

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

DEC 23 2015

Covanta Niagara I, LLC
Mr. Kevin O'Neil
100 Energy Boulevard @ 56th St
Niagara Falls New York 14304

Re: Certificate of Completion
Site Name: Covanta Niagara Rail-to-Truck-Intermodal Facility
Site No.: C932160

Dear Mr. O'Neil:

Congratulations on having satisfactorily completed the remedial program at the Covanta Niagara Rail-to-Truck Intermodal Facility. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days; and

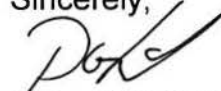


Department of
Environmental
Conservation

- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2017.

If you have any questions regarding any of these items, please contact the project manager for the site, Mr. Michael J. Hinton, by telephone at 716-851-7220 or by email at micheal.hinton@dec.ny.gov.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Robert Napieralski, LaBella Associates, D.P.C.
Vincent Hanley, Jaeckle Fleischmann & Mugal LLP
Krista Anders, DOH
Stephane Selmer, DOH
Michael Ryan, DEC
Michel Cruden, DEC
Michael Hinton, DEC
Gregory Sutton, DEC
David Stever, DEC
Dolores Tuohy, DEC
Andrew Guglielmi, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name Covanta Niagara I, LLC	Address 100 Energy Boulevard @ 56th Street, Niagara Falls, NY
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BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/6/13 **Agreement Execution:** 4/10/13 **Agreement Index** C932160-03-13

Application Approval Amendment: 9/23/13

Agreement Execution Amendment: 12/6/13

Application Approval Amendment: 5/22/15

Agreement Execution Amendment: 7/7/15

SITE INFORMATION:

Site No.: C932160 **Site Name:** Covanta Niagara Rail-to-Truck Intermodal Facility

Site Owner: Covanta Niagara I, LLC

Street Address: 139 47th Street Rear

Municipality: Niagara Falls **County:** Niagara **DEC Region:** 9

Site Size: 15.040 Acres

Tax Map Identification Number(s): 160.09-1-21

Percentage of site located in an EnZone: 0 - 49 %

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 4: Restricted use with site-specific 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 22 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 22 %.

Tangible Property Credit Component Rate is 10 %.

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 Niagara County as easement Instrument 2014-11633.

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.

Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: December 23, 2015

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Covanta Niagara Rail-to-Truck Intermodal Facility, Site ID No. C932160
139 47th St Rear
Niagara Falls, Niagara County, Tax Map Identification Number 160.09-1-21

PLEASE TAKE NOTICE, 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) to Covanta Niagara I, LLC for a parcel approximately 15.04 acres in size located at the 139 47th Street Rear in the City of Niagara Falls, Niagara County.

PLEASE TAKE NOTICE, the Certificate was 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.

PLEASE TAKE NOTICE, 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☐ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, provided that the Certificate is complied with, 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.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or 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 Niagara County as Intru#2014-11633

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany New York 12233.

Covanta Niagara Rail-to-Truck Intermodal Facility, C932160, 139 47th St. Rear Niagara Falls New York

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, 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.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may only 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 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at DEC's Region 9 office located at 270 Michigan Ave Buffalo NY 14203-2999, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Covanta Niagara I, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Covanta Niagara I, LLC
100 Energy Boulevard @ 56th St
Niagara Falls New York 14304



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/15/2015

SITE DESCRIPTION

SITE NO. C932160

SITE NAME Covanta Niagara Rail-to-Truck Intermodal Facility

SITE ADDRESS: 139 47th Street Rear ZIP CODE: 14304

CITY/TOWN: Niagara Falls

COUNTY: Niagara

ALLOWABLE USE: Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

☐☒

Monitoring Plan

☐☒

Operation and Maintenance (O&M) Plan

☐☒

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/14/2017

Description of Institutional Control

Covanta Niagara 1 LLC

100 Energy Boulevard @ 56th St

139 47th Street Rear

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 160

Subsection: 09

S_B_L Image: 160.09-1-21

Ground Water Use Restriction

Landuse Restriction

Site Management Plan

Description of Engineering Control

Covanta Niagara 1 LLC

100 Energy Boulevard @ 56th St

139 47th Street Rear

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 160

Subsection: 09

S_B_L Image: 160.09-1-21

Cover System

Fencing/Access Control

Exhibit A Property Description

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lots 48 and 49 of the Mile Reserve, being part of lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at page 246, and more particularly described as follows:

Commencing at the intersection of the east line of lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at page 246, also being the west line of lands conveyed to now or formerly Niagara Junction Railway Company, with the south line of Niagara Falls Boulevard, width varies;

Thence, S 14°-15'-14" W, along the easterly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 484.22 feet to the point of beginning;

Thence, S 14°-15'-14" W, along the easterly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 2311.52 feet to a point of curvature;

Thence, southwesterly along a circular curve to the right having a radius of 922.37 feet, an arc length of 1007.57 feet, a chord bearing S 45°-32'-36" W, at a distance of 958.22 feet, to a point in the north line of lands now or formerly owned by Frontier Electric Railway;

Thence, N 84°-27'-12" W, along the north line of said Frontier Electric Railway, a distance of 169.94 feet to a point of curvature and the westerly line of said lands convey to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at page 246;

Thence, northeasterly along a circular curve to the left having a radius of 420.24 feet, an arc length of 328.36 feet, a chord bearing N 73°-05'-58" E, at a distance of 320.07 feet, to the point of tangency;

Thence, S 39°-11'-47" E, along the westerly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 8.60 feet to a point of curvature;

Thence, northeasterly along a circular curve to the left having a radius of 426.97 feet, an arc length of 30.89 feet, a chord bearing N 50°-01'-23" E, at a distance of 30.88 feet, to the point of tangency and a point in the easterly line of lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at page 240;

Thence, continuing along the easterly line of said lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at page 240, the following 9 courses:

1. N 50°-01'-26" E, a distance of 86.84 feet to a point;
2. N 46°-17'-44" E, a distance of 35.62 feet to a point;

3. N 40°-48'-15" E, a distance of 45.22 feet to a point;
4. N 35°-04'-05" E, a distance of 40.59 feet to a point;
5. N 32°-18'-54" E, a distance of 45.86 feet to a point;
6. N 07°-53'-23" W, a distance of 58.93 feet to a point;
7. N 32°-12'-37" E, a distance of 157.00 feet to a point;
8. N 46°-40'-56" E, a distance of 109.73 feet to a point;
9. N 00°-27'-28" E, a distance of 725.28 feet to the northeasterly corner of said lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at page 240;

Thence, S 89°-26'-25" E, on an extension of the north line of said lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at page 240, a distance of 102.61 feet to a point, being 236.50 feet west of the east line of lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at page 246, measured at right angles therefrom;

Thence, N 14°-15'-14" E, parallel with the east line of said lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at page 246, a distance of 1379.86 feet to a point;

Thence, N 38°-39'-55" E, along a line, a distance of 376.41 feet to a point;

Thence, S 75°-48'-56" E, along a line, a distance of 80.93 feet to the point of beginning, containing 15.04 acres of land, more or less.

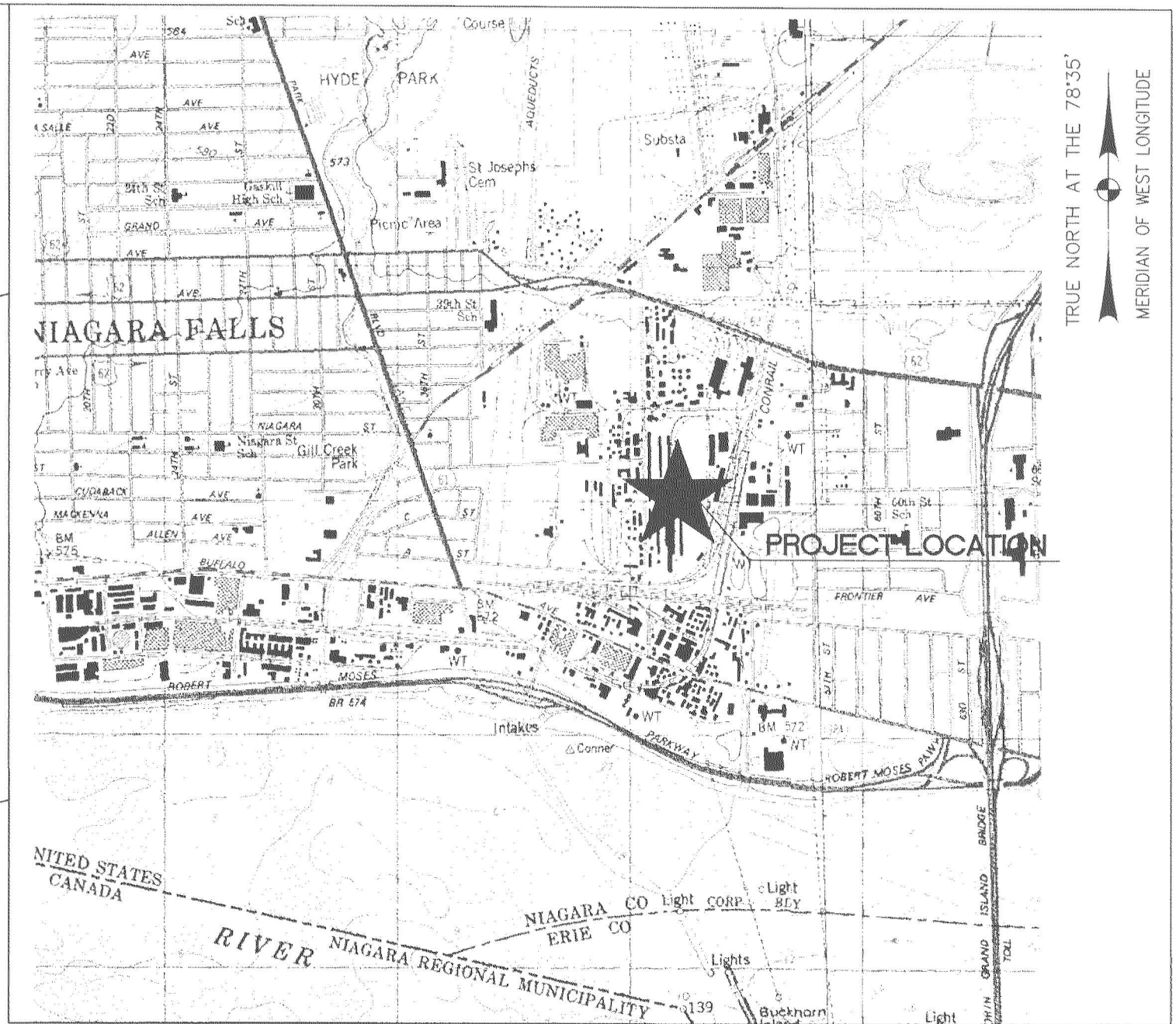
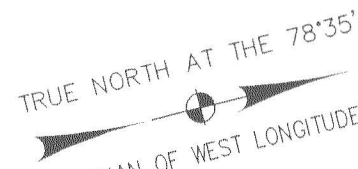
TOGETHER WITH the benefits of a railroad easement, electrical duct easement, water supply line and outfall sewer easement and service water line easement as reserved and set forth in Deed made by Union Carbide Corporation to Hooker Energy Corporation dated March 31, 1978 and recorded April 6, 1978 in Liber 1614 of Deeds at page 517, as amended by Release and Termination of Easement made by Praxair, Inc. and The ESAB Group Inc. to American Ref-Fuel Company of Niagara, L.P. dated September 13, 1994 and recorded September 16, 1994 in Liber 2537 of Deeds at page 289.

ALSO TOGETHER WITH the benefits of an easement for an underground water supply line and an outfall line as set forth in Easement Agreement made between American Ref-Fuel Company of Niagara, L.P. and Praxair, Inc. dated June 30, 1997 and recorded December 1, 1998 in Liber 2882 of Deeds at page 241.

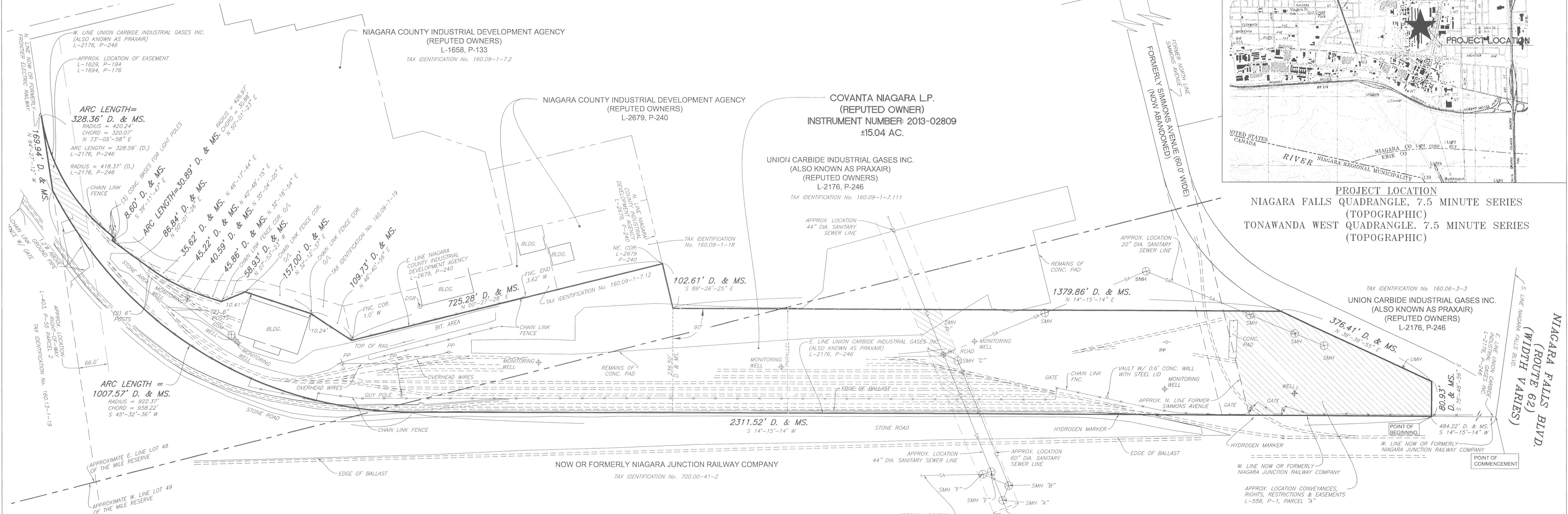
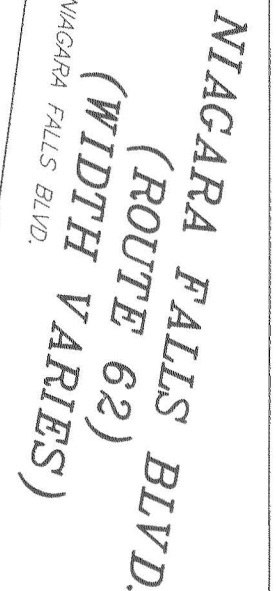
1077924

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK, 12233 OR AT DERWEB@GW.DEC.STATE.NY.US

1. BEARINGS SHOWN ON THIS MAP ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), NEW YORK STATE PLANE COORDINATE SYSTEM, WESTERN ZONE, U.S. SURVEY FEET. (MAPPING GRADE)
2. UNDERGROUND UTILITIES AND STRUCTURES ARE SHOWN IN THEIR APPROXIMATE LOCATION AND MAY NOT BE SHOWN IN THEIR ENTIRETY.
3. THE PROPERTY IS NOT LOCATED IN A 100-YEAR FLOODPLAIN AS REFLECTED BY THE CITY OF NIAGARA FALLS FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 360506, MAP NUMBER 360630C0309E, PANEL#309 OF 430 WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2010
4. THIS SURVEY HAS BEEN PREPARED WITH THE BENEFIT OF ABSTRACT SEARCH NO. 11-161516 AS PREPARED BY STEWART TITLE INSURANCE COMPANY, DATED MARCH 15, 2013 AND AMENDED TITLE REPORT COMMITMENT NO. 10-162167, DATED APRIL 30, 2013.



PROJECT LOCATION
 NIAGARA FALLS QUADRANGLE, 7.5 MINUTE SERIES
 (TOPOGRAPHIC)
 TONAWANDA WEST QUADRANGLE, 7.5 MINUTE SERIES
 (TOPOGRAPHIC)



All that Tract or Parcel of Land situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lots 48 and 49 of the Mile Reserve, being part of lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at Page 246, and more particularly described as follows:

EXCEPTION NUMBER:
12(a) NOTE: THE INSURED PREMISES INCLUDE RIGHTS OF INGRESS AND EGRESS AS BETWEEN THE INSURED PREMISES AND 47th STREET OVER ADJOINING LANDS OF COVANTA NIAGARA, L.P. (SEE DEED EXECUTED BY NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO COVANTA NIAGARA, L.P. DATED APRIL 25, 2013 AND RECORDED IN THE NIAGARA COUNTY CLERK'S OFFICE ON MAY 2, 2013 AS INSTRUMENT No. 2013-08359).

12(b) TERMS, COVENANTS, CONDITIONS, LIMITATIONS, RESERVATIONS, EASEMENTS AND RESTRICTIONS SET FORTH IN DEED MADE BY THE NIAGARA FALLS POWER COMPANY TO UNION CARBIDE COMPANY DATED MAY 4, 1917 AND RECORDED JULY 21, 1917 IN LIBER 403 OF DEEDS AT PAGE 55. (AFFECTS ENTIRE PREMISES).

12(c) EASEMENT FOR A TUNNEL TRUNK SEWER RESERVED TO THE CITY OF NIAGARA FALLS SET FORTH IN TRI-PARTITE DEED MADE AMONG UNION CARBIDE COMPANY, THE NIAGARA FALLS POWER COMPANY AND CITY OF NIAGARA FALLS DATED DECEMBER 14, 1917 AND RECORDED JANUARY 4, 1918 IN LIBER 403 OF DEEDS AT PAGE 306.
(AFFECTS PREMISES, SHOWN HEREON).

12(d) TERMS, COVENANTS, CONDITIONS, LIMITATIONS, RESERVATIONS, EASEMENTS AND RESTRICTIONS SET FORTH IN DEED MADE BY THE NAGARA FALLS POWER COMPANY TO UNION CARBIDE COMPANY DATED DECEMBER 15, 1928 AND RECORDED JANUARY 19, 1929 IN LIBER 556 OF DEEDS AT PAGE 1. (AFFECTS NORTHERLY PORTION OF PREMISES. (AFFECTS PREMISES, SHOWN HEREON).

12(e) EASEMENT MADE BY UNION CARBIDE CORPORATION TO NIAGARA MOHAWK POWER CORPORATION DATED MARCH 23, 1978 AND RECORDED APRIL 20TH, 1978 IN LIBER 1615 OF DEEDS AT PAGE 19, AS CORRECTED BY EASEMENT MADE BY UNION CARBIDE CORPORATION TO NIAGARA MOHAWK POWER CORPORATION DATED MARCH 23, 1978 AND RECORDED JANUARY 11, 1979 IN LIBER 1629 OF DEEDS AT PAGE 194. (AFFECTS PREMISES, SHOWN HEREON).

12(f) EASEMENT MADE BY UNION CARBIDE CORPORATION TO HOOKER ENERGY CORPORATION DATED FEBRUARY 2, 1980 AND RECORDED MARCH 3, 1980 IN LIBER 1694 OF DEEDS AT PAGE 176. (AFFECTS PREMISES, SHOWN HEREON).

12(g) EASEMENT AGREEMENT FOR GRADE CROSSING MADE BETWEEN UNION CARBIDE CORPORATION AND HOOKER ENERGY CORPORATION DATED JANUARY 28, 1980 AND RECORDED MARCH 28, 1980 IN LIBER 1708 OF DEEDS AT PAGE 248. (DOES NOT AFFECT PREMISES).

Thence, S 14°-15'-14" W, along the easterly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 484.22 feet to the point of beginning;

Thence, S 14°-15'-14" W, along the easterly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 2311.52 feet to a point of curvature;

Thence, southeasterly along a circular curve to the right having a radius of 922.37 feet, an arc length of 1007.57 feet, a chord bearing S 45°-32'-36" W, at a distance of 958.22 feet, to a point in the north line of lands now formerly owned by Frontier Electric Railway;

Thence, N 84°-27'-12" W, along the north line of said Frontier Electric Railway, a distance of 169.94 feet to a point of curvature and the westerly line of said lands convey to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at Page 246;

Thence, northeasterly along a circular curve to the left having a radius of 420.24 feet, an arc length of 328.36 feet, a chord bearing N 73°-05'-58" E, at a distance of 320.07 feet, to the point of tangency;

Thence, S 39°-11'-47" E, along the westerly line of said lands conveyed to Union Carbide Industrial Gases Inc., a distance of 8.60 feet to a point of curvature;

Thence, northeasterly along a circular curve to the left having a radius of 426.97 feet, an arc length of 30.89 feet, a chord bearing N 50°-01'-23" E, at a distance of 30.88 feet, to the point of tangency and a point in the easterly line of lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at Page 240;

Thence, continuing along the easterly line of said lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at Page 240, the following 9 courses:

1. N 50°-01'-26" E, a distance of 86.84 feet to a point;
2. N 46°-17'-44" E, a distance of 35.62 feet to a point;
3. N 40°-48'-15" E, a distance of 45.22 feet to a point;
4. N 35°-04'-05" E, a distance of 40.59 feet to a point;
5. S 32°-18'-54" E, a distance of 45.86 feet to a point;
6. N 07°-53'-23" W, a distance of 58.93 feet to a point;
7. S 32°-12'-37" E, a distance of 157.00 feet to a point;
8. N 46°-40'-56" E, a distance of 109.73 feet to a point;
9. N 00°-27'-28" E, a distance of 725.28 feet to the northeasterly corner of said lands conveyed to Niagara County Industrial Development Agency by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at Page 240;

Thence S 89°-26'-25" E, on an extension of the north line of said lands conveyed to Niagara County Industrial Development Agency, by deed recorded in the Niagara County Clerk's Office in Liber 2679 of Deeds at Page 240, a distance of 102.41 feet to a point, being 236.50 feet west of the east line of lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at Page 246, measured at right angles therefrom;

Thence, N 14°-15'-14" E, parallel with the east line of said lands conveyed to Union Carbide Industrial Gases Inc. by deed recorded in the Niagara County Clerk's Office in Liber 2176 of Deeds at Page 246 a distance of 1379.86 feet to a point;

Thence, N 38°-39'-55" E, along a line, a distance of 376.41 feet to a point;

Thence, S 75°-48'-56" E, along a line, a distance of 80.93 feet to the point of beginning, Containing 15.04 acres of land, more or less.



TOGETHER WITH the benefits of a railroad easement, electric duct easement, water supply line and outfall sewer easement and service water line easement as reserved and set forth in Deed made by Union Carbide Corporation to Hooker Energy Corporation dated March 31, 1978 and recorded April 6, 1978 in Liber 1614 of Deeds at page 517, as amended by Release and Termination of Easement made by Praxair, Inc. and The ESAB Group, Inc. to American Ref-Fuel Company of Niagara, L.P. dated September 13, 1994 and recorded September 16, 1994 in Liber 2537 of Deeds at page 289.

ALSO TOGETHER WITH the benefits of an easement for an underground water supply line and an outfall line as set forth in Easement Agreement made between American Ref-fuel Company of Niagara, L.P. and Praxair, Inc. dated June 30, 1997 and recorded December 1, 1998 in Liber 2882 of Deeds at page 241.

[illegible]

UNAUTHORIZED ALTERATION OR ADDITION TO
ANY SURVEY DRAWING, DESIGN, SPECIFICATION,
PLAN OR REPORT IS A VIOLATION OF SECTION
7209, PROVISION 2 OF THE NEW YORK STATE
EDUCATION LAW.

I HEREBY CERTIFY TO THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AS WELL AS, COVANTA NIAGARA, L.P. AND STEWART TITLE INSURANCE COMPANY, THAT THIS IS AN ACCURATE MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE WITH THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER, 1989. FIELD SURVEY COMPLETED APRIL 9th, 2013.

Marshall D. Wilson, Land Surveyor #050192 DATE 4/30/13 Kelly S. Klopfer, Survey Drafter DATE 4/30/13

WENDEL PROJECT NUMBER: 446901F

Exhibit B