

**NYSDEC
Brownfield Cleanup Program
Application**



**Former A & A Metals Site
90 Washington Boulevard
Perry, New York 14530**

**WCBC Washington, LLC
6470 Route 20A
Perry, New York 14530**

February 2010

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EXHIBIT A

Brownfield Program Cleanup Application



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

07/07

Section I. Requestor Information

NAME WCBC Washington, LLC

ADDRESS 6470 Route 20 A, Suite 2

CITY/TOWN Perry

ZIP CODE 14530

PHONE (585) 237-0230

FAX (585) 237-0231

E-MAIL jpierce@wycochamber.org

NAME OF REQUESTOR'S REPRESENTATIVE Harris Beach PLLC - Robert G. Murray, Esq.

ADDRESS 726 Exchange Street, Suite 1000

CITY/TOWN Buffalo

ZIP CODE 14210

PHONE 716-200-5180

FAX 716-200-5204

E-MAIL bmurray@harrisbeach.com

NAME OF REQUESTOR'S CONSULTANT Clark Patterson Lee - Norman Gardner, CPG

ADDRESS 205 St. Paul Street, Suite 500

CITY/TOWN Rochester

ZIP CODE 14604

PHONE (800) 274-9000

FAX (585) 232-5836

E-MAIL ngardner@ClarkPatterson.com

NAME OF REQUESTOR'S ATTORNEY Harris Beach, PLLC - Robert G. Murray, Esq.

ADDRESS 726 Exchange Street, Suite 1000

CITY/TOWN Buffalo

ZIP CODE 14210

PHONE (716) 200-5180

FAX (716) 200-5204

E-MAIL bmurray@harrisbeach.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☐ Potential /Future Purchaser ☒ Other

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.

(Note: proof of site access must be submitted for non-owners) *SEE EXHIBIT B, Application Narrative*

☒ Yes ☐ No

RECEIVED

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BUREAU OF
TECHNICAL SUPPORT

PROPERTY NAME: A & A Metal Fabricating Inc.											
ADDRESS/LOCATION 90 Washington Boulevard		CITY/TOWN Perry		ZIP CODE 14530							
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village of Perry, Town of Perry											
COUNTY Wyoming			SITE SIZE (ACRES) 12.1								
LATITUDE (degrees/minutes/seconds) 42 ° 42 ' 55.25 "			LONGITUDE (degrees/minutes/seconds) -78 ° 00 ' 51.02 "								
HORIZONTAL COLLECTION METHOD: <input checked="" type="checkbox"/> SURVEY <input type="checkbox"/> GPS <input type="checkbox"/> MAP			HORIZONTAL REFERENCE DATUM:								
FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)											
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Total Acreage						
Washington Boulevard, Perry, NY 14530	100.10-2-1	100.10	2	1	12.1						
Silver Lake Road, Perry, NY 14530	100.6-1-3	100.06	1	3	0.0						
<p>1. Do the property boundaries correspond to tax map metes and bounds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;">If no, please attach a metes and bounds description of the property.</p> <p>2. Is the required property map attached to the application? (application will not be processed without map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.</p> <p>If yes, identify area (name) _____</p> <p><input type="checkbox"/> 50% <input type="checkbox"/> 100% of the site is in the En-zone (check one)</p>											
<p>PROPERTY DESCRIPTION NARRATIVE: The property site has been abandoned by former owner A & A Metals. The property's history of use includes manufacturing of large metal tanks and industrial smoke stacks. The most recent use was a code weld and fabricating shop. There are currently six (6) buildings located on the site in various stages of decay.</p>											
<p>List of Existing Easements (type here or attach information)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 50%;"><u>Easement Holder</u></th> <th style="text-align: left; width: 50%;"><u>Description</u></th> </tr> </thead> <tbody> <tr> <td colspan="2">*SEE EXHIBIT C, Site Mapping & ALTA/ASCM Land Title Survey</td> </tr> </tbody> </table>						<u>Easement Holder</u>	<u>Description</u>	*SEE EXHIBIT C, Site Mapping & ALTA/ASCM Land Title Survey			
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*SEE EXHIBIT C, Site Mapping & ALTA/ASCM Land Title Survey											
<p>List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 33%;"><u>Type</u></th> <th style="text-align: left; width: 33%;"><u>Issuing Agency</u></th> <th style="text-align: left; width: 33%;"><u>Description</u></th> </tr> </thead> <tbody> <tr> <td colspan="3">None</td> </tr> </tbody> </table>						<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	None		
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>									
None											

Initials of each Requestor: _____



Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor) **A & A Metal Fabricating Inc.**

ADDRESS **90 Washington Boulevard**

CITY/TOWN **Perry**

ZIP CODE **14530**

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
2. Is the requestor subject to an existing order relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
4. Has the requestor been determined to have violated any provision of ECL Article 27? ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐ Yes ☒ No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

1. Is the property listed on the National Priorities List? ☐ Yes ☒ No
2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section VI. Project Description

What stage is the project starting at? ☒ investigation ☐ remediation

Please attach a description of the project which includes the following components: *SEE EXHIBIT B, Application Narrative*

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports *SEE EXHIBITS D AND E*

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☒ No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	x			
Chlorinated Solvents	x	x			
Other VOCs	x	x			
SVOCs	x				
Metals	x	x			
Pesticides					
PCBs	x				
Other*					

*Please describe: SEE EXHIBIT E Appendix B - LIMITED PHASE II STUDY

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	x			x	
Pesticides					
PCBs					
Other*					

*Please describe: See Exhibit E Appendix B

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input checked="" type="checkbox"/> Routine Industrial Operations | <input checked="" type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input checked="" type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |
- Other: _____

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|---|---|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |
- Other: Metal Fabrication

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none"). *SEE EXHIBIT B, Application Narrative*

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none"). *SEE EXHIBIT B, Application Narrative*

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following: *See Exhibit B, Application Narrative*

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property. *SEE EXHIBIT F, Repository Letter*

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Intended Use: ☐ Unrestricted ☐ Residential ☒ Commercial ☒ Industrial (check all that apply)

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps? *SEE EXHIBIT D, Appendix C*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). *SEE EXHIBIT D, Appendix C*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? *SEE EXHIBIT D, Appendix C*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? *SEE EXHIBIT D, App. C*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there floodplains within ½ mile? *SEE EXHIBIT D, Appendix C*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. *SEE EXHIBIT B, Application Narrative, Section IX*		
13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge area*SEE EXHIBIT B, Application Narrative, Section IX*		
14. Describe on attachment the geography and geology of the site. *SEE EXHIBIT B, Application Narrative, Section IX*		

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am President (title) of Wyoming County Business Center, Inc., the sole member of WCB Washington, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 2/12/10 Signature: _____ Print Name: _____

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

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

One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

EXHIBIT B

Brownfield Program Cleanup Application Narrative

**A&A Metal Fabricating Inc. Site
90 Washington Boulevard, Perry, NY
Brownfield Cleanup Program Application Narrative**

SECTION II. PROPERTY INFORMATION- SITE DESCRIPTION AND BCP ELIGIBILITY

A) SITE DESCRIPTION

The property (hereinafter referred to as the “Project Site” or the “Site”) subject to this BCP Application is located at 90 Washington Boulevard in the Village and the Town of Perry, Wyoming County, New York encompassing two tax parcels (Village Tax Parcel # 100.10-2-1 and Town Tax Parcel # 100.06-1.3). The Site is a former manufacturing facility situated in a now distressed neighborhood north of downtown. Site mapping and tax parcel records are attached hereto as **Exhibit C**.

The Site has a dead-end access from Washington Boulevard. The Site is bounded to the North by the Silver Lake Outlet and an abandoned railroad grade, to the South and West by agricultural and undeveloped woodlots, and to the East by commercial and Village residential properties.

The two-tax parcel Site consists of a 17.58 acres. The area within the BCP application consists of approximately 12.1 acres and includes a complex of six buildings in various states of deterioration and disrepair, with an approximate 113,000 sq. ft. footprint. The former A&A Metal Fabricating facility operated on the Site and has been abandoned by the owners since 2002. Approximately 4 acres of undeveloped woodlands and scrub-shrub to the west of the manufacturing area, and 1.5 acres to the east of the manufacturing area will be excluded from the BCP area as shown on the Site Boundary Figure. The buildings on the Site are described as follows:

Building #1 – Truck Garage, approximately 2,228 sq. ft. brick with 1-12’ door and 2-15’ doors, built in 1934;

Building #2 – Office Building, approximately 2,252 sq. ft., and Industrial Shop, approximately 35,250 sq. ft. wood timber and structural steel frame, built in 1934;

Building #3 – Industrial Plate Shop, approximately 42,600 sq. ft. corrugated steel skin on structural steel frame, built in 1934;

Building #4 – Warehouse, approximately 24,225 sq. ft. corrugated steel skin on structural steel frame, built in 1934;

Building #5 – Garage and Storage, approximately 5,200 sq. ft., built in 1900; and

Building #6 – Paint House, approximately 800 sq. ft., built in 1934.

B) ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM

The Site meets the definition of a “brownfield site” as set forth in New York State Environmental Conservation Law Section 27-1407.8(a), in that: (A) there is a reasonable basis to believe that contamination is likely to be present on the Site; and (B) there is a reasonable basis to believe that the contamination or potential presence of contamination is complicating the development or re-use of the Site. The regulations set forth in 6 N.Y.C.R.R. § 375-3.3(a)(1) clarify that the “Brownfield” definition has two (2) separate and distinct elements; namely, the “Contamination Element” and the “Complication Element”:

(1) A brownfield site has two elements:

(i) there must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property; and

(ii) there must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property.

Additionally, the New York State Department of Environmental Conservation (“DEC”) published BCP Eligibility Guidance in March, 2005 using the contamination/complication model established under 6 N.Y.C.R.R. § 375-3.3(a)(1). This guidance establishes several factors that DEC considers in evaluating whether a site is eligible for participation in the BCP.

A) Contamination Element

With respect to the establishing the Contamination Element (or a reasonable basis to believe the Contamination Element has been met), DEC will consider the following:

(A) the nature and extent of known or suspected contamination;

(B) whether contaminants are present at levels that exceed standards, criteria or guidance;

(C) whether contamination on the proposed site is historic waste material or exceeds background levels;

(D) whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or

(E) whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

As set forth within this BCP Application and the attachments and Exhibits thereto, we respectfully submit that the Contamination Element of the BCP Eligibility Test has been met. There is a reasonable basis to believe that contamination does exist on the Site, and there is a reasonable basis to believe that additional contamination above and beyond what is known to exist on the Site to date, is likely to be present on this Site. A Phase I Environmental Site Assessment Report prepared by Clark Patterson Lee in July of 2009 ("Phase I Report") (See **Exhibit D**) has revealed the following possible areas of contamination in connection with the Site:

- Unknown waste disposal in the parking lot area – there appears to be several feet of fill, consisting of unknown waste material. Drums were observed buried within the fill, along with significant quantities of metal. The drums contained burned residue and sand blast sand residue;
- Above ground storage tank facility – Historical (Sanborn Map) records indicate the presence of an above ground storage tank facility on the Site. The tanks appear to have been removed; however, no records were available as to whether the tanks and pad were removed appropriately;
- There are two transformer pads on the property. There is significant oil staining around the transformers. There are no records of the transformer oils being removed. Given the approximate age of the transformers, it is likely these transformers contained PCB-oils;
- Wood Floor Blocks – the flooring of the buildings #2 and #3 have significant quantities of oil-stained wood floor blocks;
- Floor Drains - the garage building had two floor drains with significant oil staining on the concrete floor. It is not known if these drains are tied in to the Village sanitary sewer system; and
- Sand Blast Residue – There are significant quantities of sand blast sand containing paint residue dumped behind building #6.

(See Phase I Report at Figures 1 and 2).

A limited Phase II Environmental Site Assessment Report ("Phase II Report") (also conducted by Clark Patterson Lee) prepared for the Wyoming County Business Center in July of 2009 further characterized areas of environmental concern. (See, Phase II Report at **Exhibit E**). The Phase I Report was further assessed in the Phase II Report; specifically, sampling and analysis was completed to identify levels of contaminants associated with each recognized environmental condition, and additional evidence of contamination was reported, as follows:

- **Unknown wastes in the parking lot area** – The parking area and northeastern part of the developed portion of the Site has been filled in place over 10 feet with soil and miscellaneous debris; there are numerous 55-gallon drums buried within the fill, and exposed on the surface of the fill slopes. The drums contain burned residue and sand blast residue. The extent of the waste

is not known; however, the topography of the parking lot and height of the slopes indicate several thousand cubic yards of fill exist in this location. Further soil sample results of this area indicate levels of semi-volatile organic and metals levels that exceed N.Y. State DEC regulation Section 6 NYCRR 375-6.8(b): Restricted Use Soil Cleanup Objectives levels for Commercial and Industrial Land Uses (See Appendix D to Phase II Report);

- **Wood Floor Blocks** – The flooring of buildings #2 and #3 have significant quantities of oil-stained wood floor blocks. The blocks themselves and soils beneath the blocks identified levels of semi-volatiles exceeding of Restricted Use Soil Cleanup Objectives for Commercial and Industrial Land Uses; and
- **Sand Blast Residue** – There are significant quantities of sand blast sand containing paint residue dumped behind Building #6. Sampling indicated semi-volatile organics and metals concentrations that exceeded Restricted Use Soil Cleanup Objectives for Commercial and Industrial Land Uses. Tables 1 through 3 attached to the end of this narrative present the sampling and analysis data with reference to Unrestricted and Restricted Industrial use SCO's.

(See Phase II Report at **Exhibit E**).

Given the presence of known contamination discussed above and described in the reports attached hereto as **Exhibits D and E**, and given the uncertainty of the presence of additional contamination in light of the Site's history of industrial manufacturing, there is a confirmation that contamination exists on the Site, and/or indicating that the contamination is present at levels that exceed state standards.

B) Complication Element

With respect to the establishing the Complication Element (or a reasonable basis to believe the Complication Element has been met), the DEC will consider the following:

- (A) whether the proposed site is idled, abandoned or underutilized;
- (B) whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or
- (D) whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

As described within this BCP application, it is respectfully submitted that there is a reasonable basis to believe that the contamination known to be present on the Site is complicating the development, use or re-use of the Site.

The uncertainty of the severity of contamination on the Site makes remediation necessary to facilitate the property's continued and future use. Remediating and revitalizing the Site will encourage private capital investment, and will result in real job creation, job growth and job retention, provided contamination at the Site is identified and remediated.

The Site is unattractive for redevelopment or reuse in its current state due to the actual presence of contamination and the reasonable perception that there is additional contamination most likely present on the Site. As noted in the Phase I Environmental Site Assessment dated July, 2009, there are two transformer pads on the Site, no records of transformer oils being removed, and it is likely that the transformers on Site contained PCB-oils.

The economic distress affecting the Site and the properties in the immediate vicinity adds additional complications to its redevelopment. For example, as of October, 2009, according to statistics provided by the New York State Department of Labor, Wyoming County's unemployment rate was 8.0-8.9%. Further, the Site is located in a Census Tract that, as of 1999 Census Data, exhibited a statistic of 6.2% of families living below poverty level. (Source: U.S. Census Bureau). The general economic duress of the Project Site and the neighboring area, combined with known contamination issues affecting the Project Site, provide a dual complicating affect chilling any redevelopment opportunities of the Site.

Any effort to improve investment within this area and make the community a more viable place for future residents and businesses must address identified areas of environmental concern including the Project site, and similarly situated properties. The availability of BCP liability relief and tax credits may well be the driving force behind making this area marketable for future development.

The estimated cost of a proposed remedial program with regard to the Site is likely to be significant in comparison to the anticipated value of the Site as redeveloped or reused. This has likely been one of the reasons behind the Site's underutilization. Given the presence of known environmental intrusion identified in the attached reports and given the uncertainty of the presence of additional contamination in the light of the projects historical uses, it is imperative that additional investigation be conducted to characterize the full extent of environmental impacts. The extent of contamination and thus remediation costs, are unknown, and will most likely significantly add to, the capital expenditures the Applicant plans to undertake at the Site.

In conclusion, based on the foregoing (and as discussed and depicted within the BCP application), the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP because:

(A) there is a reasonable basis to believe that contamination is likely to be present on the Site; and (B) there is a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development or re-use of the Site.

SECTION III. CURRENT SITE OWNER/OPERATOR INFORMATION

Owners- A&A Metal, Inc. was the last owner of the Site. A&A manufactured large metal tanks and industrial smokestacks. A&A ceased operations at the Site in 2001. After A&A ceased operations, the property was marketed for sale and A&A leased a portion of the site for a six-month period to a company named Bion, a manufacturer of manure-based organic soil sold under the label BionSoil. Bion ceased operations on the Site after its lease expired. A&A ceased payment of property taxes in 2002. In 2006, Wyoming County moved the Property off of the active tax rolls, thereby deeming taxes non-collectable and removing the County's tax obligations with regard to the Site to the local taxing jurisdictions.

WCBC Washington, LLC (WCBC) took by assignment a certain mortgage made by A&A Metal Fabricating, Inc., to Petrex, Inc., effective on December 16, 2008, and recorded on February 4, 2009. WCBC Washington LLC is a special purpose entity whose sole member is the Wyoming County Business Center, Inc., a New York State Not-For-Profit Local Development Corporation. The Wyoming County Business Center, Inc., was created for the exclusive purposes of relieving and reducing unemployment, promoting employment, bettering job opportunities, and lessening the burdens of government. The Wyoming County Business Center, Inc., mission, which its purposes will achieve, includes promoting economic development initiatives in Wyoming County, New York by undertaking real estate development and management and other community-based economic development activities. WCBC Washington, LLC, was created in contemplation of taking title to the real property that is the subject of this Brownfield Cleanup Program Application. It has taken by assignment the mortgage, and has accessed the site to exercise its rights of inspection as permitted by the mortgage. Upon acceptance into the Brownfield Cleanup Program, it is contemplated that it may initiate a foreclosure to take title to the real property to implement remediation and redevelopment activities. A copy of the Assignment of Mortgage is enclosed.

Operators- The Project Site is currently idle and abandoned. The Wyoming County Business Center Washington LLC seeks to undertake a cooperative redevelopment effort in conjunction with the County of Wyoming and the Wyoming County Industrial Development Agency (WCIDA) whereby the WCBC would acquire a right to quiet title to the Site via the County's existing tax lien, undertake investigation and marketing of the Site to prospective tenants, and upon completion of Site investigation and identification of tenants, WCBC and WCIDA would provide long-term lease and/or purchase options in conjunction with other available incentives (the contemplated ARE Tech Center Project is further discussed below). Demolition of five of the six on-site buildings and rehabilitation of the remaining building is the requisite first step in accomplishing the WCBC's plan for the ARE Tech Center Project.

SECTION VI. PROJECT DESCRIPTION

Opportunity

The restoration of the former A&A Metals industrial site is a unique opportunity to transform a blighted brownfield, vacant field and liability into a critically important community asset. The property is currently off the tax rolls and has fallen into a state complete disrepair. Control of the Site has been reestablished and eventual ownership of the property will be accomplished through the auspices of the WCBC and the WCIDA.

Vision

The vision for the Project Site is to create a multi-parcel technology, business park and incubator that fosters living wage job growth and acts as a sustainable commercial/industrial anchor for the Town and Village of Perry, Wyoming County and the Western New York/Genesee Valley region. The goal is to add to the diversity of industry types in the County by providing 77,500 square feet of advanced, shovel-ready business and light industrial space that leverages the County's investment and leadership in the fields of wind energy, anaerobic digestion and potential for bio-mass and bio-fuel production and solar energy conversion.

The WCBC is proposing the creation of the ***ARE Tech Center*** (the Alternative & Renewable Energy Technology Center). This new facility will take advantage of Wyoming County's central location in the emergent renewable "green energy" initiatives heavily promoted by both New York State and Federal policy and programs. Situated mid-way between the Buffalo-Niagara and Greater Rochester metropolitan regions and with ties to both the Buffalo-Niagara and Greater Rochester Enterprise groups, the WCBC is aggressively marketing the County's prime location to a variety of companies at the forefront of the "Renewable/Green" industry. National and international recruitment is being pursued in conjunction with the WCBC's marketing effort. The ***ARE Tech Center*** will offer green technology leaders an opportunity to establish office, research, manufacturing and warehouse space in the heart of their active facilities.

Proximity to Energy Use Markets

Wyoming County is located within a 10 hour drive of more than 135 million people, 50% of the combined U.S. and Canadian population. Fifty-five percent of U.S. and 77% of Canadian manufacturing activity also occur within the same radius. The County is situated midway between the northeastern and mid-western U.S. energy use markets and is well positioned to reach markets in both Ontario and Quebec.¹

Mileage to Major Cities: (approx. road mileage)

Albany, NY	255	Montreal, Que.	360
Baltimore, MD	325	New York, NY	320
Binghamton, NY	155	Niagara Falls, NY	65

¹ Source: Wyoming County Chamber of Commerce.

Boston, MA	420	Ottawa, Ont.	295
Buffalo, NY	40	Philadelphia, PA	310
Cincinnati, OH	460	Pittsburgh, PA	230
Chicago, IL	560	Richmond, VA	455
Cleveland, OH	220	Rochester, NY	50
Columbus, OH	355	Syracuse, NY	125
Detroit, MI	300	Toronto, Ont.	140
Hartford, CT	355	Washington, DC	350

Highways: Interchanges along the Governor Thomas E. Dewey Thruway (US I-90) can be accessed at Batavia (Exit 48, 26 mi.) and Le Roy (Exit 47, 24 mi.). Interstate 390 can be accessed at Mt. Morris (Exit 7, 12 mi.) and Geneseo (Exit 8, 21 mi.). In addition, Access to the Aurora Expressway I-400 can be reached via US Route 20A at East Aurora (34 mi.). United States Rte. 20A constitutes the major east/west roadway through Wyoming County. The County is also served by a network of New York State roads such as routes 19 & 19A, 39, 63, 77, 78, 98, 238, 246, 354, 362 and 436.

Airports

Wyoming County:

Name: Perry-Warsaw Airport

Distance: Approximately 5.5 miles

Characteristics: The airport has two runways; one 3450' long by 60' wide paved with full taxiways; and, one 1850' long grass strip. The airport has pilot activated runway lights and strobes for night and poor weather operations and provides fueling services. Installation of global positioning system (GPS) capabilities in the near future is anticipated. Currently, the airport is used by medical evacuation service providers, the National Guard, the Civil Air Patrol and a variety of private and corporate consumers. A successful airplane restoration and refinishing business and a flight maintenance business are located on the premises.

Buffalo: Buffalo Niagara International Airport

Distance: Approximately 54 miles

Carriers:

Passenger: AirTran Air Ways, American Airlines, Continental, Delta Air Lines, jetBlue Air Ways, Northwest, Southwest, United Airlines, US Airways

Cargo: Federal Express, Southwest Cargo, United Parcel Service, Worldwide Flight Services

Fixed Base: Prior Aviation

Rochester: Greater Rochester International Airport

Distance: Approximately 49 miles

Carriers:

Passenger: Air Canada, AirTran Air Ways, American Airlines, Continental Airlines, Delta Air Lines, jetBlue Air Ways, Northwest Airlines, Southwest Airlines, United Airlines, US Airways

Cargo: Federal Express, Southwest Cargo, United Parcel Service, Worldwide Flight Services

Rail: Rail service in Wyoming County is provided by The Norfolk & Southern and Rochester & Southern rail freight companies.

Water: The nearest commercial ports available to Wyoming County manufacturers are located in Buffalo on Lake Erie and Rochester on Lake Ontario. Both ports offer access to markets on the upper Great Lakes and the opportunity for worldwide transport of goods via the St. Lawrence Seaway. The 524 mile long New York State Canal System is located due north of Wyoming County and runs generally east and west from Buffalo to the Hudson River. The canal system is a commercially viable waterway that allows the passage of oversized loads to ports from the Great Lakes, Finger Lakes, Hudson River and Lake Champlain

Technology

Wind Energy

The County is currently home to four operating wind farms with 227 active turbines. An additional 78 turbines in two new wind farms are in the planning stages. Development companies, with either active or proposed facilities in Wyoming County include: Invenergy, LLC, Noble Environmental Power and Horizon Wind Energy. The Perry area is also host to a small scale wind turbine pilot program and the WCBC is discussing the potential for siting a manufacturing/assembling facility of the innovative wind generators in the County.

Anaerobic-digestion

There are presently two anaerobic bio-digesters in operation on farms in the Town of Perry (Emerling Farms and Sunny Knoll Farm), with additional two units proposed in neighboring towns (Synergy Farm in Covington and Swiss Valley Farm in Warsaw) and a multi-farm digester proposed in the Village of Perry. Wyoming County is the number one dairy producing county in New York State (the State ranks third nationally behind Wisconsin and California). Utilization of the dairy industry's by-products as feedstock for on-site and "grid ready" energy production is significant growth opportunity.

Bio-mass and Bio-fuel

Wyoming County farmland represents a major opportunity for the production of feedstock for both the bio-mass and bio-fuel sectors of the green energy industry. Fallow and underutilized croplands are available for the production of high quality crops to be used by bio-mass/bio-fuel energy producers. Farm support services are readily available, from equipment supplies and maintenance to motivated and skilled farm managers. Wyoming County's premier agricultural heritage and workforce is poised to lead the way in the green technology business sector.

Solar

According to Greater Rochester Enterprise, the region is "well poised for the next generation of thin-film solar development" which takes advantage of the expertise garnered by local world-class leaders in the fields of optics, glass, polymers and film.

Technological and Material Support

Wyoming County and the proposed **ARE Tech Center** are strategically located amid at least 18 highly regarded colleges and universities, all within a 60 mile commuting distance. Significantly, world-class advancements in research and development and engineering in the fields of green technology are occurring at the Rochester Institute of Technology, SUNY Alfred University, SUNY University at Buffalo and the University of Rochester.

According to Buffalo-Niagara Enterprise there are over 1,600 firms in the Buffalo Niagara region that offer services compatible with wind energy alone. Greater Rochester Enterprise claims the region has over 1,300 firms with a rich history of precision manufacturing. The Rochester region is home to the world leader in the fields of optics (Baucsh & Lomb, Xerox), polymer and film development (Kodak, ExxonMobil Films), advanced fuel cell research (General Motors, Delphi) and high performance glass (Corning).

Highly Qualified and Motivated Workforce

Wyoming County people make high quality employees. With an unparalleled work ethic, great attitude, low turnover rates, and low absenteeism, our employees are highly skilled, educated, and enthusiastic about their jobs.

The recently retired president of Prestolite Electric, Mike Lea, compared the productivity of the workforce of their Wyoming County facility to that of their other facilities in the U.S. and overseas and discovered “my employees in Wyoming County produced 15-18% more than our manufacturing plants in other locales.”

ARE Tech Center Property

Current Conditions

The 17.58-acre property, situated adjacent to the southern side of the Silver Lake Outlet is comprised of a vacant, dilapidated post-industrial brownfield and undeveloped fallow field and woodlands. Demolition of five of the six on-site buildings and rehabilitation of the remaining building is requisite first step in accomplishing the Business Center’s plan for the **ARE Tech Center** project. Phase I and II Environmental studies have been completed for the site leading to submission of this brownfield clean-up grant application.

Zoning

The **ARE Tech Center** property is located within Wyoming County Empire Zone Development Zone #4 and is zoned C-2 Commercial in the Village of Perry and LD Lake District in the Town of Perry. The property is also located in a Hub Zone with close proximity to a Foreign Trade Zone located in both Rochester and Buffalo.

On-site Infrastructure

The Project Site is currently served by the following utilities:

Public Water and Sewer

The Village of Perry provides both municipal water and sewer service to the proposed **ARE Tech Center** property.

Electric

Electric service is provided by New York State Gas and Electric (NYSEG), which has a 12.5 kVa 3 phase line serving the site. The closest NYSEG substation is less than one mile from the property.

Natural Gas

NYSEG also provides natural gas to the site via a 2 inch, 60 psi line.

Telecommunications

Telecommunication service at the proposed **ARE Tech Center** is provided by Frontier Communication Corporation. The site has digital and broadband capacity via aerial fiber and twisted copper pair lines. The nearest remote central office is less than two miles from the site.

Transportation/Access

Truck and automobile access to the proposed **ARE Tech Center** is via Washington Boulevard and NYS Route 39 which is 0.3 miles east of the site. An easement along the southwest portion of the property will provide a second vehicular entrance to the property off Washington Boulevard. Eventual plans include a third entryway from Walker Road on the western end of the site.

In sum, it is anticipated that the proposed remediation and redevelopment of almost 18 acres of underutilized, abandoned and environmentally compromised property located at the former A&A Metal Site will assist Wyoming County in positioning itself as a leader in the alternative/renewable energy sector, while attracting five manufacturing/assembly operations with employment expectations of 5-10 employees for each business, with anticipation of doubling employment within a decade.

Conceptual Schedule

Task	Duration (Days)	Start Date	End Date
Acceptance of BCP Application	1	May 1, 2010	May 1, 2010
Public Notice of ENB / newspaper	30	May 5, 2010	June 7, 2010
Preparation of Brownfield Cleanup Agreement	30	June 7, 2010	June 21, 2010
Citizen Participation Plans	20	June 21, 2010	July 13, 2010
Submittal of a Draft Remedial Investigation (RI) Work Plan	45	June 21, 2010	August 12, 2010
NYSDEC RI Work Plan Review	45	August 12, 2010	September 27, 2010
Implement RI	90	October 4, 2010	January 3, 2011
Develop RI Report	60	January 3, 2011	March 7, 2011
Public Comment / NYSDEC Review	45	March 7, 2011	April 22, 2011
Final NYSDEC Review / Initiate Site Redevelopment	15	April 22, 2010	May 9, 2011

SECTION VII. PROPERTY'S ENVIRONMENTAL HISTORY

6. Owners: The Requestor is not related to any prior site owner. Former site owners and the current owner are listed below in chronologic order.

- Silver Lake Realty Corporation
- New York Central Electric
- Kaustine Company, Inc
- Village of Perry
- County of Wyoming
- Kaustine Furnace & Tank Corporation
- Perry Overseas Veterans Incorporated
- A&A Metal Fabricating (A &A Metal Fabricating was dissolved by proclamation on September 25, 2002)

7. Operators: The Requestor is not related to any prior site operator. Former site operators are listed below in chronologic order.

- New York Central Electric
- Kaustine Company, Inc.
- Kaustine Furnace & Tank Corporation
- A&A Metal Fabricating (A &A Metal Fabricating was dissolved by proclamation on September 25, 2002)
- Petrex, Inc., 2349 Dorcon Road, Warren, PA 16365, Tel: 814.723.2050

SECTION VIII. CONTACT LIST INFORMATION

1. County, Town, Village Contact Information

- a. County Contact Information
Wyoming County
A. Douglas Berwanger - Board Chairman
143 N. Main St.
Warsaw, New York 14569
- b. Town Contact Information
Town Of Perry
James R. Brick - Supervisor
22 S. Main Street
Perry, NY 14530
- c. Village Contact Information
Village of Perry
Terry Murphy – Administrator
46 N. Main Street

Perry, NY 14530

2. Residents, Owners and Occupants of Property and Adjacent Property

a. Project Property

A & A Metal Fabricating Inc.
90 Washington Boulevard
Perry, New York 14530

b. Proposed Property Owner

WCBC Washington, LLC
6470 Route 20A
Perry, New York 14530

c. Adjacent Property

Address	Owner	Parcel Number
68 Federal Street, Perry, NY 14530	Michael Cicero	100.10-2-2
72 Federal Street, Perry, NY 14530	Roy Griswold	100.10-2-3
78 Federal Street, Perry, NY 14530	Susan Swanson	100.10-2-4
82-84 Federal Street, Perry, NY 14530	Burt Family Realty Co	100.10-2-5
86-90 Federal Street, Perry, NY 14530	Burt Family Realty Co	100.10-2-6
Washington Boulevard, Perry NY 14530	Overseas Veterans	100.10-2-8
59-62 Washington Boulevard, Perry, NY 14530	Perry Overseas Veterans	100.10-2-9
63 Washington Boulevard, Perry, NY 14530	Elmer Billings Jr.	100.10-2-10
67-69 Stanley Street, Perry, NY 14530	Louis Fulgoni	100.10-2-11
71 Stanley Street, Perry, NY 14530	Robert E. Hayes	100.10-2-12
70-81 Washington Boulevard, Perry, NY 14530	Helen Ross (McClelland)	100.10-2-13
Lake View Drive, PO Box 238, Perry, NY 14530	Silver Lake Sportsmens Club	100.10-2-14
Lake Road, 7453 Route 39, Perry, NY 1530	Joseph M Vanremmen	100.6-1-1.1
Silver Lake Road, Perry,	Patrick S. Dunn	100.6-1-1.2

NY 14530 (Mail 104 Delray Ave, West Seneca, NY 14224)		
Silver Lake Road, Perry, NY 14530 (Mail 104 Delray Ave, West Seneca, NY 14224)	Patrick S. Dunn	100.6-1-1.3
Silver Lake Road, Perry, NY 14530	Town of Perry	100.6-1-2
Lake View Drive, PO Box 238, Perry, NY 14530	Silver Lake Sportsmans Club	100.10-1-41

3. *Local Media*

- a. Democrat and Chronicle
55 Exchange Blvd.
Rochester, NY 14614
- b. Batavia Daily
2 Apollo Drive
Batavia, NY 14020

4. *Public Water Supplier*

Village of Perry
46 N. Main Street
Perry, NY 14530

5. *Any person who has requested to be on the contact list*

None

6. *The administrator of any school or day care facility located on or near property*

No schools or daycare facilities are located near the property

7. *The location of a document repository for the project*

Perry Village Hall
46 N. Main Street
Perry, NY 14530

See **Exhibit F – Repository Letter**

SECTION IX. LAND USE FACTORS

Item 2. Is Proposed Use Consistent with Applicable Zoning Laws/Maps?

See **Exhibit D, Appendix C.**

Item 4. Environmental Justice Concerns

The Site is not identified as having potential Environmental Justice on the NYSDEC Wyoming County showing census block groups that qualify as Potential Environmental Justice Areas under NYSDEC criteria located at:

www.dec.ny.gov/docs/permits_ej_operations_pdf/wyomingco.pdf

See also **Exhibit D, Appendix C.**

Item 8: Cultural Resources

According to the NY State Historic Preservation Office GIS-Public Access site (<http://www.oprhp.state.ny.us/nr/main.asp>), the Site is located within an archeo-sensitive area. In addition, the Site is located within the vicinity of a designated historical site, as detailed in the following table.

Historic Site ID	Historic Site Name
05NR05594	First Methodist Episcopal Church of Perry

See also **Exhibit D, Appendix C** with a map prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The map shows that the Site is located within an archeological sensitive area. The map also shows historic site ID 05NR05594, located to the northeast of the Site within the Village of Perry.

Item 9: Natural Resources

See **Exhibit D, Appendix C.** According to the New York State Department of Environmental Conservation online Environmental Resource Mapper Application, the Site is within a half mile of Silver Lake Outlet, state regulated freshwater wetlands, and an area containing rare plants or rare animals. **Exhibit D, Appendix C** contains a map of the Site showing the location of these resources.

Item 10. Floodplains

See **Exhibit D, Appendix C.** According to the Federal Emergency Management Agency's Flood Insurance Rate Maps for the Town of Perry (Community Number 360946B) and the Village of Perry (Community Number 361025B), the Project is located within a half mile of a

100-year floodplain. **Exhibit D, Appendix C** contains maps of the area showing the location of the 100-year flood plain.

Item 12. Proximity to residential, urban, commercial, industrial, agricultural and recreational areas

The Project Site has been abandoned by former owner A & A Metals and was previously used to manufacture large metal tanks and industrial smoke stacks. The current zoning of the Site is C-2: Commercial General Business.

The property immediately adjacent to the east of the Site consists of four residential properties. This area is currently zoned as an R-2 Zone: Residential Two Family. Residential properties also exist to the south of Washington Boulevard, approximately 200 feet from the Site.

Property immediately adjacent to the west of the Site is owned by Silver Lake Sportsman Club and currently is zoned as L-D: Lake Development Special. This property borders Silver Lake and is considered a recreational and tourist area. Perry is also approximately 4 miles from Letchworth State Park, also a tourist and recreational destination.

Property immediately adjacent to the south of the Site is owned by Overseas Veterans and is listed as a commercial land use. This property contains a VFW building and parking lot.

Agricultural land use is located approximately 175 feet to the northwest of the Site. Other Industrial land is located approximately 180 feet to the northeast of the Site.

Item 13: Groundwater Vulnerability

The Project Site is in close proximity to Silver Lake Outlet. The topography of the Project Site is such that groundwater has a high potential to drain directly to the Silver Lake Outlet. Surface water infiltrating into the soil around the abandoned buildings and Project Site has a very high potential of migrating from the Site, and eventually into the Silver Lake Outlet.

During site visits, two seepage points were located to the north of the Project Site, between the Project Site and Silver Lake Outlet. These points drain directly to the Silver Lake Outlet and could possibly contain contaminants from the Project Site.

The Project Site is also in close proximity to Silver Lake. Silver Lake is on the New York State Section 303(d) List of Impaired/TMDL Waters and is also denoted as a high priority water body, scheduled for TMDL/restoration strategy development and submission for approval to USEPA within the next two years.

Item 14: Geography and Geology of the Site

The Project Site consists of approximately 17.58 acres. Overall, the Site is relatively flat, gently sloping towards the Silver Lake Outlet. A steep embankment is located on the northern side of the property line, leading to the Silver Lake Outlet. There are six abandoned buildings located on the site with debris, barrels, and manufacturing parts throughout the Site.

According to the United States Department of Agriculture – National Resources Conservation Service Online Web Soil Survey, the majority of the soils in the project area are classified as LaB - Langford Channery Silt Loam. These soils are generally found on slopes of 3 to 8% and are very deep and well drained. The parent material consists of loamy till derived from siltstone, sandstone, shale, and some limestone. Soils in this classification are in the Hydrologic Group C. Wyoming County Soil Survey information is included in **Exhibit D, Appendix C.**

Test pits were conducted on the Site. The majority of test pits contained silty clay with gravel and sand. Most of the tests pits revealed debris ranging from concrete debris, drums and barrels, car parts, brick and ash.

TABLE 1
Soil Sample Test Results
Volatiles / Semi-Volatiles

Semi-Volatile Organic Compounds							Unrestricted Use		Restricted Industrial Use	
	TP-1-3	TP-1-5	TP-1-7	TP-2-9	TP-3-3	TP-4-2	TP-4-7	Use	Use	
Acenaphthene	7,010	ND	ND	ND	ND	ND	ND	20,000	1,000,000	
Anthracene	14,300	ND	ND	ND	ND	ND	ND	100,000	1,000,000	
Benzo (a) Anthracene	24,400	ND	ND	696	ND	ND	ND	1,000	11,000	
Benzo (a) Pyrene	20,100	ND	ND	695	ND	ND	ND	1,000	1,100	
Benzo (b) fluoranthene	21,900	ND	ND	661	ND	ND	ND	1,000	11,000	
Benzo (g,h,i) perylene	11,100	ND	ND	577	ND	ND	ND	100,000	1,000,000	
Benzo (k) fluoranthene	15,300	ND	ND	606	ND	ND	ND	800	110,000	
Chrysene	25,200	ND	ND	720	ND	ND	ND	1,000	110,000	
Butylbenzylphthalate	ND	ND	ND	ND	ND	ND	ND	N/A	N/A	
Di-n-Octylphthalate	ND	ND	ND	ND	ND	ND	ND	N/A	N/A	
Bis (2-ethylhexyl) phthalate	ND	995	ND	ND	ND	ND	ND	N/A	N/A	
Dibenzofuran	ND	ND	ND	ND	ND	ND	ND	N/A	N/A	
2-Methylnaphthalene	ND	ND	ND	ND	ND	ND	ND	N/A	N/A	
Dibenz (a,h) anthracene	ND	ND	ND	ND	ND	830	ND	N/A	N/A	
Flouranthene	72,700	ND	ND	ND	ND	830	ND	330	1,100	
Fluorene	8,940	ND	ND	1,970	ND	ND	ND	100,000	1,000,000	
Indeno (1,2,3-cd) pyrene	11,000	ND	ND	ND	ND	ND	ND	30,000	1,000,000	
Naphthalene	ND	ND	ND	ND	ND	ND	ND	500	11,000	
Phenanthrene	68,200	ND	ND	ND	ND	1,830	ND	12,000	1,000,000	
Pyrene	51,000	ND	ND	1,100	ND	ND	ND	100,000	1,000,000	
		ND	ND	1,350	ND	ND	ND	100,000	1,000,000	

All other Semi-Volatile Compounds were ND

Results reported in micrograms / kilogram (parts per billion). Lab method 8270 C.

Volatile Organic Compounds							Unrestricted Use	Restricted Industrial Use
	TP-1-3	TP-1-5	TP-1-7	TP-2-9	TP-3-3	TP-4-2	TP-4-7	
cis-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	ND	250
trans-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	ND	190
Trichloroethene	ND	ND	ND	108	ND	ND	ND	470
Benzene	ND	ND	ND	ND	ND	ND	ND	60
Ethylbenzene	ND	ND	ND	ND	ND	ND	ND	1,000
Toluene	ND	ND	ND	ND	ND	ND	ND	700
m,p-Xylene	ND	ND	ND	ND	ND	ND	ND	260
o-Xylene	ND	ND	ND	ND	ND	ND	ND	260
Carbon disulfide	ND	ND	ND	ND	ND	ND	ND	N/A

Results reported in micrograms / kilogram (parts per billion). Lab Method 8260.

All other Volatile Compounds were ND

TABLE 1 (Cont)
Soil Sample Test Results
Volatiles / Semi-Volatiles

Semi-Volatile Organic Compounds				Restricted Industrial Use			
TP-5-4	TP-8	TP-9	SAND-1	BLOCK-1	BLOCK-2	BLOCK-3	Unrestricted Use
Acenaphthene	ND	ND	ND	ND	4,690	ND	20,000
Anthracene	90,100	ND	ND	ND	9,770	1,670	100,000
Benzo (a) Anthracene	294,000	866	844	1,910,000	19,400	5,950	1,000
Benzo (a) Pyrene	135,000	640	623	1,410,000	18,200	6,490	1,000
Benzo (b) fluoranthene	222,000	736	950	2,140,000	19,600	6,850	1,000
Benzo (g,h,i) perylene	ND	ND	422	952,000	12,400	5,540	100,000
Benzo (k) fluoranthene	155,000	591	461	1,040,000	14,600	5,830	800
Chrysene	383,000	902	972	2,190,000	20,300	6,610	1,000
Butylbenzylphthalate	ND	ND	ND	ND	ND	ND	N/A
Di-n-Octylphthalate	ND	ND	3,830	8,650,000	ND	ND	N/A
Bis (2-ethylhexyl) phthalate	ND	ND	1,030	2,330,000	ND	ND	N/A
Dibenzofuran	ND	ND	ND	ND	3,190	ND	N/A
2-Methylnaphthalene	ND	ND	ND	ND	ND	ND	N/A
Dibenz (a,h) anthracene	ND	ND	ND	ND	ND	ND	N/A
Flouranthene	693,000	2,240	631	4,890,000	4,100	1,830	330
Fluorene	ND	ND	ND	ND	51,800	14,600	100,000
Indeno (1,2,3-cd) pyrene	ND	ND	404	912,000	11,200	4,780	30,000
Naphthalene	ND	ND	ND	ND	ND	ND	500
Phenanthrene	427,000	862	882	1,990,000	41,600	7,380	12,000
Pyrene	562,000	1,700	1,350	3,050,000	40,000	11,000	100,000

Results reported in micrograms / kilogram (parts per billion). Lab method 8270 C.
All other Semi-Volatile Compounds were ND

Volatile Organic Compounds				Restricted Industrial Use			
TP-5-4	TP-8	TP-9	SAND-1	BLOCK-1	Unrestricted Use	Restricted Industrial Use	
cis-1,2-Dichloroethene	162	ND	ND	ND	250	1,000,000	
trans-1,2-Dichloroethene	29.5	ND	ND	ND	190	1,000,000	
Trichloroethene	236	ND	ND	ND	470	400,000	
Benzene	31.3	ND	ND	ND	60	89,000	
Ethylbenzene	20	ND	ND	ND	1,000	780,000	
Toluene	29.6	ND	ND	ND	700	1,000,000	
m,p-Xylene	22.1	ND	ND	ND	260	1,000,000	
o-Xylene	17.9	ND	ND	ND	260	1,000,000	
Carbon disulfide	16.5	ND	ND	ND	N/A	N/A	

Results reported in micrograms / kilogram (parts per billion). Lab Method 8260.
All other Volatile Compounds were ND

TABLE 2
Soil Sample Test Results
Metals / PCB's

RCRA Metals Results														Unrestricted Use		Restricted Industrial Use	
	TP-1-3	TP-1-5	TP-1-7	TP-2-9	TP-3-3	TP-4-2	TP-4-7	TP-5-4	TP-8	TP-9	SAND-1						
Arsenic	29.6	2.06	2.45	15	13.2	13.4	8.57	ND	11.4	10.2	3.53	13	16				
Barium	95.5	123	14	4280	92.7	97.2	33.6	802	114	95	193	350	10,000				
Cadmium	ND	ND	ND	12.7	ND	ND	ND	3.15	ND	ND	ND	2.5	60				
Chromium (trivalent)	240	2730	177	2820	15.7	23.1	12	3480	24	102	36	30	6,800				
Lead	369	176	1.31	4770	110	58.5	16.5	1560	40.4	73.5	22.3	63	3,900				
Mercury	0.558	0.0789	0.282	0.591	0.0806	0.0528	0.0246	0.102	0.0362	0.224	0.0083	0.18	5.7				
Selenium	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	3.9	6,800				
Silver	ND	ND	ND	17.7	ND	ND	ND	7.4	ND	1.54	ND	2	6,800				
Results reported in milligrams / kilogram (parts per million). Lab Method 6010 / 7410																	

Results reported in milligrams / kilogram (parts per million). Lab Method 6010 / 7410

PCB Results

	TRAN-1	TRAN-2
Arochlor 1016	ND	ND
Arochlor 1221	ND	ND
Arochlor 1232	ND	ND
Arochlor 1242	ND	ND
Arochlor 1248	ND	ND
Arochlor 1254	ND	ND
Arochlor 1260	ND	ND

Results reported in milligrams / kilogram (parts per million). Lab method 8082.

TABLE 3
Water Sample Test Results
Metals / Volatile Organics

RCRA Metals Results

	Water -1	Water-2	Water-3
Arsenic	<0.005	0.014	0.007
Barium	0.033	0.119	0.106
Cadmium	<0.005	<0.005	<0.005
Chromium	<0.010	0.024	0.011
Lead	<0.005	0.105	0.041
Mercury	<0.0002	<0.0002	<0.0002
Selenium	<0.005	<0.005	<0.005
Silver	<0.010	<0.010	<0.010
Metals results reported in milligrams per liter (parts per million). Lab Method 6010 / 7470			

Volatile Organics Results

Water -1	Water-2	Water-3
All Compounds were non-detect at the Method Detection Limit		
Results reported in micrograms / kilogram (parts per billion). Lab Method 8260.		

EXHIBIT C

SITE MAPPING & ALTA / ASCM LAND TITLE SURVEY

Welch & O'Donoghue

Land Surveyors, P.C.

P.O. Box 669, 8713 Rt. 237

Stafford, New York 14143

Ph. (585) 343-5334

Fax 343-5810

December 12, 2009

W09-3498S

Proposed legal description

All that tract or parcel of land situate in the Town and Village of Perry, County of Wyoming, State of New York and being part of Lots 42 and 43 of William Shepard's Subdivision of the Ogden Tract and further described as follows.

Beginning at a point on the east bounds of Washington Place (a public street), at the southwest corner of Subdivision Lot 58, as shown on a Map of Lake View Heights, filed in the Wyoming County Clerk's Office on May 18, 1915 (Liber 1 of Maps, Page 2), said point being N 00°-53'-40" W a distance of 185.00 feet from the intersection of the east bounds of Washington Place with the north bounds of Washington Boulevard (a public street), formerly know as Silver Lake Boulevard, also know as Lake Shore Boulevard; thence

- 1) N 00°-53'-40" W along the east bounds of Washington Place, a distance of 91.01 feet to the southwest corner of Subdivision Lot 22; thence
- 2) N 01°-21'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the southwest corner of Subdivision Lot 21; thence
- 3) N 09°-53'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the southwest corner of Subdivision Lot 20; thence
- 4) N 25°-20'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the northwest corner of Subdivision Lot 20 also being the northeast corner of Washington Place; thence
- 5) S 86°-36'-05" W along the north bounds of Washington Place, a distance of 108.52 feet to the northeast corner of Subdivision Lot 28; thence
- 6) S 00°-53'-40" E along the west bounds of Washington Place, a distance of 135.20 feet to the southeast corner of Subdivision Lot 41 and the north bounds of Stanley Avenue (not in use as a public street); thence
- 7) S 89°-06'-20" W along the north bounds of Stanley Avenue, a distance of 240.00 feet to its intersection with the north bounds of Lincoln Avenue (not in use as a public street); thence
- 8) N 62°-01'-10" W along the north bounds of Lincoln Avenue, a distance of 244.58 feet to its intersection with the west bounds of Highland Street (not in use as a public street); thence
- 9) N 63°-33'-45" W along the south bounds of the first described parcel in a deed to

12) Westerly parallel to and 325.0 feet southerly from the centerline of the Baltimore and Ohio Railroad, Silver Lake Branch, following a curve to the left having a radius of 507.90 feet, for an arc distance of 316.15 feet to a point, said curve has an equivalent chord bearing of N 83°-54'-20" W and distance of 311.07 feet; thence

13) S 85°-50'-59" W a distance of 535.00 feet to a point on the south bounds of the lands described in a deed to the Buffalo, Rochester and Pittsburgh Railway Company, recorded in liber 164 of deeds at page 417 and in liber 169 of deeds at page 270; thence the following four courses along the southerly bounds of the lands described in said deeds said courses being parallel to and 50.0 feet southerly from the centerline of the Baltimore and Ohio Railroad, Silver Lake Branch

14) Easterly, following a curve to the right having a radius of 1079.40 feet, for an arc distance of 104.80 feet to a point of compound curvature, said curve has an equivalent chord bearing of N 40°-37'-58" E and distance of 104.76 feet; thence

15) Easterly, following a curve to the right having a radius of 782.90 feet, for an arc distance of 963.50 feet to a point of tangency, said curve has an equivalent chord bearing of N 78°-40'-14" E and distance of 903.84 feet; thence

16) S 66°-04'-23" E a distance of 294.00 feet to a point of curvature; thence

17) Easterly, following a curve to the right having a radius of 2772.50 feet, for an arc distance of 249.40 feet to a point of tangency, said curve has an equivalent chord bearing of S 63°-29'-46" E and distance of 249.32 feet; thence

18) N 29°-04'-52" E along the easterly bounds of the lands described in said deeds, a distance of 12.90 feet to the northeast corner thereof; thence

19) S 60°-55'-08" E along the southerly bounds of the Baltimore and Ohio Railroad, Silver Lake Branch, distance of 289.37 feet to a point of curvature; thence

20) Easterly, following a curve to the left having a radius of 1502.10 feet, for an arc distance of 121.96 feet to the high water mark of Silver Lake Outlet, at the northwest corner of lands described in a deed to Kaustine Company, Inc., recorded in liber 231 of deeds at page 278; thence

21) Southeasterly along said high water mark in all of its meanderings, being the north bounds of said lands described in liber 231 of deeds at page 278 and the north bounds other lands described in a deed to Kaustine Company, Inc., recorded in liber 239 of deeds at page 98, a distance of about 403 feet to a northeast corner of the lands described in liber 239 of deeds at page 98, the two ends of this course being connected by two tie lines (S 31°-17'-25" E, 151.69 feet and S 76°-26'-39" E, 235.30 feet); thence the following five courses along the lines described in liber 239 of deeds at page 98

22) S 03°-24'-20" W a distance of 130.00 feet to a point; thence

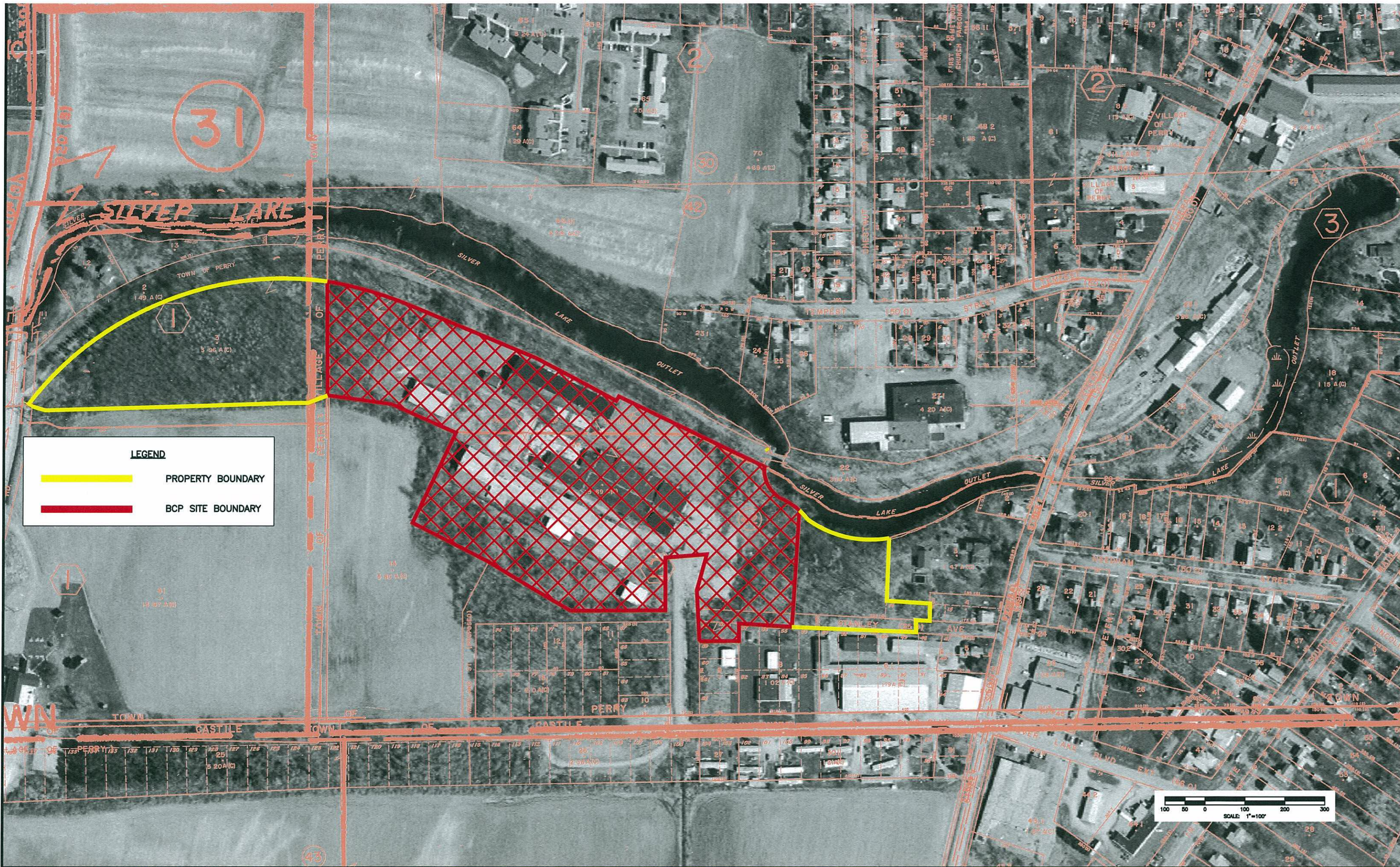
23) S 85°-22'-40" E a distance of 106.00 feet to a point; thence

24) S 03°-24'-20" W a distance of 70.90 feet to a point on the north bounds of Stanley Avenue (not in use as a public street); thence

29) S 89°-06'-20" W along the south bounds Subdivision Lot 58, a distance of 100.00 feet to the point of beginning.

Containing 17.586 acres in total, 13.818 acres in the Village of Perry and 3.768 acres in the Town of Perry.

The above-described parcel being shown on a map of a survey, prepared by Welch & O'Donoghue, Land Surveyors, P.C., dated December 12, 2009 and designated as Job No. W09-3498S.



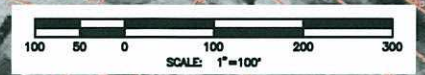
LEGEND



PROPERTY BOUNDARY



BCP SITE BOUNDARY



CLARK PATTERSON LEE
DESIGN PROFESSIONALS
188 NORTH WATER STREET
ROCHESTER, NEW YORK 14604
TEL (800) 274-9000
FAX (585) 232-5836
www.clarkpatterson.com

A&A METALS - SITE BOUNDARY

January 2010



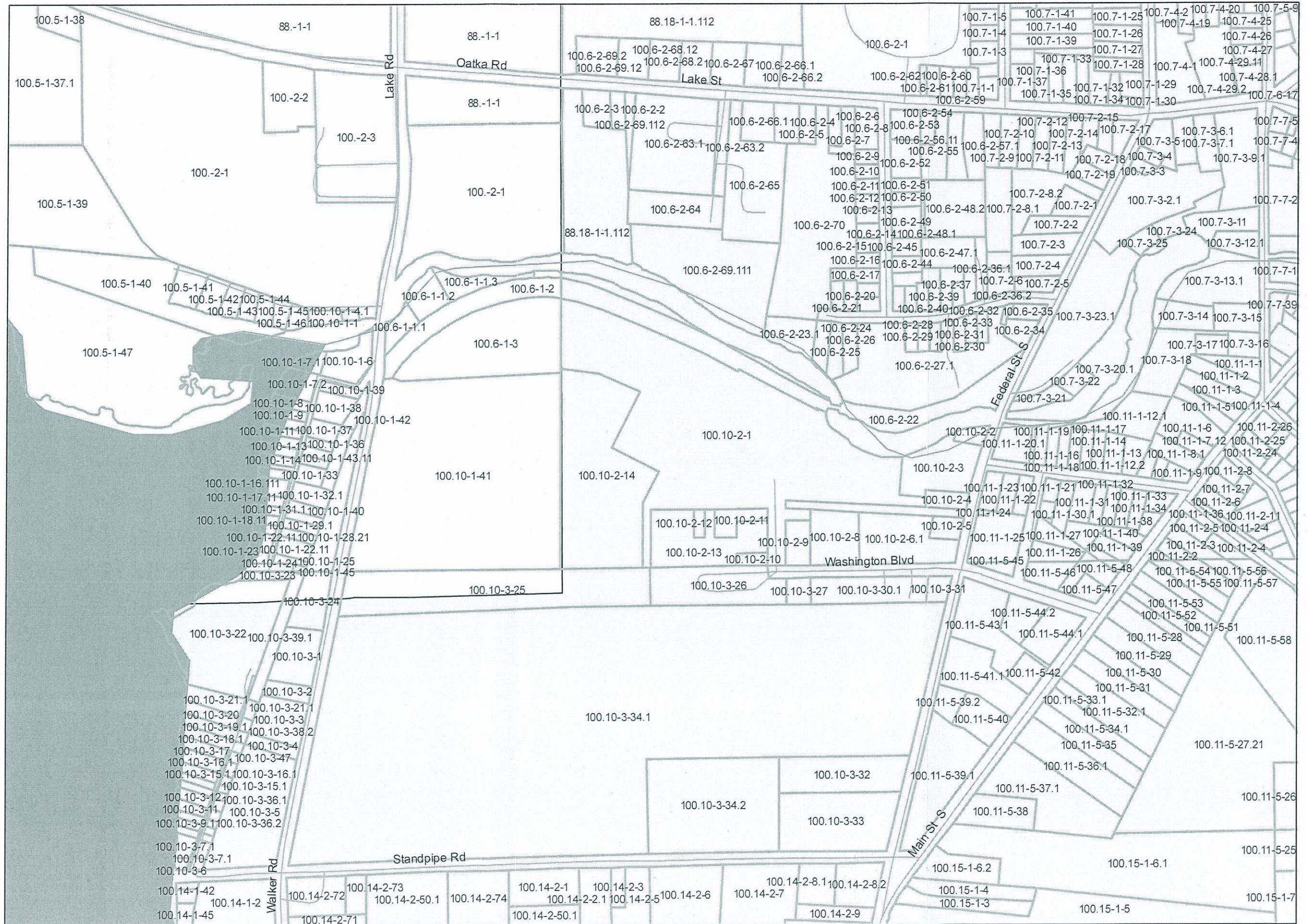
Wyoming County
New York

Legend

- Rivers
- Streets
- Parcels_PK
- Parcels
- Hydro
- City

1 inch equals 400 feet

Tax Map

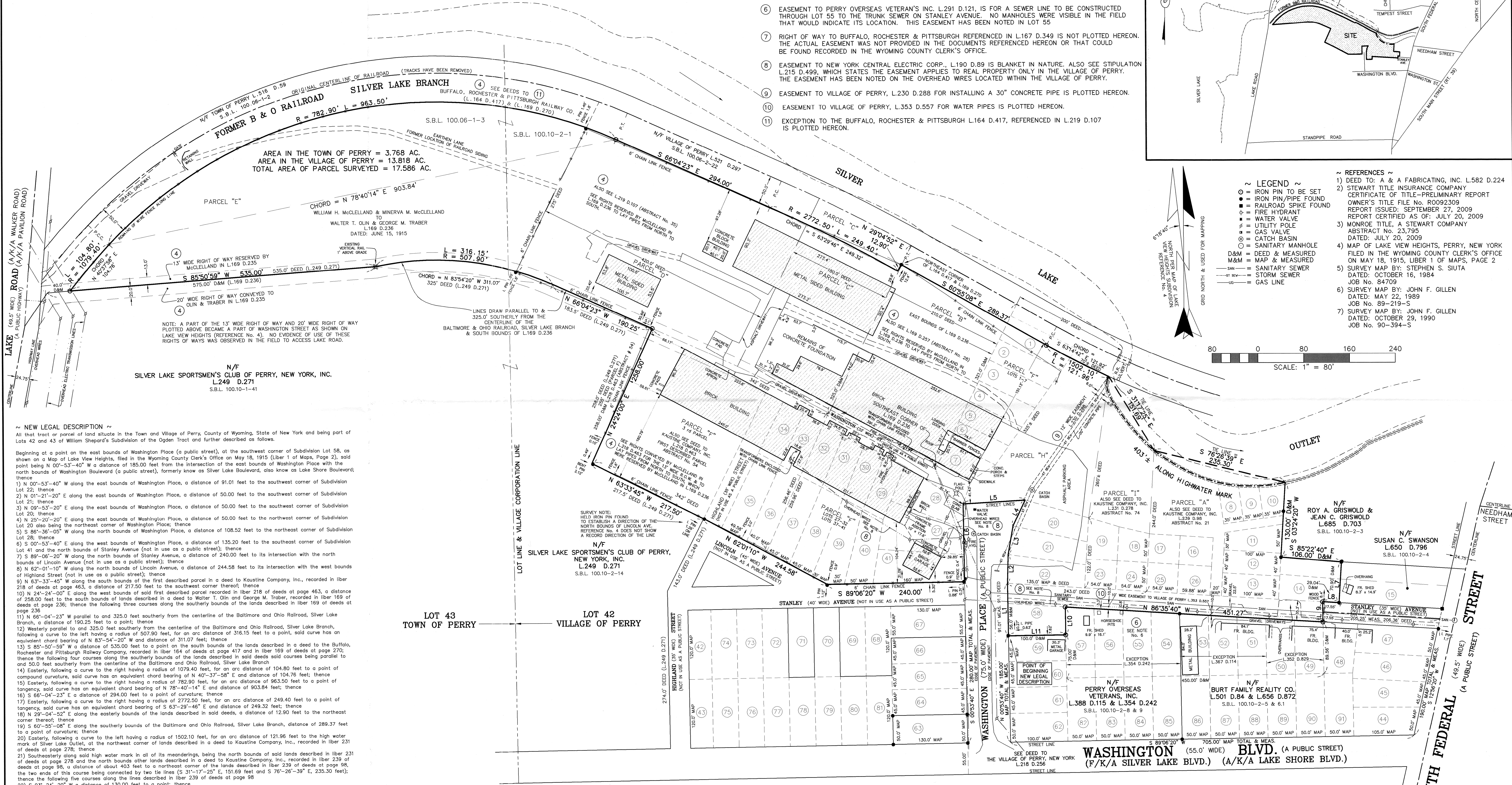


This map may contain spatial inaccuracies and should be used for planning purposes only. Regulatory boundaries, including but not limited to regulated wetlands, flood zones, and coastal erosion hazard areas, are derived from agency data and maps and are subject to field confirmation by the appropriate agency.

ALTA/ACSM LAND TITLE SURVEY

OF LAND BELONGING TO
A & A FABRICATING, INC.
AND PART OF LOTS 42 & 43 OF WILLIAM SHEPARD'S SUBDIVISION OF THE ODGEN TRACT
SITUATE IN THE

TOWN & VILLAGE OF PERRY WYOMING COUNTY, NEW YORK



~ NEW LEGAL DESCRIPTION ~
All that tract or parcel of land situate in the Town and Village of Perry, County of Wyoming, State of New York and being part of Lots 42 and 43 of William Shepard's Subdivision of the Odgen Tract, and further described as follows:

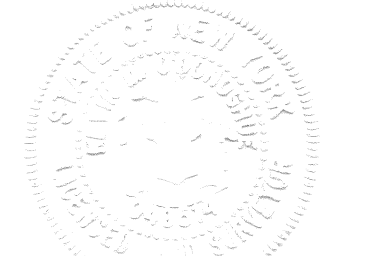
Beginning at a point on the east bounds of Washington Place (a public street), at the southwest corner of Subdivision Lot 58, as shown on a Map of Lake View Heights, filed in the Wyoming County Clerk's Office on May 18, 1915 (Liber 1 of Maps, Page 2), said point being N 00°-53'-40" W a distance of 185.00 feet from the intersection of the east bounds of Washington Place with the north bounds of Washington Boulevard (a public street), formerly known as Silver Lake Boulevard, also known as Lake Shore Boulevard; thence

- 1) N 00°-53'-40" W along the east bounds of Washington Place, a distance of 91.01 feet to the southwest corner of Subdivision Lot 22; thence
- 2) N 01°-21'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the southwest corner of Subdivision Lot 21; thence
- 3) N 09°-53'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the southwest corner of Subdivision Lot 20; thence
- 4) N 25°-20'-20" E along the east bounds of Washington Place, a distance of 50.00 feet to the northeast corner of Subdivision Lot 20 also being the northeast corner of Washington Place; thence
- 5) S 86°-36'-05" W along the north bounds of Washington Place, a distance of 108.52 feet to the northeast corner of Subdivision Lot 28; thence
- 6) S 00°-53'-40" E along the west bounds of Washington Place, a distance of 135.20 feet to the southeast corner of Subdivision Lot 41 and the north bounds of Stanley Avenue (not in use as a public street); thence
- 7) S 89°-06'-20" W along the north bounds of Stanley Avenue, a distance of 240.00 feet to its intersection with the north bounds of Lincoln Avenue (not in use as a public street); thence
- 8) N 62°-01'-10" W along the north bounds of Lincoln Avenue, a distance of 244.58 feet to its intersection with the west bounds of Highland Street (not in use as a public street); thence
- 9) N 63°-33'-45" W along the south bounds of the first described parcel in a deed to Kaustine Company, Inc., recorded in Liber 218 of deeds at page 463, a distance of 217.50 feet to the southwest corner thereof; thence
- 10) N 24°-24'-00" E along the west bounds of said first described parcel recorded in Liber 218 of deeds at page 463, a distance of 258.00 feet to the south bounds of lands described in a deed to Walter T. Olin and George M. Traber, recorded in Liber 169 of deeds at page 236; thence the following three courses along the southerly bounds of the lands described in Liber 169 of deeds at page 236
- 11) N 66°-04'-23" W parallel to and 325.0 feet southerly from the centerline of the Baltimore and Ohio Railroad, Silver Lake Branch, a distance of 190.25 feet to a point; thence
- 12) Westerly parallel to and 325.0 feet southerly from the centerline of the Baltimore and Ohio Railroad, Silver Lake Branch, following a curve to the left having a radius of 507.90 feet, for an arc distance of 316.15 feet to a point, said curve has an equivalent chord bearing of N 83°-54'-20" W and distance of 311.07 feet; thence
- 13) S 85°-50'-59" W a distance of 535.00 feet to a point on the south bounds of the lands described in a deed to the Buffalo, Rochester and Pittsburgh Railway Company, recorded in Liber 164 of deeds at page 417 and in Liber 169 of deeds at page 270; thence the following four courses along the southerly bounds of the lands described in said deeds said courses being parallel to and 50.0 feet southerly from the centerline of the Baltimore and Ohio Railroad, Silver Lake Branch
- 14) Easterly, following a curve to the right having a radius of 1073.40 feet, for an arc distance of 104.80 feet to a point of compound curvature, said curve has an equivalent chord bearing of N 40°-37'-58" E and distance of 104.76 feet; thence
- 15) Easterly, following a curve to the right having a radius of 782.90 feet, for an arc distance of 963.50 feet to a point of tangency, said curve has an equivalent chord bearing of N 78°-40'-14" E and distance of 903.84 feet; thence
- 16) S 86°-04'-23" E a distance of 294.00 feet to a point of curvature; thence
- 17) Easterly, following a curve to the right having a radius of 2772.50 feet, for an arc distance of 249.40 feet to a point of tangency, said curve has an equivalent chord bearing of S 63°-29'-46" E and distance of 249.32 feet; thence
- 18) N 29°-04'-52" E along the easterly bounds of the lands described in said deeds, a distance of 12.90 feet to the northeast corner thereof; thence
- 19) S 60°-55'-08" E along the southerly bounds of the Baltimore and Ohio Railroad, Silver Lake Branch, distance of 289.37 feet to a point of curvature; thence
- 20) Easterly, following a curve to the left having a radius of 1502.10 feet, for an arc distance of 121.96 feet to the high water mark of Silver Lake Outlet, at the northwest corner of lands described in a deed to Kaustine Company, Inc., recorded in Liber 231 of deeds at page 278; thence
- 21) Southeasterly along said high water mark in all of its meanderings, being the north bounds of said lands described in Liber 231 of deeds at page 278 and the north bounds other lands described in a deed to Kaustine Company, Inc., recorded in Liber 239 of deeds at page 38, a distance of about 403 feet to a point on the north corner of the lands described in Liber 239 of deeds at page 38, the two ends of this course being connected by two tie lines (S 31°-17'-25" E, 151.69 feet and S 76°-26'-39" E, 235.30 feet); thence the following five courses along the lines described in Liber 239 of deeds at page 38
- 22) S 03°-24'-20" W a distance of 130.00 feet to a point; thence
- 23) S 85°-22'-40" E a distance of 106.00 feet to a point; thence
- 24) S 03°-24'-20" W a distance of 70.90 feet to a point on the north bounds of Stanley Avenue (not in use as a public street); thence
- 25) N 86°-35'-40" W along the north bounds of Stanley Avenue, a distance of 29.04 feet to a point; thence
- 26) S 00°-53'-40" E a distance of 35.10 feet to a point on the south bounds of Stanley Avenue (not in use as a public street), at the northwest corner of Subdivision Lot 48; thence
- 27) N 86°-35'-40" W along the south bounds of Stanley Avenue, a distance of 451.27 feet to the northeast corner of Subdivision Lot 58; thence
- 28) S 00°-53'-40" E along the east bounds Subdivision Lot 58, a distance of 48.40 feet to the southeast corner thereof; thence
- 29) S 89°-06'-20" W along the south bounds Subdivision Lot 58, a distance of 100.00 feet to the point of beginning.

Containing 17,586 acres in total, 13,818 acres in the Village of Perry and 3,768 acres in the Town of Perry.

~ CERTIFICATION ~

TO HARRIS BEACH, PLLC;
BASED UPON CERTIFICATE OF TITLE-PRELIMINARY REPORT, OWNERS TITLE FILE No. R0092309 OF STEWART TITLE INSURANCE COMPANY BEARING REPORT CERTIFIED DATE AS OF: JULY 20, 2009 THE UNDERSIGNED CERTIFIES TO THE BEST OF HIS PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY AMERICAN LAND TITLE ASSOCIATION AND NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS IN 2005. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NEW YORK, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS STATED THEREIN.



KEVIN M. O'DONOGHUE, L.S. No. 49514
DATE OF SURVEY: NOVEMBER 6, 2009
DATE OF MAP: JANUARY 14, 2010

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

LINE TABLE	
L1 =	N 00°53'40" W 91.01'
L2 =	N 01°21'20" E 50.00'
L3 =	N 09°53'20" E 50.00'
L4 =	N 25°20'20" E 50.00'
L5 =	S 86°36'05" W 108.52'
L6 =	S 00°53'40" E 135.20'
L7 =	S 03°24'20" W 70.90'
L8 =	N 86°35'40" W 29.04'
L9 =	S 00°53'40" E 35.10'
L10 =	S 00°53'40" E 48.40'
L11 =	S 89°06'20" W 100.00'

WELCH & O'DONOGHUE
LAND SURVEYORS, P.C.
P.O. BOX 669
8713 ROUTE 237
STAFFORD, NEW YORK 14143
PH. (585) 343-5334
FAX 343-5810

JOB No. W09-3498S

ASSIGNMENT OF MORTGAGE

KNOW, that Petrex, Inc., a Pennsylvania Corporation with offices at 2349 Dorcon Road, Warren, PA, assignor(s) in consideration of One Dollar (\$1.00) paid by WCBC Washington, LLC, assignee(s), hereby assign(s) unto the assignee(s), a certain mortgage made by A&A Metal Fabricating, Inc., a New York Corporation with offices at 90 Washington Boulevard, Perry, NY given to secure payment of the sum of Three Hundred Thirteen Thousand, Six Hundred Ninety One Dollars and Ninety Six Cents (\$313,691.96) and interest, dated the 1st day of May 2002 recorded on the 24th day of May 2002, in the Office of the Clerk of the County of Wyoming in Liber 595 of Mortgages, at page 57 covering the following premises:

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York and described as Lots Nos. 1, 2, 3, 4, 5, 6 and 7 on the Lake View Heights, as per map and a survey now on file in the Wyoming County Clerk's Office, to which map and survey reference is to be had and is hereby made for a more particular description.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York, and described as being Lots Nos. 27, 28, 29, 30, 31, 32, 37, 38, 39, 40 and 41, on Lake View Heights as per a map and a survey now filed in the Wyoming County Clerk's Office to which reference is to be had and is hereby made for a more particular description.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York and described as follows:

BEGINNING at a point 16-1/2 feet north from the northwest corner of Lot No. 32 in the middle of Washington Street as shown on map of Lake View Heights thence running southerly along the west line of Lots Nos. 32 and 37; 256.46, thence westerly 342 feet; thence northerly 255 feet; thence easterly 342 feet to the place of beginning.

ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York, bounded and described as follows:

BEGINNING at an iron stake which is located at the intersection of the easterly side of Washington Place and the Northerly side of Stanley Avenue; thence running easterly along the north side of Stanley Avenue, 135 feet to an iron stake; thence north along the westerly boundary of Lot 23 and 19, as shown on a map and survey of Lake View Heights, 122 feet to an iron stake; thence north 5" 55' east, approximately 260 feet to the southerly boundary of lands owned by the Baltimore and Ohio Railroad; thence westerly along the southerly boundary of the Baltimore and Ohio Railroad, about 70 feet to the northeast corner of lands now owned by the Kaustine Company, Inc., which point is also the northeast corner of Lot No. 2; thence southerly running along the easterly boundary of said Kaustine Company, Inc., lands and continuing to Washington Street to the southerly boundary of Washington Place about 325 feet; thence running easterly

along the end of Washington Street to the northeast corner of Washington Place; running thence southerly along the easterly boundary of Washington Place to the place of Beginning.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Perry, County of Wyoming and State of New York, beginning on the S.E. corner of premises now owned by the Kaustine Company, Inc., which point is also the S.E. corner of Lot #22 on a map and survey of Lake View Heights; thence easterly along the north side of Stanley Avenue 108 ft. to an iron stake; thence northerly along the western boundary, of Lot #17 and 25 according to said map and survey 100' to an iron stake on the north west corner of said Lot #17, and thence continuing in a straight line to the high water mark of Silver Lake Outlet; thence north westerly along said High water mark to the aforesaid premise now owned by the Kaustine Co., Inc.; thence southerly along the easterly line of said Kaustine Co. lands, to the point of Beginning.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Perry, County of Wyoming and State of New York, beginning in the center of Stanley Avenue north 90 degrees 17' west 206.36 feet from its intersection with the westerly line of Federal Street; thence south 5 degrees 25' west, 17.55 feet to the northwest corner of Lot No. 48; thence south 5 degrees 25' west 89.56 feet to the southwest corner of; said Lot. No. 48; thence north 84 degrees 35' west along the southerly line of Lots Nos. 49 to 57 inclusive, a distance of 450.0 feet; thence north 5 degrees 25' east on the westerly line of said Lot No. 57, a distance of 75 feet to the southeast corner of Lot No. 58; thence north 84 degrees 35' west on the southerly line of said Lot No. 58 a distance of 100.0 feet to the easterly line of Washington Place; thence north 5 degrees 25' east on the easterly line of Washington Place a distance of 91.10 feet to the southwest corner of Lot No. 22; thence south 80 degrees 17' east on the northerly line of Stanley Avenue a distance of 243.0 feet to the southwest corner of Lot No. 24; thence north 9 degrees 43' east on the easterly line of Lots No. 24 & 18 and on said line continued at a distance of 244.0 feet to Silver Lake Outlet at Highwater Mark; thence southerly and easterly along the Highwater mark of said Silver Lake Outlet to the northeast corner of Lot No. 10; thence, south 09 degrees 43' west along the easterly line of Lots Nos. 10; 11 and part of Lot 12 a distance of about 130.0 feet to the northwest corner of lands conveyed to McClelland by Toan by deed recorded in the Wyoming County Clerk's Office July 8, 1922, in Liber 183 of Deeds, page 117; thence south 79 degrees 04' east on the north line of said parcel a distance of 106.0 feet; thence south 09 degrees 43' west a distance of 70.9 feet to the north line of said Stanley Avenue; thence north 80 degrees 17' west on the north boundary of said Stanley Avenue a distance of 29.04 feet; thence south 05 degrees 25' west a distance of 17.35' to the point of Beginning.

EXCEPTING AND RESERVING from the above described premises, All that Tract or Parcel of Land, situate in the Village and of Town Perry, County of Wyoming and State of New York, being Lots Nos. 49 and 50, which lots are more particularly described on a map and survey entitled Lakeview Heights, filed in the Wyoming County Clerk's Office on May 18, 1915 in Liber 1 of Maps at page 2.

ALSO EXCEPTING AND RESERVING All that Tract or Parcel of Land, situate in the Town and Village of Perry, County of Wyoming and State of New York, described as being Lots.

Nos. 54, 55, 56 and 57, which lots are more particularly described in a map and survey entitled "Lake View Heights" filed in Wyoming County Clerk's office on May 18, 1915, in Liber 1 of Maps. at Page 2.

ALSO EXCEPTING AND RESERVING All that Tract or Parcel of Land situate in the Town and Village of Perry, County of Wyoming and State of New York, described as being Lots Nos. 51, 52 and 53 on Lake View Heights as per a map and a survey on file in the Wyoming County Clerk's office, to which map and survey reference is to be had and is hereby made for a more particular description.

PARCEL C

Parcel 1, ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of New York, bounded ad described as follows:

BEGINNING at a point at the center of the railroad track, near the north boundary line of the Chester A. Carmichael farm, as it was prior to conveyance to William H. McClelland and 200 feet west of the west end of the concrete railroad culvert crossing the Silver Lake Outlet near the factory of the Tempest Knitting Co.; running thence southerly on a line perpendicular to the north boundary line of said farm a distance of 321 feet; thence running westerly 210 feet in a straight line to a point 325 feet southerly from the center of said railroad track, (which southerly point is at the south end of a straight line, drawn parallel to the course first above described); thence running northerly on a line parallel to and at all points 210 feet distance from the course first above described, a distance of 325 feet to the center of said railroad track; thence running easterly along the center of said railroad track to the point or place of Beginning.

Parcel 2, ALSO ALL THAT TRACT OR PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and state of New York, bounded and described as follows:

BEING all that tract or parcel of land adjoining on the west the premises denominated Parcel 1 above, as shown on a map and survey made by the Buffalo, Rochester, and Pittsburgh Railway Co., on March 33, 1915, and bounded and described are follows:

Bounded on the east by west line of lands now denominated as Parcel 1; on the south by the westerly continuation of the south line of said lands denominated as Parcel 1; on the west by a line running parallel with and distant 180 feet from the west line of said lands denominated as parcel 1, on the north by the line of lands of the Buffalo, Rochester and Pittsburgh Railway.

Parcel 3, ALSO ALL THAT TRACT OR. PARCEL OF LAND, situate in the Village and Town of Perry, County of Wyoming and State of Now York, bounded and described as follows:

BEGINNING at a point on the extension of the north line of lands hereinabove before described as Parcel 1, and distance from the west side of said lands 180 feet, as shown on a map and survey made by the Buffalo, Rochester and Pittsburgh Railway Company on March 13, 1915; thence southerly along the west line of lands hereinbefore above described as Parcel 2, as shown on the map aforesaid, on the line parallel to the west line of lands hereinbefore above described as Parcel 1, and at all times distant 180 feet therefrom a distance of 288.5 feet; thence westerly on a curve drawn parallel with the tracks of the Baltimore And Ohio railroad, Silver Lake Branch, and at all times distance therefore 325 feet, a distance of 420 feet; thence northerly on a line drawn parallel to the west line of premises hereinbefore above described as parcel 1 at all times distant 600 feet from said line, shown on said map, a distance of 275 feet to the extension of the northerly line of lands hereinbefore above described as Parcel 1, extended 600 feet; thence easterly along said extended line a distance of 420 feet to the point or place of Beginning.

PARCEL D

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Perry, County of Wyoming and State of New York, bounded and described as follows:

Bounded on the north by lands of the Buffalo, Rochester and Pittsburgh Railway Company; on the east by lands owned by the said Kaustine Company, Inc., on the south by lands of Mrs. William McClelland; and on the west by the highway known as the "Pavilion" Road containing in all about one and one half acres of land, and being a part of the premise heretofore conveyed by William M. McClelland and Minerva M. McClelland, his wife; to Walter T. Olin and George M. Traber by Warranty Deed dated June 15th, 1915 and recorded in the Wyoming County Clerk's Office, September 27th, 1915, in Liber 169 of Deeds,

EXCEPTING HEREFROM any part, partial, or premises conveyed out of any of the said partical or portions of land described in any part of this Mortgage by the Mortgagor prior to date hereof, being May 1, 2002.

together with the bond or obligation described in said mortgage, and the moneys due and to grow due thereon with the interest,

To have and to hold the same unto the assignee(s), and to the successors, legal representatives and assigns of the assignee(s) forever.

[Remainder of Page Blank]

IN WITNESS WHEREOF, the assignor(s) has/have hereunto set his/her/their hand(s) and seal(s) this 16th day of December, Two Thousand Eight.

PETREX, INC.
Petrex Inc.

By: James H. McBride
Title: PRESIDENT

STATE OF NEW YORK)
COUNTY OF) ss.:

On the 16th day of December, in the year 2008, before me the undersigned, personally appeared James H. McBride, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mark M. Ristau, Notary Public
City Of Warren, Warren County
My Commission Expires Dec. 7, 2009
Member, Pennsylvania Association of Notaries

EXHIBIT F
REPOSITORY LETTER

VILLAGE OF PERRY

46 North Main Street

Perry, NY 14530

Phone: 585-237-2216

Fax: 585-237-5975

TDD: 1-800-662-1220

www.villageofperry.com

MAYOR

Howard C. Wood

ADMINISTRATOR-TREASURER

Terrence J. Murphy

TRUSTEES

J. Richard Barth

David J. Davis

Michael Laraby

Mandi Harvey

VILLAGE CLERK

Gail I. Vosburg

March 15, 2010

New York State DEC

Attn: Sara Heigel, Site Control Section

Bureau of Technical Support – 11th Floor

625 Broadway

Albany, New York 12233-7020

RE: Brownfield Cleanup Application
A & A Metal Fabricating Inc.
BCP ID # C961011

Dear Ms. Heigel:

This letter is to serve as acknowledgement that the Village of Perry Village Hall located at 46 North Main Street, Perry, New York 14530, will serve as the document repository for the documents associated with the above referenced project. Documents will be available at the Village Hall for review during normal business hours.

Sincerely,



Howard C. Wood
Village Mayor

NEG/gv