

# **Santarosa Holdings, Inc.**

4870 Packard Road Niagara Falls, NY 14304 Phone: (716) 278-2000 Fax: (716) 278-2020



February 4, 2011

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Attn: Dale Desnoyers  
625 Broadway, 12<sup>th</sup> Floor  
Albany, NY 12233-7011

**RE: BCA Amendment**  
**BCP Site No.: C932134**  
**BCP Site Name: 1501 College Avenue**  
**BCA No.: #B9-0757-07-10**  
**Amendment #1**

Dear Mr. Desnoyers:

Please find enclosed our signed copy acknowledging the acceptance of this amendment to the original BCA for 1501 College Avenue.

If you have any questions, please contact me at (716) 278-2000 ext. 124.

Sincerely,

A handwritten signature in blue ink, appearing to be "Sam Santarosa", with a long horizontal line extending to the right.

Sam Santarosa  
President

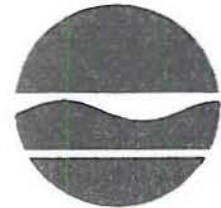
**New York State Department of Environmental Conservation**

**Division of Environmental Remediation**

625 Broadway, 12th Floor, Albany, New York 12233-7011

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

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Joe Martens  
Acting Commissioner

January 31, 2011

Santarosa Holdings, Inc.  
c/o Grant Wooley  
4870 Packard Road  
Niagara Falls, New York 14304

Re: BCA Amendment  
BCP Site No.: C932134  
BCP Site Name: 1501 College Avenue Site  
BCA No.: #B9-0757-07- 10  
Amendment #1

Dear Applicant:

This letter is forwarded to your attention in response to the letter request submitted by TurnKey Environmental Restoration, LLC on your behalf to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") signed on December 13, 2007; which letter is dated December 17, 2010 and was received by the New York State Department of Environmental Conservation (the "Department") on December 17, 2010. The letter requested that the above referenced BCA be amended to increase the acreage of the "site" as set forth on Exhibit "A" attached hereto.

In reliance upon, and in furtherance of the letter and previous discussions, if any, of this matter between the Department's staff and the BCP applicant's representatives to date, the BCA Amendment requested is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon receipt of this letter. Specifically, the property set forth on Exhibit "A" is included in the definition of the "site."

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.

Please have authorized representatives counter sign this letter to acknowledge acceptance of this amendment, and send a copy back to the Department at:

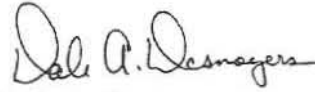
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the BCA Amendment.

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.


Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



Dale A. Desnoyers  
Director  
Division of Environmental Remediation

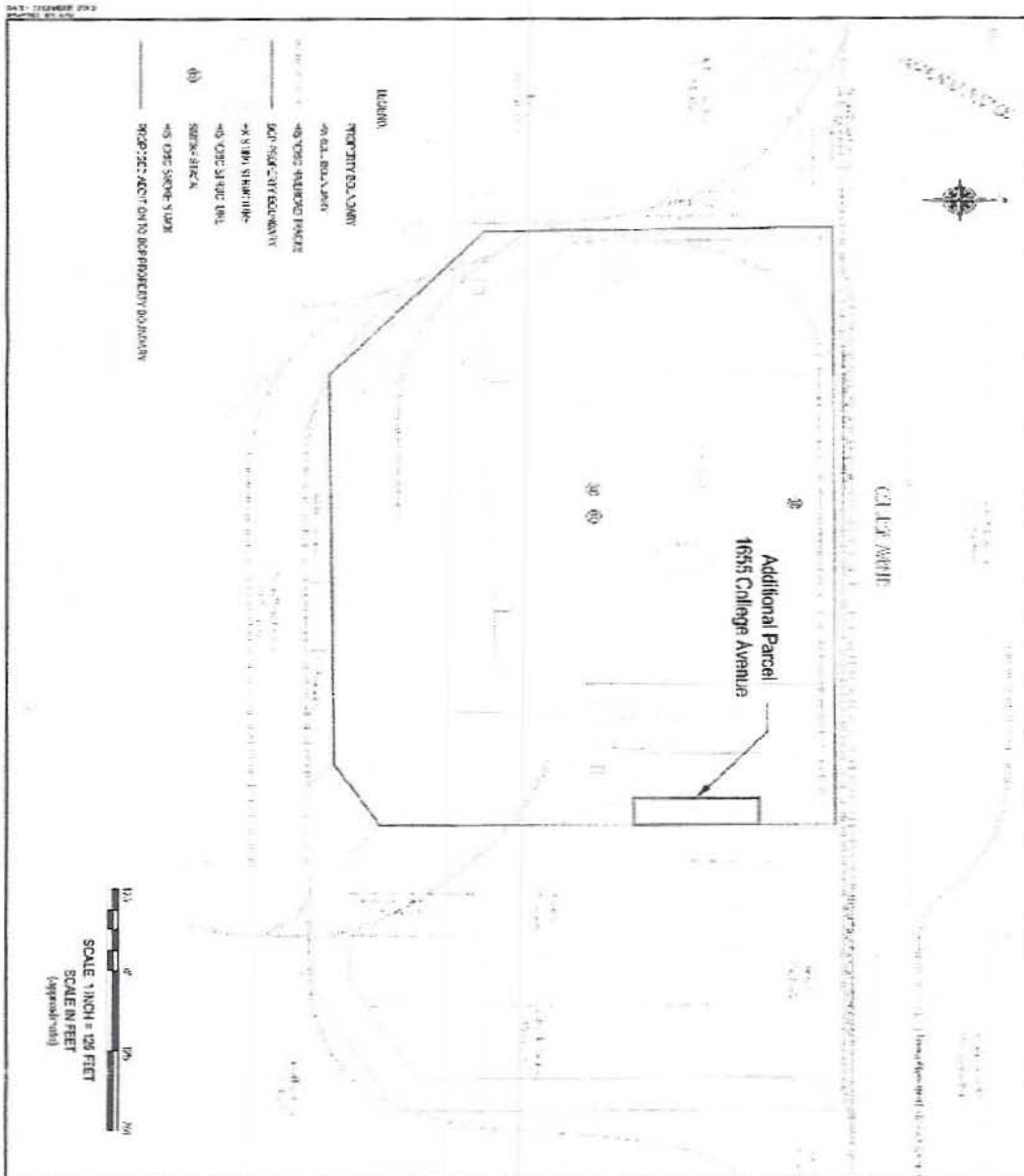
The following Applicants, in signing this letter, do hereby acknowledge and accept the amendment to the BCA as set forth above.


 Date 1/31/11  
Santarosa Holdings, Inc.      Date  
**PRESIDENT**

ec:

Grant Wooley ([gwooley@buffalofuel.com](mailto:gwooley@buffalofuel.com))  
Ben Conlon  
Jim Charles  
Robert Schick  
Mike Cruden  
Laura Zeppetelli  
Elissa Armater  
Kelly Lewandowski  
Greg Sutton

# Exhibit "A"



<b>FIGURE 1</b>	<p><b>PROPOSED MODIFICATION OF BCP BOUNDARY</b></p> <p>1501 COLLEGE AVENUE SITE          NIAGARA FALLS, NEW YORK          PREPARED FOR          SANTOROSA HOLDINGS, INC.</p>	 <p>2545 WASHINGTON TURNPIKE          SUITE 300          BUFFALO, NY 14218          (716) 862-9885</p> <p>JOB NO.: 0140-001-105</p>
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