

**Xylem Heat Transfer**

175 Standard Parkway, Cheektowaga, NY 14227  
Tel +1.716.897.2800 Fax +1.716.897.1777

May 2, 2012

New York State Department of Environmental Conservation  
Division of Solid and Hazardous Materials  
270 Michigan Avenue  
Buffalo, New York 14203

**RE: Periodic Review Report – March 28, 2011 to March 28, 2012  
Xylem Heat Transfer Facility  
175 Standard Parkway, Cheektowaga, NY**

Dear Mr. Szymanski:

Xylem Heat Transfer (Xylem) has prepared this Periodic Review Report (PRR) to document compliance with the site management requirements for the above-referenced facility. The requirements are associated with soil impacts identified through a Voluntary Cleanup Agreement (VCA-Site No. V00329), which activities were performed in support of receiving a letter of Assignable Release and Covenant Not to Sue from the New York State Department of Environmental Conservation (NYSDEC), dated June 8, 2005.

This PRR certifies that all covenants and restrictions set forth in the above letter remain in effect.

Since the last PRR was completed, a change in the ownership of the company has occurred and ITT Heat Transfer is now Fluid Handling, LLC. (doing business as Xylem Heat Transfer). Additionally, there has been a change in facility management as noted below.

Thomas Reid, Director  
716.862.4002

Matthew Kandefer, CHMM  
EHS Manager  
716.862.4013

## **1.0 BACKGROUND**

The site is an active industrial property currently owned by Fluid Handling, LLC. The facility consists of two buildings totaling 184,778 square feet on approximately 24 acres of property. The site is boarded to the south and west primarily by residential properties. The land to the east is owned by Niagara Mohawk Power Co., and is traversed by unpaved service roads. The land adjacent to the north is owned by the

Town of Cheektowaga. A railroad owned and operated by Consolidated Rail Corp. is located adjacent to the northernmost service road.

The Xylem facility has been occupied by Fluid Handling LLC. since November 2011. The Xylem (Fluid Handling LLC.) business was spun off from ITT Standard (ITT) in 2011, but facility operations did not change as a result of the changeover. ITT owned and operated the site from 1986 until 2011. Prior to ITT's occupancy, the site was owned by American Standard, the precursor company to ITT Standard. American Standard occupied the site from 1966 to 1986. From 1947 to 1966, U.S. Rubber Reclaiming Co., Inc., a tire recycling facility, operated at the site. Prior to the construction of the facility in 1947, the land was undeveloped.

The site has been characterized during several previous investigations performed from approximately 1997 to 2003, which have been documented and submitted to the NYSDEC.

## **2.0 COVENANTS AND RESTRICTIONS**

As described above, the activities under the VCA were performed in support of receiving a letter of Assignable Release and Covenant Not to Sue from the NYSDEC. The letter references required deed restrictions, which are specified in the Declaration of Covenants and Restrictions, dated November 30<sup>th</sup>, 2004, and which are presented below.

- First, the property subject to the Declaration of Covenants and Restrictions is described in Appendix "A" and made a part hereof.
- Second, unless prior written approval by the Department or, if the department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "The Relevant Agency", is first obtained, there shall be no disturbance of soils or excavation of the Property, which results in unacceptable human exposure to contaminated soils. Any disturbance of soils or excavation of the Property that is in conformance with a Soil Management Contingency Plan prepared by the owner of the Property and approved, in writing, by the Relevant Agency shall not be deemed to result in unacceptable human exposure to contaminated soils.
- Third, the owner of the Property shall prohibit the Property from ever being used for purposes other than for industrial use without the express written waiver of such prohibition by the Relevant Agency.
- Fourth, the owner of the Property shall prohibit the use of the groundwater underlying the Property, without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.
- Fifth, the owner of the Property shall continue in full force and effect any institutional and engineering controls required under the Agreement and maintain such controls unless the owner first obtains permission to discontinue such controls from the Relevant Agency. The owner of the Property shall certify annually, by the tenth day of April, commencing April 2005, to the Relevant Agency, that all covenants and restrictions set forth in this Declaration are in place or have been complied with, and identify any excavation activities undertaken during the past year.
- Sixth, any soil generated during the excavations from the area defined as "APC-10" on the attached Appendix B Will be tested and analyzed by an approved laboratory from the New York



State Environmental Laboratory Approval Program (ELAP). If the sample result exceed guidance values listed in either the Department's Technical, Administrative Guidance Memorandum (TAGM) HWR-94-4046 (Revised) of the Department's STARS Memo #1 (Petroleum Contaminated Soil Guidance Policy), the owner of the Property will remediate or properly dispose of the excavated material.

- Seventh, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner and its successors and assigns consent to enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph X of the of the Agreement require to be recorded, and hereby covenant no to contest the authority of the Relevant Agency to seek enforcement.
- Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

To address the second restriction above, a Soil Management Contingency Plan (SMCP) dated August 2007 was prepared and submitted to and approved by the NYSDEC. The second, third, and fourth restrictions above constitute the site's Institutional Controls, which in simplified terms are:

- Soil Management Contingency Plan;
- Industrial land use restriction; and
- Groundwater use restriction.

No engineering controls were specified for the facility.

### **3.0 SOIL CONTINGENCY PLAN USE AND SITE WALKTHROUGH**

Xylem facility representatives, Thomas Reid and Matthew Kandefer met on April 23, 2012 to review site documents and perform a site walkthrough to confirm that the institutional controls were in place. Only one soil disturbance/excavation project was performed during the reporting period with no change in industrial land use and no groundwater use at the facility.

In January 2012, Xylem contracted with Nature's Way Environmental Consultants and Contractors, Inc. to excavate and dispose of potentially contaminated soil to facilitate the installation of four concrete equipment pads as described below:

1. Dry cooler pad – 22'6" x 5' x 6"
2. Transformer equipment pad – 8'6" x 8'6" x 8"
3. Nitrogen tank equipment pad – 12' x 12' x 18"
4. Helium bottle pad – 7' x 6' x 8"

The first two excavation areas were located in Area of Potential Concern (APC)-10 and second two excavation areas were located in APC-11, as shown on the map in Attachment A.

The analytical data report for the excavated soils shows that no volatile organic compounds were detected above the detection limits. There were several semi-volatile organic compounds detected above

the Part 375 Restricted Use Soil Cleanup Objectives for industrial property including benzo (a) anthracene, benzo (a) pyrene, and benzo (b) fluoranthene. On January 24, 2012, Nature's Way excavated, transported, and disposed of 19 tons of non-hazardous soil at the Waste Management Landfill located in Chaffee, NY. The soil analytical results, non-hazardous waste manifest, and excavation map are included as Attachment A.

#### **4.0 CERTIFICATION**

Attachment B consists of the NYSDEC Institutional and Engineering Controls Certification Form. Documentation of property conveyance is included in Attachment C.

#### **5.0 CLOSURE**

If you have any questions concerning the certification presented in this PRR report, please contact me at 716.862.4002.

Sincerely,



Thomas Reid, Director

Attachments:

- Attachment A – Non-hazardous waste manifest, analytical results and area map
- Attachment B – NYSDEC Institutional and Engineering Controls Certification Form
- Attachment C – Combined Real Estate Transfer Tax Return and Quitclaim Deed

SN:mk

ATTACHMENT A  
SOIL ANALYTICAL RESULTS, NON-HAZARDOUS WASTE MANIFEST, AND MAP

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**PARADIGM**  
ENVIRONMENTAL SERVICES, INC.

## Analytical Report Cover Page

### Natures Way

For Lab Project #11-5471

Issued December 27, 2011

This report contains a total of 4 pages

The reported results relate only to the samples as they have been received by the laboratory.

Any noncompliant QC parameters having impact on the data are flagged or documented on the final report.

All soil/sludge samples have been reported on a dry weight basis, unless qualified "reported as received". Other solids are reported as received.

Each page of this document is part of a multipage report. This document may not be reproduced except in its entirety, without the prior consent of Paradigm Environmental Services, Inc.

The Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt. Sample condition requirements are defined under the 2003 NELAC Standard, sections 5.5.8.3.1 and 5.5.8.3.2.

NYSDOH ELAP does not certify for all parameters. Paradigm Environmental Services or the indicated subcontracted laboratory does hold certification for all analytes where certification is offered by ELAP unless otherwise specified.

Data qualifiers are used, when necessary, to provide additional information about the data. This information may be communicated as a flag or as text at the bottom of the report. Please refer to the following list of frequently used data flags and their meaning:

"<" = analyzed for but not detected at or above the reporting limit.

"E" = Result has been estimated, calibration limit exceeded.

"Z" = See case narrative.

"D" = Duplicate results outside QC limits. May indicate a non-homogenous matrix.

"M" = Matrix spike recoveries outside QC limits. Matrix bias indicated.

"B" = Method blank contained trace levels of analyte. Refer to included method blank report.





**Semi-Volatile Analysis Report for Soils/Solids/Sludges**

Client: Natures Way

Client Job Site: Xylem

Lab Project Number: 11-5471

Lab Sample Number: 17961

Client Job Number: N/A

Field Location: Xylem-1

Date Sampled: 12/15/2011

Field ID Number: N/A

Date Received: 12/16/2011

Sample Type: Soil

Date Analyzed: 12/22/2011

Base / Neutrals	Results in ug / Kg	Base / Neutrals	Results in ug / Kg
Acenaphthene	< 9,650	Dibenz (a,h) anthracene	< 9,650
Anthracene	< 9,650	Fluoranthene	55,000
Benzo (a) anthracene	22,500	Fluorene	< 9,650
Benzo (a) pyrene	18,500	Indeno (1,2,3-cd) pyrene	< 9,650
Benzo (b) fluoranthene	15,900	Naphthalene	< 9,650
Benzo (g,h,i) perylene	10,300	Phenanthrene	36,400
Benzo (k) fluoranthene	17,300	Pyrene	42,500
Chrysene	23,700	Acenaphthylene	< 9,650
Diethyl phthalate	< 9,650	1,2-Dichlorobenzene	< 9,650
Dimethyl phthalate	< 24,100	1,3-Dichlorobenzene	< 9,650
Butylbenzylphthalate	< 9,650	1,4-Dichlorobenzene	< 9,650
Di-n-butyl phthalate	< 9,650	1,2,4-Trichlorobenzene	< 9,650
Di-n-octylphthalate	< 9,650	Nitrobenzene	< 9,650
Bis (2-ethylhexyl) phthalate	< 9,650	2,4-Dinitrotoluene	< 9,650
2-Chloronaphthalene	< 9,650	2,6-Dinitrotoluene	< 9,650
Hexachlorobenzene	< 9,650	Bis (2-chloroethyl) ether	< 9,650
Hexachloroethane	< 9,650	Bis (2-chloroisopropyl) ether	< 9,650
Hexachlorocyclopentadiene	< 9,650	Bis (2-chloroethoxy) methane	< 9,650
Hexachlorobutadiene	< 9,650	4-Bromophenyl phenyl ether	< 9,650
N-Nitroso-di-n-propylamine	< 9,650	4-Chlorophenyl phenyl ether	< 9,650
N-Nitrosodiphenylamine	< 9,650	Benzidine	< 24,100
N-Nitrosodimethylamine	< 9,650	3,3'-Dichlorobenzidine	< 9,650
Isophorone	< 9,650	4-Chloroaniline	< 9,650
Benzyl alcohol	< 24,100	2-Nitroaniline	< 24,100
Dibenzofuran	< 9,650	3-Nitroaniline	< 24,100
2-Methylnaphthalene	< 9,650	4-Nitroaniline	< 24,100

Acids	Results in ug / Kg	Acids	Results in ug / Kg
Phenol	< 9,650	2-Methylphenol	< 9,650
2-Chlorophenol	< 9,650	3&4-Methylphenol	< 9,650
2,4-Dichlorophenol	< 9,650	2,4-Dimethylphenol	< 9,650
2,6-Dichlorophenol	< 9,650	2-Nitrophenol	< 9,650
2,4,5-Trichlorophenol	< 24,100	4-Nitrophenol	< 24,100
2,4,6-Trichlorophenol	< 9,650	2,4-Dinitrophenol	< 24,100
Pentachlorophenol	< 24,100	4,6-Dinitro-2-methylphenol	< 24,100
4-Chloro-3-methylphenol	< 9,650	Benzoic acid	< 24,100

ELAP Number 10958

Analytical Method: EPA 8270C.

Data File: S60531.D

Prep Method: EPA 3550C

Comments: ug / Kg = microgram per Kilogram

Signature: \_\_\_\_\_

**Bruce Hoogesteger: Technical Director**

This report is part of a multiple page document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

### Volatile Analysis Report for Soils/Solids/Sludges

 Client: **Natures Way**

Client Job Site: Xylem

Lab Project Number: 11-5471

Lab Sample Number: 17961

Client Job Number: N/A

Field Location: Xylem-1

Date Sampled: 12/15/2011

Field ID Number: N/A

Date Received: 12/16/2011

Sample Type: Soil

Date Analyzed: 12/23/2011

Halocarbons	Results in ug / Kg
Bromodichloromethane	< 8.82
Bromomethane	< 8.82
Bromoform	< 22.1
Carbon Tetrachloride	< 8.82
Chloroethane	< 8.82
Chloromethane	< 8.82
2-Chloroethyl vinyl Ether	< 44.1
Chloroform	< 8.82
Dibromochloromethane	< 8.82
1,1-Dichloroethane	< 8.82
1,2-Dichloroethane	< 8.82
1,1-Dichloroethene	< 8.82
cis-1,2-Dichloroethene	< 8.82
trans-1,2-Dichloroethene	< 8.82
1,2-Dichloropropane	< 8.82
cis-1,3-Dichloropropene	< 8.82
trans-1,3-Dichloropropene	< 8.82
Methylene chloride	< 22.1
1,1,2,2-Tetrachloroethane	< 8.82
Tetrachloroethene	< 8.82
1,1,1-Trichloroethane	< 8.82
1,1,2-Trichloroethane	< 8.82
Trichloroethene	< 8.82
Trichlorofluoromethane	< 8.82
Vinyl chloride	< 8.82

Aromatics	Results in ug / Kg
Benzene	< 8.82
Chlorobenzene	< 8.82
Ethylbenzene	< 8.82
Toluene	< 8.82
m,p-Xylene	< 8.82
o-Xylene	< 8.82
Styrene	< 22.1
1,2-Dichlorobenzene	< 8.82
1,3-Dichlorobenzene	< 8.82
1,4-Dichlorobenzene	< 8.82

Ketones	Results in ug / Kg
Acetone	< 44.1
2-Butanone	< 44.1
2-Hexanone	< 22.1
4-Methyl-2-pentanone	< 22.1

Miscellaneous	Results in ug / Kg
Carbon disulfide	< 8.82
Vinyl acetate	< 22.1

ELAP Number 10958

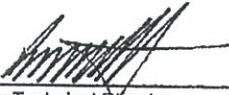
Method: EPA 8260B

Data File: V94436.D

Comments: ug / Kg = microgram per Kilogram

Surrogate outliers indicate probable matrix interference

Signature:

  
 Bruce Hoogesteger, Technical Director

This report is part of a multipage document and should only be evaluated in its entirety. Chain of Custody provides additional information, including compliance with sample condition requirements upon receipt.

115471V1.XLS



# PARADIGM ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue  
Rochester, NY 14608  
(565) 647-2530 • (800) 724-1997  
FAX: (565) 647-3311

# CHAIN OF CUSTODY

REPORT TO: **WATKINS WAY** INVOICE TO: **11-5471**

COMPANY: **3553 CRITTENDEN ROAD** ADDRESS: **STATE: NY** CLIENT PROJECT #:

CITY: **ALDEN** STATE: **NY** ZIP: **14004** CITY: **SAME** STATE: **NY** ZIP: **11-5471**

PHONE: **716-937-6927** FAX: **937-9360** PHONE: **ERH 12/20** FAX: **12/20**

ATTN: **Jerry Jones** ATTN: **AS PLS 12/20**

PROJECT NAME/SITE NAME: **XYLEM** COMMENTS: **AS PLS 12/20**

TURNAROUND TIME: (WORKING DAYS) **1 2 3 4 5** QUOTE #:

DATE	TIME	COMPOSITE	GRAM	SAMPLE LOCATION/FIELD ID	MATRIX	NUMBERS	REQUESTED ANALYSIS	REMARKS	PARADIGM LAB SAMPLE NUMBER
12/15/11	9:00	X		XYLEM-1	SUC4	2 X		JH checked on 1/19/11 listened. Will monitor X for noise unless heard differently. OK JH. EAH 12/19.	17961
2								Don hold 12/19	
3								per JH/JJ. EAH 12/19	
4								↓	
5								OH hold 12/20 per JH/JJ. EAH 12/20	
6								↓	
7								EH hold 12/20 per JH/JJ. EAH 12/20	
8								↓	
9								EH hold 12/20 per JH/JJ. EAH 12/20	
10								↓	

**\*\* LAB USE ONLY BELOW THIS LINE \*\***

Sample Condition: Per NELAC/EAP 210/241/242/243/244

Receipt Parameter	NELAC Compliance
Container Type:	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Preservation:	Y <input type="checkbox"/> N <input type="checkbox"/>
Holding Time:	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Temperature:	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>

Comments: **N/A**

Comments: **10°C.iced from temp bilc**

Sampled By: **[Signature]** Date/Time: **12/15/11 9:00** Total Cost:

Relinquished By: **[Signature]** Date/Time: **12/15/11 2:30**

Received By: **[Signature]** Date/Time: **12/15/11 2:30**

Received @ Lab By: **Elizabeth A Honck** Date/Time: **12/16/11 1547**

P.I.F.





Requested Disposal Facility: \_\_\_\_\_ Profile Number: 108426NY
Renewal for Profile Number: \_\_\_\_\_ Waste Approval Expiration Date: \_\_\_\_\_
Check here if there are multiple generating locations for this waste. Attach additional locations.

A. Waste Generator Facility Information (must reflect location of waste generation/origin)

1. Generator Name: Xylem
2. Site Address: 175 Standard Parkway
3. City/ZIP: Cheektowaga, 14227
4. State: NY
5. County: Erie
6. Contact Name/Title: Michale J. Koziel
7. Email Address: michale.koziel@xylemic.com
8. Phone: 716-862-4045
9. FAX: 716-862-4049
10. NAICS Code:
11. Generator USEPA ID #:
12. State ID# (if applicable):

B. Customer Information same as above

P. O. Number: \_\_\_\_\_

1. Customer Name: Nature's Way Environmental
2. Billing Address: 3553 Crittenden Road
3. City, State and ZIP: Alden, NY, 14004
4. Contact Name: Jerry Jones
5. Contact Email: jjones@naureswayenvironmental.com
6. Phone: 716-937-6527
7. Transporter Name: Nature's Way Environmental
8. Transporter ID # (if appl.): 9A-516
9. Transporter Address: 3553 Crittenden Road
10. City, State and ZIP: Alden, NY, 14004

C. Waste Stream Information

1. DESCRIPTION

a. Common Waste Name: Soil
State Waste Code(s): \_\_\_\_\_

b. Describe Process Generating Waste or Source of Contamination:

Soil from excavation

c. Typical Color(s): brow and gray
d. Strong Odor? Yes No Describe:
e. Physical State at 70°F: Solid Liquid Powder Semi-Solid or Sludge Other:
f. Layers? Single layer Multi-layer NA
g. Water Reactive? Yes No If Yes, Describe:
h. Free Liquid Range (%): to NA(solid)
i. pH Range: 4 to 9 NA(solid)
j. Liquid Flash Point: < 140°F 140-199°F >= 200°F NA(solid)
k. Flammable Solid: Yes No

1. Physical Constituents: List all constituents of waste stream - (e.g. Soil 0-80%, Wood 0-20%): (See Attached)

Table with 5 columns: Constituents (Total Composition Must be >= 100%), Lower Range, Unit of Measure, Upper Range, Unit of Measure. Row 1: soil, 100%,

2. ESTIMATED QUANTITY OF WASTE AND SHIPPING INFORMATION

a. One Time Event Base Repeat Event
b. Estimated Annual Quantity: 50 Tons Cubic Yards Drums Gallons Other (specify):
c. Shipping Frequency: Units per Month Quarter Year One Time Other
d. Is this a U.S. Department of Transportation (USDOT) Hazardous Material? (If yes, answer e.) Yes No
e. USDOT Shipping Description (if applicable):

3. SAFETY REQUIREMENTS (Handling, PPE, etc.):





**D. Regulatory Status (Please check appropriate responses)**

1. Waste Identification:

- a. Does the waste meet the definition of a USEPA listed or characteristic hazardous waste as defined by 40 CFR Part 261?  Yes  No
  - 1. If yes, please complete a hazardous waste profile.
- b. Does the waste meet the definition of a state hazardous waste other than identified in D.1.a?  Yes  No
  - 1. If yes, please complete a hazardous waste profile.

2. Is this waste included in one or more of categories below (Check all that apply)? If yes, attach supporting documentation.  Yes  No
- Delisted Hazardous Waste
  - Excluded Wastes Under 40CFR 261.4
  - Treated Hazardous Waste Debris
  - Treated Characteristic Hazardous Waste

3. Is the waste from a Federal (40 CFR 300, Appendix B) or state mandated clean-up? If yes, see instructions.  Yes  No

4. Does the waste represented by this waste profile sheet contain radioactive material?  Yes  No
- a. If yes, is disposal regulated by the Nuclear Regulatory Commission?  Yes  No
  - b. If yes, is disposal regulated by a State Agency for radioactive waste/NORM?  Yes  No

5. Does the waste represented by this waste profile sheet contain Polychlorinated Biphenyls (PCBs)?  Yes  No  
(If yes, list in Chemical Composition - C.1.1.)
- a. If yes, are the PCBs regulated by 40 CFR 761?  Yes  No
  - b. If yes, is it remediation waste from a project being performed under the Self-Implementing option provided in 40 CFR 761.61(a)?  Yes  No
  - c. If yes, were the PCBs imported into the US?  Yes  No

6. Does the waste contain untreated, regulated medical or infectious waste?  Yes  No
7. Does the waste contain asbestos?  Yes  No
- a. If Yes,  Friable  Non Friable

8. Is this profile for remediation waste from a facility that is a major source of Hazardous Air Pollutants (Site Remediation NESHAP, 40 CFR 63 subpart GGGGG)?  Yes  No
- a. If yes, does the waste contain <800 ppmw VOHAPs at the point of determination?  Yes  No

**E. Generator Certification (Please read and certify by signature below)**

By signing this Generator's Waste Profile Sheet, I hereby certify that all:

1. Information submitted in this profile and all attached documents contain true and accurate descriptions of the waste material;
2. Relevant information within the possession of the Generator regarding known or suspected hazards pertaining to this waste has been disclosed to WM/the Contractor;
3. Analytical data attached pertaining to the profiled waste was derived from testing a representative sample in accordance with 40 CFR 261.20(c) or equivalent rules; and
4. Changes that occur in the character of the waste (i.e. changes in the process or new analytical) will be identified by the Generator and disclosed to WM (and the Contractor if applicable) prior to providing the waste to WM (and the contractor if applicable).
5. Check all that apply:
  - a. Attached analytical pertains to the waste. Identify laboratory & sample ID #'s and parameters tested: \_\_\_\_\_ # Pages: \_\_\_\_\_
  - b. Only the analysis identified on the attachment pertain to the waste (identify by laboratory & sample ID #'s and parameters tested). Attachment #: \_\_\_\_\_
  - c. Additional information necessary to characterize the profiled waste has been attached (other than analytical, such as MSDS). Indicate the number of attached pages: \_\_\_\_\_
  - d. I am an agent signing on behalf of the Generator, and the delegation of authority to me from the Generator for this signature is available upon request.

Certification Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: Xylem Name (Print): Michael J. Koziel

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



**NON-HAZARDOUS WASTE MANIFEST**

1. Generator ID Number

2. Page 1 of

3. Emergency Response Phone

4. Waste Tracking Number

1 716-937-8527

5. Generator's Name and Mailing Address

Generator's Site Address (if different than mailing address)

Xylem

175 Standard Parkway

716-897-2808

175 Standard Parkway

Generator's Phone: Cheektowaga, New York 14227

Cheektowaga, NY 14227

6. Transporter 1 Company Name

U.S. EPA ID Number

Nature's Way Environmental Consultants & Contractors, Inc

0A-516

7. Transporter 2 Company Name

U.S. EPA ID Number

8. Designated Facility Name and Site Address

U.S. EPA ID Number

Waste Management Chaffee Landfill

10060 Clean Road

Facility's Phone:

1-716-496-5192

Chaffee, New York 14030

9. Waste Shipping Name and Description

10. Containers

11. Total Quantity

12. Unit Wt./Vol.

No.

Type

1.

Non-RCRA, Non-DOT Regulated Material, n.o.s. (soil contaminated with SVOC's)

1

DT

3/7 Est

T

2.

3.

4.

13. Special Handling Instructions and Additional Information

Profile # 108426NY

Normal Landfill PPE

Tarp Load

14. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

Generator's/Offeror's Printed/Typed Name

Signature

Month Day Year

01 24 12

INT'L

15. International Shipments

Import to U.S.

Export from U.S.

Port of entry/exit:

Transporter Signature (for exports only):

Date leaving U.S.:

TRANSPORTER

16. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name

Signature

Month Day Year

01 24 12

Transporter 2 Printed/Typed Name

Signature

Month Day Year

DESIGNATED FACILITY

17. Discrepancy

17a. Discrepancy Indication Space

Quantity

Type

Residue

Partial Rejection

Full Rejection

Manifest Reference Number:

U.S. EPA ID Number

17b. Alternate Facility (or Generator)

Facility's Phone:

17c. Signature of Alternate Facility (or Generator)

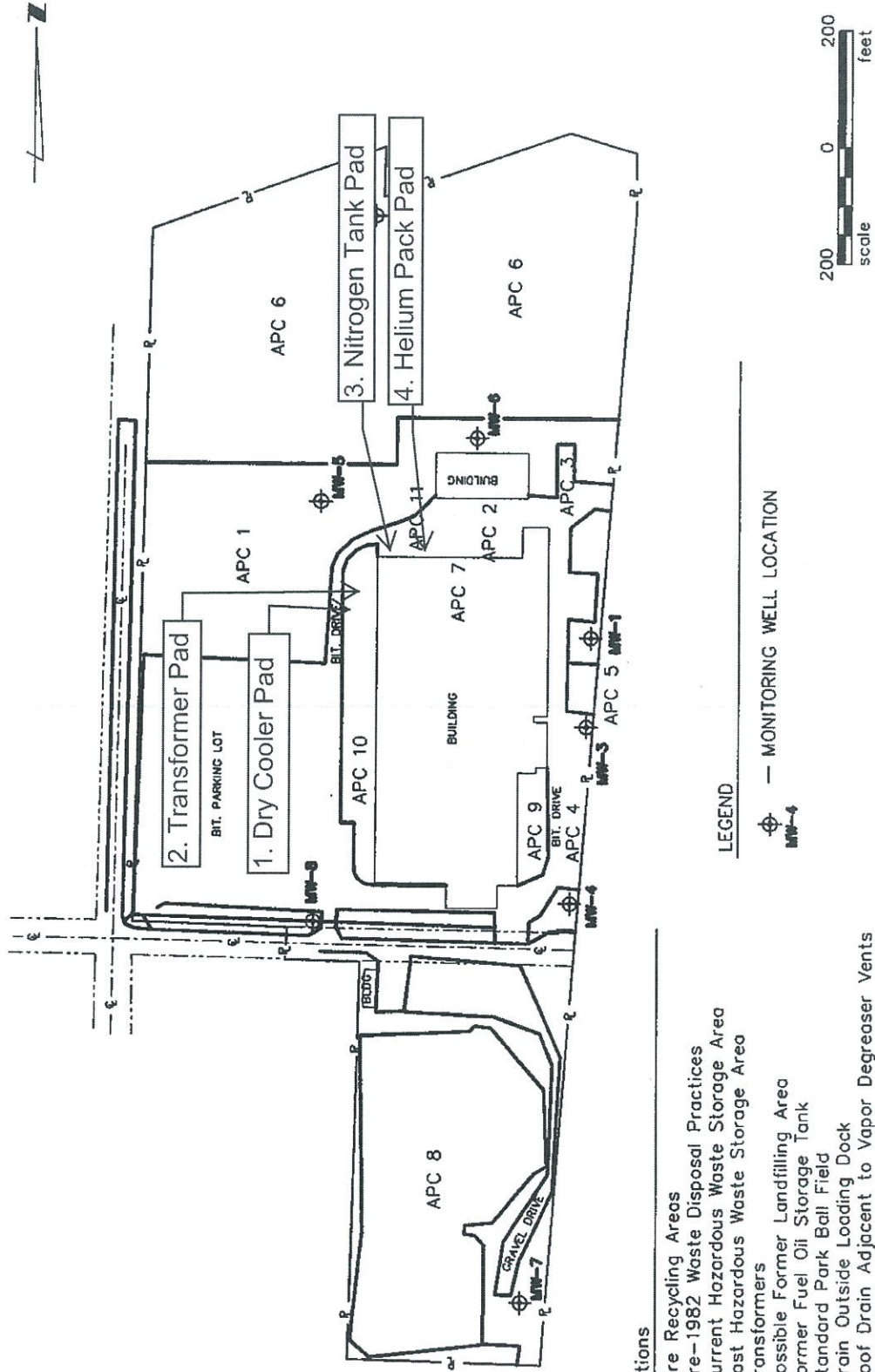
Month Day Year

18. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 17a

Printed/Typed Name

Signature

Month Day Year



**APC Descriptions**

- APC 1 — Tire Recycling Areas
- APC 2 — Pre-1982 Waste Disposal Practices
- APC 3 — Current Hazardous Waste Storage Area
- APC 4 — Past Hazardous Waste Storage Area
- APC 5 — Transformers
- APC 6 — Possible Former Landfilling Area
- APC 7 — Former Fuel Oil Storage Tank
- APC 8 — Standard Park Ball Field
- APC 9 — Drain Outside Loading Dock
- APC 10 — Roof Drain Adjacent to Vapor Degreaser Vents
- APC 11 — Catch Basin

**LEGEND**

⊕ — MONITORING WELL LOCATION  
 MW-4

CLIENT/PROJECT

**ITT INDUSTRIES  
 ITT HEAT TRANSFER FACILITY  
 CHEEKTOWAGA, NEW YORK**

DRAWN BEC CHECKED DCW REVIEWED BCS

TITLE

**Golder Associates** Buffalo, New York

DATE 07/18/07 SCALE AS SHOWN FILE NO. 073-89038

SITE LAYOUT AND AREAS OF POTENTIAL CONCERN (APCs) MAP

JOB NO. 073-89038 DWG NO. 07389038A138 FIGURE 1

ATTACHMENT B  
NYSDEC INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM





Enclosure 2  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
 Site Management Periodic Review Report Notice  
 Institutional and Engineering Controls Certification Form



	Site Details	Box 1
Site No. V00329		
Site Name <del>HTT Heat Transfer (HTT Standard)</del> Fluid Handling, LLC. (XYLEM Heat Transfer)		
Site Address: 175 Standard Parkway	Zip Code: 14227	
City/Town: Cheektowaga		
County: Erie		
Site Acreage: 24.0		
Reporting Period: March 28, 2011 to March 28, 2012		
		YES NO
1. Is the information above correct?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Box 2</b>
		YES NO
6. Is the current site use consistent with the use(s) listed below? Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>		
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

SITE NO. V00329

Box 3

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

113.01-1-28

ITT Corporate

Ground Water Use Restriction  
Landuse Restriction  
Soil Management Plan

Box 4

**Description of Engineering Controls**

None Required

Not Applicable/No EC's

**Engineering Control Details for Site No. V00329**

Parcel: 113.01-1-28

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

- (a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date



IC CERTIFICATIONS  
SITE NO. V00329

Box 6


**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Thomas Reid at 175 Standard Parkway, Cheektowaga, NY  
print name print business address 14227

am certifying as OWNER (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

04/24/2012  
Date

ATTACHMENT C  
COMBINED REAL ESTATE TRANSFER TAX RETURN AND QUITCLAIM DEED



# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Please print or type.

**Schedule A — Information relating to conveyance**

<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Grantor/Transferor Name (if individual; last, first, middle initial)	Social security number
	ITT Corporation	
	Mailing address	
	1133 Westchester Avenue	
	City State ZIP code	Federal employer ident. number
	White Plains NY 10604	13-5158950
<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input checked="" type="checkbox"/> Other	Grantee/Transferee Name (if individual; last, first, middle initial)	Social security number
	Fluid Handling, LLC	
	Mailing address	
	175 Standard Parkway	
	City State ZIP code	Federal employer ident. number
	Cheektowaga NY 14227	45-2237289

Location and description of property conveyed

Tax map designation			Address	City/village	Town	County
Section	Block	Lot				
113.01	1	28	175 Standard Parkway		Cheektowaga	Erie

Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input checked="" type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input type="checkbox"/> Other _____	Date of conveyance <div style="border: 1px solid black; padding: 2px; display: inline-block;">                     10 / 27 / 2011  <small>month day year</small> </div>	Percentage of real property conveyed which is residential real property <u>100.00</u> % <i>(see instructions)</i>
---	--	--	--

Condition of conveyance (check all that apply)

- |   |  |   |
|---|--|---|
| a. <input checked="" type="checkbox"/> Conveyance of fee interest<br><br>b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)<br><br>c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)<br><br>d. <input type="checkbox"/> Conveyance to cooperative housing corporation<br><br>e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | f. <input type="checkbox"/> Conveyance which consists of a mere change of identify or form of ownership or organization (attach Form TP-584.1, Schedule F)<br><br>g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)<br><br>h. <input type="checkbox"/> Conveyance of cooperative apartment(s)<br><br>i. <input type="checkbox"/> Syndication<br><br>j. <input type="checkbox"/> Conveyance of air rights or development rights<br><br>k. <input type="checkbox"/> Contract assignment | l. <input type="checkbox"/> Option assignment or surrender<br><br>m. <input type="checkbox"/> Leasehold assignment or surrender<br><br>n. <input type="checkbox"/> Leasehold grant<br><br>o. <input type="checkbox"/> Conveyance of an easement<br><br>p. <input checked="" type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)<br><br>q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state<br><br>r. <input type="checkbox"/> Other (describe) _____ |
|---|--|---|

<i>For recording officer's use</i>	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
------------------------------------	--	---------------	--------------------



**Schedule B — Real estate transfer tax return (Tax Law, Article 31)**

**Part I — Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) ..... <input checked="" type="checkbox"/> <b>Exemption claimed</b>	1.	0.00
2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....	2.	
3 Taxable consideration (subtract line 2 from line 1) .....	3.	
4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....	4.	
5 Amount of credit claimed (see instructions and attach Form TP-584.1, Schedule G) .....	5.	
6 Total tax due* (subtract line 5 from line 4) .....	6.	

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1 Enter amount of consideration for conveyance (from Part I, line 1) .....	1.	
2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	
3 Total additional transfer tax due* (multiply line 2 by 1% (.01)) .....	3.	

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim)..... k
- l. Other (attach explanation)..... l

\*Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.



**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)



- 1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- Other (attach detailed explanation).
- 3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

 _____ Grantor signature	_____ Title	 _____ Grantee signature	_____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ to \_\_\_\_\_ (see instructions).  
Date Date
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date



THIS INDENTURE, made the 27 day of October, 2011,

BETWEEN ITT CORPORATION, an Indiana corporation, having an address of 1133 Westchester Avenue, White Plains, New York 10604, party of the first part, and

FLUID HANDLING, LLC, a Delaware limited liability company, having an address of 175 Standard Parkway, Cheektowaga, New York 14227, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00) paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Cheektowaga, County of Erie, State of New York, being further known as Tax Parcel ID#s 113.01-1-28, 113.48-4-1, and 113.01-1-29, and further described on Schedule A annexed hereto and made a part hereof.

BEING the same premises conveyed to Grantor herein by deed from Rexus, L.L.C., dated September 22, 2011, recorded October 19, 2011, in Book 11210, page 2476.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Gene Jeschke Davis*

ITT CORPORATION

By:

*Burt M. Feating*

Name: Burt M. Feating

Title: Vice President & Corporate Secretary

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF WESTCHESTER )

On the 27 day of October in the year 2011, before me, the undersigned, personally appeared Burr W. Fealing, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Signed and sworn to before me on  
October 27, 2011

Lynne Black  
Notary Public

My commission expires:

04-19-14

LYNNE BLACK  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BL6220654  
Qualified in Westchester County  
My Commission Expires April 19, 2014

SECTIONS 113.01  
BLOCK 1  
LOT 28  
COUNTY OR TOWN Cheektowaga

IFT CORPORATION  
TO  
FLUID HANDLING, LLC

**RETURN BY MAIL TO:**

Fern Fleischer Daves, Esq.  
Legal Department  
ITT Corporation  
1133 Westchester Avenue  
White Plains, NY 10604

THIS INDENTURE, made the 27 day of October, 2011,

**BETWEEN ITT CORPORATION**, an Indiana corporation, having an address of 1133 Westchester Avenue, White Plains, New York 10604, party of the first part, and

**FLUID HANDLING, LLC**, a Delaware limited liability company, having an address of 175 Standard Parkway, Cheektowaga, New York 14227, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars (\$10.00) paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Cheektowaga, County of Erie, State of New York, being further known as Tax Parcel ID#s 113.01-1-28, 113.48-4-1, and 113.01-1-29, and further described on Schedule A annexed hereto and made a part hereof.

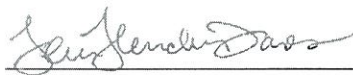
**BEING** the same premises conveyed to Grantor herein by deed from Rexus, L.L.C., dated September 22, 2011, recorded October 19, 2011, in Book 11210, page 2476.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

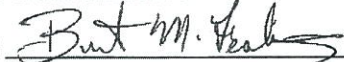
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
\_\_\_\_\_

ITT CORPORATION

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

Name:

Title:



STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF WESTCHESTER )

On the 27 day of October in the year 2011, before me, the undersigned, personally appeared Burt M. Fealing, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Signed and sworn to before me on  
October 27, 2011

Lynne Black  
Notary Public

My commission expires:

04-19-14

LYNNE BLACK  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BL6220654  
Qualified in Westchester County  
My Commission Expires April 19, 2014

SECTIONS 113.01

BLOCK 1

LOT 28

COUNTY OR TOWN Cheektowaga

ITT CORPORATION  
TO  
FLUID HANDLING, LLC

**RETURN BY MAIL TO:**

Fern Fleischer Daves, Esq.  
Legal Department  
ITT Corporation  
1133 Westchester Avenue  
White Plains, NY 10604