

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/9/08 **Agreement Execution:** 12/8/08 **Agreement Index No.:** B9-0787-08-06

Application Approval Amendment: 1/7/10

Agreement Execution Amendment: 6/15/10

Agreement Execution Amendment: 3/11/10

SITE INFORMATION

Site No.: C915228 **Site Name:** 1132-1146 Seneca St.

Site Owner: RSB Enterprises, LLC

Street Address: 1132-1146 Seneca Street

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

Site Size: 4.200 Acres

Tax Map Identification Number(s): 123-29-1-10, 123-29-1-11, 123-29-1-12

Percentage of site located in an EnZone: 100 %

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: Industrial

Cleanup Track: Track 2: Restricted use with generic 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 27 %.

Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 27 %.

Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2010186492.

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

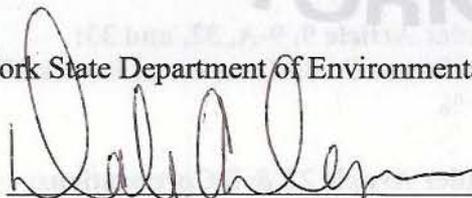
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

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

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.

New York State Department of Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

Date:

12/28/10